

May 20, 2015

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, May 20, 2015 started at 8:04pm.

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: Mrs. Jenkins, Mr. Wangner, Mr. Lisa, Mr. Augustitus, Mr. Ritter, Ms. Tanelli

Absent: Mr. Salan, Mr. Schwartz, Mr. Shah

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

APPLICATIONS

MATTER OF MARIA PEREIRA, 707 MAIN STREET, BLOCK 2103, LOT 8

Mr. Wangner stated this Application is postponed to the June 17, 2015. Board Attorney, Lisa Thompson, stated the reason it is being postponed is due to an issue with improper notice. Ms. Thompson stated no further notice is required of the applicant or property owners that were included in the notice. The issue was that one entity was not included.

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

Mr. and Mrs. Perkins came forward. Mr. Wangner reminded the Perkins' that they are still under oath. Mr. Perkins explained that they submitted the new survey with the garage 26 feet further back and turned a little askewed. Mr. Wangner asked if there was any change to the basic structure as was previously presented to the Board. before. Mr. Perkins stated that the proposed structure itself was unchanged.

Mr. Augustitus complimented Mr. and Mrs. Perkins for making the proposed Application acceptable to everyone.

Mr. Wangner opened the meeting to the public. Mr. Steven Knee stated that he had no objections.

Mr. Augustitus moved to approve the Application based upon the most recent drawings dated April 14, 2015, seconded by Mrs. Jenkins with Mr. Ritter voting no, Mr. Lisa and Ms. Tanelli abstaining and all other Board Members voting yes.

MEMORIALIZATIONS

MATTER OF MR. & MRS. S. WARTSKI, 25 MAPLE DRIVE, BLOCK 1408, LOT 1

MATTER OF SETH WARTSKI
Decided: April 15, 2015
Memorialized: May 20, 2015

WHEREAS, Seth Wartski (hereinafter referred to as the "Applicant") has 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 25 Maple Drive, also known as Lot 1 in Block 1408 in order to construct a partial second floor addition to the existing single family home. The subject property is located in R1 residential zone; 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 April 15, 2015; and

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

1. The Applicant was represented by Jay Lazerowitz, Esq. The Applicant presented testimony in support of the Application, together with his architect, Daniel A. Roma, AIA. Mr. Roma presented his credentials to the Board and was accepted as an expert witness.
2. Mr. Lazerowitz described the existing dwelling which was built in 1964. The Applicant proposes to remodel the interior of the dwelling to include a new first floor lay-out, including a new kitchen, bathroom and dining room. The Applicant seeks approval to construct a 550 square foot partial second floor addition to include a new master bedroom and bathroom.
3. The Applicant seeks a variance from Section 107-21(D)(6) of the Borough Code for side yard setback (16.4 existing and proposed where a minimum of 25 feet is required).
4. Mr. Roma testified that the existing dwelling is located on irregular shaped, yet oversized lot (28,975 square feet where a minimum of 21,875 square feet is required). The front corner of the dwelling is located 16.4 feet from the side lot line, with the rear of the dwelling located 29.5 feet from the lot line. The existing location of the dwelling creates the side yard setback encroachment.
5. Mr. Roma further testified that the Applicant proposes to construct a partial second floor addition without expanding beyond the existing footprint. The addition will not protrude any further into the side yard.
6. The Applicant and his Architect testified that the proposed addition is in keeping with the character of the neighborhood. The Applicant testified that the addition is part of an overall upgrade to the home, which has stood vacant for approximately a year.
7. The matter was opened to the public without comment.

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

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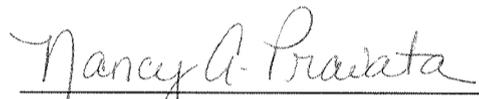
Caldwell and furthermore, the Applicant has sustained his burden of proof that a hardship exists to permit granting the relief requested. Therefore, on a motion by Mr. Ritter, seconded by Mr. Wangner, the Board hereby grants the Application of Seth Wartski, as submitted. Mr. Ritter, Mr. Wangner, Ms. Jenkins, Mr. Shah, Mr. Schwartz and Ms. Tenelli voted in favor of the Application.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 20th day of May, 2015, by a majority of the members of the Board present at such meeting and who voted in this matter at the meeting held on April 15, 2015.

Mr. Ritter moved to accept the resolution as drafted, seconded by Mrs. Jenkins, with Mr. Lisa and Mr. Augustitus abstaining and all other Board Members voting yes.

There being no further matters to come before the Board, the meeting was adjourned at 8:16pm.

Respectfully Submitted:



Nancy A. Pravata, Board Secretary