

BOARD OF ADJUSTMENT
MINUTES OF THE MEETING

MARCH 5, 2015

CALL TO ORDER: This is a regularly scheduled meeting of the Board of Adjustment of the Borough of Franklin Lakes. In compliance with the Open Public Meetings Law, Notification of this Meeting has been sent to our Official Newspapers and Notice has been posted on the bulletin board at the Borough Hall. I direct that this announcement be entered into the Minutes of the meeting.

ROLL CALL:

Present: Mr. DiFlora, Mrs. Gerber, Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel, Mr. De Lorenzo, Board Attorney Davies, Board Engineer Tiberi, David Hals (Substitute Engineer)

Absent: Mr. Khoury

Mr. Davies administered the Oath of Office reappointing Roy Messaros for a four year terms as a member of the Zoning Board of Adjustment.

ORAL COMMUNICATIONS

There were no oral communications this evening.

NEW BUSINESS

Cal.#2015-1 Application of Rossi, 498 Packer Avenue, Block 2413, Lot 1.05, Dimensional Variances which are in violation of the following Sections of the Ordinance:

TYPE	REQUIRED	EXISTING	PROPOSED	VARIANCE	CODE
Front Yard Setback	50'	45.34'	45.6'	4.4''	300-102
Side Yard Setback Shed	25'	11.6'	11.6'	13.4'	300-102
Side Yard Setback Belco Door	25'	16.4'	16.4'	8.6'	300-102
Side Yard Setback Porch	25'	20.41'	20.41'	4.59'	300-102
Side Yard Setback Deck	25'	18.9' & 20.2'	18.9 & 20.2'	6.1' & 4.8'	300-102
Side Yard Setback House	25'	21.1'	21.1'	3.9'	300-102

DATE DEEMED COMPLETE: January 6, 2015

DETERMINATION DATE: 5-6-15

Robert Weissman, 686 Godwin Avenue, Midland Park, New Jersey, introduced himself as engineer for the applicant, Frank Rossi. Mr. Weissman stated that the application is for an addition/renovation for the existing dwelling at the corner of Packer Avenue and Franklin Avenue. The structure is located in the A-22.5 zone and the lot is 38,760 square feet. The lot has various existing non-conformities; however, much of the existing house will remain intact. A new septic system is proposed as well as a new three car garage which will be accessed by the existing driveway. The plot plan dated 11/6/14, was marked as Exhibit A-1. Mr. Weissman described the variances being requested and noted that the coverage will be 24.99% which is under the 25% that is allowable. An indoor pool is proposed. There are areas to the rear of the dwelling which are in disrepair and these structural issues will be incorporated into the renovation. Mr. Weissman reviewed the letter submitted by Mr. Hals and pointed out that the maximum building coverage is 11.2% and the total coverage is 24.99%. Tree removal is minor. Board of Health approval for the septic system has been obtained. Mr. Weissman stated that the impacts to the surrounding

properties are minimal and the proposed additions are no closer to the northerly property line than what exists at this time.

Frank Rossi, 498 Packer Avenue, Franklin Lakes, property owner, was sworn. He testified that there were three lots originally owned by one individual in the 1930s and the location for the house was approved creating the variance situation on the lot that exists today. Mr. Rossi said he would like to keep the driveway onto Franklin Avenue and he explained that it existed to facilitate oil deliveries in the past. Mr. Rossi distributed pictures of the driveway that were taken in October 2014. These eight photos were marked as A-2. He pointed out the vegetation which provides an effective buffer between his property and the neighboring property.

Mr. DiFlora noted that the total coverage issues can be attributed to the shed, a larger than needed driveway, and a new garage proposed to be three times the size of the original garage. Mr. Rossi presented additional photos of the driveway taken in 1966 and 1979, which were marked as A-3. Mr. DiFlora suggested that the driveway to Franklin Avenue be reduced as well as the size of the garage. Mr. Rossi spoke about a plan marked as A-4 which shows existing elements marked in blue and proposed additions shown in red. After more discussion, Mr. DiFlora reiterated that the driveway to Franklin Avenue be removed and the shed should be relocated in order to conform. Mr. Weissman said that the seepage pits could be relocated to allow for the shed to be moved or it could be removed entirely. Forty feet of the driveway could be removed which would allow for additional screening.

The public was given the opportunity for questions on tonight's testimony. No one came forward with questions or comments and the public portion of the meeting was closed.

Mr. Bavagnoli made a motion to approve the application with the following conditions:

1. Applicant to amend the plan to show that the driveway will end 40 feet from the front property line.
2. The columns at the end of the driveway on Franklin Avenue will be removed.
3. Plans should state the accurate number of trees being removed.
4. Applicant will amend the plans to show removal of the shed.

Mr. Frankel seconded the motion.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli,
Mr. Frankel, Mr. De Lorenzo

Nays: None

Cal.#2015-2 Application of Glaser, 881 Roberts Court, Block 1432, Lot 36, Dimensional Variance which is in violation of the following Section of the Ordinance:

TYPE REQUIRED EXISTING PROPOSED VARIANCE CODE

Front Yard Setback
Portico 50' 45' 43.5' 5' 300-102

DATE DEEMED COMPLETE: January 15, 2015 DETERMINATION DATE: 5-15-15

Mr. and Mrs. Glaser were sworn by Mr. Davies. Mr. Glaser said that they want to extend the front steps to be 43.5 feet from the road and to install a small portico. Ms. Tiberi pointed out that there had previously been a porch on the dwelling and the proposed portico is not any closer to the street than what had existed at a prior point. Board Members agreed that this request is minimal.

