

The Meeting of the North Caldwell Board of Adjustment was held on Wednesday, September 22, 2021 and started at 7:37pm. 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. Curcio, Mr. Wangner, Mr. Kumar, Mr. Spindler, and Chairman Roth. Absent: Mrs. Jenkins, Mr. Salan, Mr. Sceppaguercio.

Also present were Lisa Thompson, Esq., Board Attorney, and Tami Michelotti, Zoning Board Secretary.

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

APPLICATIONS

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

Ms. Thompson announced that the Applicant withdrew the Application. She confirmed for the Board Chairman that the Application could be resubmitted in the future as it was not denied by the Board, but only withdrawn.

APPROVAL OF MINUTES

Mr. Wangner made a motion to accept the minutes of the Board Meeting of August 18, 2021. The motion was seconded by Mr. Spindler. Mr. Curcio abstained. Said motion was passed with four affirmative votes by Mr. Wangner, Mr. Spindler, Mr. Kumar and Chairman Roth.

MEMORIALIZATIONS

MATTER OF ROBERT BOEHM AND JEANETTE VIRUET

Decided: August 18, 2021
Memorialized: September 20, 2021

WHEREAS, Robert Boehn and Jeanette Viruet (hereinafter referred to as the “Applicant”) filed an application for variances 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 575 Mountain Avenue, also known as Lot 3 in Block 1405, in order to construct an addition, front open porch, and rear deck on the existing dwelling. The addition extends towards the street with a proposed side yard setback consistent with the existing structure of 7.4 feet where a minimum of 25 feet is required, a proposed front yard setback of 42 feet where a minimum of 50 feet is required, side yard setback for the rear deck of 9.5 feet and impervious coverage of 57.8% (where 54% coverage exists and a maximum lot coverage of 30% is permitted. 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 August 18, 2021; and

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

1. Mr. Boehm and Ms. Viruet were sworn in. Ms. Viruet testified that they bought the house about one year ago from the original owners. She further testified that they desired to update the home by adding a porch / addition.
2. The Applicant's architect, Lawrence P. Quirk, AIA, was sworn in. Mr. Quirk is a licensed architect in New Jersey. Mr. Quirk described the Applicant's proposal, stating that the Applicant seeks to construct an open front porch and a second story addition. Mr. Quirk testified 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 further testified 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. Mr. Quirk stated that the Applicant's proposal includes a front porch and a new addition on the right side. Mr. Quirk described the layout of the proposed addition. He stated that a front-yard setback variance is sought to allow construction 42 feet from the property line where a minimum of 50 feet is required. He added that a left side-yard variance is sought for the proposed porch which will be constructed in line with the current side of the house. Mr. Quirk stated that the new design will enhance the character of the home, add curb appeal, and will be consistent with the neighborhood.
3. In response to a question from the Board, Mr. Quirk confirmed the height of the proposed addition will be 25 feet where 32 feet is the maximum height allowed.
4. Borough Engineer Paul Ferriero referred to his July 29, 2021 letter and suggested that a drywell be installed as a condition if the Application is approved. In response to questions from the Board, Mr. Ferriero further clarified his letter, stating that the proposed porch extends eight feet 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 will sit 42 feet from the property line.

5. Mr. Ferriero explained that the existing building has a non-conforming condition and confirmed the need for a 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.
6. In response to questions from the Board concerning the amount of impervious coverage triggering a drywell requirement, Mr. Ferriero confirmed the Applicant's proposal exceeds the Borough's 500 square-foot threshold. Mr. Quirk confirmed that the Applicant agrees to install a drywell/seepage pit should it be a condition of approval. It was noted that if a seepage pit is a condition of the approval of the Application, it would be subject to the review and approval of the Borough Engineer.
7. Mr. Quirk stated that the property grade goes from a high point in the front of the property and slopes toward the rear of the property. Mr. Ferriero stated that he would recommend that a seepage pit be installed in the rear of the property. Mr. Ferriero added that downspouts from the garage should connect to the drywell which would compensate for the increase in impervious coverage.
8. In response from questions from the Board, Ms. Viruet stated that water is present in the gully located near the home. Mr. Ferriero stated that the gully collects runoff from the subject property, as well as the adjoining properties. Ms. Viruet noted that during heavy rain, the water pours into the front of their driveway from the County road.
9. The hearing was open to the public without comment.
10. Mr. Wangner asked Mr. Ferriero if there have been complaints about flooding during heavy rain from the homeowners in that area of Mountain Avenue. Mr. Ferriero stated that the drainage off the road is an Essex County issue and suggested contacting the County Engineer.
11. In response to questions from the Board, Mr. Ferriero stated that 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 flowing from the road is an Essex County issue.

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. Mrs. Jenkins made a motion to accept the Application as presented with an addition that a drywell to be installed pursuant to the review and approval of 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.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 22nd day of September 2021, by a majority of the members of the Board present at such meeting and who voted for the action taken on August 18, 2021.

Mr. Wangner made a motion to accept the resolution as written. The motion was seconded by Mr. Spindler. Said motion was passed with four affirmative votes by Mr. Wangner, Mr. Spindler, Mr. Kumar and Chairman Roth. Mr. Curcio abstained.

There being no further matters to come before the Board, Mr. Curcio made a motion to adjourn the meeting, seconded by Mr. Wangner. Said motion passed unanimously with five affirmative votes. The meeting was adjourned at 7:45p.m.

Respectfully Submitted,


Tami Michelotti
Zoning Board Secretary