

The Meeting of the North Caldwell Board of Adjustment was held on Wednesday, August 18, 2021 and started at 7:33pm. The meeting was held virtually due to the COVID-19 pandemic.

Chairman Roth announced that 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. He noted that tele/video-conference participation instructions were provided to the public in advance of the meeting.

Board Members Present: Mr. Salan, Mrs. Jenkins, Mr. Sceppaguercio, Mr. Wangner, Mr. Kumar, Mr. Spindler, and Chairman Roth. Absent: Mr. Curcio.

Also present were Lisa Thompson, Esq., Board Attorney; Paul Ferriero, Board Engineer; and Tami Michelotti, Zoning Board Secretary.

Chairman Roth asked Mr. Kumar to lead the Pledge of Allegiance.

APPLICATIONS

NJRE Development, 1 Fairfield Road, LLC – Block 2200, Lot 4

Ms. Thompson stated that the Application would be adjourned to the September 22nd meeting at the request of the Applicant with no further notice required.

Mr. Robert Boehm and Ms. Jeanette Viruet , 575 Mountain Avenue – Block 1405, Lot 3

Side Yard and Front Yard Setbacks

Ms. Michelotti stated that the Applicant's notice indicated the meeting start time as 8:00pm. The Board agreed to complete other agenda items and begin testimony at 8:00pm.

MEMORIALIZATIONS

Mr. and Mrs. A. Lojek, 9 Highfield Terrace – Block 1801, Lot 5

MATTER OF ANDREW AND NICOLE LOJEK

Decided: July 21, 2021

Memorialized: August 18, 2021

WHEREAS, Andrew Lojek (hereinafter referred to as the "Applicant") filed an application for a variance 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 9 Highfield Terrace, also known as Lot 5 in Block 1801 in order to construct a new 31 foot by 17 foot partially covered deck. The subject property is located in the 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 July 21, 2021; and

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

1. Andrew Lojek was sworn in. Mr. Lojek stated that he is seeking approval for a deck which requires a rear yard setback variance. The proposed deck will be 37.3 feet from the rear property line where a minimum of 50 feet is required.
2. The Applicant explained that the property is located in an R1 zone with non-conforming lot depth of 140 feet where a minimum of 150 feet is required. The home is located in a residential neighborhood and abuts the West Essex High School stadium to the rear.

3. Referring to the architectural details submitted with the application, Mr. Lojek explained that he proposes to construct a 17 by 31 foot deck. A portion of the proposed deck will be covered by a roof that ties to the existing roof line of the home. Mr. Lojek noted that there is currently a sliding glass door with three stairs where the deck will be located.
4. The deck will be one level and will be constructed of composite material with decorative metal railings.
5. Mr. Lojek explained that the majority of the properties in the neighborhood adjacent to West Essex School District are non-conforming properties where the lot depth does not comply with the Borough Ordinance. He explained that the proposed deck will encroach into the 50-foot rear yard setback by 12.7 feet.
6. Mr. Lojek stated that the construction of the deck will be in conformance with the character of the neighborhood and will not be a detriment to the surrounding properties. He added that other neighboring properties on the same side of Highfield Terrace have decks or similar structures that are part of their outdoor living space.
7. Mr. Lojek noted that the variance can be granted without substantial detriment to the public good or impair the intent of the land use ordinance. He added that the proposed project will not be visible from the public right of way; that the deck is consistent with other residential properties on the street; and the improvements will increase property values in the neighborhood.
8. Mr. Lojek stated that the North Caldwell Police Department had no comments as indicated in the letter dated June 2, 2021.
9. In response to questions from the Board, Mr. Lojek stated that if the variance is approved, he plans to begin construction in the Fall when material prices stabilize.
10. Mr. Lojek summarized his responses to Mr. Ferriero's letter to the Board. Mr. Lojek explained the photos of the existing backyard area.
11. Mr. Lojek explained that there is a 30-foot buffer at the rear of his yard that is owned by the West Essex Regional School System delineated by a fence. He added that the West Essex stadium bleachers and concession stand is beyond the fence.
12. In response to questions from the Board, Mr. Lojek stated that the size of the deck was discussed with many professionals. He noted that the proposed size is needed for entertaining to accommodate a sitting area, grill and patio set.
13. In response to questions from the Board, Mr. Lojek stated that crushed stone will be installed over filter fabric so the weeds will not grow under the deck. There will only be 1 to 2 feet of clearance from the bottom of the deck joists to ground level.
14. The matter was opened to the public without comment.
15. The Board, in reviewing the above facts and the materials presented at the hearing, finds that the proposed deck will be constructed with minimal encroachment into the rear yard setback; will not impact residential properties to the rear and that the proposed deck will enhance the home.

NOW, THEREFORE, BE IT RESOLVED that based on the facts as found above, the Board finds that the rear yard setback 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 Caldwell and furthermore, the Applicant has sustained the 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 with regard to the rear yard setback variance request. Mr. Salan made a motion to accept the Application as submitted. Mr. Sceppaguercio seconded the motion. The motion was approved with seven affirmative votes by Mr. Salan, Mr. Sceppaguercio, Mrs. Jenkins, Mr. Wangner, Mr. Kumar, Mr. Spindler, and Chairman Roth.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 18th day of August 2021, by a majority of the members of the Board present at such meeting and who voted for the action taken on July 21, 2021.

