

The Meeting of the North Caldwell Board of Adjustment was held via video/teleconference on Wednesday, May 20, 2020 starting at 8:06pm.

Chairman Wangner announced that 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. Salan, Mr. Curcio, Mr. Floria-Callori, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, Mr. Sceppaguercio, Chairman Wangner. Mr. Rentzis was absent. Also present were Lisa Thompson, Esq., Board Attorney, and Tami Michelotti, Zoning Board Secretary.

Mr. Wangner asked Mr. Sceppaguercio to lead the Pledge of Allegiance.

APPLICATIONS

Ms. Renee Paladino – 711-713 Main Street, Block 2103, Lot 7 - Use Variance (*adjourned from December 18, 2019 meeting*)

Ms. Thompson stated that the Application would be adjourned to the next meeting on June 17, 2020. She noted that no further notice is required.

Mr. Jack Corradino – 5 Vale Place, Block 800, Lot 13 - Rear Yard Setback Variance, Lot Coverage (continued from April 22, 2020 meeting)

Mr. Veteri, attorney for the Applicant, came forward. He offered an update regarding drainage concerns and information regarding the effect of the roof overhangs on lot coverage.

Mr. Veteri stated that permitted drainage work was performed on the property in the past and noted that the Application has a revised lot coverage request of 34.8%. He confirmed that the side-yard setback distance remained unchanged but noted the distance from the patio to the rear yard setback is 49.2 feet where 50 feet are required.

Mr. Troia stated that the revised proposed square footage calculation is 9,873 square feet or 34.78% lot coverage. He added that there is an increase of 245 square feet from calculations presented at the last meeting due to the inclusion of the roof overhangs. Mr. Troia referred to Sheet A000 for the updated coverage calculations. Mr. Troia stated that the dog run is not included as the tarp and turf have been removed to ensure a fully pervious area. Mr. Veteri referred to Mr. Ferriero's secondary review correspondence and stated that the testimony answers questions #1 and #2. He added that the variance now sought is for 34.78% lot coverage where 30% is the maximum permitted in this zone. Mr. Veteri stated that Mr. Egerian will address the drywell calculations, noting that the proposed well will accommodate the increase of 1,113 feet in impervious coverage.

Mr. Egerian stated that since the last meeting, he reviewed the pool, patio and upper patio with respect to lot coverage and the stormwater management system. He stated that he was able to obtain the engineer's drawings and added that the plans include two seepage tanks were sized in accordance to the storm water management criteria of the Borough. He stated that the plan provides adequate storage for the impervious area around the pool and the patio. He added that the stormwater runoff from the patio area is being managed in a way that is consistent with Borough requirements and added that there is no detrimental impact to the adjacent properties. He stated the proposed garage addition and the stormwater plan were revised to include the roof overhangs and noted that the net increase in impervious coverage is 1,358 square feet. He described that the capacity for storage is approximately 340 cubic feet and the drywell detail on the provided plan is 285 feet. He added that this project will have no impact on the neighboring properties as stormwater will be rerouted underground.

Mr. Wangner asked if the drains were installed at the same time that the pool was installed. Mr. Egerian stated the drains are typically installed as required by permit at that time of construction. He added that he has picture evidence of the seepage pits being installed. Mr. Wangner referred to a neighbor's testimony regarding drainage issues occurring only after the Applicant's pool was installed and asked Mr. Egerian if the drains were functioning. Mr. Egerian stated that he could not testify to the condition of the existing functionality but noted that he would assume that it is working satisfactory since the project was rather recent.

Mr. Floria-Callori asked Mr. Egerian if the permits for previous improvements were all closed. Mr. Egerian stated that he has no knowledge about the permits but noted that the seepage pit volumes were correct on the plans. Mr. Floria-Callori asked about the locations of the existing and proposed seepage pits as they relate to the topography of this site. Mr. Egerian stated that he did not have any topographic information on that portion of the lot but noted that the proposed seepage pit will be located directly behind the driveway with the same elevation as the existing driveway. Mr. Floria-Callori asked how the driveway's elevation relates to the rear of the property. Mr. Egerian referred to the plan and stated that the rear of the property slopes up from there.

