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The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, May 16, 2018 starting at 8:04 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, Mr. Angelo (8:13pm), Mr. Floria-Callori, Mrs. Jenkins, Mr. Roth, Mr. Ritter, Mr. Salan, Mr. Michelotti

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

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

APPLICATIONS

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

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

MATTER OF Mr. Zenon Kopec - POSTPONED

MATTER OF Mr. Jonathan Randall – 14 Arbor Road – Block 300, Lot 43

Mr. Jonathan Randall was sworn in. Mr. Randall stated that he is looking to put in a side yard extension on the right side of his house. He stated that when the house was built, there was a roofing issue that the building inspector did not catch. Therefore, in order to obtain the certificate of occupancy, the roof was cut from 35 to 31 feet which in turn changed the roofline to give a barnlike appearance to the side of the structure.

Mr. Randall presented Exhibit A1, a photo of 14 Arbor Road, to compare the roofline of a similar home on the street to his property. He presented Exhibit A2, a photo of 8 Arbor Road, showing a conservatory addition on the side of the house which is more characteristic of the other properties on the street. He stated that most of the properties on the street were built with a conservatory on the side of the house. Mr. Randall added that he purchased his home when it was 80% complete after it had fallen out of contract with K. Hovanian, preventing him from making structural changes to the house at that time.

Mr. Randall stated that the property line narrows about 1-2 feet from the back to the front and, therefore, the variance required in the front of the property differs from the back. Mr. Randall stated that he is asking for a five foot reduction in the setback from the required 35 feet to 30 feet. He stated that the five foot decorative bay window style is more characteristic of the other properties on the street.

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Mr. Randall stated he is the first owner of the home. He added that he bought the house from K. Hovanian after it fell out of contract with another prospective owner. He added that the house was 80% complete at that time he entered the contract therefore no exterior structural changes were permitted except for the unpaved driveway.

Mr. Randall confirmed that the house currently conforms to all the setback requirements and referred to the submitted plans labeled as T1. He explained that the plans show the bay window cutouts on the right which extend beyond the envelope of the existing setback.

Mr. Floria-Callori asked how far the side of the house is from the lot line as it stands now. Mr. Randall stated that the side of the house is 48 feet from the property line as shown in the survey. He stated that there is a pavilion that was built off the back which sits inside the envelope. The pavilion is like a covered patio. He added that the pavilion is attached to the main structure but is not enclosed. Mr. Randall stated that he added the pavilion and the paver section about four years ago.

Mr. Floria-Callori asked if Mr. Randall utilized the same survey for the plan or a different survey. Mr. Randall indicated that he had an updated survey done for the variance application.

Mr. Randall stated that he tried to work within the setback requirement but that the addition would not be worth the investment without the extra five feet. He stated that there would not be enough room on the second floor for the bedrooms.

Board Member Mr. Angelo joined the meeting at 8:13pm.

Mr. Floria-Callori asked if most of the conservatories that were shown in the examples have one or two stories. Mr. Randall stated that most of the conservatories have one story of living space with a peaked roof. He stated his proposed plans would address the roof line to change the barn-shape view from the street.

Mr. Randall stated that he drafted section C1 of the application himself.

Mr. Augustitus explained K. Hovanian was not obligated to leave appropriate space to accommodate additional structures or additions and that they built to the proper setbacks at the time. Mr. Randall stated that 80% of the homes on the street have the addition and if he had the choice from the beginning, he would have moved the house over 5 feet to accommodate that. He added that he bought the house far enough along in the process where he could not make any changes.

Mr. Randall stated that he purchased the house in 2009. His home was the second to last house sold on the block.

Mr. Randall noted that the house is 4300 square feet and the proposed addition is a total of 1400 square feet for the two floors.

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Mrs. Jenkins asked how the pavilion is structured. Mr. Randall stated that the pavilion has a paver floor.

Mr. Augustitus asked who did the impervious coverage calculations. Mr. Randall stated that the architect, in conjunction with the surveying company, did the impervious coverage calculations.