ALL THOSE IN FAVOR: Mr. Wangner, Mr. Salan, Mrs. Jenkins, Mr. Sceppaguercio, Mr. Kumar, Mr. Spindler, Chairman Roth

ALL THOSE OPPOSED: --

ABSTAIN: --

ABSENT: Mr. Curcio

APPROVAL OF MINUTES

Mrs. Jenkins made a motion to accept the minutes of the Board Meeting of July 21, 2021 with corrections. The motion was seconded by Mr. Wangner. Said motion was passed with seven affirmative votes by Mrs. Jenkins, Mr. Wangner, Mr. Salan, Mr. Sceppaguercio, Mr. Kumar, Mr. Spindler, and Chairman Roth.

The Board requested an update on resumption of in-person meetings. Ms. Michelotti explained the technological constraints and delays in obtaining the equipment needed to resume in-person meetings.

The meeting resumed at 8:00pm and Ms. Thompson restated that the NJRE 1 Fairfield Road Application has been adjourned to the September 22nd meeting with no further notice required.

APPLICATIONS

Mr. Robert Boehm and Ms. Jeanette Viruet , 575 Mountain Avenue – Block 1405, Lot 3

Mr. Quirk, Mr. Boehm , and Ms. Viruet were all sworn in. Ms. Viruet explained that they bought the house about one year ago from the original owners. She noted that they desired to update the home by adding a porch.

Mr. Quirk stated that the Applicant seeks to construct an open front porch and a second story addition. He noted that the property is in the R-1 zone and sits on 0.7 acres of land which is an undersized lot for the zone. He stated that the lot is 100 feet wide where 150 feet is required. He added that the home is an existing two-story expanded cape with a detached garage and patio. He stated that the Applicants propose the addition of a porch and a new second-story addition on the right side. Mr. Quirk explained the layout of the proposed addition. He stated that a front-yard setback variance is sought for 42 feet where 50 feet is required. He added that a left side-yard variance is sought for the proposed porch which will sit in line with the current side of the house which is eight (8) feet from the property line. Mr. Quirk stated that the new design will increase the character of the home, add curb appeal, and will be consistent with the neighborhood.

Chairman Roth asked for the total height of the finished structure. Mr. Quirk confirmed the height of 25 feet where 32 feet is the maximum height allowed. Mr. Ferriero referred to his July 29th report and suggested that a drywell be installed as a condition of the Application's approval. Chairman Roth asked for clarification on point #2 of Mr. Ferriero's report. Mr. Ferriero referred to the site plan and clarified that the proposed porch extends eight feet (8) into the front-yard setback. Mr. Quirk noted that the majority of the porch would be setback 48.20 feet from the front property line while the turret would sit at 42 feet from the property line.

Mr. Ferriero explained that the existing building has a non-conforming condition and confirmed the need for an additional variance for the second-story addition. Mr. Quirk noted that the proposed plans are consistent with several other homes on Mountain Avenue with regard to the proposed front-yard setback.

Chairman Roth referred to Mr. Ferriero's letter regarding the amount of impervious coverage that triggers a drywell requirement. Mr. Ferriero confirmed the Borough's 500 square-foot threshold. Mr. Quirk agreed to install a drywell/seepage pit should it be a condition of approval. Ms. Thompson stated that if the seepage pit is a condition of the Application, it would be subject to the review and approval of the Borough Engineer.

Mr. Salan asked Mr. Ferriero for his recommendation on the location of the seepage pit. Mr. Quirk confirmed that the property grades from the front to the back of the property. Mr. Ferriero recommended that the seepage pit be installed in the back of the property. He added that downspouts on the garage should connect to the drywell which would compensate for the increase in impervious coverage.

Mrs. Jenkins asked about the gully on the left side of the house. Ms. Viruet stated that water is present in the gully. Mr. Wangner asked if the area captures runoff from the county road. Mr. Ferriero stated that the gully collects runoff from the property as well as the adjoining properties. Ms. Viruet stated that during heavy rain, the water pours into the front of their driveway from the county road.

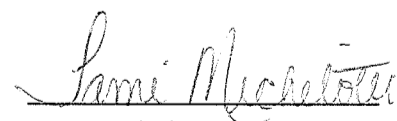
Chairman Roth asked for any questions or comments from the public. No one from the public came forward.

Mrs. Jenkins made a motion to accept the Application as presented with the addition of a drywell to be installed in the proper location as per the Borough Engineer. Mr. Salan seconded the motion. A vote was taken and the motion was approved with seven affirmative votes by Mrs. Jenkins, Mr. Salan, Mr. Sceppaguercio, Mr. Wangner, Mr. Kumar, Mr. Spindler, and Chairman Roth.

Mr. Wangner asked Mr. Ferriero if there have been complaints about flooding during heavy rain from the homeowners in that area of Mountain Avenue where the homes are lower on one side of the street. Mr. Ferriero stated that the drainage off the road is an Essex County issue and suggested getting in touch with the County Engineer.

There being no further matters to come before the Board, Mr. Wangner made a motion to adjourn the meeting, seconded by Mr. Spindler. Said motion passed unanimously. The meeting was adjourned at 8:24p.m.

Respectfully Submitted,



Tami Michelotti

Zoning Board Secretary