

January 23, 2019

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, January 23, 2019 starting at 8:03 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. Wangner asked Mr. Salan to lead the Pledge of Allegiance.

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

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

Mr. Wangner and Mr. Michelotti were sworn in by Mrs. Lisa Thompson, Esq. Board Attorney, for four year terms.

REORGANIZATION

Mr. Wangner stated that the Board would now proceed with reorganization items.

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

On a Motion by Mr. Augustitus, seconded by Mr. Salan, Ms. Lisa Thompson, Esq. was nominated as Board Attorney. The motion was carried by a unanimous vote.

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

On a Motion by Mr. Augustitus, seconded by Mr. Michelotti, the 2019 Meeting dates were accepted. The motion was carried by a unanimous vote.

APPLICATIONS

MATTER OF Mr. David Schlosser, 18 Evergreen Drive – Block 1302, Lot 5 Front Yard Setback

Mr. Schlosser was sworn in. He stated that he would like to extend the width of his front entrance and bring the front door out slightly. He explained that his entire home is already in the setback so in order to extend the front entrance; he noted the need for a variance. Mr. Schlosser referred to the plan and explained that the existing home is within the setback and stated that he is asking to widen the front entrance by approximately eight feet.

Mr. Floria-Callori asked if there will be any other work being done besides proposed extension of the front. Mr. Schlosser stated that he purchased the home in 2008 and had the pool put in. Mr. Floria-Callori asked for an explanation of the violations with the setback regarding the pool. Mr. Schlosser stated that currently there are no violations present. Mr. Floria-Callori referred to A1 of the submitted plans where it shows that the pool house, shed, pool and pavers extend past the setback line. Mr. Schlosser stated that shed was removed and the application for the pool was approved.

Mrs. Jenkins asked if the existing porch was added to the house. Mr. Schlosser stated that the current porch was existing and there was an addition to the house in 2005 that went up and back. Mr. Wangner asked if there were any variances

sought for the extension in 2005. Mr. Schlosser stated that he was unsure if there were any variances given to the previous owners for the extension.

Mr. Wangner noted that the reason given for the front entrance extension is for safety. Mr. Schlosser referred to page two and stated that when his front door is open, there is very little space between the door and the staircase to maneuver around. He noted that this was noticeable when his mother in law had difficulty getting into the house with her walker. Mr. Schlosser confirmed that the plans include widening the porch, removing the bay window and moving the front door to the middle to make the front entrance less awkward on the inside as well as better looking on the outside.

Mr. Augustitus noted that the denial letter states that Mr. Schlosser is looking for a 43.9 foot setback but the plans state that he is looking for a 38 foot 11 inch setback. Mr. Schlosser confirmed that the request of the 38 foot 11 inch setback is correct. Mr. Wangner stated that the error is on the part of the official.

Mr. Floria-Callori asked if Mr. Schlosser applied for permits for the pool. Mr. Schlosser confirmed that the contractor took care of the permits for the pool.

Mr. Wangner asked if there were any more questions or comments from the Board. There were no further comments or questions.

Mr. Wangner opened the hearing to the public for any questions or comments. No one from the public came forward.

Mr. Wangner asked Mr. Schlosser if he had anything else to add. Mr. Schlosser stated that the proposed extension would make life easier for his family and make his house look better.

Mr. Augustitus made a motion to accept the application as written with the setback revision to 38 feet 11 inches, seconded by Mr. Salan. A vote was taken and the application was unanimously approved with affirmative votes by Mr. Augustitus, Mr. Salan, Mr. Floria-Callori, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, and Mr. Wangner.

MATTER OF Mr. Martinho Fantin, 590 Mountain Avenue – Block 801, Lot 8
Front Facing Garage

Mr. Gary Rosard, architect for the Applicant, was sworn in. Mr. Rosard stated that he is licensed in New Jersey and New York and has participated in hearings in various nearby towns since 1992 in New Jersey and 1985 in New York. The Board accepted Mr. Rosard as an expert witness.

Mr. Rosard stated that the Applicant is requesting a front facing garage. He explained that the site is unusual, has steep cliffs in the front and is not easily accessible from the street. He further explained that the property is accessed from a shared service road that runs parallel to Mountain Avenue along the cliff. He added that the property is located at the end of the road with the entrance at the corner. Mr. Rosard referred to the submitted photos and explained that the lot is narrow and the entrance to a side facing garage would require two, sharp ninety degree turns and would need additional excavation. He explained that a front facing garage would allow for more visitor parking as there is not enough space to add blacktop for additional parking on the side and street parking is unavailable. He added that the Applicant has guests often and enjoys entertaining and the impervious surface is already at its maximum.

