

March 18, 2015

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, March 18, 2015 started at 8:08pm.

The meeting was 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. Schwartz, Mrs. Jenkins, Mrs. DaSilva, Mr. Ritter, Mr. Salan

Absent: Mr. Lisa, Ms. Tanelli

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

APPLICATIONS

MATTER OF MR. MATT LASHER, 40 WHITE OAK DRIVE, BLOCK 602, LOT 4

The Applicant and Architect John Hasley were sworn in. Mr. Halsey presented his credentials to the Board and was accepted as an expert witness. Mr. Halsey described the Application, explaining that it is a single story addition that will be used as a recreation room for the Applicant's children. Upon questioning by the Board, Mr. Halsey stated that the configuration of the existing dwelling does not allow for the proposed addition to be constructed in an alternate location. Mr. Halsey further explained that as the proposed addition will be constructed to the rear of the home, noting that the side yard setback increases as you go further into the rear yard. Mr. Halsey stated that the proposed addition does not present any further encroachment in to the side yard.

The Board questioned if the addition could be narrower. Mr. Halsey explained that anything is possible, but it would not be practical for the Applicant's proposed use. The Board asked if the Applicant considered removing the deck and putting the addition on that side of the house. The Applicant stated that he just put up the deck and an addition on that side of the house.

No one from the public came forward.

Mr. Augustitus made a motion, seconded by Mr. Wangner to accept the Application as proposed. The Application was unanimously approved.

MATTER OF MR. & MRS. WILLIAM FORMOSA, 15 CAMBRIDGE DRIVE, BLOCK 1205, Lot 9

Mr. Formosa and Architect Michael Wozny were sworn in. Mr. Wozny presented his credentials and was accepted as an expert witness.

Mr. Formosa explained that they would like to expand their home to include an extra bedroom and dining room. They are restricted because of the built-in pool in their backyard that was there when they bought the house, so they are not able to build in their backyard.

Mr. Formosa stated he would like to build a front porch in order to astatically make the house fit into the neighborhood.

Mr. Halsey testified that the house is on an inside bending on the street and does not line up with the other homes; therefore, it would not look out of place with the other homes.

No one from the public came forward.

Mr. Ritter made a motion, seconded by Ms. DaSilva to accept the Application as submitted and to include the 2' 8" for the front steps. A vote was taken with all members voting yes.

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MATTER OF MR. & MRS. D. PORRECA, 246 SMULL AVENUE, BLOCK 1004, LOT 20

Mr. David Newkirk was sworn in. Mr. Newkirk is a licensed engineer in New Jersey since 1986. He has appeared before numerous boards in northern New Jersey and has been approved as an expert witness. The Board accepted Mr. Newkirk as an expert witness.

Mr. Newkirk presented revised plan marked as A1 showing the same pool size but no decking. Mr. Newkirk testified that the revised plan has grass around the pool. This now reduces the impervious coverage to 32.5% from 35%. There will be additional seepage pits installed to cover the additional impervious coverage. Because it is a one-story home it has a larger footprint which contributes to the impervious coverage.

Mr. Newkirk further testified that the seepage pit will be relocated from the current location as shown where it is on the drawing at this time, and will be located where a roof leader can be run into the seepage pit.

Mr. Augustitus stated that he was happy that Mr. Porreca took out the decking.

No one from the public came forward.

Mr. Augustitus made a motion, seconded by Mr. Ritter to accept the Application as revised with the seepage pit subject to the review and approval of the Municipal Engineer.

MATTER OF MR. PERKINS, 444 MOUNTAIN AVENUE, BLOCK 606, LOT 2

Mr. Kenneth Perkins stated that they have considered moving the garage back another 15 to 20 feet with DEP approval and twist it slightly. Mr. Perkins further advised the Board that some bushes and evergreens will be installed so you would not be looking directly at the doors. He stated that from the elevation of the garage floor to the elevation of the Knee's property, Mr. and Mrs. Knee will now be looking over the proposed garage.

The Applicant stated that they are willing to put up more evergreens to block the garage and the property from Mr. and Mrs. Knee's view.

