

April 13, 2016

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, April 13, 2016 starting at 8:05pm.

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, Mr. Kearney

Absent: Mr. Shah, Mr. Salan

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

Mr. Schwartz announced to the public that the application of Mr. and Mrs. B. Shron from 39 Estella Avenue, Block 405, Lot 44 would not be heard tonight. The application would be postponed to the May 18, 2016 meeting without further notice on their part due to the fact of improper noticing of one property owner on the 200 foot list.

#### **APPLICATIONS**

##### **MATTER OF MR. & MRS. D. DERIAN, 25 HAMILTON DRIVE WEST, BLOCK 1903, LOT 12**

Mrs. Allysin Derian and Mr. Daniel Derian, Applicants were sworn in.

Mrs. Derian stated the proposed plan is to add an additional two feet in either direction of their front steps. The Board questioned their current setback. Mrs. Derian stated the current setback is approximately 34 feet. The Board asked how long they have lived in their home and the reason why they are looking for the variance. Mrs. Derian stated they have lived in the home for 6.5 years. The steps are most likely the original to the home that was built in 1951. This is the main entrance to their home and they feel this would improve the curb appeal of the property.

The meeting was open to the public without comment.

Mr. Augustitus moved to accept the application as proposed, seconded by Mr. Ritter with all others voting yes.

#### **MEMORIALIZATIONS**

##### **MATTER OF VERONICA AND GARY DEL PIZZO**

**Decided: March 16, 2016**

**Memorialized: April 13, 2016**

**WHEREAS**, Veronica and Gary Del Pizzo (hereinafter referred to as the "Applicant") have 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 283 Mountain Avenue, also known as Lot 1004 in Block 7 in order to construct a covered front porch, second floor addition, rear deck and detached garage. 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

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**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 March 16, 2016; and

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

1. The Applicant, Gary Del Pizzo, and Architect Jerry Bruno were sworn in. Mr. Bruno presented his credentials to the Board and was accepted as an expert witness.
2. Mr. Del Pizzo testified that he has been a landscaper in North Caldwell for 20 years and would like to move to town for the schools. Mr. Del Pizzo stated that he purchased the subject property a year ago with the intention of renovating and moving in. Mr. Del Pizzo stated that the existing home is in disarray and cannot be lived in without renovation.
3. Mr. Bruno testified that the existing cape is in serious disrepair due to the neglect of the previous owner. Mr. Bruno noted that there are many structural defects and other deficiencies with the existing home including that the existing second floor has very low ceilings, the existing sunroom is unsafe, the front porch is crumbling, a new roof is needed, and there is no garage on the property.
4. The Applicant seeks variance approval from the requirements of the Borough Code for the addition to the existing home including: front yard setback (47.5 feet existing/proposed where a minimum of 50 feet is required), left side yard setback (11.80 feet existing/proposed where a minimum of 25 feet is required), and right side yard setback (12.16 feet existing/proposed where a minimum of 25 feet is required). The new detached garage requires a side yard setback variance (5.00 feet proposed where a minimum of 15 feet is required). Mr. Bruno testified that due to the narrowness of the lot it would be impossible to upgrade/renovate the home and meet the Borough's setback requirements.
5. Mr. Bruno testified that the existing lot is very narrow (65 foot lot width) compared to the Borough's standards. The proposed renovations follow the existing footprint of the dwelling, with the exception of adding a covered porch to the front of the dwelling. Mr.

Bruno testified that the proposed porch "squares off" the footprint and does not encroach any further into the front or side yard setbacks than the existing dwelling.

6. Mr. Bruno further testified that the 5 foot side yard setback variance for the garage is also necessary due to the narrowness of the lot to allow the garage doors to face the side line rather than the street as required by Borough Code. Without the reduced side yard setback, there would be insufficient turning radius for vehicle access to the side-facing garage. Mr. Bruno testified that the garage was designed to match the house and will include windows to enhance the view of the neighbors. Landscaping is also proposed to screen the garage from the adjacent neighbor.
7. Mr. Bruno testified that the driveway and parking area will remain in the same location as there is no way to change their location due to the narrowness of the lot.
8. Mr. Bruno testified that the proposed renovation plan was designed to achieve a vintage Caldwell neighborhood look and architectural elements were incorporated to enhance the structure.
9. The matter was opened to the public. Phyllis Antonicello, 238 Smull Avenue, commented that the existing home has been neglected and is in disrepair. Ms. Antonicello stated that other neighbors have been improving their properties and she is pleased with the plan presented by the Applicant.

The Board, in reviewing the above facts and the materials presented at the hearing, finds that the Applicant has met its burden under the Municipal Land Use Law and that the variances requested may be granted without detriment to the zoning ordinance or the master plan as the existing lot is exceptionally narrow and the proposed addition will be constructed over the existing foundation with minimal encroachment by the proposed garage into the side yard setback; and the proposed addition is in keeping with the neighborhood and will enhance the home.

**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 Caldwell and furthermore, the Applicant has

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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 Mrs. Jenkins, the Board unanimously voted to grant the Application of Veronica and Gary Del Pizzo, as submitted, with affirmative votes by Mr. Schwartz, Mr. Ritter, and Mr. Kearney. Accordingly, the Application was approved as submitted.

## **MINUTES**

Mr. Schwartz tabled all of the minutes until the next meeting.

There being no further matters to come before the Board, the meeting was adjourned at 8:17 p.m.

Respectfully Submitted:

  
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Nancy A. Bretzger, Board Secretary