

May 18, 2016

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, May 18, 2016 starting at 8:08pm.

The meeting was held in accordance with the Open Public Meetings Law and notice of this meeting was provided in accordance with the requirements of Chapter 231, P.L. 1975

Board Members Present: Mr. Schwartz, Mr. Ritter, Mrs. Jenkins, Mr. Augustitus, Mr. Wangner

Absent: Mr. Shah, Mr. Kearney, Mr. Angelo, Mr. Salan

Also present were Lisa Thompson, Attorney and Nancy A. Bretzger, Board Secretary

### **REQUEST FOR VARIANCE EXTENSION**

#### **MR. WILLIAM FORMOSA, 15 CAMBRIDGE DRIVE, BLOCK 1205, LOT 9**

Mr. Formosa did not attend the meeting and there was no one in attendance on his behalf. Another letter will be sent to Mr. Formosa stating if he does not attend the next meeting, the application will be denied.

#### **MR. ALEXANDER ALBU, 40 FERNDALE ROAD, BLOCK 101, LOT 13**

Mr. Albu was sworn in. Mr. Schwartz asked why the Applicant is seeking the extension. Mr. Albu explained that they have not been able get a commitment from a contractor. He said they are currently in talks with a contractor and hope to be moving forward soon. Mr. Albu told the Board there would be no changes to the plans that were originally submitted.

Mr. Augustitus moved the request for the extension be granted. The motion was seconded by Mr. Wangner. A vote was taken with all others voting yes.

### **APPLICATIONS**

#### **MATTER OF MR. & MRS. B. SHRON, 39 ESTELLA AVENUE, BLOCK 405, LOT 44**

Mr. Brad Shron was sworn in. Mr. Schwartz asked why a variance was needed for the installation of the deck. Mr. Shron explained he would like to replace his deck with upgraded materials and enlarge the current size. The current deck size is 24 feet by 12 feet. He would like to enlarge it to 30 feet by 18 feet. The reason for doing this is because his backyard consists of a considerable amount of unusable property as the landscape is very hilly. He would like to use part of this space to enlarge his deck. He stated that the new deck will not exceed the impervious coverage calculation. Mr. Shron stated that his backyard neighbor has told him that he does not object to the Application.

The meeting was open to the public without comment.

Mr. Augustitus moved to accept the application as proposed with the stipulation that neither the deck nor the patio increases the impervious coverage set forth in the application. The motion was seconded by Mrs. Jenkins. A vote was taken with all other voting yes.

**MEMORIALIZATIONS**

**MATTER OF DANIEL AND ALLISYN DERIAN**

**Decided: April 13, 2016**

**Memorialized: May 18, 2016**

**WHEREAS**, Daniel and Allisyn Derian (hereinafter referred to as the “Applicant”) have filed an application for variance relief pursuant to N.J.S.A. 40:55D-70c before the Borough of North Caldwell Zoning Board of Adjustment (the “Board”) with regard to property located at 25 Hamilton Drive West, also known as Lot 12 in Block 1903 in order to rebuild front steps and add a gable roof over the front entrance. The subject property is located in R1 residential zone; and

**WHEREAS**, all owners of property located within 200 feet of the subject premises were properly notified according to law; and

**WHEREAS**, the jurisdiction and powers of this Board have been properly invoked and exercised pursuant to Statute; and

**WHEREAS**, a public hearing was held by this Board on April 13, 2016; and

**WHEREAS**, the Board makes the following finding and determination based upon the following facts:

1. Allisyn Derian and Daniel Derian were sworn in and presented testimony in support of the Application before the Board.
2. The Applicant seeks variance approval from the requirements of the Borough Code for front yard setback (32.86 feet proposed where a minimum of 50 feet is required).
3. Mrs. Derian testified that the existing front steps are original to the home which was many years ago. The existing steps are in disrepair and do not allow safe access to the home. The existing front steps already encroach into the front yard setback.
4. Mrs. Derian further testified that the proposal is to increase the front steps and 8 foot by 8 foot and construct a covering over the front door, noting that there is no protection from the elements at the front entrance to the home. The proposal will allow for a safe front entrance and will enhance the look of the dwelling.
5. The matter was opened to the public without objection or comment.

**NOW, THEREFORE, BE IT RESOLVED** that based on the facts as found above, the Board finds that the variance relief requested can be granted without substantial negative impact to the intent and purposes of the Zone Plan and Zoning Ordinances of the Borough of North

May 18, 2016

Caldwell and furthermore, the Applicant has sustained its burden of proof that a hardship exists to permit granting the relief requested and that the benefits of granting the relief requested substantially outweigh the detriments. Therefore, on a motion by Mr. Augustitus, seconded by Mr. Ritter, the Board unanimously voted to grant the Application of Daniel and Allisyn Derian, as submitted, with affirmative votes by Mr. Augustitus, Mr. Ritter, Ms. Jenkins, Mr. Kearney and Mr. Schwartz. Accordingly, the Application was approved as submitted.

Mr. Augustitus moved to accept the resolution in the Matter of Mr. & Mrs. Derian as submitted. Mrs. Jenkins seconded the motion with all other members approving, except Mr. Wangner who abstained.

## **MINUTES**

Mr. Augustitus moved to accept the minutes of the Regular Meeting of March 18, 2015, seconded by Mr. Wangner. Said motion carried unanimously.

Mr. Ritter moved to accept the minutes of the Regular Meeting of April 15, 2015, seconded by Mr. Wangner with Mr. Augustitus abstaining. Said motion carried unanimously.

Mr. Ritter moved to accept the minutes of the Regular Meeting of May 20, 2015, seconded by Mr. Augustitus with Mr. Schwartz abstaining. Said motion carried unanimously.

Mr. Augustitus moved to accept the minutes of the Regular Meeting of June 17, 2015, seconded by Mr. Ritter. Said motion carried unanimously.

Mr. Augustitus moved to accept the minutes of the Regular Meeting of July 15, 2015, seconded by Mr. Ritter with Mr. Wangner abstaining. Said motion was passed.

Mr. Ritter moved to accept the minutes of the Regular Meeting of September 16, 2015, seconded by Mr. Augustitus with Mr. Schwartz abstaining. Said motion was passed.

Mr. Augustitus moved to accept the minutes of the Regular Meeting of October 21, 2015, seconded by Mr. Wangner with Mr. Ritter abstaining. Said motion was passed.

Mr. Ritter moved to accept the minutes of the Regular Meeting of November 18, 2015, seconded by Mrs. Jenkins with Mr. Schwartz abstaining. Said motion was passed.

Mr. Ritter moved to accept the minutes of the Regular Meeting of December 16, 2015, seconded by Mr. Augustitus. Said motion carried unanimously.

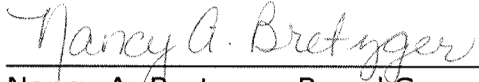
Mr. Wagner moved to accept the minutes of the Regular Meeting of January 13, 2016, seconded by Mrs. Jenkins with Mr. Ritter abstaining. Said motion was passed.

Mr. Ritter moved to accept the minutes of the Regular Meeting of March 16, 2016, seconded by Mr. Augustitus. Said motion carried unanimously.

May 18, 2016

There being no further matters to come before the Board, the meeting was adjourned at 8:36 p.m.

Respectfully Submitted:

---

Nancy A. Bretzger, Board Secretary