

August 21, 2019

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, August 21, 2019 starting at 8:01pm.

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. Wangner, Mr. Augustitus, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, Mr. Curcio, Mr. Tilton

Absent: Mr. Floria-Callori, Mr. Salan

Also present were Lisa Thompson, Esq., Board Attorney and Tami Michelotti, Zoning Board Secretary.

Chairman Wangner asked Mr. Tilton to lead the Pledge of Allegiance.

APPLICATIONS

Ms. Nancy McVey, 34 Ferndale Road – Block 101, Lot 11

Michael and Nancy McVey from 34 Ferndale Road were sworn in. Ms. McVey stated that they have lived in North Caldwell for over 33 years and that her existing home does not comply with the current side yard setbacks. She further explained that they had a deck built off the back of the house in 1988 which required a variance. Ms. McVey added that they would like to demolish the deck and build a room in the same footprint. In response to a question from the Board, Ms. McVey confirmed that the new room would be one floor and occupy the same footprint as the existing deck. She stated that it would be used as a bonus room or second family room.

Mr. Wangner noted a revised denial letter changing the proposed left side yard setback to 11.79 feet. In response to questions from the Board, Ms. McVey stated that the neighbor's dwelling is as close to the joint property line as their house is. Mr. Wangner stated that the properties on the street run deep but are close together. In response to questions from the Board, Ms. McVey stated that the addition will not be visible from the street. She stated that her property is 180 feet deep and the addition would be 102.7 feet from the rear property line.

Mr. Wangner asked if there were any more questions or comments from the Board. There were no further comments or questions. The hearing was opened to the public without comment.

Mr. Augustitus made a motion to accept the Application as proposed with the corrected side yard setback of 11.79 feet. The motion was seconded by Mr. Roth.

Mr. Wangner reopened the hearing to the public acknowledging the arrival of Mr. Dan Gallagher from 36 Ferndale Road, neighbor of the Applicant, at 8:09pm. Mr. Gallagher was sworn in. He stated that he does not have any opposition to the proposed addition which would face his property and noted that he hopes they receive the approval from the Board.

Mr. Wangner asked if there were any more questions or comments from the public. No one from the public came forward.

Mr. Augustitus renewed his motion to accept the Application as proposed with the corrected side yard setback of 11.79 feet. The motion was seconded by Mr. Roth. A vote was taken and the application was unanimously approved with affirmative votes by Mr. Augustitus, Mr. Roth, Mrs. Jenkins, Mr. Michelotti, Mr. Wangner, Mr. Curcio, and Mr. Tilton.

Ms. McVey stated that the project is already delayed due to an error in publishing the public notice. She asked if her contractor is now able to apply for the necessary permits. Ms. Thompson stated that their contractor can apply for the permits and noted that the building department has twenty days to review. She stated that the Resolution would be approved at the next Board of Adjustment Meeting and suggested that Ms. McVey speak with the Building Department and Construction Official for guidance.

Ms. Maria Pereira, 707 Main Street – Block 2103, Lot 9

Ms. Maria Pereira from 110 Prospect Street, Clark, NJ, Ms. Eyleen Faust from 390-1/2 Ringwood Avenue, Wanaque, NJ and Mr. Gerald Novak, Architect, from 46 Commerce Road, Cedar Grove, NJ were sworn in. Mr. Novak was accepted by the Board as an expert witness.

Mr. Novak stated that the Application is for a new tenant in the space previously occupied by a bathtub reglazing company in Ms. Pereira's building on the corner of Main Street and Hillside Avenue. Mr. Novak explained that Ms. Faust would like to use the space to tutor school-aged children. Mr. Novak stated that the Board is aware of the parking issue and drop-off zone associated with this building. He stated that parking was not an issue with the last tenant and noted will be less intense with Ms. Faust's use of the space compared to that. He added that Ms. Pereira has made improvements to the building's available onsite parking by working with her current tenants. Mr. Novak explained that there are six parking spaces occupied by the residential tenants in the last Application. He further explained that the current residential tenants' parking spaces are vacant during the day and added that Ms. Pereira would like to make these spaces available during the day for use by the retail storefront.

Mr. Wangner asked if the designated parking spaces are included in the tenant's lease agreement. Ms. Pereira stated that the residential tenants primarily use the parking spaces at night, after work. She stated that Ms. Faust will primarily be using the space on weekends for her classes and only for two to three hours during the week. Ms. Pereira explained that Ms. Faust will be designated a parking spot in the lot and children will be dropped off in the drop off zone located on Hillside Avenue.