Mr. Wangner asked how many cars will fit in the garage and how many spaces would be in front as it is presented. Mr. Rosard referred to the plans and stated that it is a three car garage with room for two cars at the turnoff, three cars in front of the garage and two additional cars. He added that they constructed a mock up with photos using yellow tape to show where the garage doors would actually be on the property to show the minimal impact of the front facing garage. He explained that after reviewing the mock up photos, the garage will not be visible from either

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direction when traveling on Mountain Avenue. He added that the neighbor has expressed his approval as the side facing garage would directly face his property. Mr. Rosard noted that the proposed front facing garage does not go against the intent of the ordinance and will not impact the neighbors. He added that there is a tennis court directly across the street from the property. Mr. Augustitus noted that the properties across the street have the same situation with the auxiliary road running through. Mr. Rosard stated that the slope is steep coming in from the side therefore it would require a considerable amount of regrading to flatten it out to gain access. Mr. Wangner asked if they were removing or adding any walls. Mr. Rosard stated that they will be putting in a wall to level the backyard space and adding more levels in the back corner of the property.

Mr. Floria-Callori stated his concern for potential water runoff with the driveway on the ridge of draining into the main road. Mr. Rosard stated that the potential water runoff has been accounted for in the engineer's site plan which includes a dry well. Mr. Roth noted that the dry well would be located in the rear of the property. Mr. Floria-Callori explained that his concern is potential runoff into Mountain Avenue as the main road. Mr. Wangner explained that there has been an icing problem in that area with some of the building and asked if he thought this would add to that problem. Mr. Rosard stated that they will not be adding any impervious coverage and the plans are approval by a civil engineer therefore it would not contribute to the icing problem. Mr. Augustitus noted that the parking area in the front would pitch to the service road which would direct the potential water runoff down that road. Mr. Rosard noted that there will be space between that parking blacktop and the cliff. Mr. Augustitus referred to the landscape plan and added that there would be plantings in front of the garage to help buffer the visual.

Mr. Salan asked if other existing houses on that service road have front facing garages. Mr. Rosard stated that the garage on the existing house is facing the street but the other two homes have wider lots to accommodate the side garage.

Mrs. Jenkins asked if Mr. Fantin owned the prior house before it was demolished. Mr. Fantin stated that he bought the property two years ago from the prior owner and obtained the demolition permit.

Mr. Floria-Callori asked if there was consideration given into facing the garage towards Falcon Point or the rear of the property. Mr. Rosard stated that it would require too much impervious coverage and as per the engineer, the property is too steep from the Falcon Point side. Mr. Wangner noted that there are houses across the street with front facing garages that had the same issue of fitting the side facing garage into their properties. Mr. Augustitus stated that the visual impact is very limited due to the setting and property elevation. Mr. Rosard confirmed to Mr. Floria-Callori that the proposed landscape plan was submitted to the town. Mr. Wangner confirmed that parking is limited along the narrow auxiliary road

Mr. Wangner opened the hearing to the public for any questions or comments. No one from the public came forward.

Mr. Wangner asked if there were any more questions or comments from the Board. There were no further comments or questions.

Mr. Augustitus made a motion to accept the application as proposed, seconded by Mr. Salan. A vote was taken and the application was unanimously approved with affirmative votes by Mr. Augustitus, Mr. Salan, Mr. Floria-Callori, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, and Mr. Wangner.

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MEMORIALIZATIONS

**MATTER OF 21-25 Bloomfield Avenue, 21 Bloomfield Avenue – Block 100,
Lot 3**

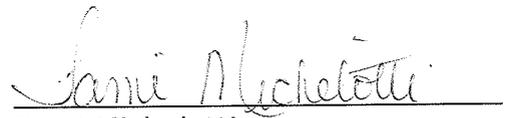
This memorialization was tabled to the next meeting.

APPROVAL OF MINUTES

Mr. Augustitus moved to accept the minutes of the meeting held on November 28, 2018 as written, seconded by Mr. Michelotti. Said motion was passed with five affirmative votes by Mr. Augustitus, Mr. Michelotti, Mrs. Jenkins, Mr. Roth and Mr. Wangner. Mr. Floria-Callori and Mr. Salan abstained.

There being no further matters to come before the Board, Mr. Floria-Callori made a motion to adjourn the meeting, seconded by the Board. The meeting was adjourned at 8:42 p.m.

Respectfully Submitted,



Tami Michelotti
Zoning Board Secretary