Mr. Perkins explained to the Board how he would turn the garage to face less to the street. Mr. Schwartz stated that the board would need to see the revised plans and drawings with the new located placed on the survey.

Mr. Perkins agreed to have a new set of plans drawn up. He was reminded that the revised plans need to be submitted ten days prior to the meeting date.

The Application was adjourned to the May 20, 2015 meeting as Mr. Perkins is unavailable for the meeting scheduled for April.

MEMORIALIZATIONS

MATTER OF MR. AND MRS. J. MARCOTRIGIANO, 16 STONY BROOK DRIVE, BLOCK 905, LOT

MATTER OF JOHN MARCOTRIGIANO AND TARA VERLIN

Decided: February 18, 2015
Memorialized: March 18, 2015

WHEREAS, John Marcotrigiano and Tara Verlin (hereinafter collectively 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

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property located at 16 Stony Brook Drive, also known as Lot 10 in Block 905 in order to construct a patio and walkway around the perimeter of an in-ground swimming pool. The subject property is located in 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 February 18, 2015; and

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

1. John Marcotrigiano and Rick Voss, P.E., L.S. presented testimony in support of the Application. Mr. Voss described his credentials and was accepted by the Board as an expert witness.
2. The Application, as filed, seeks variance relief from Section 107-21.D(9) for impervious coverage of 33.94% where a maximum impervious coverage of 30% is permitted.
3. The Applicant stated that he has obtained permits to install an in-ground swimming pool in the rear yard of his home. The initial permit application included a patio and walkway design with impervious coverage of 35.92%. The initial plan was rejected a revised plan proposing 33.94% impervious coverage was submitted to the Board. The Applicant testified that the proposed patio plan provides for safety and enjoyment of the area around the swimming pool. In addition the proposed plan includes a landscaping plan to enhance the view for his neighbors.
4. Mr. Voss testified that the subject property is unique in that there is a six (6) foot change in elevation from side to side across the rear of the property. The proposed patio/walkway plan includes retaining walls to address the slope.
5. Mr. Voss testified that the Applicant has addressed drainage concerns associated with an impervious coverage variance by including seepage pits on the low side of the rear yard. Mr. Voss further testified that the proposed seepage pits are larger than required to address any drainage concerns, stating that the patio and pool surface area would require only one (1) seepage pit, however the Applicant proposes to install two (2) seepage pits. Mr. Voss stated that the seepage pits are

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five percent (5%) larger than what is required for the proposed impervious coverage area.

6. Upon questioning by the Board, it was determined that the Applicant's existing deck is constructed of cedar with spaces between the decking and grass underneath. Accordingly, it was determined that the calculation of impervious coverage could be reduced by the area of the existing deck. In addition, the Applicant agreed to remove a portion of the proposed patio to further reduce the proposed impervious coverage to 30.44%.

7. The hearing was open to the public without comment.

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 proposed patio / walkway plan, as revised by the Applicant to reflect a total impervious coverage of 30.44%, is *de minimums* in nature and any potential negative impact to drainage in the area is fully mitigated by the extra capacity of the two (2) seepage pits to be located at the subject property.

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. Ritter, seconded by Mr. Augustitus, the Board unanimously voted to grant the Application of John Marcotrigiano and Tara Verlin to reflect a total maximum impervious coverage of 30.44%. Mr. Augustitus, Mr. Lisa, Ms. Jenkins, Mr. Wangner, Ms. DaSilva, Mr. Ritter and Mr. Schwartz voted in favor of the Application. Accordingly, the Application was approved, as revised.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 18th day of March 2015, by a majority of the members of the Board present at such meeting and who voted for the action taken on February 18, 2015.

Mr. Augustitus moved, seconded by Mrs. Jenkins to accept the resolution as amended, with all other members approving, except Mr. Salan who abstained.

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There was discussion on general issues regarding seepage pits, impervious calculations etc. It was decided to discuss these issues at an informal meeting on April 8.

There being no further matters to come before the Board, the meeting was adjourned at 9:20pm.

Respectfully Submitted:

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

Nancy A. Pravata, Board Secretary