A motion was made to open the public portion of the meeting; however, no one from the public came forward with any questions or comments.

Mr. Frankel made a motion to approve the application, seconded by Mr. Messaros.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli,
Mr. Frankel, Mr. De Lorenzo
Nays: None

Cal.#2015-3 Application of Ramiccio, 979 Pines Terrace, Block 1431, Lot 15, Dimensional Variances which are in violation of the following Sections of the Ordinance:

<u>TYPE</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>CODE</u>
Side Yard Setback	25'	14.9'	14.9'	10.1'	300-102
Side Yard Setback	25'	13.9'	13.9'	11.1'	300-102
Driveway Setback	15'	0'	13.9'	1.1'	300-71.D.(4)(j)
Total Coverage	20%	29.38%	22.12%	2.12%	300-102

DATE DEEMED COMPLETE: February 12, 2015

DETERMINATION DATE: 6-12-15

Kathy and Ryan Ramiccio, homeowners and Frank Hirsch, contractor, were sworn by Mr. Davies. Mr. Hirsch explained that the applicants want to demolish the existing one story ranch house and build a two story home with a bigger basement. Two side yard setback variances are required as well as the driveway setback. There is also a variance required for total coverage which is slightly in excess at 2%. Mr. Hirsch stated that one of the sheds on the property will be removed and the driveway modification will increase the setback to 13.9 feet which will only be one foot in excess of what is allowable. Trees on the property will be mapped. Mr. Hirsch addressed the comments in the Boswell Engineering review letter. He said that a seepage pit could be added and one shed will remain. Mr. DiFlora said that an existing survey and proposed site plan must be resubmitted and signed and sealed by a civil engineer. The applicants indicated that, if approved, they hope to start work as soon as possible. Ms. Tiberi said that the applicants are matching the same setback and she could ensure that everything would be properly submitted.

A motion was made to open the public portion of the meeting. No one came forward and a motion to close the public portion of the meeting was made, all ayes.

Mr. Davies recited the following conditions of approval:

1. Applicant to amend the plans to show that shed on property will be relocated to a conforming location.
2. Applicant will amend the plans to indicate maximum total coverage of 22.8%
3. Applicant will submit site plan signed and sealed by licensed engineer
4. Architectural drawings to be resubmitted with the name printed in the title block.

Mr. Badenhausen made a motion to approve the application based on the above conditions, seconded by Mr. Messaros.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli,
Mr. Frankel, Mr. De Lorenzo
Nays: None

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Cal.#2015-4 Application of Gagliardi, 102 Birch Road, Block 2709, Lot 2.01, Dimensional Variances which are in violation of the following Sections of the Ordinance:

TYPE	REQUIRED	EXISTING	PROPOSED	VARIANCE	CODE
Lot Area	40,000 S. F.	15,408.38 S.F.	15,408.38 SF.	24,591.62 S.F.	300-102
Front Yard Setback	50'	41.61'	43.2'	6.8'	300-102
Front Yard Setback	50'	49.2'	49.2'	.08'	300-102
Side Yard Setback	25'	15.71'	21.9'	3.1'	300-102
Rear Yard Setback	25'	28.73'	14.8'	10.2'	300-102
Building Coverage	15%	12.37%	18.07%	3.07'	300-102
Total Coverage	22.5%	19.95%	27.45%	4.95%	300-102
Lot Frontage	200'	132.90'	132.90'	67.1'	300-102
Min. Radius Arc	85'	49.83'	49.83'	35.17'	300-102
Disturbance in the Buffer	15'	14.8'	14.8'	0.2'	300-121.F.(3)

DATE DEEMED COMPLETE: February 12, 2015

DETERMINATION DATE: 6-12-15

Robert Weissman, introduced himself as engineer for the applicant, and was sworn by Mr. Davies. The applicant John Gagliardi was also sworn. Mr. Weissman explained that this is a substantially undersized lot in the A-40 zone. A new dwelling is proposed which will eliminate many non-conformities. The lot has 15,408 square feet and the new plan violates several setbacks. Building coverage is 18.07% where 15% is required and the lot coverage is 27.45% where 22.5% is required. Mr. Weissman described the remaining existing and proposed setbacks. The applicant had considered shifting the house forward to relieve some of the setback problems; however, that could create potential problems with placement of the septic system. This is shown on Exhibit A-2, which is an architectural sketch. Exhibit A-1 is the site plan revised through February 9, 2015 submitted by Mr. Weissman. It was suggested that the footprint of the house be made smaller but Mr. Weissman pointed out that the footprint of the house is only 2,700 square feet. Ms. Tiberi said that because the lot is small the overage on the square footage is not too bad. Mr. Gagliardi said it was not possible to purchase property from neighbors on either side.

A motion was made to open the meeting to the public for questions and comments. No one from the public came forward. Mr. Frankel made a motion to approve the application as presented, seconded by Mr. Messaros.

Roll Call Vote

Ayes: Mr. DiFlora, Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel, Mr. De Lorenzo
 Nays: Mrs. Gerber

MINUTES

The Minutes of February 5, 2015, were presented for approval. Mr. Frankel made a motion to approve the minutes, as revised. Mr. Badenhausen seconded the motion.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Badenhausen, Mr. Bavagnoli, Mr. Frankel, Mr. De Lorenzo
 Nays: None

At 9:48 P.M., a motion was made to adjourn the meeting by Mr. Frankel, seconded by Mr. Bavagnoli, all ayes.