Mr. Wangner asked Mr. Randall how soon after he purchased the house did he add the patio and pavilion to the back of the house. Mr. Randall stated that he added it about four years after he bought the house.

Mr. Wangner asked if it was realized that they would need the additional living space at that time or if their family has grown. Mr. Randall stated that the extra space adds value and conforms to the majority of houses on the block.

Mr. Wangner asked if the economic aspect is driving Mr. Randall's decision. Mr. Randall stated that his decision is driven by the need for additional room for his children. He is also making a room on the first floor for his parents who live out of state, so they do not have to use the stairs when they visit.

Mr. Floria-Callori asked if Mr. Randall is aware of any changes to the existing wetlands as shown in the first survey. Mr. Randall said that he is unaware of any changes to the wetlands and that he is not proposing anything to that side of the property.

Mr. Roth stated that the plans from the architect are from 2016 and asked if there are any updates. Mr. Randall stated that they are the most current drawings but that it took about a year to complete and submit the application due to work travel.

Mr. Wangner asked Mr. Randall about his understanding of a hardship. Mr. Randall stated that things such as the shape of property, topography, and lot lines could impact the Board's decision.

Mr. Wangner asked if there are any steep slopes on the property. Mr. Randall stated that the entire property slopes down from the rear of the property to the front. He noted that there is wetland area of about two to four feet high in pitch which prevents expanding to the left without creating retaining walls. This condition does not exist on the right side of the property which is flat.

Mr. Wangner questioned if the architect had considered extending the back of the home, acknowledging that it would disturb the patio but would not require a variance. Mr. Randall stated that this would require ripping down the entire pavilion and backyard that has been built.

Mr. Augustitus inquired about the dimension of the right side of the house and if a solid wall with windows, instead of using the bump outs, could prevent the need for a variance. Mr. Augustitus asked if he is creating a five bedroom home and Mr. Randall agreed. Mr. Randall added that the study on the second floor is open without a door, similar to a loft.

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Mr. Wangner stated that the Board considers hardships that pertain to the land. He asked Mr. Randall if there are any additional hardships in addition to the wetlands or utility easement. Mr. Randall added that there is the slope of the property. Mr. Wangner asked what the approximate drop is in the back of the property. Mr. Randall stated that according to the survey, it went from 598 to 592, which is a six foot drop.

Mr. Wangner asked if there is any landscape screening on the right side of the home. Mr. Randall stated that there are evergreen trees on the property line for privacy.

Mrs. Jenkins asked if there was any consideration in making the dimensions of the bedroom smaller. Mr. Randall stated that they had the architect try different smaller options but it did not justify building on the second floor at all. Mr. Randall explained that if the second floor was scaled back, the size of the bedroom would not be significantly bigger than the existing bedrooms in the home. Mr. Augustitus stated that if the design is reduced by five feet, the bedroom will be approximately 13 x 15.

Mr. Wangner asked the Board if there were any questions or comments for the Applicant. Mr. Floria-Callori asked for clarification of the setback. Mr. Randall stated the existing setback line is 35 feet and his proposed plans would leave a setback of 30 feet.

Mr. Wangner opened the discussion to the public.

Mr. Karl Strom, 12 Arbor Road, direct neighbor on the right side, was sworn in. Mr. Strom stated he is Mr. Randall's direct neighbor to the right and noted that he also owns 24 Arbor Road. He added that he chose to live on Arbor Road because of the large properties and privacy.

Mr. Strom stated that according to K. Hovanian's plot plans, there were only certain size homes that were allowed on specific size properties. He added that he paid \$200,000 extra for larger property to accommodate the conservatory. He explained that Mr. Randall's home was actually sold twice prior to him and that the previous owners were denied the conservatory by the Planning Board. Mr. Strom believed that the contracts on those homes fell through at that point.

Mr. Strom confirmed that all the conservatories in the neighborhood are one story. He added that he is concerned about his resale value as his driveway will be very close to that.

