

**MINUTES OF THE BOROUGH OF NORTH CALDWELL PLANNING BOARD
REGULAR MEETING HELD NOVEMBER 20, 2017**

Chairman Brower called the meeting to order at 8:00 p.m., lead the salute of the flag and requested a roll call:

ROLL CALL

PRESENT: Chairman Brower, Mr. Campbell, Mr. Rees, Dr. Spinelli, Mr. Fishbone, Mr. Barba

ABSENT: Mayor Alessi, Sandra Nathans

Others present: Mr. Dusinberre, Esq., Attorney, Mr. Zichelli, Engineer

ADEQUATE NOTICE of this meeting of the Borough of North Caldwell Planning Board was given as follows: Notice was sent to The Progress and the Star Ledger and Notice was filed with the office of the Borough Clerk.

APPROVAL OF MINUTES

A motion was made by Mr. Barba to approve the minutes of the October 2, 2017 Conference Meeting of the North Caldwell Planning Board and a second made by Mr. Campbell.

Upon roll call:

AYES: Chairman Brower, Mr. Campbell, Mr. Rees, Dr. Spinelli, Mr. Fishbone, Mr. Barba

APPLICATIONS

Chairman Brower explained the procedure to be followed for the hearing of applications before the Planning Board.

APPLICATION FOR PRELIMINARY AND FINAL MAJOR SUBDIVISION

Mr. Vincent Lapone
77 Grandview Avenue
North Caldwell, NJ 07006
Block 1900, Lot 9

Mr. Robert Gaccione, Esq. of the firm Gaccione Pomaco, Belleville, New Jersey entered an appearance as Counsel on behalf of the applicant, Mr. Vincent Lapone.

Mr. Gaccione described the application as a Preliminary and Major subdivision with bulk variances and that he intended to call three witnesses, Mr. Vincent Lapone the applicant and property owner, Mr. Chuck Stewart, P.E, P.P., P.L.S. and Mr. Peter Steck, P.P. Mr. Gaccione advised that Mr. Steck would be unavailable due to another commitment, but he planned to present his first two witnesses and request an adjournment until Mr. Steck became available.

Mr. Vincent Lapone of 201 Fells Road, Essex Fells, New Jersey was presented as a witness and was sworn in by Mr. Dusinberre.

Mr. Lapone testified that he was one of four owners of 77 Grandview Avenue, the other three owners being his brothers who inherited the property from their father. The family moved into the existing house on the property in 1956.

Mr. Lapone stated the intent of the application is to keep the existing house and create a second lot.

Chairman Brower invited members of the Board and staff to question the witness.

Mr. Dusinberre asked Mr. Lapone what the address of the property is and where is the front door to the house. Mr. Lapone responded the address is 77 Grandview Avenue and the front door faces Grandview Avenue.

The meeting was opened to the public to question Mr. Lapone on his testimony.

Mr. Frank Cozzarelli of 7 Squire Hill Road stood up to be heard. Mr. Cozzarelli asked Mr. Lapone if the patio in the rear of the existing house would remain. Mr. Lapone responded that it would. Mr. Cozzarelli began a line of questioning concerning the actual subdivision and variance

requests. Mr. Gaccione objected to Mr. Cozzarelli's questions and stated the applicant's engineer would discuss the actual property subdivision.

Mr. Cozzarelli asked if the existing house would remain or be demolished to which Mr. Lapone answered it would remain.

Mr. Ronald Weiss of 6 Squire Hill Road stood to be heard. Mr. Weiss asked if the stone wall at the patio will remain. Mr. Lapone responded that it will.

Mr. Chuck Stewart, P.E., P.P., P.L.S. of G.C. Stewart Associates, Inc. 204 Eagle Rock Avenue, Roseland New Jersey was presented as the next witness to be heard as both a professional engineer and a professional land surveyor. Mr. Fishbone noted that Mr. Stewart has in the past been accepted by the Planning Board as a professional witness and requested questioning to demonstrate same be waived. The Board agreed. The public was offered the opportunity to question Mr. Stewart on his professional qualifications; no one from the public requested to be heard in this regard.

Mr. Stewart displayed the following document for his presentation:

Major Subdivision Plat, Block 1900 ~ Lot 9, No. 77 Grandview Avenue, Borough of North Caldwell, Essex County, New Jersey, prepared by Charles J. Stewart, P.E., P.L.S., dated September 25, 2017, 1 sheet.

Mr. Stewart first described the subject property's area, dimensions and topography. He then detailed the proposed subdivision of the property into two parcels providing area and dimensions of each proposed lot. Mr. Stewart noted both lots would conform to the required lot size as adjusted for steep slopes.

Chairman Brower invited members of the Board and staff to question the witness.

Mr. Fishbone asked why the proposed subdividing line had an angle to it rather than being straight. Mr. Stewart responded this is to obtain the minimum lot area and that the existing house presented a physical constraint.

