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The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, February 21, 2018 starting at 8:05 pm.

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

Mr. Angelo was sworn in by Mrs. Lisa Thompson, Esq. Board Attorney, for a four-year term as Board of Adjustment Member.

Mr. Floria-Callori was sworn in by Mrs. Lisa Thompson, Esq., Zoning Board Attorney, for a four-year term as Board of Adjustment Member.

Mr. Roth was sworn in by Mrs. Lisa Thompson, Esq., Zoning Board Attorney for a two-year term as Alternate Board of Adjustment Member.

Mr. Wangner asked Mr. Floria-Callori to lead the Pledge of Allegiance.

Board Members Present: Mr. Wangner, Mr. Augustitus, Mr. Angelo, Mr. Floria-Callori, Mrs. Jenkins, Mr. Salan, Mr. Michelotti, Mr. Roth

Absent: Mr. Ritter

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

APPLICATIONS

MATTER OF Mr. & Mrs. Anthony Flynn, 3 Soder Road – Block 1003, Lot 54 – Front and Rear Yard Setbacks

POSTPONED – Carried to meeting on March 21, 2018

MATTER OF Mrs. Monika Banas, 15 Woodland Avenue – Block 1300, Lot 2 – Front and Rear Yard Setbacks, Front Facing Garage (continuation of public hearing).

Mr. Gabriel Landaverde, Architect and Project Manager for the Applicant, and Mr. Rosario Mannino, Principal, were present on behalf of the Applicant. The Board determined Mr. Landaverde was qualified as an expert witness. It was noted that Mr. Landaverde and the Applicant, Ms. Monika Banas, were still under oath from the January 17, 2018 meeting.

Mr. Landaverde stated that the Applicant seeks a side-yard variance for the proposed two-car garage and a front-yard variance for both the garage and the proposed three foot expansion of the covered porch. He stated that the porch is already non-conforming at 39 feet where 50 is required. He added that the garage has a 41 foot, 8 inch front yard setback which is in line with the front of the house.

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Mr. Landaverde added that the proposed garage requires a side-yard variance with 19 feet proposed where 25 feet is required. Additionally, the deck in the rear of the house requires a side-yard variance where 25 feet is required and 19.1 feet is proposed. He noted that the previous deck requires reconstruction as it was found to be structurally unsound. He added that the deck was already demolished with permission from the Building Department due to its unsafe nature.

Mr. Landaverde referred to Sheet Z-3, stating that the Applicant is proposing to convert a portion of the existing two-car garage on the left side of the dwelling into a mudroom and an office. He added that the existing driveway would be utilized but that the garage doors would be converted to front-facing. He stated that a drainage ditch on the left side of the property does not allow for enough of a turning radius to enter the garage from the side.

Mr. Landaverde stated that the Applicant proposes to add a veranda in the back of the property which would be partially covered by the second floor addition and the remaining portion would be covered with a roof over a new patio. He explained the floorplan stating that the covered front porch would be widened by three feet, the main entrance would lead into the existing foyer, the existing family room would be slightly modified to create an open floor plan, the kitchen in the back of the house would be extended, and the dining room would remain in lower portion of the first floor. He added that the Applicant proposes to make one of the garage bays into a mudroom and butler's pantry between the garage and the house.

Mr. Landaverde explained the second floor plans referring to sheet Z-4. He stated that the existing four bedrooms are small so they plan to convert two of the front-facing bedrooms into one larger bedroom. The master bedroom would be expanded along with the master bathroom and the last bedroom would remain unchanged.

Mr. Landaverde submitted renderings identified as Exhibit A-1. He stated that the house is currently brick with siding. He stated that the Applicant proposed to strip the exterior and install new Hardy wood with a stone veneer in front and add architectural style similar to a craftsman style home. The plans show an addition of decorative brackets in front and Hardy shakes at the gable ends. He added that the design element would be consistent on the back of house. He submitted renderings as Exhibit A-2 to show the veranda and deck at the back of the house.

Mr. Floria-Callori asked for clarification between the Applicant's first and second submissions. Mr. Landaverde stated that the original plans reflected the Applicant's attempt to work with the existing side entry garage, however, the garage bay would only be 10 feet wide, which seemed narrow. He added that working within the existing structure would limit the garage to one bay, thereby creating an artificial double door. Mr. Landaverde stated that the Applicant chose to withdraw the initial application.

