

June 15, 2016

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, June 15, 2016 starting at 8:02pm.

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, Mr. Angelo

Absent: Mr. Shah, Mr. Salan

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

**REQUEST FOR VARIANCE EXTENSION  
MR. WILLIAM FORMOSA, 15 CAMBRIDGE DRIVE, BLOCK 1205, LOT 9**

The Applicant did not attend the meeting and there was no one in attendance on his behalf. A motion was made by Mr. Augustitus to dismiss the Applicant's request for extension of the variance approval. The motion was seconded by Mrs. Jenkins. A vote was taken with all others voting in favor.

**APPLICATIONS  
MATTER OF MR. & MRS. ALFREDO PAULO, 51 FERNDALE ROAD, BLOCK 102,  
LOT 22**

Mr. Alfredo Paulo, homeowner and architect, was sworn in. He presented his credentials to the Board and said he has come before the Board in the past. He was accepted by the Board as an expert witness.

Mr. Paulo explained Ferndale Road has very narrow lots; therefore, requiring a variance for almost any type of renovation. Mr. Paulo stated a front and side yard variance is also required. Mr. Paulo stated that he would like to renovate and update his home. The proposed renovation will increase the home's overhangs by one foot (from two feet to three feet) which applies to all sides of the property. With regard to the height variance, the variance request only applies to a portion of the addition, due to the difficult slope of the property. The Board asked what the current elevation is and Mr. Paulo stated the current elevation is 24 feet 2 inches. The proposed elevation is 24 feet 9 inches which is in compliance with the zoning ordinance. Mr. Paulo stated his family has lived in the neighborhood for 20 years. He feels that they are invested in the neighborhood and would like to continue to raise their family in town. Mr. Paulo reiterated that the variances requested are needed due to the narrowness and slope of the existing lot.

The meeting was open to the public.

Mary Collitto was sworn in. Mrs. Collitto stated Mr. Paulo was the architect used for her plans and was very happy with the results. Mr. Collitto stated her opinion that the design of their renovation will sustain the integrity of the neighborhood and she fully supports the proposed renovation. Mrs. Collitto added that the Paulo's have been wonderful neighbors and she would like them have their variance approved.

Mr. Augustitus complimented Mr. Paulo on both his design and presentation.

Mr. Augustitus moved to accept the Application as proposed. The motion was seconded by Mr. Ritter. A vote was taken with all others voting in favor.

**MEMORIALIZATIONS**

**MATTER OF BRADLEY AND KARI SHRON**

**Decided: May 18, 2016**

**Memorialized: June 15, 2016**

**WHEREAS**, Bradley and Kari Shron (hereinafter referred to as the “Applicant”) have filed an application for a variance 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 39 Estella Avenue, also known as Lot 44 in Block 405 in replace and enlarge the existing deck to the rear of the dwelling. The subject property is located in R2 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 May 18, 2016; and

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

1. Mr. Bradley Shron was sworn in and presented testimony in support of the Application.
2. Mr. Shron described the Application as a proposed replacement and enlargement of the existing deck. The Applicant stated that he moved into the home three (3) years ago. The deck was worn at that time and he has decided to replace the deck with Trex or Trex-like material.
3. Mr. Shron stated that a variance is required for the proposed rear yard setback of twenty four (24) feet where a minimum of thirty (30) feet is required. Mr. Shron stated that the expanded deck will allow his family to use a larger portion of the back yard. Mr. Shron stated that the rear yard is unique in that it is hilly, which limits its use.
4. Mr. Shron further testified that the size of the deck and the adjacent patio were calculated in keeping with the Borough’s maximum impervious coverage standards.
5. Mr. Shron noted that the new trees were recently planted in the rear yard to help screen neighbors’ views.
6. The matter was opened to the public without objection or comment.

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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 variance requested may be granted without detriment to the zoning ordinance or the master plan as the topography of the rear yard limits the use thereof and the encroachment will not negatively impact the rear neighbor as trees have been planted to obscure the view.

**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 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 Mr. Wangner, the Board unanimously voted to grant the Application of Mr. and Mrs. Shron, with the stipulation that the proposed deck and patio shall not increase the percentage of impervious coverage in excess of the percentage as set forth in the Application. Mr. Augustitus, Mr. Wangner, Ms. Jenkins, Mr. Ritter, and Mr. Schwartz voted in favor of the Application. Accordingly, the Application was approved.

Mr. Augustitus moved to accept the resolution in the Matter of Mr. and Mrs. Shron as submitted. Mr. Ritter seconded the motion with all other members approving.

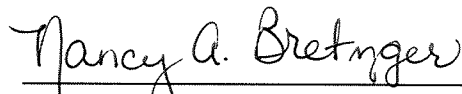
#### **MINUTES**

Mr. Ritter moved to accept the minutes of the Regular Meeting of April 13, 2016, seconded by Mr. Augustitus. Said motion carried unanimously.

Mr. Augustitus moved to accept the minutes of the Regular Meeting of May 18, 2016, seconded by Mr. Ritter. Said motion carried unanimously.

There being no further matters to come before the Board, the meeting was adjourned at 8:36 p.m.

Respectfully Submitted:

  
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Nancy A. Bretzger, Board Secretary