Mr. Wangner asked Mr. Ferriero about item #3 on his report to the Board, "It is recommended that a drywell be provided for the increased lot coverage since it exceeds the amount permitted in the zone. The drywell should be designed for three (3) inches of runoff from the new impervious surface." Mr. Ferriero explained that the existing drywells can be inspected for their functionality when the new work is being completed if the Application is approved. Mr. Wangner expressed concern regarding a neighbor's testimony that stormwater runoff problems began after the pool and seepage pits were installed. Mr. Ferriero stated that if the Board approves the Application, he would recommend proper functioning of the existing drywells be a condition of the approval. He recommended that the total volume of stormwater storage on the site, including the drywells that have been installed in addition to the proposed drywells, manage runoff in relationship to the increased lot coverage. He noted that the permitted coverage is 8,515 square feet, the proposed is 9,873 square feet, and the difference should be managed by the combination of existing and new drywells on the site. Mr. Ferriero stated that three (3) inches per square foot is required by ordinance as in common among other municipalities.

Mr. Veteri stated that they are confident that the system Mr. Egerian has designed will meet the code of North Caldwell and satisfy the Board Engineer. He added that they reviewed past permits for this property and noted that they were all closed out and more than likely reviewed by Mr. Frank Zichelli, the former Borough Engineer.

Mr. Wangner opened the meeting to the Board for any questions or observations. Mr. Sceppaguercio stated that stormwater detention should be a condition of approval given the concerns expressed by the neighbors. Mr. Curcio stated his agreement with Mr. Sceppaguercio. Mr. Roth asked Mr. Veteri when Mr. Corradino would make his property accessible for the Zoning Board members to visit the site. Mr. Veteri stated that there is no opposition in making the property accessible to the Board and would speak to the Applicant and provide dates.

Mr. Floria-Callori asked if the pool permits were completed and closed out. Mr. Veteri stated that according to his understanding, the permits were closed. He added that if any permits were still open that they will make sure they are closed out as soon as possible. Mr. Floria-Callori asked Mr. Ferriero if the existing and proposed drywells are located properly on the property. Mr. Ferriero stated that location of the inlets and the areas that are tributary to those drywells are more important. He stated that he will review the drywells to ensure they are properly located. Mr. Floria-Callori asked if the Application was updated to include the covered patio which violates the rear setback. Mr. Veteri stated that it was updated to reflect a distance of 49.25 feet where 50 feet is required. Mr. Floria-Callori stated that the plans were updated but the Application was not. Mr. Troia referred to the site plan and explained that the encroachment of the proposed addition is greater than the existing patio.

Mr. Michelotti stated that he concurs with the other Board members regarding the stormwater runoff issues. Mrs. Jenkins asked if the shed was necessary since the new garage would provide extra storage. She noted that she obtained permission to walk the property after contacting the owner. She noted her appreciation for the consideration for stormwater runoff in the proposed plans. Mr. Veteri stated that the Applicant uses the shed for lawn mowers and gasoline that he does not want to keep in the garage. Mr. Veteri added that the shed is newly erected and the Applicant would like to maintain it. He offered that landscaping can be added as screening for the shed. Ms. Jenkins stated that the shed appears out of place in its current location.

Mr. Salan asked if the fountain in front of the home is included in the impervious coverage calculation. Mr. Troia stated that the fountain is not included in the impervious coverage calculation as it is considered a landscape feature exempt from lot coverage calculation. Mr. Salan asked if the fountain is made of concrete. Mr. Troia stated that it is made of stone but noted that it is not included in the coverage.

Mr. Wangner opened the meeting to the public for any questions or comments.

