

January 17, 2018

The Reorganization and Regular Meeting of the North Caldwell Zoning Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, January 17, 2018 starting at 8:15 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.

Board Members present: Mr. Wangner, Mr. Augustitus, Mrs. Jenkins, Mr. Ritter, Mr. Kearney, Mr. Salan, Mr. Floria-Callori, Mr. Michelotti

Absent: Mr. Angelo

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

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

Ms. Thompson stated that this first meeting of the year was the Reorganization Meeting. She added that there were issues with the first and only application to be heard on the agenda which the Board would address before starting the reorganization items as a courtesy to the Applicant.

## **APPLICATIONS**

**MATTER OF Ms. Monika Banas, 15 Woodland Avenue - Block 1300, Lot 2 – Front, Rear and Side Yard Setbacks**

Ms. Thompson stated that the denial letter from the Zoning Official did not specifically identify the "front-facing garage doors" as one of the necessary variances required. She noted that the omission was recognized at the Zoning Board Conference meeting by the Board members. Ms. Thompson noted that the front-facing garage door variance is a necessary component of this application which was acknowledged by the Applicant.

Mr. Augustitus stated that front-facing garage doors are not allowed in the Borough and, therefore, the variance request needs to be specified in the Applicant's notice to the public. Ms. Thompson added that the garage doors are not a minor variance request and that the public needs to be noticed of such and given the opportunity to state any concerns with such a request. Ms. Thompson stated that any approval would be subject to appeal in Superior Court if the variance was granted and someone objected thereafter. She stated that the Zoning Board of Adjustment is without jurisdiction to proceed without proper public notice. The Board offered its apologies to the Applicant for the oversight and subsequent need to postpone the public hearing.

Mr. Augustitus added that after the Applicant re-notices with the "front-facing garage" variance specification, that it will be up to the Board to approve or deny the variance request. Mr. Wangner added that the Zoning Official could be consulted for further guidance.

## **REORGANIZATION**

Mrs. Jenkins was sworn in by Mrs. Lisa Thompson, Esq. Board Attorney, for a four year term.

Mr. Floria-Callori was sworn in by Mrs. Lisa Thompson, Esq., Zoning Board Attorney, for a one-year term as an Alternate Board Member.

Mr. Angelo, who was not present for the meeting, will be sworn in at the next meeting.

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On a Motion by Mr. Augustitus, seconded by Mr. Kearney, Mr. Wangner was nominated as Chairman. The motion was carried by a unanimous vote, with Mr. Wangner abstaining.

On a Motion by Mrs. Jenkins, seconded by Mr. Salan, Mr. Augustitus was nominated as Vice-Chairman. The motion was carried by unanimous vote with Mr. Augustitus abstaining.

On a Motion by Mr. Augustitus, seconded by Mrs. Jenkins, Mrs. Michelotti was nominated as Board Secretary. The motion was carried by a unanimous vote.

On a Motion by Mr. Augustitus, seconded by Mr. Floria-Callori, Mrs. Thompson was nominated as Board Attorney. The motion was carried by a unanimous vote.

On a Motion by Mr. Augustitus, seconded by Mr. Floria-Callori the 2018 Meeting dates were accepted. The motion was carried by a unanimous vote.

**APPLICATIONS – Continued**

**MATTER OF Mr. & Mrs. Anthony Flynn, 3 Soder Road – Block 1003, Lot 54 –** Front and Rear Yard Setbacks was postponed and carried to meeting on February 21, 2018, no further notice required.

**APPROVAL OF MINUTES**

Mr. Augustitus moved to accept the minutes of the meeting held on December 6, 2017 as written, seconded by Mrs. Jenkins. Mr. Kearney abstained as he was not present for the December 6, 2017 meeting. Said motion was passed with six votes and one abstention.

Mr. Floria-Callori asked for confirmation that the Banas application was submitted with two different versions. Mr. Kearney noted original plans were submitted in November and revised plans were submitted in December. Mr. Augustitus added that the re-design was not properly noticed to the public. Ms. Thompson added that without proper notice, the Board would have no jurisdiction.

There being no further matters to come before the Board, Mr. Augustitus made a motion to adjourn the meeting, seconded by Mr. Salan. The meeting was adjourned at 8:30 p.m.

Respectfully Submitted:

  
Tami Michelotti  
Zoning Board Secretary