

June 20, 2018

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, June 20, 2018 starting at 8:06 pm.

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. Wangner, Mr. Angelo, Mr. Floria-Callori, Mrs. Jenkins, Mr. Michelotti, Mr. Roth

Absent: Mr. Augustitus, Mr. Ritter, Mr. Salan

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

Mr. Wangner asked Mr. Angelo to lead the Pledge of Allegiance.

APPLICATIONS

MATTER OF Mr. Ankim Shah/Falcon Custom Homes – 2 Falcon Point Drive - Block 801, Lot 9.05 – Signage Variance – **POSTPONED to July meeting**

MATTER OF Mr. Jonathan Randall – 14 Arbor Road – Block 300, Lot 43 – Side Yard Variance – **POSTPONED to July meeting with no further notice required**

MATTER OF Mr. Zenon Kopec – 8 Fern Avenue - Block 2110, Lot 2 – Lot Depth, Front Yard and Rear Yard Setbacks, Impervious Coverage

Mr. Kopec, Applicant and owner of the property, and Mr. Thomas Stearns III, 144 Jewel St. Garfield, New Jersey, were sworn in. Mr. Stearns stated that he has been a licensed engineer in the state of New Jersey for approximately 20 years. He stated that he has been accepted as an expert engineering witness for boards in the state of New Jersey. The Board accepted Mr. Stearns as an expert witness.

Mr. Stearns stated that the property is 7,971 square feet with 61.36 feet on the northeast side and 71.39 feet on the southwest side, making it a restricted property regarding depth. Mr. Stearns added that the current structure is a 1-1/2 story framed dwelling with a non-conforming side and front yard. He further added that the side yard is 3.3 feet and the front yard is 3.4 feet with a garage in the center rear of the property. He stated that the current property is at 33.1% impervious coverage which is 3% over the permitted coverage. Mr. Stearns noted that the lot is substandard as far as the depth is concerned. He stated that the required depth is 125 feet and the average depth is 66.42 feet which is an existing non-conformity.

Mr. Stearns stated that the proposal is to demolish the existing 1-1/2 story dwelling and garage to build a new two-story framed dwelling with a side yard setback of 20 feet which is in compliance and a front yard setback of 20 feet where 30 feet is required. He stated that even though the front yard setback is non-complaint, he feels that it is an improvement to the current property. He further stated there would be a 15.56 foot rear yard. He stated that the plans include a front-facing two-car garage with a driveway, combining the garage and dwelling together. Mr. Stearns explained that the lot coverage would be at 32%, which is less than the current property, but still over the amount allowed by ordinance.

Mr. Wangner informed Mr. Stearns that a variance is typically required for the front-facing garage. Ms. Thompson checked the Borough code to confirm if a variance is needed in this case.

Mr. Stearns explained that the height of the proposed structure is 31.6 feet which is in compliance with the 32 foot requirement. He further explained that the majority of drainage from the roof would be housed in a seepage pit. He added that the drainage from the small driveway would be pitched out into the street. He stated that this will be a drainage improvement as all impervious surfaces currently drain into the street.

Mr. Floria-Callori asked about the location and size of the proposed house. Mr. Kopec explained that the architect determined the size based on constructing a bedroom in the front of the home as well as one in the back of the home. Mr. Stearns further explained that the depth would be 28 feet on the northern side of the house and 30 feet on the southern side. He stated that the proposed dwelling size is based on the restricted lot size.

Mr. Floria-Callori asked what Mr. Kopec's intention is for the property. Mr. Kopec stated that he currently lives on Hamilton Drive North in North Caldwell and that he plans on renting or selling the proposed property.

Mr. Wangner stated that Board Attorney Ms. Thompson confirmed that the Applicant will not need a variance for the front-facing garage in this case as the property is located in an R2 zone.

Mr. Wangner asked if there were any more questions from the Board for the Applicant.

Mr. Wangner asked how far the existing house is off of the property line. Mr. Stearns stated that the side yard setback for the existing house is 3.3 feet which would become 20 feet with the proposed plan; the existing front yard setback is 3.4 feet, which would become 20 feet with the proposed plan. He further stated that the existing rear garage, which is currently on the property line, would be eliminated with the proposed plan reducing the lot coverage by 1%. Mr. Stearns confirmed that the seepage pit will remove 100% of the stormwater that will be coming from the structure with the only runoff coming from the 20 foot by 20 foot driveway.