Mr. Strom added that the Applicant's swingset is about two feet off the property line and that he paid \$200,000 extra for privacy and spent an additional \$20,000 to plant 20 foot evergreens for a privacy buffer as well. He stated that there is no landscaping buffer around the pavilion and he is concerned about the proposed addition encroaching five feet. Mr. Strom stated that he does not see any issue with the slope as he feels that they are the flattest lots on the block. Mr. Strom added that he is concerned because he paid a premium and he does not want to lose the space between properties. He stated that in his opinion a 13 x 15 bedroom is sufficient and probably larger than most of the existing bedrooms in these homes. Mr. Strom is asking to maintain the landscaping buffer as well.

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Mr. Wangner asked Mr. Strom about the property being sold twice before. Mr. Strom explained that the Applicant's property was the last home to sell. He stated that there were two potential buyers who wanted to add conservatories but were denied because they were not included in the plot plans. He added that there are other homes in the neighborhood that do not have conservatories because of the property requirements at the time they were built. Mr. Strom stated his understanding is that only three lots on block could accommodate the largest home model and that higher premiums were paid for larger lots. He stated that he would like the addition to stay within regulations.

Mr. Angelo confirmed that this was a hearing of the Zoning Board, and not the Planning Board. He added that property parcel divisions are not a function of the Zoning Board.

Mr. Wangner asked if there is anyone else from the public who would like to come forward. No one else came forward.

Mr. Wangner asked if there are any more comments from the Applicant. Mr. Randall had nothing additional.

Mr. Augustitus stated that he believes the bedroom would still be a decent size without the five feet that would encroach into the setback. He stated he believes the home can be made to look aesthetically pleasing and that there are options.

Mrs. Jenkins asked Mr. Randall if he would consider making any changes. Mr. Randall stated that those variations were discussed with the architect and feels that the reasons for the proposed size of the bedroom is not relevant to the public. He added that they are trying not to make the exterior look like a flat office building and that the intent is to make the exterior architecturally pleasing.

Mrs. Jenkins asked about how he felt about reducing the proposed structure by five feet. Mr. Randall stated that it would make it look like a straight line. He added that the expansion is decorative, similar to a bay window and is not actual living space. He stated that reducing the addition by five feet and maintaining the turrets would encroach on the office space below. Mrs. Jenkins noted that keeping it flat would not look any worse than it does now. Mr. Randall stated that he feels that having a wall of windows would not help with the design but that the five foot bay window concept is not usable space.

Mr. Floria-Callori asked how far the bay window depth is from the straight wall. Mr. Randall answered about 3.5 feet and that one to two feet would be consumed by the study below. He noted that the set back encroachment differs from the back of the structure to the front by one and a half feet due to how the property line comes in at an angle. Mr. Angelo noted that there are some open questions about dimensions and impervious coverage that should be answered by the architect who is not currently present. He asked Mr. Randall if he was willing to consult his architect to further review the plans.

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Mr. Wangner offered Mr. Randall the option of returning with his architect at a later date.

The matter was adjourned to the next hearing on June 20. Ms. Thompson stated that no further public notice would be required.

MATTER OF Mr. Ladislav Branovich – 715 Main Street - Block 2103, Lot 6

Mr. Ladislav Branovich, 697 Blooming Grove Road, Hawley, Pennsylvania, was sworn in.

Mr. Branovich stated that the subject property is located at 715 Main Street and is in a residential zone. He stated that he is attempting to open a small business for commercial use. Mr. Branovich stated that the business would deal in coins and antiques and that he does not currently have an existing storefront. Mr. Floria-Callori asked what was appealing about that space. Mr. Branovich stated that there is low overhead and in order to pay people fairly, he needs to keep expenses down. He added that most of the sales will be internet-based, wholesale and from trade shows, but that he needs a modest storefront in order for customers to take the business seriously.