Mr. Floria-Callori asked if the first application required the side yard setback. Mr. Landaverde stated that the revised application requires a variance for the side yard setback. Working within the existing structure would convert one of the garage bays into an office, but the Applicant deemed the plan impractical. He noted that the garage extension would add to the square footage inside the home. Mr. Floria-Callori asked if the additional square footage could have been added at the rear of

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the home without encroaching on the side setback. Mr. Landaverde stated that they were trying to preserve as much of the back yard as possible which is irregularly shaped. Ms. Banas added that adding onto the rear of the home on that side would require the removal of the 12 foot sliding door creating an interior room without windows.

Mr. Salan asked for clarification regarding the need for front-facing garage doors. Mr. Landaverde stated that there is not enough room to pull in and back out of a side-entry garage due to a seven foot drainage ditch at the side of the property which creates a hardship. Mr. Wangner asked if the ditch is an easement owned by the Borough. Mr. Landaverde stated he believes the Borough owns the ditch. Mr. Floria-Callori noted that the Applicant claims the easement prevents the turn into the side-facing garage but does not prevent the extension of the home toward the easement. He asked if the neighbor on the drainage easement side of the property supports the proposed plans. Ms. Banas stated that her neighbors on both sides signed letters of agreement. Mr. Wangner stated that the letters could not be submitted as evidence.

Mr. Wangner asked if any of the Board members had additional questions for the Applicant. Hearing no further questions from the Board, Mr. Wangner opened the discussion for questions from the public. No one from the public came forward.

Mr. Augustitus asked if the Applicant considered not extending the garage as far or eliminating the mudroom to reduce the side yard expansion. Mr. Landaverde stated that without the side expansion, the study would not be as functional due to an existing column between the two bays of the garage. Ms. Banas added that she has little storage space in the house and she wishes to keep the existing storage in this part of the house. Mr. Landaverde stated that the shallow roof line allows for very little attic space.

Ms. Jenkins asked for the dimensions of the existing garage. Mr. Landaverde stated that the existing garage is 20 feet by 20 feet.

Ms. Banas noted that other houses in the neighborhood have two car garages and she was not comfortable reducing her garage to a one car garage; therefore, she submitted the second application for plans with a two-car garage.

Mr. Augustitus stated that the elimination of the modified storage space would eliminate the need for two variances: the left side-yard setback and the front-facing garage doors. Mr. Landaverde stated that other homes do have front-facing garages which still fit the look of the neighborhood as shown in photos submitted as Exhibit A-3. Mr. Floria-Callori noted that the other homes in the neighborhood may be older and grandfathered in before the new garage door ordinance.

Ms. Banas stated that she moved to North Caldwell from Union County, first living at Stepping Ridge and then purchasing her current home in August of 2017. She added that she has one child and is looking to expand her family in this home.

Mr. Landaverde confirmed that the existing structure is 2,635 square feet and the proposal will add 863 square feet for a total of 3,498. Ms. Thompson asked how the size of the house compares to those in the neighborhood. Mr. Landaverde stated

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that the size is comparable to other homes. Ms. Banas added that her neighbor at 13 Woodland has a front-facing garage and a home of 3,250 square feet.

Mr. Augustitus asked if the proposed study would be used as a bedroom since the bathroom plans show the addition of a shower. Mr. Landaverde stated that the study will be used as a home office and that the bathroom is existing but a shower would be added. He added that they are not increasing the number of bedrooms but rather decreasing the bedrooms by combining two smaller bedrooms on the upper level.

Ms. Banas stated that she works full-time from home for medical reasons referenced in the supplemental documents to her application. She stated that she works in real estate and property management. She noted her need for a home office without taking away a bedroom for the future growth of her family.

Mr. Angelo asked if the Applicant considered plans where the existing garage would remain. Mr. Mannino stated that the initial application submitted did maintain the existing garage but that one of the garage bays would be lost. He added that the drainage ditch encroaches further toward the house than depicted in the survey. Mr. Wangner suggested the Applicant contact the Borough regarding modifying or filling in the easement ditch to prevent the hardship from worsening.

The Applicant and Architect discussed potential revisions among themselves. Mr. Wangner gave the Applicant the opportunity to revise their plans and return to the Board or to recess for further discussion and return after the next case was heard. The Applicant agreed to discuss the proposal privately during the next hearing and return to the Board before the end of the meeting.