Mr. Stearns explained that the positive criteria of the proposed property include reduction of side yard setbacks variances, reduction of lot coverage, and improvement of lot drainage. He stated that the negative includes some deficiencies in setbacks on the proposed property.

Mr. Wangner asked if there was any thought to how the proposed structure will infringe upon the light, air and view in the neighborhood since it will be built higher. Mr. Stearns stated that there would be no effect on the neighborhood. He explained that the center of the property is lower than the neighbor's property so there will be no infringement of their view.

Mr. Floria-Callori asked if the proposed structure will fit the scheme of the neighborhood. Mr. Stearns stated that the proposed structure will fit the neighborhood more closely than the existing structure. Mr. Kopec stated that the new house across the street is similar in scale and style to the proposed structure.

Mr. Angelo asked if there was currently a seepage pit. Mr. Stearns confirmed that there is currently no seepage pit.

Mr. Wangner opened the hearing to the public for any questions or comments. No one from the public came forward.

Mrs. Jenkins made a motion to accept the Application as presented, seconded by Mr. Michelotti. A vote was taken and the application was approved with six affirmative votes by Mrs. Jenkins, Mr. Michelotti, Mr. Angelo, Mr. Floria-Callori, Mr. Roth, and Mr. Wangner.

MATTER OF Mr. and Mrs. Gerald Crum – 13 Maple Drive – Block 1408, Lot 7

Ms. Julieann Cecere, Licensed Architect, and Mr. Gerald Crum, property owner, were sworn in.

Ms. Cecere stated that she is a Licensed Architect in New Jersey and has testified before this Board and many other boards in the State of New Jersey. She stated that she has been licensed since 1999, has her own firm, and her license is in good standing. The Board accepted Ms. Cecere as an expert witness.

Ms. Cecere stated that the Applicant is applying for a variance for lot coverage as shown in Exhibit A1. She explained that the proposed addition would be in the rear of the house and would be built in the same area where impervious coverage currently exists. Ms. Cecere further explained that the one story addition would be built where the deck and large patio currently exists.

Mr. Michelotti recused himself as he is a neighbor of the Applicant and received notice as a property owner within the 200 foot area.

Ms. Cecere stated that the plans include three existing drains which are already on the property, maintaining a system for water runoff. She explained that the impervious coverage and drainage system existed when Mr. and Mrs. Crum purchased the property and there has never been an issue with water drainage. Ms. Cecere noted that the proposed addition would have no impact on the current water drainage system. She explained that the proposed addition will reduce the current impervious coverage from 44.1 percent to 42.6 percent by removing a portion of the front and rear walkways, bringing it closer to compliance.

Ms. Cecere presented Exhibit A2 showing perspectives of the proposed single story addition. She explained that the proposed addition would not block any light and air from the neighbors, nor would it be seen from the street. She added that the proposal keeps within the scheme of the neighborhood while not negatively impacting the neighbors' views or quality of life. She stated that the most recent Google Earth image shows a tree which encapsulates Mr. and Mrs. Crum's yard which would maintain their privacy as well as the neighbors' privacy when looking towards the property. Ms. Cecere stated that most of the impervious coverage for the proposed addition will stay the same except for the part which they would remove, bringing it closer to compliance. She stated that the plans include a one story bump out to increase the size of the kitchen and family room. Ms. Cecere feels that the addition is minimal but at the same time will have benefits of maximizing the use of the first floor by creating a larger kitchen with a great room. She stated that the back of the house would have a raised patio and would use the existing drainage system, keeping the proposed project closer to conformity.

Mr. Wangner asked if the existing deck is made of wood and the type of material that is underneath the deck. Ms. Cecere confirmed that the existing deck is made of wood. Mr. Crum stated that he is not aware of what is underneath the deck but explained that part of the proposed addition would be built over the existing concrete patio.