Michael and Lori Etkin from 3 Vale Place came forward and were sworn in. Mr. Etkin stated that he is Mr. Corradino's next-door neighbor. He requested clarity regarding the installation of drainage remedies when the pool was renovated. Mr. Egerian stated that according to the engineering plans for the pool renovation project, seepage tanks were installed in accordance with the drainage requirements. Mr. Egerian offered that a stipulation of Application approval, an inspection can be done to verify that the operation of the existing system is functional. Mr. Etkin stated that after a significant rainfall since the pool renovation, his property suffered costly flood damage in their basement for the first time after 25 years of living there. He stated that stormwater entered the upside of the property and requested that conditions be mandated to correct this issue if the Application is approved. Mr. Veteri asked if the flood occurred on August 11, 2018 which was a unique flood for many. Mr. Veteri stated that the public's concerns are noted and taken seriously. He added that the Applicant may not be able to solve all issues but that no new issues will result from the proposed plans.

Mrs. Etkin explained that their insurance claim was denied after an adjuster identified the point of water entry into their basement as Mr. Corradino's pool which overflowed. She stated that they never had a drop of water in their basement before that time and added that they have since installed a sump pump. Mr. Etkin stated that he appreciates the severity of that storm and noted his satisfaction that drainage issues are treated seriously. Mr. Etkin stated that they have not experienced any similar issues since installing a sump pump. He added that the water flow down his property onto Mr. Erlich's property has been a constant problem that needs to be addressed. He stated that changes to Mr. Corradino's property contribute to increased water flow onto his property. Mr. Ferriero stated that he was not aware of those issues and noted the need to check the functionality of the existing drywells. Mr. Wangner stated that the existing drainage system should be reviewed to make sure that it is functioning properly. Mr. Etkin stated a concern with Mr. Corradino's dogs and requested that the dogs stay fenced in on the property during construction, especially if the gates are opened. Mr. Veteri stated Mr. Etkin's concern is understood.

Mr. Jerry Ehrlich from 1 Vale Place came forward. Ms. Thompson reminded Mr. Ehrlich that he was still under oath from the previous meeting. Mr. Ehrlich stated that his property floods with every rainfall. He explained that he installed an eight (8) inch pipe with a grate to collect the water and bring it to the street which he noted cost over \$10,000. Mr. Ehrlich introduced photos to present to the Board during his testimony. He referred to Photo 01 taken one month prior which depicted the level of water and mud around his filter and heater which were recently replaced. He explained Photo 02 which showed the northern side of his backyard where the water flows from the Corradino property through the Etkin's property and onto his. He noted that the metal grate in the photo is a catch basin which gets clogged with mud and makes the pipe nearly impossible to clear. Mr. Ehrlich referred to Photo 03 and 04 depicting the flow of water from Mr. Etkin's yard. Mr. Curcio referred to Photo 04 and asked how long the yard has been in that condition. Mr. Ehrlich stated that it has been this way for the last three to four years. Mr. Curcio asked Mr. Ehrlich if water flowed onto his yard prior to the last nine years. Mr. Ehrlich answered that he has lived there for almost 28 years and drainage had not been an issue until Mr. Corradino's construction. Mr. Ehrlich stated yes and explained that the previous owner's pool was smaller and closer to the house without the large deck. Mr. Ehrlich referred to Photos 05, 06, and 07 to explain the water flow situation on his property. Mr. Floria-Callori asked for confirmation of the location of the Ehrlich's property and the Corradino property. Mr. Ehrlich explained Photo 08 showing his pool with muddy water.

Mr. Wangner asked Mr. Ehrlich if he ever spoke to the Borough Engineer about the problem. Mr. Ehrlich stated that he spoke to the previous engineer but asked for a site visit to view how stormwater flow is being diverted onto his property. Mr. Wangner asked Mr. Ferriero if he could look at Mr. Ehrlich's property when he visits Mr. Corradino's property. Mr. Ferriero stated that he can perform an inspection.

