

**BOARD OF ADJUSTMENT**

**MINUTES**

**SEPTEMBER 3, 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.

Mr. Davies swore in Mr. Khoury for a four year term ending on 12-31-17.

The Board needs to nominate a New Chairperson since Mr. DiFlora has resigned and possibly a New Vice Chairperson.

**ROLL CALL:**

**Present:** Mr. Messaros, Mr. Khoury, Mr. Badenhausen, Mr. Frankel, Mr. DeLorenzo,  
Mr. Saracino, Mr. Davies, Robert Davies, Board Attorney and Marissa Tiberi, Board Engineer  
**Absent:** Mrs. Gerber, Mr. Bavagnoli

**NOMINATION OF NEW BOARD CHAIRPERSON**

Mr. Messaros acted as Chairperson this evening. Board Members discussed who would take over the position of Board Chairperson. After a brief discussion, members decided to defer the vote until next month when Mr. Bavagnoli and Mrs. Gerber would be present.

**ORAL COMMUNICATIONS**

There were no oral communications this evening.

**NEW BUSINESS**

Cal.#2015-6 Application of Casesa, 502 Timberline Drive, Block 2711, Lot 6.05, Dimensional Variance which is in violation of the following Section of the Ordinance:

<b>TYPE</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>VARIANCE</b>	<b>CODE</b>
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Total Coverage

With Circular Driveway	25%	29.88%	29.88%	4.88%	300-102
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APPROVED BY RESOLUTION CAL.#2004-18 TOTAL COVERAGE 26.79% PORTION OF EXISTING DRIVEWAY TURNAROUND WOULD BE REMOVED AND DRIVEWAY WOULD BE REALIGNED SO AS TO REDUCE THE TOTAL COVERAGE CALCULATION.

Mr. Buonocore, the attorney representing Mr. Casesa stated that his client had received variance approval from the Board in 2004 which included a provision requiring the removal of a portion of the existing turnaround driveway. The impervious coverage at this time is approximately 1,312 square feet in excess of the variance that had been granted. A number of incidents have transpired from 2004 to the present time that would justify relief from the coverage requirements and the circular driveway serves an important purpose in accommodating elderly parents and in-laws as well as providing additional parking area. The property is significantly landscaped and the driveway is not visible from the street.

Mr. Casesa, property owner and Robert Weissman, Engineer for the project were sworn by Mr. Davies. Mr. Weissman testified that he was a part of the application in 2004. He referred to "Final As-Built Survey, for: Mr. & Mrs. Casesa, Lot 6.05, Block 2711, Borough of Franklin Lakes, Bergen County, New Jersey," dated September 11, 2002, revised through June 30, 2014," which was marked as Exhibit A-1. An attachment to the Boswell Engineering letter dated 8/12/15 entitled Coverage Calculations was marked as Exhibit A-2. Mr. Casesa stated that

he had been contacted by the Borough relative to problems with a drainage easement. This resulted in the removal by Mr. Casesa of a number of evergreens in order to accommodate a pipe in the easement that would solve the drainage problem. Mr. Casesa stated that he realized that he would have to reconfigure the driveway in keeping with the variance approval of 2004. He described a series of unfortunate setbacks that happened between 2005 and 2008 including several times when the basement had flooded and the overwhelming financial crisis in 2008. In 2010 more drainage was added; however, in 2013, as a result of Hurricane Sandy, much of his backyard was ruined and he learned that one of the terraced walls was collapsing.

Mr. Casesa said he would like to keep the driveway as is for the following reasons: the property has finally stabilized; there are numerous mature plants and trees which he doesn't want to disturb; the driveway provides a safe turnaround area which is especially useful now that his children are about to learn how to drive; driveway is not visible from the street; and, removal of the driveway would result in less curb appeal of the property. Mr. Casesa stated that there have been no problems with drainage on his property since 2012 and none of his neighbors have complained about the circular driveway. Mr. Davies marked four photos as Exhibits A-3, A-4, A-5 and A-6 which depict the driveway from various angles.

Mr. Davies commented that the applicant is asking for a variance of 3% over the 2% excess the Board had originally granted the applicant in 2004. Mr. Weissman referred to a "Coverage Reduction Plan" marked as Exhibit A-7 showing a pool and patio which could still function quite well. He is proposing a reduction in driveway width to 12 feet; an island in the middle of the circular driveway for landscaping; removal of 819 square feet in the patio area that would result in a coverage amount of 27.95%. Mr. Davies pointed out that a Hold Harmless Agreement from the Mayor and Council would be needed relative to the fence along Birch Road if the applicant wants it to remain. He added that all fences that cross over the property line will be relocated back onto the applicant's property with the exception of the fence within the right-of-way.

The Acting Chairperson opened the meeting to the public. No one came forward and the meeting was closed for public comment. The following conditions were recited by Mr. Davies:

1. The applicant will be allowed 28% total coverage which must be accomplished within one year from today (September 3, 2016).
2. All fences that cross over the property line will be relocated on the applicant's property. The fencing that is in the right-of-way on Birch Road will be removed or the applicant must enter into a Hold Harmless Agreement with the Borough. This is also required to be done within one year.

Mr. Khoury made a motion to approve the variance application based on Mr. Davies' findings, seconded by Mr. DeLorenzo.

#### Roll Call Vote

Ayes: Mr. Khoury, Mr. Badenhausen, Mr. DeLorenzo, Mr. Saracino

Nays: Mr. Messaros, Mr. Frankel

#### MINUTES

The Minutes of August 6, 2015 were presented for approval. Mr. Messaros made a motion to approve the minutes, seconded by Mr. Saracino.

#### Roll Call Vote

Ayes: Mr. Badenhausen, Mr. Messaros, Mr. DeLorenzo, Mr. Saracino

Nays: None

A motion to adjourn the meeting was made and seconded at 9:02 P.M.