

January 11, 2017

The Reorganizational Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, January 11, 2017 started at 8:08pm.

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. Augustitus, Mr. Kearney, Mr. Floria-Callori, Mr. Ritter

Absent: Mr. Salan, Mrs. Jenkins, Mr. Angelo

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

Mr. Floria was sworn in by Mrs. Lisa Thompson, Esq. Board Attorney.

On a Motion by Mr. Augustitus, seconded by Mr. Ritter, Mr. Wangner was nominated as Chairman. The motion was carried by a unanimous vote, with Mr. Wangner abstaining.

On a Motion by Mr. Ritter, seconded by Mr. Kearney, Mr. Augustitus was nominated as Vice-Chairman. The motion was carried by unanimous vote with Mr. Augustitus abstaining.

On a Motion by Mr. Augustitus, seconded by Mr. Kearney, Mrs. Bretzger was nominated as Board Secretary. The motion was carried by a unanimous vote.

On a Motion by Mr. Augustitus, seconded by Mr. Ritter, Mrs. Thompson was nominated as Board Attorney. The motion was carried by a unanimous vote.

On a Motion by Mr. Augustitus, seconded by Mr. Kearney the 2017 Meeting dates were accepted. The motion was carried by a unanimous vote.

MEMORIALIZATIONS

MATTER OF TONY AND SHEILA FANT Decided: December 21, 2016 Memorialized: January 11, 2017

WHEREAS, Tony and Sheila Fant (hereinafter referred to as the "Applicants") have filed an application for variance relief 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 18 Squire Hill Road, also known as Lot 2 in Block 1900 in order to expand the existing first floor dining room. 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 December 21, 2016; and

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

1. The Applicants, Tony Fant and Sheila Fant were sworn in.
2. The Applicants testified that they propose to expand the existing dining room. The proposed construction follows the existing side yard setback, with no additional encroachment proposed. The addition will be constructed over a portion of an existing patio which will result in a slight reduction in impervious coverage.
3. In response to questions from the Board, the Applicants confirmed that their home was the subject of prior variance approval for extensive renovations. The proposed variance requested is solely for a single-story addition extending approximately 9.5 feet from the rear of the home.
4. The Applicants seek variance approval from the requirements of the Borough Code for left side yard setback (14.63 feet existing /proposed where a minimum of 25 feet is required). The Applicants testified that the proposed addition could not be constructed to conform with the side yard setback requirement due to the existing raised living room within the home, and that it would impossible to expand the dining room and meet the Borough's setback requirements.
5. The matter was opened to the public without comment.

The Board, in reviewing the above facts and the materials presented at the hearing, finds that the Applicants have met their burden under the Municipal Land Use Law and that the variance requested may be granted without detriment to the zoning ordinance or the master plan due to the location of the existing dwelling on the lot and that the proposed addition creates minimal additional encroachment into the side yard setback.

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 Applicants have sustained their 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. Salan, seconded by Mr.

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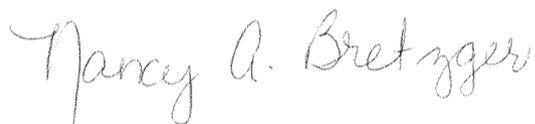
Kearney, the Board unanimously voted to grant the Application of Tony and Sheila Fant as submitted. Mr. Salan, Mr. Kearney, Mr. Augustitus, Ms. Jenkins, Mr. Ritter, and Mr. Wangner, cast affirmative votes. Accordingly, the Application was approved.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 11th day of January 2017, by a majority of the members of the Board present at such meeting and who voted for the action taken on December 21, 2016.

Mr. Ritter moved to accept the resolution in the Matter of Mr. & Mrs. Fant as submitted. Mr. Augustitus seconded the motion, with all other members voting in favor.

There being no further matters to come before the Board, the meeting was adjourned at 8:24 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Nancy A. Bretzger".

Nancy A. Bretzger, Board Secretary