Mr. Barba asked if the subdivision layout was to avoid demolishing the existing house. Mr. Stewart responded the applicant wished to keep the structure intact.

Mr. Campbell asked what the setback from the proposed subdivision line of the existing stone wall at the patio is. Mr. Stewart responded approximately 5'.

Mr. Fishbone asked for the height of the stone wall and the response was approximately 30".

Mr. Rees asked Mr. Stewart if the house was not on the property, could two conforming lots be created. Mr. Stewart responded yes.

Mr. Brower raised an issue of setbacks, specifically front and rear yard. Mr. Gaccione responded that the North Caldwell code does not define the front of a house and that the planner will say the western side of the property is a side yard, not the rear yard. Mr. Brower reminded Mr. Gaccione and Mr. Stewart that the plan before the Board identifies the western side of the property as a rear yard with a 22.4' setback.

Mr. Dusinberre asked if Mr. Stewart interprets the location of the front of the exiting house differently than it is alleged the planner will. Mr. Stewart responded that he does.

Mr. Gaccione explained that the relief being sought is for a 22.4' sideyard setback only.

The meeting was opened to the public to question Mr. Stewart on his testimony.

Mr. Ronald Weiss of 6 Squire Hill Road stood to be heard. Mr. Weiss asked if a drainage plan has been prepared. Mr. Stewart responded no.

Mr. Dusinberre advised that a site plan with on-site drainage improvements is required when application is made for a building permit.

Mr. Weiss asked if a topographic study was made. Mr. Stewart responded yes.

Mr. Weiss asked if Mr. Stewart knew that his house is 16' from the common property line with the applicant's property. Mr. Stewart responded no, but he does know it is close.

Mr. Frank Cozzarelli of 7 Squire Hill Road stood to be heard. Mr. Cozzarelli asked if there is a door and walkway on the Squire Hill Road side of the house. Mr. Stewart responded yes. Mr.

Cozzarelli then asked if the front setback to the existing house on the Squire Hill Road side of the property is nonconforming. Mr. Stewart responded yes.

Mr. Cozzarelli asked for and was provided the dimensions of proposed lot 9.01.

Mr. Cozzarelli began a line of questioning concerning lot sizes of adjacent and area properties. Mr. Gaccione objected to Mr. Cozzarelli's questions and stated they are not relevant to the application.

Mr. Cozzarelli asked if the proposed lots are consistent in size with neighboring lots. Mr. Stewart responded the proposed lots are similar, but have a greater width.

Mr. Cozzarelli asked if the plan shows the development area. Mr. Stewart responded yes, the building envelopes are depicted.

Mr. Cozzarelli asked where the driveway will be located on proposed lot 9.02. Mr. Stewart responded the driveway has not been designed. Mr. Cozzarelli asked what the width of Squire Hill Road is. No answer was provided.

Mr. Cozzarelli asked if drainage calculations were performed. Mr. Stewart answered no.

Mr. Rees asked about lot width and was advised it is measured at the front yard setback.

Dr. Spinelli asked if the existing lot was vacant, could two conforming lots be created, Mr. Stewart answered yes. Dr. Spinelli asked if the lot depth of 119.62' depicted on proposed lot 9.01 is at variance with the required minimum of 150'. Mr. Stewart answered yes. Dr. Spinelli asked if the front yard setback from Squire Hill Road to the existing house requires a variance. Mr. Stewart acknowledged a preexisting non-conforming front yard setback.

Dr. Spinelli asked Mr. Stewart what side the front of the house is located. Mr. Stewart answered that his interpretation is the Grandview Avenue side and that is how he drew the plan.

Mr. Brower stated the existing setback from the Squire Hill Road side of the property requires a variance.

Mr. Dusinberre asked if Mr. Steck interprets the front of the house as being on the Squire Hill Road side of the property, what on the submitted plan will change. Mr. Stewart replied that only a side yard setback variance will be required.

Mr. Brower stated that the plan submitted with the application does not represent the argument that Mr. Gaccione advised the planner will make regarding the front of the existing house and that the applicant should have provided the Board with a plan consistent with the variance arguments intended to be made. Mr. Brower informed Mr. Gaccione that the applicant should return to the next hearing with plans that are consistent with the presentation to be made.

Mr. Rees asked that the applicant provide impervious coverage calculations for proposed lot 9.01 for the next meeting.

The hearing was adjourned to December 11, 2017 at 8:00 pm at Borough Hall. Mr. Dusinberre advised the public that no additional notice is required.

Mr. Gaccione waived time restraints on the application.

CITIZENS TO BE HEARD

Chairman Brower opened the meeting for citizens to be heard. There were no comments from the public.

ADJOURNMENT

Chairman Brower requested a motion to adjourn at 9:30 pm. A motion was made by Mr. Campbell and seconded by Mr. Fishbone. All members voted in the affirmative.



Frank Zichelli
Acting Planning Board Secretary