The Board recessed briefly at 8:48pm to allow for the change in Applicants.

The meeting was back in session at 8:52pm.

MATTER OF Mr. Ankim Shah, Falcon Custom Homes, LLC, 2 Falcon Point Drive – Block 801, Lot 9.05 – Signage Variance

Ms. Thompson noted that the letter of denial issued by the Zoning Officer erroneously cited Borough Ordinance Section 107-31A which is specific to non-residential signage. She noted that the property in question is in an R-5 residential zone and therefore, the ordinance cited should have been Borough Ordinance Section 107-31D. Ms. Thompson indicated that the Applicant understood that the Board was not within its jurisdiction to proceed with the hearing due to improper notice.

Ms. Thompson added that there was a question regarding property ownership specific to one of the property owners on the 200 foot list. Mr. Shah questioned why Mr. and Mrs. R. Projansky were included on the 200 foot list as owners of 1 Falcon Point Drive since they had not yet assumed ownership of the property and have not yet paid property taxes nor own a title for this property. Ms. Thompson

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stated that no further notice was required by the Applicant regarding the 200 foot list.

Mr. Augustitus questioned if the wall on which the signage was proposed is within the County easement. Mr. Shah stated that the wall was out of the easement and sidetrack as per the survey and approved by Borough Administrator and Engineer Frank Zichelli.

Ms. Thompson stated that Mr. Shah is required to renote the sign variance in the newspaper referencing the revised ordinance. Mr. Shah's hearing would be re-scheduled for March 21, 2018 if proper notice is published.

MATTER OF Mr. & Mrs. Scott Holzberg, 8 Oxford Drive – Block 1107, Lot 4 – Side Yard Setback

Samantha Holzberg, Applicant and owner of 8 Oxford Drive, was sworn in. Mr. Todd Damersian, General Contractor for the Applicant, was sworn in and accepted by the Board as an expert witness.

Mr. Damersian stated that the Applicant wishes to extend the existing deck to the left side of the house. He stated the deck would not encroach beyond the current footprint of the existing 19.2 foot setback. The deck would be extended only to the end of the existing house. Mr. Damersian stated a door would be added in place of an existing window. He added that the plan would maximize use of the yard which has a severe grade and the deck is the only flat area. He noted that the other side of the yard has a patio with a low roof structure as well as the driveway which did would allow for the deck expansion on that side of the house.

Mr. Wangner opened the discussion for questions from the Board. Hearing none, Mr. Wangner opened the discussion for questions and comments from the public. No one from the public came forward.

Mr. Augustitus stated that the property is already non-conforming.

Mr. Salan made a motion to accept the Application submitted, seconded by Mr. Augustitus. A vote was taken and the application was unanimously approved.

MATTER OF Mrs. Monika Banas, 15 Woodland Avenue – Block 1300, Lot 2 – CONTINUED

Mr. Mannino stated the Applicant will explore the option to take space from storage area to bring the garage into compliance with the side-yard and front-yard setbacks and to eliminate the need for front-facing garage doors. He asked for approval for variances only for the covered porch and the deck.

Ms. Thompson stated that the Board could consider the application as subject to final review where no further testimony would be required. The plans would be

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subject to confirmation of the elimination of the left-side setback and front-facing garage doors.

Mr. Wangner confirmed that the Applicant is asking for approval of variances for the front-yard setback regarding the covered porch and for the right side-yard setback regarding the pre-existing non-conforming deck.

Mr. Augustitus made a motion to accept the Application with the stipulation that the front-facing garage door variance is excluded, the left side-yard setback variance is excluded, the front-yard variance remains as is with no additional encroachment, and the right side-yard variance will not encroach any further than the existing 19.1 feet. The motion was seconded by Mr. Floria-Callori. A vote was taken and the application was unanimously approved.

APPROVAL OF MINUTES

Mr. Augustitus moved to accept the minutes of Board Meeting of January 17, 2018, seconded by Mr. Salan. Mr. Angelo abstained. Said motion was passed with six votes and one abstention.

There being no further matters to come before the Board, Mr. Augustitus made a motion to adjourn the meeting, seconded by the Board. The meeting was adjourned at 9:03 p.m.

Respectfully Submitted,

Tami Michelotti
Zoning Board Secretary