

The Meeting of the North Caldwell Board of Adjustment was held via teleconference on Wednesday, June 17, 2020 and began at 8:04pm.

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. Curcio, Mr. Floria-Callori, Mr. Michelotti, Mr. Roth, Chairman Wangner. Mrs. Jenkins joined the meeting at 8:20pm. Mr. Salan, Mr. Sceppaguercio, and Mr. Rentzis were absent. Also present were Lisa Thompson, Esq., Board Attorney, and Tami Michelotti, Zoning Board Secretary.

Mr. Wangner asked Mr. Curcio 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 July 15, 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 May 20, 2020 meeting)

Ms. Thompson stated that the Application would be adjourned to the next meeting on July 15, 2020. She noted that no further notice is required.

RESOLUTIONS

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

Mr. Roth suggested that the location of properties of members of the public could be better clarified during testimony.

MATTER OF STEVEN MESERLIAN

Decided: May 20, 2020

Memorialized: June 17, 2019

WHEREAS, Steven Meserlian (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 264 Park Avenue, also known as Lot 3 in Block 1103 in order to expand the garage with existing front facing garage doors. 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 May 20, 2020; and

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

1. Mr. Steven Meserlian was sworn in and described the Application, stating that his home currently has front facing garage doors and that he proposes a renovation project to extend the garage with a 29-foot side yard setback. He further explained that the proposed garage alters a pre-existing, non-conforming condition, noting that he is not seeking a variance for a side-yard setback, only for the expansion of the garage with pre-existing, non-conforming front facing garage doors.
2. The Applicant confirmed that the existing structure will be expanded into the side yard but will be twenty-nine (29) feet from the side yard where the minimum required setback is twenty-five (25) feet.
3. The Applicant testified that the proposed structure will remain a two-car garage but will add an entrance into the house with a mudroom.
4. The Applicant further testified that the neighbor directly across the street has a front-facing garage.

5. Upon questioning from the Board concerning the existing hardships, the Applicant stated that the property slopes downward and noted that changing to a side entry garage would move the driveway closer to the property line. The Applicant further stated that moving the driveway closer to the property line could create storm water runoff onto the neighbor's property noting that the neighbor's home is located close to the property line.
6. In response to questions from the Board concerning the removal of trees, the Applicant stated that he would like to keep the trees, if possible.
7. The Applicant testified that he lived in the home as a child with his family but does not currently reside there. He noted that his father owned the home and passed away approximately two (2) years ago. The Applicant confirmed that no one currently lives on the property but that he visits once a week to keep up with property maintenance.
8. The hearing was opened to the public for any comments or questions.
9. Ms. Irene Yezhov, 266 Park Avenue, was sworn in and stated she lives directly next door on the left side of the Applicant's property. She stated she has no objection to the project. Upon questioning from the Board, Ms. Yezhov stated that it is usual water that comes through the front and backyard from the Applicant's due to the slope toward her property. Ms. Yezhov confirmed that the runoff she experiences is normal for the neighborhood and is not getting into her house.
10. Mr. Ryan Broderick, 262 Park Avenue, was sworn in and stated that he lives on the other side of the Applicant's property from Ms. Yezhov. He added that he does not have any objections and is comfortable with the project.
11. With no further comments from the public, the public hearing was closed.
12. Upon questioning by the Board, the Applicant testified that he does not propose to add an additional garage door and it will remain a two-car garage.
13. Upon questioning from the Board concerning whether the proposal is subject to a drywell due to an increase in impervious surface, it was noted that the proposed expansion is well under the maximum impervious coverage requirements, but it was suggested that a review by Municipal Engineer could be a condition of any approval.

NOW, THEREFORE, BE IT RESOLVED that based on the facts as found above, the Board finds that the front facing garage variance 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 his burden of proof that a hardship exists due to the existing conditions on the lot, and inability to move garage doors from front of dwelling without potentially impacting adjacent neighbor's property, and that the benefits of granting the relief requested substantially outweigh the detriments. Therefore, on a motion by Mr. Floria-Callori, seconded by Mr. Michelotti, the Board unanimously voted to grant the Application of Steven Meserlian, as submitted, subject to the review and approval of Borough Engineer to review and address any potential storm water impacts.

Mr. Curcio made a motion to approve the resolution, seconded by Mr. Floria-Callori. A vote was taken and the resolution was approved with five affirmative votes by Mr. Curcio, Mr. Floria-Callori, 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 May 20, 2020 with one grammatical revision. The motion was seconded by Mr. Curcio. Said motion passed unanimously with five affirmative votes by Mr. Floria-Callori, Mr. Curcio, Mr. Michelotti, Mr. Roth, and Chairman Wangner.

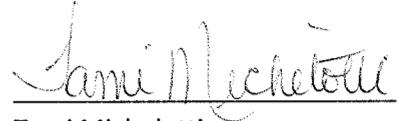
Mr. Floria-Callori announced that an Application to the Planning Board by 21-25 Bloomfield Avenue, LLC was scheduled for June 29th at 8:00pm. He noted that the Application was heard by the Zoning Board the year prior which resulted in a denial.

Ms. Jenkins joined the meeting at 8:20pm.

The future of continued virtual meetings was discussed. Ms. Michelotti indicated that the Borough Council, administration and Board members would have input on determining a return date for in-person meetings.

There being no further matters to come before the Board, Mrs. Jenkins made a motion to adjourn the meeting, seconded by Mr. Curcio. Said motion passed unanimously. The meeting was adjourned at 8:23pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Tami Michelotti". The signature is written in dark ink and is positioned above a horizontal line.

Tami Michelotti

Zoning Board Secretary