Mr. Wangner asked if it will be open normal business hours or by appointment only. Mr. Branovich stated that he is still figuring out the hours but that he does attend trade shows as they become available and attends estate sales to purchase items or evaluate items before the sale. He stated that the hours will usually be by appointment, but that it also helps to have regular hours. Mr. Wangner asked if he has any employees and Mr. Branovich answered no.

Mr. Augustitus referred to the site plan for Lot 6 and questioned if the rear garage was part of his property. Mr. Branovich stated that his understanding is that there are two apartments upstairs from the storefront. Mr. Branovich stated that as far as he knows, the apartments are occupied. Mr. Augustitus asked about parking availability. Mr. Branovich explained his understanding that he will not have any on-site parking. He noted that he is planning to park on Clarence Street across the street and intends to have clients park on Park Place. He added that he would not recommend clients cross Grandview because it is a busy street.

Mr. Salan asked what kind of antiques will be sold. Mr. Branovich stated that he focuses on coins but is learning about antiques. Mr. Salan questioned if he will need a loading dock for bigger pieces. Mr. Branovich confirmed that everything will be coming in through the front door.

Mr. Augustitus asked if he will be utilizing both store fronts. Mr. Branovich stated that he will be using one.

Mrs. Jenkins asked if he will be receiving ups deliveries. Mr. Branovich stated that he is not anticipating many UPS deliveries. He does most of his shipping through USPS.

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Mr. Floria-Callori asked if his intent is to drive business from window shopping and if there will be a display in the front. Mr. Branovich stated that the window is small and dark so it is unlikely. Mr. Floria-Callori explained that parking is a concern and they do not want people parking at Mavis and running across the street.

Mr. Wangner stated that he noticed that Mr. Branovich did not apply for signage and asked if he will be putting a sign on the building. Mr. Branovich stated that he was hoping to put a sign in the window but was not aware of the requirements of the sign ordinance. He stated he is not planning on putting a sign on the building, but only in the window.

Mr. Salan asked if the location is more of an office rather than a retail space. Mr. Branovich stated that it will be a little of both, but more of a buying location with some retail, maybe about five customers per day.

Mrs. Jenkins asked if he had the front portion of the space only. Mr. Branovich stated that the space does not go all the way to the back. He noted that some of the back space is used for the owner's supplies.

Mr. Floria-Callori questioned if he had already signed the lease. Mr. Branovich stated that he has not signed the lease because it is contingent upon the hearing.

Mr. Wangner summarized that Mr. Branovich will not have any employees, minimal shipping and deliveries, and that he will be parking across the street on Clarence Street. Mr. Augustitus stated that he can park there until people complain. Mr. Wangner asked if he is aware of any parking restrictions on Clarence Street. Mr. Branovich stated that he does not know of any restrictions. Mr. Ritter asked if there is legal parking on the main road. Mr. Branovich stated that he does not believe there is.

Mr. Wangner asked if there is anything else Mr. Branovich would like to add regarding his business. He opened that discussion for any additional questions or comments from the Board. Mr. Roth asked what the length of the lease would be. Mr. Branovich stated that it may be a year or month-to-month, but that the first step was to get approval from the Board. Ms. Thompson noted that the Applicant is considered a tenant under contract and that the owner authorized the Application.

Mr. Angelo asked if Mr. Branovich will only be occupying one side and if there are any circumstances where he can see himself renting both sides. Mr. Branovich confirmed that he will only be renting one side, the left side. He noted that he will not be renting both sides because it is too much space for him right now.

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

Mr. Augustitus asked Ms. Thompson if Mr. Branovich were to expand his business, would he be required to seek another variance for the use of the additional space. Ms. Thompson confirmed that Mr. Branovich will have to come back for another variance for the space next door if he expanded the business. Mr. Augustitus stated

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that it is a difficult space from a traffic flow pattern, adding that parking is an issue, especially if the adjacent space is rented.

Mr. Augustitus expressed concern that Clarence Street is a public street with parking but can potentially be a problem if Little Falls drafts a parking ordinance. Mr. Branovich stated that he cannot speak for the landlord but that he is sensitive to the parking issue.