Mr. Crum confirmed that the yard drainage system is functioning well because there are currently no water issues in the basement or around the patio and deck. He stated that there is a slight slope in the yard from the rear left corner of the yard to the rear right corner. He explained that the driveway slopes down slightly and stated that the street is somewhat higher than the property. Mr. Crum further explained that the drain at the base of the driveway catches the runoff which then feeds into the drain in the yard and there is an additional drain in the front of the driveway near the front door. He confirmed that the drainage system was put in before they purchased the house in September 2011.

Mr. Roth asked if the proposed patio would be built up with pavers. Ms. Cecere explained that the foundation will be built with concrete masonry unit blocks and backfilled with clean stone with a paver flooring and landscaping around the foundation. Mr. Crum explained that the existing deck is two levels and, because the bottom level is only two steps from the ground, the proposed patio would not have a high foundation.

Mr. Wangner opened the hearing for any questions or comments from the public. No one from the public came forward. Mr. Wangner asked the Board if there were any questions or comments for the Applicant.

Mr. Angelo confirmed that the maximum lot coverage would be decreased from the existing 44.1 percent to 42.6 percent.

Mr. Angelo made a motion to accept the application as submitted, seconded by Mr. Floria-Callori. A vote was taken and the application was approved with five affirmative votes by Mr. Angelo, Mr. Floria-Callori, Mrs. Jenkins, Mr. Roth, and Mr. Wangner. Mr. Michelotti abstained.

Mr. Michelotti returned to the meeting at 8:35p.m.

MEMORIALIZATIONS

MATTER OF Mr. Ladislav Branovich – 715 Main Street - Block 2103, Lot 6

Mr. Floria-Callori made a motion to accept the memorialization as written, seconded by Mr. Angelo. A vote was taken and the memorialization was approved with six affirmative votes by Mr. Floria-Callori, Mr. Angelo, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, and Mr. Wangner.

MATTER OF Ms. Monika Banas – 15 Woodland Avenue - Block 1300, Lot 2

Mrs. Jenkins made a motion to accept the memorialization as written, seconded by Mr. Michelotti. A vote was taken and the memorialization was approved with six affirmative votes by Mrs. Jenkins, Mr. Michelotti, Mr. Angelo, Mr. Floria-Callori, Mr. Roth, and Mr. Wangner.

RESOLUTION AUTHORIZING AGREEMENT FOR PROFESSIONAL SERVICES

Mr. Wangner presented an Award of Contract for Paul Ferriero for engineering services related to a stormwater report for Applicant 21-25 Bloomfield Avenue, LLC. Ms. Thompson stated that the application for 21-25 Bloomfield Avenue was reviewed by Frank Zichelli and his recommendation was to retain a consultant to review the stormwater plans. She further stated that the professional services contract does not require a bidding process. She explained that Paul Ferriero provided expert testimony before the Board for the PSE&G application. She further explained that Mr. Ferriero would appear before the Board if there were any additional questions that he

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needed to answer. Ms. Thompson stated that there is an hourly charge but she feels that the task is not large. She further stated that the Applicant is responsible for paying for the expenses which comes out of their escrow. Ms. Thompson confirmed that Mr. Ferriero is a Certified Municipal Engineer and had previously been heard by the Board and successfully explained technical testimony.

Mr. Floria Callori made a motion to accept the Award of Contract, seconded by Mrs. Jenkins. A vote was taken and the Award of Contract was approved with six affirmative votes by Mr. Floria-Callori, Mrs. Jenkins, Mr. Angelo, Mr. Michelotti, Mr. Roth, and Mr. Wangner.

APPROVAL OF MINUTES

Mr. Michelotti made a motion to accept the minutes of the Board Meeting of May 16, 2018. The motion was seconded by Mr. Angelo. Said motion was passed with six affirmative votes by Mr. Michelotti, Mr. Angelo, Mr. Floria-Callori, Mrs. Jenkins, Mr. Roth, and Mr. Wangner.

There being no further matters to come before the Board, Mr. Augustitus made a motion to adjourn the meeting, seconded by the Board. The meeting was adjourned at 8:42p.m.

Respectfully Submitted,



Tami Michelotti
Zoning Board Secretary