

**Zoning Board of Adjustment
Regular Meeting Minutes
August 6, 2025**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, August 6, 2025 at 6:30pm., in the Municipal Building, 111 Ridgedale Avenue, Florham Park, New Jersey.

Mr. Michael Cannilla, Chairman
Mr. Jeffrey Noss, Vice Chairman
Mr. John Novalis
Mr. Brian O'Connor
Mr. Michael Shivietz
Mr. Ed Facas
Mr. Marc DeBoer (1st Alt)

Members Absent:

Mr. Rick Zeien

Also Present:

Mr. Michael Mullen, Esq., Board Attorney

Call to Order:

Mr. Cannilla, Chairman called the meeting to order at 6:30 p.m.

Statement of Adequate Notice:

Mr. Cannilla asked the Board Secretary if the statutory requirements of the Open Public Meetings Act had been met. Board Secretary Marlene Rawson responded that we are in compliance with the requirements.

Approval of Minutes:

1. Approval of Minutes from July 2, 2025 Meeting.
Mr. Facas made a motion to approve the minutes, second by Mr. O'Connor
Roll: On a roll call vote, all members present and eligible voted to approve the minutes

C Variance:

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| 2. <u>Daniel DeSimone</u>
252 Brooklake Road
Block 2002, Lot 23 | <u>Application #BOA25-5</u> |
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Applicant is seeking approval for excess improved lot coverage and a two-foot grade increase in connection with a proposed pool and patio project.

Mr. DeSimone remained sworn in. He discussed the latest revision. The artificial turf was removed from the pool patio area. The Belgian block area was removed from the driveway. He also conferred with an engineer on the drainage pit size.

Mr. DeSimone stated the original excess lot coverage request was for 38.6%. It has been further reduced to 34.4% by reducing the patio size around the pool and reducing the size of the second driveway on the Brooklake Road frontage.

Mr. DeBoer clarified that there was excessive lot coverage on this plan to start with.

There was a question on the existing paver patio size and whether the walkway to the proposed pool area is really needed. Mr. DeSimone replied that the paver patio size is 846 square feet. The 16-foot walkway cannot be removed because there is an elevation change that must be made safe.

Mr. Cannilla said that the permit issued for the existing paver patio indicated the lot coverage to be 27%. How did it end up to be 32%? It appears that what was actually built was larger than the approved plan.

Mr. DeSimone replied that he did not know he would be over coverage at that time. He was confused on the driveway connection. The survey submitted for the permit indicated that the area was grass but in reality, it was gravel stone and considered impervious.

Mr. Novalis commented that the building department allowed the patio extension not realizing that the survey was incorrect. Mr. Cannilla added that the patio that was built was almost twice the size of what was approved. The existing lot coverage became 32.58% because Mr. DeSimone built something larger than what was approved.

Mr. DeSimone agreed but stated that he did not intend to go over 30% since that was the limit on lot coverage.

Mr. DeSimone clarified that the existing lot coverage is 6540sf. The plan adds 1066 sf (37.8%). However, he since reduced the plan by 643sf (34.4%).

Mr. Noss said that at the meeting on July 2, 2025, the lot coverage percentage was 34.63%. Now it is 34.4%.

Mr. DeBoer stated that the original pool patio size was 732sf. The revised plan submitted for the July meeting was 524sf. Now the pool patio has been increased to 660sf. The pool patio was not reduced. It was increased.

Mr. DeSimone explained that there was a question on the artificial turf and when it was discovered that it counted as lot coverage, he removed it. However, he was told that mulch or other natural surface is not recommended because it would damage the filter, so the plan is to replace the area with patio. He reminded the Board that he reduced the patio on the long edge end.

Mr. Novalis wanted the details on the seepage pit and whether it is sized properly to accommodate the added lot coverage. Mr. DeSimone replied that his engineer determined that a second seepage pit would be necessary to handle the added coverage. There was further discussion on the size of the pit that is needed.

Mr. Cannilla said that he appreciates the shortening of the driveway but is challenged by the additional unapproved coverage. He asked if it was possible to further reduce the driveway in order to get closer to the lot coverage that exists today. Mr. Cannilla went on to say that he sees options such as reducing the second driveway to be a one-car driveway.

Mr. DeSimone responded that he needs to have room for three cars and losing 380 square feet is a lot. Mr. Cannilla said his opinion is that the driveways are poorly designed and there are other designs that would function better. But it is not our application, and the Board must do everything it can to control overbuilding.

Mr. O'Connor suggested removing the Brooklake Road driveway entirely and slightly enlarging the main driveway to facilitate a K-turn. There was further discussion on the driveway situation and Mr. DeSimone felt strongly about keeping the Brooklake Road driveway. He ultimately agreed to reduce the Brooklake Road driveway enough to get close to the current lot coverage percentage but no more than 33%.

The Board also wanted to see engineering drawings for the stormwater management. Mr. DeSimone asked if the Board could make the lot coverage percentage a condition of approval.

Mr. Azzolini stated that the home is in the R-15 zone and the Applicant bought the home from its original owner. The house was built in 1979 and there was no lot coverage ordinance at that time. The home was designed with a rear facing garage. This design required an extra long driveway with a turning area for access to the garage. Since there was no lot coverage limit at that time, it was compliant with the ordinance. The lot coverage at the time of construction was estimated to be at 38%.

