

BOARD OF ADJUSTMENT
MINUTES OF THE MEETING

OCTOBER 6, 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. Bavagnoli, Mr. Badenhausen, Mr. Frankel,
Mr. DeLorenzo, Mr. Saracino, Mr. Hunter, Board Attorney Davies
Absent: Mr. Messaros

ORAL COMMUNICATIONS

There were no oral communications this evening.

RESOLUTIONS

Rice, 638 Orchard Lane, Block 2311, Lot 1.03

Mrs. Gerber made a motion to memorialize the resolution, seconded by Mr. Bavagnoli.

Roll Call Vote

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

New Jersey Audobon Society, 790-798 Ewing Avenue, Block 3201, Lot 3

Mrs. Gerber made a motion to memorialize the resolution, seconded by Mr. Frankel.

Roll Call Vote

Ayes: Mrs. Gerber, Mr. Bavagnoli, Mr. Badenhausen, Mr. Frankel, Mr. DiLorenzo
Nays: None

MINUTES

The Minutes of September 1, 2016, were presented for approval. Mr. Bavagnoli made a motion to approve the minutes, seconded by Mr. Badenhausen.

Roll Call Vote

Ayes: Mr. Bavagnoli, Mr. Badenhausen, Mr. Frankel, Mr. DiLorenzo
Abstain: Mrs. Gerber, Mr. Hunter

NEW BUSINESS

Application for Burgio, 1031 Franklin Lake Road, Block 1208, Lot 4, Lot Coverage, which is in violation of the following Sections of the Ordinance:

<u>TYPE</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>	<u>CODE</u>
Pool Patio	25%	26.62%*	30.13%	300-102
Driveway Coverage				

DEEMED COMPLETE: 9-26-2016

DETERMINATION DATE: 1-24-17

*existing non-conforming condition

ZONING BOARD OF ADJUSTMENT MEETING

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On behalf of the applicants, Robert Weissman is requesting approval of lot coverage variance for excessive driveway and pool patio coverage. The existing coverage is 26.62% which is over the 25% allowable amount. Mr. Davies looked at the resolution for this property and found that in 2011, approval was given for lot coverage in the amount of 24.97%. At that time, the applicant was cautioned about exceeding the 25% coverage limit that is allowable; however, as it turns out coverage was exceeded.

Marisa Tiberi, the Borough Engineer had not yet arrived at the meeting; however, both applicant and Board Members agreed to proceed with the application. Both parties indicated that if any engineering questions came up they would have to wait for the engineer to arrive, or adjourn the meeting. Robert Weissman, engineer, 686 Godwin Avenue, Midland Park, was sworn by Mr. Davies. Cynthia Teller, 20 Duncan Avenue, Pequannock, N.J., the daughter of Mr. and Mrs. Burgio, identified herself and said that she was representing her parents who could not attend tonight's meeting. Ms. Teller, who said she was familiar with the house and grew up in the house, was sworn by Mr. Davies. She added that she has the authority to testify on her parents' behalf and she also helped prepare this application.

Mr. Weissman had a copy of the approved plan dated March 7, 2011, which he shared with the Board. Mr. Davies questioned what happened that caused the existing coverage to exceed the 25% allowable, and what would justify the Board approving an application for an overage to 30.13%. Mr. Davies noted that the Board approved plans prepared and submitted by Mr. Weissman dated December 15, 2010, revised through March 7, 2011. Mr. Davies marked these plans as Exhibit A-2. Mr. Weissman said that the only revision to the December 2010 plan was a change to the septic field, as per the Board of Health, which had no impact on the coverage.

Mr. Weissman testified relative to the coverage breakdown noted on the current plan, marked as Exhibit A-1. He stated that the increased size of the driveway caused the existing coverage to be 26.2%. The excess areas of the driveway seem to be within the bulb, and the curve that exists closer to the road. Mr. Davies commented that the driveway that was built doesn't exactly resemble what was proposed. Mr. Bavagnoli said it would be interesting to know who the contractor was in this case. He asked Ms. Teller if she knew who did the construction work and she said she didn't know.

Mr. Bavagnoli said that there are too many questions that need to be addressed by Mr. and Mrs. Burgio. After more discussion, Mr. Saracino made a motion to table this application to November. Mr. Frankel seconded the motion, all ayes.

ADJOURNEMENT

On a motion made by Mr. Frankel, and seconded by Mr. Hunter the meeting adjourned at 8:05 P.M.