

October 23, 2019

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, October 23, 2019 starting at 8:08pm.

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. Floria-Callori, Mr. Michelotti, Mr. Roth, Mr. Curcio

Absent: Mr. Salan, Mr. Tilton

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

APPLICATIONS

Mr. Carey Lathrop – 11 East Greenbrook Road, Block 1303, Lot 16

This Application was adjourned until the November 13, 2019 meeting at the request of Mr. Steven Greenberg, attorney for the Applicant. Ms. Thompson stated that revised plans were received the day prior and were being reviewed by Paul Ferriero, Municipal Engineer and Paul Milani, Zoning Officer. Ms. Thompson stated that there were changes in the requested variances and that new notice would be required.

MEMORIALIZATIONS

Ms. Hena Singh – 580 Mountain Avenue, Block 701, Lot 6

MATTER OF HENA SINGH Decided: September 18, 2019 Memorialized: October 23, 2019

WHEREAS, Hena Singh (hereinafter referred to as the “Applicant”) has filed an application for a side yard setback variance contrary to Borough Code Section 107-21(D)(6) pursuant to N.J.S.A. 40:55D-70c before the Borough of North Caldwell Zoning Board of Adjustment (the “Board”) with regard to property located at 580 Mountain Avenue, also known as Lot 6 in Block 801 in order to construct a second floor addition over a portion of the existing first floor. The subject property is located in the R1 residential zone; and

WHEREAS, all owners of property located within 200 feet of the subject premises were properly notified according to law; and

WHEREAS, the jurisdiction and powers of this Board have been properly invoked and exercised pursuant to Statute; and

WHEREAS, a public hearing was held by this Board on September 18, 2019; and

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

1. Ms. Julie Anne Cecere, Licensed Architect, was sworn in and accepted by the Board as an expert witness.
2. Ms. Cecere explained that Application is a request for a C(1) side yard setback variance and presented Exhibit A1 to the Board. Ms. Cecere explained that the existing lot is large, but out of proportion, noting that lot is very narrow, but goes back 701.58 feet. Ms. Cecere testified that the narrowness of the lot presents a hardship.

3. Ms. Cecere further testified that the existing home is non-conforming on both sides but stated that the Application is for the right-side yard setback only. The proposal includes stepping the second floor addition in from the first floor to create a more favorable side yard setback. The proposed addition will be 20 feet 10 inches from the property line.
4. Ms. Cecere explained that due to the shape of the lot and positioning of the existing home, the setback line is on an angle which causes only a triangular portion of the addition to encroach within the side yard setback, totaling 48 square feet. Ms. Cecere added that the opposite corner also encroaches on the setback line but noted that it is a pre-existing non-conformity.
5. Ms. Cecere presented Exhibit A2, a photo board showing the Applicant's and neighbor's homes. Ms. Cecere stated that the neighbor's driveway and landscaping will act as a buffer for the proposed addition. Ms. Cecere added that the neighbors in the back and on the left side will not be impacted by the addition, and that the addition will not be visible from the street. Ms. Cecere stated that the photographs presented to the Board were taken two days prior to the public hearing.
6. Ms. Cecere presented Exhibit A3, explaining that the proposed addition will be in keeping with the character of the home, and that the proposed addition will not encroach any further into the existing side yard setback.
7. Ms. Cecere stated that the proposed addition will be used for bedrooms for the Applicant's children.
8. Ms. Cecere testified that the Application meets the statutory criteria for both a C1 and a C2 variance.
9. The matter was opened to the public without comment.

The Board, in reviewing the above facts and the materials presented at the hearing, finds that the Applicant has met the burden under the Municipal Land Use Law and that the side yard setback variance requested may be granted without detriment to the zoning ordinance or the master plan as the proposed addition will be constructed over the existing first floor; that the existing home is non-conforming as to side yard setbacks, that the existing lot is oversized, yet narrow; and that the proposed addition is in keeping with the neighborhood and will enhance the home.

NOW, THEREFORE, BE IT RESOLVED that based on the facts as found above, the Board finds that the variance relief requested can be granted without substantial negative impact

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to the intent and purposes of the Zone Plan and Zoning Ordinances of the Borough of North Caldwell and furthermore, the Applicant has sustained the burden of proof that a hardship exists to permit granting the relief requested and that the benefits of granting the relief requested substantially outweigh the detriments. Mr. Augustitus made a motion to accept the Application as proposed with a note stating that the left side of the property is also non-conforming and is included in the variance and that the Application is subject to an engineering report. The motion was seconded by Mr. Salan. The application was unanimously approved with affirmative votes by Mr. Augustitus, Mr. Salan, Mr. Floria-Callori, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, Mr. Wangner, and Mr. Curcio.

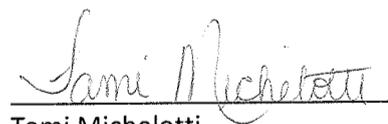
IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 23rd day of October 2019, by a majority of the members of the Board present at such meeting and who voted for the action taken on September 18, 2019.

APPROVAL OF MINUTES

Mr. Augustitus made a motion to accept the minutes of the Board Meeting of September 18, 2019 with the correction mentioned. The motion was seconded by Mrs. Jenkins. Said motion was passed with seven affirmative votes by Mr. Augustitus, Mrs. Jenkins, Mr. Floria-Callori, Mr. Michelotti, Mr. Roth, Mr. Curcio and Mr. Wangner.

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 8:13 p.m.

Respectfully Submitted,



Tami Michelotti
Zoning Board Secretary