The current owner installed a walkway and patio in 2020 without a permit and the existing improved lot coverage now stands at 42.91%. Current building coverage is compliant at 15.43% where 16% is permitted.

The Applicant now wants to install a roof over a deck that would add 514sf of building coverage, and a covered front porch that will add 295sf. This additional building coverage will bring the total to 20.33% where 16% is permitted.

The Applicant also wants to remove the existing patio and install a new pool patio and slightly enlarge the existing deck. These changes will increase the lot coverage from 42.91% to 46.95%.

Frank Matarazzo, licensed engineer and surveyor, was sworn in.

A-2: colored rendering of 4 Puddingstone Way featuring existing conditions and proposed conditions

Mr. Matarazzo described the location and the oversized driveway that encumbers the lot. An in-ground pool is proposed that will have a paver patio and a fire pit. Some of the driveway pavement will be trimmed back. The deck will be reconstructed and partially covered. There is also a full-sized covered porch planned for the front of the home.

They will control any run-off with a new drywell system. He described the system and stated that it is oversized and will easily handle the additional coverage. There is currently no drywell system so this will improve the entire property. At this time, runoff is not controlled and is discharging off-site. No perc test has been performed yet. Mike Cannilla was concerned about the permeability of the property. Mr. Matarazzo concurred that the property was originally developed with 38% improved lot coverage.

There was further discussion on storm water management and possible scenarios. Steve Azzolini said the grading will not affect the neighbor and the new system will capture any runoff. There will be a trench drain around the pool patio. The fire pit area was not included. The water run-off from the roofed area on the deck will be captured by leaders and routed to the drywell system. Mr. Novalis asked if the leaders and gutters in the back of the house could also be routed to the system and Mr. Matarazzo said it is possible.

Mr. Cannilla stated the request is an astronomical number. He understands the rear entry garage. He noted that the request does not even include the water area of the pool and he hopes that the homeowners would act responsibly and discharge a few days after a storm.

Mr. Azzolini said that they would like to assume that the lot coverage starting point is 38% since it was installed legally at the time of construction. He also mentioned that even with the current coverage at 42.91% there is no negative impact. He stated that the new pool patio is 1450 sf. The net increase over the current patio is 700sf or 3.5% more.

Mr. Noss felt that there is a fair amount of room to reduce the project. The hardscape plan is pretty substantial.

Mr. Cannilla asked what is under the existing deck. Mr. Novalis said that the proposed plan appears to be a solid wall like an addition. Mr. Azzolini said his architect is not here tonight so he cannot speak to that.

Mr. DeBoer asked if they considered moving the garage doors to the front of the home so the driveway could be reduced. Mr. Matarazzo said that yes, that was considered but the homeowner was against that.

The meeting was opened to the public.

James Danischek. He asked where the drywell is located. It was shown to him on the exhibit.

The meeting was closed to the public.

Break: 8:15-8:25pm

Mr. Cannilla called the meeting back to order at 8:25pm.

Christina Anello and Steve Gelling, homeowners, were sworn in.

Mr. Gelling stated that they bought the home in 2013. They have two daughters and his mother-in-law residing with them. They did not add any building coverage to the home. In 2020, they added a walkway to the basement but that project grew during the process and a patio and fire pit were added as well. The contractor did not inform him about the need to obtain permits when he suggested adding the patio and fire pit.

Mr. Gelling continued that they will remove the existing patio and walkway as part of this project. Mr. Cannilla noted that the proposed deck plan has full concrete foundation walls with a stone veneer which is not common for a deck addition and wondered why. Mr. Gelling was not aware of that. Mr. Azzolini said that would agree not to fully enclose the deck. Mr. Cannilla also said that the additional proposed building coverage adds 5% and that is a big number.

Mr. Gelling said that they love Florham Park and their home. Home prices have increased dramatically since they bought the home and they cannot afford to move. They are stuck with what they have and want to make it as functional and comfortable for their family as they possibly can. The budget will not allow for a change from a rear entry garage to the front entry and a driveway reconfiguration. It would also alter the look of the home and they like the fact that it is a little different than many of the other homes. There is also the added feeling of security of having the cars parked in the rear of the home and out of sight to deter car theft. They want to add the front porch for aesthetic reasons.

Mr. Gelling continued that the rear yard is screened. In response to the suggestion of a shade apparatus on the deck, he replied that they have tried different shades and they did not work. The deck is unusable during the summer because it becomes so hot. Mr. Cannilla felt that a roofed structure may not give them the relief that they think it will.

Mr. Noss asked the pool size and thought that the proposed pool is not oversized at 16 x 32 ft.

Mr. Azzolini stated that they will take another look at the plan to see if there are elements that can be changed to reduce the amount of relief that is needed. He felt that it was fair to "grandfather" the starting point of lot coverage to be 38% since it was installed legally at that time. He also indicated that the current lot coverage of 42.91% is functioning without any negative impacts and that should be a consideration.

The meeting was opened to the public. Seeing no questions, the meeting was closed to the public.

They asked to be carried to September 3, 2025 without further notice or publication.

Mr. O'Connor made a motion to carry the application to September 3, 2025 with no further notice or publication, second by Mr. Facas

Roll: On a roll call vote, all members present and eligible voted to carry the application

On a motion duly made and seconded the meeting was adjourned at 9:00p.m.