Mr. Wangner asked if there were any more questions or comments from the public. There were no other questions or comments from the public. Mr. Wangner opened the meeting to the Board for any questions or comments. Mr. Sceppaguercio stated that the drainage should be a condition of the approval. Mr. Curcio stated appreciation for testimony from Mr. Ehrlich and Mr. Etkin and added that their concerns should be a condition of the Application approval. Mr. Roth asked if Mr. Ferriero has been to the site. Mr. Ferriero confirmed that he had not yet been to the site but added that he would like to visit the site to ensure proper functioning of stormwater detention. He added that he will review the adjoining properties for potential improvements. Mr. Roth stated that he would visit the property, review the existing plans, try to delineate the location of the drywells, and assure that the dog run has been changed. He added that those steps are important prior to the Board casting votes. Mr. Floria-Callori stated that any motion should have stringent

conditions and oversight by the Borough Engineer to reduce any impact that development has on neighboring sites. Mrs. Jenkins stated her concern about the runoff and the dog situation and added that the Borough Engineer should be diligent about the drywells. Mr. Salan stated his concern for the water runoff and the issues that the neighbors are having. He noted that water is an issue in the Borough and added that people are concerned with remediating drainage problems. Mr. Wangner suggested that the Board and the Borough Engineer visit the property and the impact on the neighboring properties prior to a vote. Mr. Salan, Mrs. Jenkins, and Mr. Michelotti stated their agreement. Mr. Floria-Callori stated that he is conflicted as he already took the opportunity to visit the site and understands that the Applicant and his professionals are working in good faith to develop the site to maintain or improve the existing conditions. He added that he believes that any approval granted would be subject to the Borough Engineer's approval. Mr. Roth stated his agreement with Mr. Salan's comments and noted the Board's duty to alleviate some of the neighbor's concerns. Mr. Curcio offered to visit property in an effort to improve the current situation. Mr. Sceppaguercio added that there exists an opportunity to fix the current problems. He noted the importance of the Borough Engineer's review of the property and his expert opinion.

Mr. Wangner stated that the Board needs to inform themselves with a site visit. Ms. Thompson asked Mr. Veteri if the Applicant would allow the Borough Engineer and Board members to view the site before a vote is taken. Mr. Veteri stated that the Applicant would cooperate but noted recent historic drainage problems as well as significant slopes in the area. He added that the Applicant would prefer to build conditions into a resolution but stated that he will accommodate site visits by the Board and Borough Engineer and adjourn the hearing to the following month.

Ms. Thompson announced that testimony was complete and the Board will have to deliberate based on what is viewed during the site visit. She added that the hearing is closed and will be adjourned to allow for further deliberation by the Board. Mr. Veteri stated that the Applicant had no further testimony and added that drainage is understood as an outstanding issue. He further added that they have put together an elegant plan that would fit nicely on the street and noted that the setback issues arise from the placement of the house on the property. He noted that the Applicant will cooperate with the Board's site visit request. Ms. Thompson confirmed that deliberation will be adjourned until the next Board Meeting on June 17th, 2020 at 8:00pm and added that no further notice is required.

Mr. Steven Meserlian – 264 Park Avenue, Block 1103, Lot 3 - Side Yard Setback Variance

Mr. Meserlain came forward and was sworn in. Mr. Meserlian stated that his home currently has a front facing garage and that he proposes a renovation to extend the garage while maintaining a 29-foot side yard setback. He explained that the proposed garage alters a pre-existing, non-conforming condition. He noted that the requested variance is not for a side-yard setback issue. Mr. Meserlain noted that the zoning denial letter states that a variance is needed for the expansion of the non-conforming garage doors. He confirmed that the proposed garage will also face the street. Mr. Floria-Callori asked if the structure will be expanded into the side yard. Mr. Meserlain stated that the structure would expand to the left when looking at the house. He added that the new structure will be 29 feet from the side yard where the setback is 25 feet. He explained that the proposed structure will remain a two car garage with an additional entrance into the house with a mudroom. Mr. Meserlain stated that the neighbor directly across the street has a front-facing garage.