Mr. Floria-Callori made a motion to accept the application as submitted, seconded by Mr. Salan. A vote was taken and the application was approved with affirmative votes by Mr. Angelo, Mr. Floria-Callori, Mrs. Jenkins, Mr. Ritter, Mr. Salan and Mr. Wangner. Mr. Augustitus voted "No", stating his concern for parking and the usage of Clarence Street as the only option for parking.

MATTER of Mrs. Monika Banas – 15 Woodland Avenue -Block 1300- Lot 2

Mr. Martin Pankeiwicz, husband of the Applicant, and Mr. Gabriele Landeverde were both sworn in. Mr. Pankewicz stated that Mrs. Banas was unable to attend the meeting.

Mr. Pankeiwicz stated that they are seeking a side yard variance for a pre-existing nonconforming side-yard setback of 19.1 feet. He stated that they propose to enclose the covered back porch, which already has a masonry foundation.

Mr. Landeverde stated that in the last submission to the Board, they proposed removing the foundation and converting it to tie into a new deck. He added that since their last appearance before the Board, construction began and they want to take advantage of the covered porch as interior space. He stated that he wanted to keep the existing foundation but there is a basement under the slab. He proposed to enclose that area to become part of the house without changing the roof line. Mr. Landeverde stated that there will be no encroaching into the rear or side yard. He added that they just would like to enclose that space to allow for a dinette off of the kitchen.

Mr. Floria-Callori asked for clarification of the variance that was granted the last time they were approved. Mr. Landeverde explained that they were approved for a side yard variance for the deck and a front yard variance for the expansion of a covered porch. Mr. Floria-Callori asked if it is for the new wood deck shown on the rear of the property. Mr. Landeverde answered yes. Mr. Floria-Callori also asked to explain how the new wood deck will be developed now compared to the former plans. Mr. Landeverde stated that in the previous approval the deck was L-shaped but now it is just linear. He added that the dimensions of the deck are unchanged.

Mr. Landeverde noted that there will not be any footprint changes to the house. He stated that they are currently on a non-conforming lot to begin with and they are not expanding beyond the existing footprint.

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Mr. Floria-Callori asked if the plans changed since the last meeting. Mr. Pankeiwicz confirmed that the current plans do not include the front facing garage doors, however the plans were since revised.

Mr. Wangner opened the hearing for any questions or comments from the public. No one from the public came forward. Mr. Wangner asked for any questions or comments from the Board. There were no further comments or questions.

Mr. Ritter made a motion to accept the revised drawing as presented, seconded by Mr. Floria-Callori. A vote was taken and the application was unanimously approved with affirmative votes by Mr. Ritter, Mr. Floria-Callori, Mr. Augustitus, Mr. Angelo, Mrs. Jenkins, Mr. Salan and Mr. Wangner.

MEMORIALIZATIONS

MATTER OF Mr. Michael Dunn, 8 Old Farm Road – Block 604, Lot 13

Mr. Augustitus made a motion to accept the memorialization as written, seconded by Mr. Angelo. Mr. Ritter and Mr. Salan abstained. A vote was taken and the memorialization was approved with five votes.

MATTER OF Ms. Amritpal Singh, 20 Birch Avenue – Block 1406, Lot 19

Mr. Augustitus made a motion to accept the memorialization as written, seconded by Mrs. Jenkins. Mr. Ritter and Mr. Salan abstained. A vote was taken and the memorialization was approved with five votes.

APPROVAL OF MINUTES

Mr. Augustitus moved to accept the minutes as written of Board Meeting of April 18, 2018. The motion was seconded by Mr. Floria-Callori. Said motion was passed with five votes.

There being no further matters to come before the Board, Mr. Augustitus made a motion to adjourn the meeting, seconded by Mr. Ritter. The meeting was adjourned at 9:21 p.m.

Respectfully Submitted,

Tami Michelotti
Zoning Board Secretary