Ms. Pereira further stated that the residential parking spots are not included in the lease agreement for the residential tenants. In response to a question from the Board, Ms. Faust stated that it would only be herself most of the time but that she may be accompanied by one other person who may or may not have a car. Ms. Pereira stated that the parking spots on Hillside Avenue are not filled during the day. Ms. Pereira further stated that there is a total of seven spots, of which four or five are being used by residents, leaving two spare spots.

Ms. Faust explained that she would tutor off-site at Grandview School during the week after 3:00pm. She further explained that she would use the space on Saturdays to tutor four to five children for an hour class. She noted that there would be about two classes per day and confirmed that parents typically drop off their. She added that the space would be used from around 9:00am – 1:00pm on Saturdays.

In response to questions from the Board, Ms. Faust stated that she will meet the children outside and escort them into the building. The children are typically 1st through 5th graders between the ages of six and eleven. Mr. Novak stated that the intersection near the location is busy which makes it difficult to drive above 25 miles per hour. With regard to signage, Ms. Faust stated that she will most likely have a paper sign in the window.

In response to a request from the Board, Mr. Novak stated that he will have an updated survey submitted to the Board. The hearing was opened to the public without any questions or comments.

Mr. Augustitus made a motion to accept the Application as proposed. The motion was seconded by Mr. Michelotti. A vote was taken and the Application was unanimously approved with affirmative votes by Mr. Augustitus, Mr. Michelotti, Mrs. Jenkins, Mr. Roth, Mr. Wangner, Mr. Curcio, and Mr. Tilton.

MEMORIALIZATIONS

Mr. & Mrs. Gerald Crum, 13 Maple Drive - Block 1408, Lot 7
REQUEST FOR EXTENSION OF VARIANCE

MATTER OF GERALD and NATALIE CRUM
Extension of Approval

WHEREAS, Gerald and Natalie Crum (hereinafter referred to as the “Applicant”) received variance approval from the Borough of North Caldwell Zoning Board of Adjustment (the “Board”) on June 20, 2018 with regard to property located at 13 Maple Drive also known as Lot 7 in Block 1408 as shown on the tax maps of the Borough of North Caldwell in order to construct a one-story addition to the rear of the existing home; and

WHEREAS, the Applicant sought approval to extend the period of time within which to commence construction at the Board’s July 24, 2019 regular meeting; and

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

1. The Applicant seeks an extension of the approval granted by the Board on June 20, 2018 (and memorialized on July 18, 2018);
2. The Applicant’s delay in commencing construction was due to circumstances outside the Applicant’s control. The Applicant does not request or propose any changes to the approved application and plans.
3. The Board finds that the Applicant has provided a sufficient basis to grant the relief requested.

NOW, THEREFORE, BE IT RESOLVED that based on the facts as found above, the Board finds that the Applicant has presented sufficient basis to grant the extension requested. Mr. Salan made a motion to accept the Applicant’s extension of variance request. The motion was seconded by Mr. Floria-Callori. The Applicant’s extension request was granted with affirmative votes by Mr. Wangner, Mr. Floria-Callori, Mrs. Jenkins, Mr. Roth, and Mr. Salan. Mr. Michelotti abstained.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 21st day of August 2019, by a majority of the members of the Board present at such meeting and who voted for the action taken on July 24, 2018.

ALL THOSE IN FAVOR: Mr. Wangner, Mrs. Jenkins, Mr. Roth

ALL THOSE OPPOSED: --

ABSTAIN: Mr. Augustitus, Mr. Michelotti, Mr. Tilton, Mr. Curcio

ABSENT: Mr. Salan, Mr. Floria-Callori

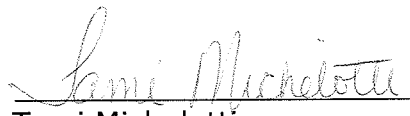
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Review of Zoning Ordinances

The Zoning Board reviewed five new zoning ordinances recently approved by the Planning Board and Mayor and Council with no issues raised.

There being no further matters to come before the Board, Mr. Augustitus made a motion to adjourn the meeting, seconded by Mr. Curcio. Said motion passed unanimously. The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,



Tami Michelotti
Zoning Board Secretary