

BOARD OF ADJUSTMENT
MINUTES OF THE MEETING

MARCH 3, 2016

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: Mrs. Gerber, Mr. Messaros, Mr. Bavagnoli, Mr. Badenhausen, Mr. DeLorenzo,
Mr. Hunter, Board Attorney Davies, Board Engineer Tiberi

Absent: Mr. Frankel, Mr. Saracino

FIRE SAFETY ANNOUNCEMENT - The fire exits are out the double doors, down the stairs and out the front door and the side exit door down the stairs and out the side door.

ORAL COMMUNICATIONS

Mr. Meeks, 278 Pulis Avenue, stated that he is the owner of Blue Meadow Farms and is a landscape contractor, who has done work on a stone wall at 859 Old Mill Road. The dry stack wall, which is 24 inches to 28 inches high, appears to be in violation of the Borough's height ordinance. The existing wall was rebuilt, and the property owner is considering the installation of a gate. Mr. Meeks was advised to apply for a building permit, and the zoning officer will determine whether or not a variance is necessary. Ms. Tiberi stated that the combined height of the wall and fence must be less than 4 feet in height within the front yard setback. She wasn't sure if the wall was in the right-of-way, which would require Mayor and Council approval, as well as a hold harmless agreement. She added that accurate information about the location and overall height must be submitted in order to determine whether a variance or a hold harmless agreement is necessary.

NEW BUSINESS

Cal.#2016-1 Application for Glaser, 881 Roberts Court, Block 1432, Lot 36, Dimensional Variances, which are in violation of the following Sections of the Ordinance:

TYPE	REQUIRED	EXISTING	PROPOSED	VARIANCE	CODE
(Front Yard Setback					
Portico	50'	45'	43.5'	5'	300-102
Approved at 43.5', Existing 43.3', Variance 2.2')					
Lot Coverage	20%	21.6%	18.8%	1.6%	300-102
(Driveway Setback	20'	7.4'	7.4'	2.6'	300-71.D.(4)(d)

Approved plan showed driveway setback of 10'.)

Paver walk within the 30' drainage easement required a Hold Harmless Agreement.

RESOLUTION FOR PREVIOUS APPLICATION APPROVED 3-5-15 MEMORIALIZED 4-2-15

DEEMED COMPLETE: 2-9-16 DETERMINATION DATE 6-8-16

Aaron and Marie Glaser, were sworn by Mr. Davies. Mr. Glaser said that during a previous appearance before the Board, approval was given for a front portico with a setback of 43.5 feet, which was built at a setback of 43.3 feet. Ms. Tiberi noted that the measurements are taken to the base of the steps. The porch exceeds the front setback variance, and after construction was .2 feet closer to the baseline of the steps. Ms. Tiberi explained that the maximum impervious coverage allowed in this zone is 20%; and coverage was shown as 18.8% on the approved

plan. However, the applicants added a patio and walkway, which is the issue that brings the coverage up to 21.6%. Mr. Glaser said that his landscaper indicated that coverage in this zone is 25%, and that pavers are not included in coverage calculations. When the driveway was constructed, Mr. Glaser said he stressed to the contractor that it must be replaced in kind, but the contractor actually expanded the driveway area. The driveway was installed back by an additional foot to align the driveway with the back of the garage building line. This becomes a problem due to the angled side lot line. There is Belgium block along the driveway, which would have to be removed and reset.

Mr. Bavagnoli stated that a significant amount of the paver walkway is located in the drainage easement as well as the driveway. A hold harmless agreement would be needed to cover a portion of the septic, driveway, and walkway that is located in the drainage easement. The agreement could be done by the Board attorney, and will not have to go in front of the Mayor and Council. Mr. Hunter suggested that the applicants remove the corner area of the driveway and go back to the original plan. This would result in a loss of less than 3 feet of driveway.

Mr. Bavagnoli opened the public portion of the meeting. Robert & Karen Menderos, 889 Roberts Court, neighbors to the east, indicated that they are affected by the newer portion of the driveway. They presented photos of the property before and after the new driveway was installed. Mr. and Mrs. Menderos spoke to their neighbors about the additional driveway when the area was being prepared to be paved. They also contacted the Zoning Officer, who was told by the Glasers that there was some confusion, and that the only difference with the new driveway would be the addition of the Belgium block. When construction was finished, the as-built depicted the driveway as being two and a half feet closer to their property. Mrs. Menderos said that the Glaser's son is involved in landscaping. He parks his truck in the driveway which faces their deck, and Mr. and Mrs. Menderos can easily see his truck and equipment from their home. Mrs. Gerber said that if the driveway was conforming it wouldn't alleviate the problem with the view. Ms. Tiberi suggested screening with evergreens, and Mr. Menderos said he would be happy with that solution even though it meant he would have to relocate one or two sprinkler heads. Mr. Glaser indicated no objections to screening from the fence all along the driveway.

Ms. Tiberi reiterated the need for a row of seven, deer resistant evergreens, with an initial planting height of 6 feet, along the east part of the property line, from front line of the dwelling to a point 10 feet beyond the fence. The trees are to be planted four feet from trunk to trunk, and must run from 6 feet from the front of the dwelling line to 12 feet beyond the driveway.

No one else from the public came forward and the public portion of the meeting was closed. Mr. Davies marked the As Built Survey, with notations made by the Borough Engineer, as Exhibit A-1.

Mr. Hunter made a motion to approve the variance which approves coverage remaining at 21.6%. The front setback to the base of the steps will also remain at 43.3 feet. The conditions of the variance include the planting of a row of evergreens as noted above, and depicted on Exhibit A-1; and the execution of a hold harmless agreement relative to portions of the septic, walkway, and driveway that will remain in the drainage easement along the east and southeast property line. Mrs. Gerber seconded the motion.

Roll Call Vote

AYES: Mrs. Gerber, Mr. Badenhause, Mr. Messaros, Mr. Bavagnoli, Mr. DeLorenzo, Mr. Hunter
NAYS: None

MINUTES

The Minutes of January 7, 2016, were presented for approval. Mr. Badenhause made a motion to approve the minutes, as presented, seconded by Mrs. Gerber.

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Roll Call Vote

AYES: Mrs. Gerber, Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli, Mr. DeLorenzo, Mr. Hunter
NAYS: None

At 8:32 P.M., Mr. Badenhausen made a motion to adjourn the meeting, seconded by Mr. DeLorenzo, all ayes.