Mr. Floria-Callori asked if any hardships exist that would prevent a conversion of the front-facing garage to a side-facing garage. Mr. Meserlian described the downward sloping property and noted that driveway would be closer to the property line. He added that there could be stormwater runoff onto the neighbor's property where the neighbor's home is located close to the property line. Mr. Curcio asked if the tree on the left side of the house near the mailbox would have to be removed. Mr. Meserlian stated that he would like to keep it if possible. Mr. Wangner noted that the impervious coverage calculation is under the maximum.

Mr. Meserlian stated that he lived in the house as a child with his family but does not currently reside there. He noted that his father who owned the home passed away about two (2) years ago. Mr. Meserlian confirmed that no one currently lives on the property but added that he visits once a week to keep up with the property.

Mr. Wangner asked if the Board had any questions. There were no questions or comments from the Board. Mr. Wangner opened the hearing to the public for any comments or questions.

Ms. Irene Yezhov from 266 Park Avenue came forward. Ms. Yezhov stated that she lives directly next door on the left side of the Applicant's property. She stated she had no objection to the project. Mr. Wangner asked if she has had any runoff problems. Ms. Yezhov stated that it is usual water that comes through the front and backyard from the slope of the property lines. She confirmed that the runoff is normal for the neighborhood and is not getting into the house.

Mr. Ryan Broderick from 262 Park Avenue came forward. Mr. Broderick stated that he lives on the other side of Mr. Meserlain and added that he does not have any objections and is comfortable with the project.

No one else from the public came forward. Mr. Wangner closed the meeting to the public and opened it to the Board for any comments or questions. Mr. Floria-Callori asked for confirmation that the proposal expands the structure closer to the side yard by 10 feet and adds one additional garage door. Mr. Meserlain stated that he is not adding an additional garage door and it will remain a two-car garage. Mr. Floria-Callori asked if the proposal is subject to a drywell due to an increase in impervious surface. Ms. Thompson stated that the proposal is well under the maximum impervious coverage but noted that a review by Mr. Ferriero can be a condition of the approval.

Mr. Floria-Callori made a motion to approve the Application subject to the review of any additional stormwater measures as may be requested by the Borough Engineer. The motion was seconded by Mr. Curcio. Said motion was passed with seven affirmative votes by Mr. Floria-Callori, Mr. Curcio, Mr. Salan, Mrs. Jenkins, Mr. Michelotti, Mr. Roth and Chairman Wangner.

APPROVAL OF MINUTES

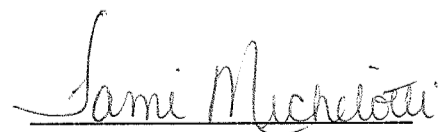
Mr. Floria-Callori made a motion to accept the minutes of the Board Meeting of April 22, 2020. The motion was seconded by Mr. Curcio. Said motion was passed with seven affirmative votes by Mr. Floria-Callori, Mr. Curcio, Mr. Salan, Mr. Michelotti, Mr. Roth, Mr. Sceppaguercio and Chairman Wangner.

Mr. Wangner suggested that the Board members review the pending overlay ordinance introduced by the Governing Body regarding the Green Brook Country Club property. Mrs. Michelotti stated that the public hearing for the ordinance was postponed pending a revision and re-introduction.

Mr. Wangner noted that the Board has granted conditional approvals in the past with most regarding drainage issues. He suggested that the Board receive more information within the application process to avoid conditional approvals. Ms. Thompson added that Mr. Ferriero is reviewing the application process, hearing preparation and engineer responsibility for greater efficiency. Mr. Roth suggested that previous work permit history be included in the application review. Mr. Floria-Callori requested topography and stormwater reviews. Ms. Thompson suggested that the Board submit any suggestions to Mr. Ferriero for consideration.

There being no further matters to come before the Board, Mrs. Jenkins made a motion to adjourn the meeting, seconded by the Board. Said motion passed unanimously. The meeting was adjourned at 10:23pm.

Respectfully Submitted,



Tami Michelotti

Zoning Board Secretary