

November 16, 2016

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, November 16, 2016 starting at 8:05pm.

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. Schwartz, Mr. Ritter, Mrs. Jenkins, Mr. Augustitus, Mr. Wangner, Mr. Kearney, Mr. Salan

Absent: Mr. Shah, Mr. Angelo

Also present were Lisa Thompson, Attorney and Teresa King, Administrative Assistant

APPLICATIONS

MATTER OF MR. & MRS. S. HADDAD, 552 MOUNTAIN AVENUE, BLOCK 800, LOT 7 – FRONT FACING GARAGE

Mrs. Joann Haddad, Mr. Shallon Haddad and Mr. Jerry Novak, Architect for Applicants were sworn in.

Mr. Novak presented his credentials. He is a graduate of the University of Virginia and has been a Registered Architect since 1972. He has testified before various boards in both Essex and Bergen counties. Mr. Novak was accepted as an expert witness.

Mr. Novak referred to Drawing A1, which shows the proposed residence, driveway and topography of the property. Currently, there is a small area with a driveway coming up the right side of the property. The house will be demolished so that the new residence can be built.

The proposed plan is to build the three-car garage on the left side of the house. There will be two garages for parking cars and the third garage bay for storage. The entrance will be a circular driveway and placing the three-car garage on an angle so that after drop off, the driver can directly access the garages. The garages will be located on the higher side of the property to allow entry to the house without having to go up a full flight of stairs.

The Board asked what room you enter from the garage. Mr. Novak stated entry is to a mud room/laundry room, with half a flight of stairs into a hallway to access the kitchen.

Mr. Schwartz asked Mr. Novak to explain the hardship of having the garage doors front facing since the home is being demolished and a new home is being built. Mr. Novak stated having the garage in its proposed location allows for parking other cars without having them in a row or having to utilize the street.

Mr. Schwartz questioned whether the reason for the hardship is the topography of the property and safety reasons.

Mr. Augustitus suggested bringing the garage doors in so that you would still be able to access two of the three garage doors and not be too close to the front door. Mr. Augustitus noted that there is an ordinance in place prohibiting front facing garage doors.

Mr. Schwartz asked if Mr. or Mrs. Haddad have anything additional to add. Mrs. Haddad said she was hoping not to come before the Board. Mrs. Haddad stated there were certain criteria she was looking for when designing the house and it was important that the house have a certain look. She feels the proposed location is the

best place for the garage doors. She hopes the Board considers their application and the reasons for it.

No one from the public came forward.

Mr. Augustitus moved to accept the Application as proposed. The motion was seconded by Mrs. Jenkins, with all members, except Mr. Schwartz, voting no due to lack of hardship for the relief requested. Mr. Schwartz who voted in favor.

MS. KAREN ABRAMSON, THREE ORIENT WAY, BLOCK 103, LOT3 – RIGHT YARD SETBACK, IMPERVIOUS COVERAGE

Mr. Yuval Wellish, Architect and Ms. Karen Abramson were sworn in. Mr. Wellish stated he has been a licensed architect in New Jersey since 1989. He is a graduate of the Israeli Institute of Architecture. Mr. Wellish was accepted as an expert witness.

Mrs. Jenkins recused herself at 8:55pm as she is a property owner within 200 feet of the subject property.

Mr. Wellish stated the Applicant is looking to build a second floor over an existing garage. The addition will be going up over the exact footprint as it currently exists. In doing this, the impervious coverage will be reduced to 31.1% because there is currently an area behind the garage for another car. The side yard setbacks will remain the same. There is an existing wood deck that will remain and is included in the impervious coverage calculation.

The meeting was opened to the public.

Mary Collito, 37 Ferndale Road, was sworn in. Mrs. Collito stated she lives close by and is a friend of the Applicant. Ms. Collito supports the Applicant's plan as she would like to see her living in her neighborhood.

Mr. Augustitus moved to accept the Application with the stipulation the area of impervious coverage is decreased to 31.1%. The motion was seconded by Mr. Ritter. A vote was taken with all members voting in favor.

Mrs. Jenkins returned to the meeting at 9:00pm.

As tonight will be Mr. Schwartz's last meeting, the Board thanked Mr. Schwartz for his leadership and support and many years of service to the Board.

MINUTES

Mr. Ritter moved to accept the minutes of the Regular Meeting of October 19, 2016 as written, seconded by Mr. Augustitus, with Mr. Salan abstaining. Said motion carried unanimously.

MEMORIALIZATIONS

MATTER OF CHRISTOPHER AND LEAH SKIDMORE

Decided: October 19, 2016

Memorialized: November 16, 2016

WHEREAS, Christopher and Leah Skidmore (hereinafter referred to as the “Applicants”) have filed an application for variance relief 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 100 Mountain Avenue, also known as Lot 3 in Block 200 to approve a 14 foot by 24 foot deck constructed without permits. The subject property is located in the R2 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 October 19, 2016; and

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

1. The Applicants were sworn in and presented testimony before the Board. The Applicants also presented testimony of Michael Skidmore (father of Christopher Skidmore).
2. The Applicants sought approval from the requirements of the Borough Code for side yard setback (8 feet where a minimum of 20 feet is required) and rear yard setback (20.5 feet where a minimum of 30 feet is required).
3. Upon questioning by the Board, it was determined that side yard setback measurement is 4 feet, rather than 8 feet as set forth in the Application. The Board members further noted that the Applicants initially sought a variance from the Borough’s impervious coverage requirements. Upon review, the Board determined that the Applicant’s proposal complies with the Borough’s impervious coverage requirements and variance relief is not required.

4. The Applicants testified that when they purchased the home, they did not know that an addition was constructed by a prior owner without permits. The Applicants found out that the addition was separating from the home and repairs were required.
5. The Applicants testified that the location of the home on a corner lot left no other area for construction of the deck.
6. Michael Skidmore stated that he is a construction project manager in New York and was helping his son with his home. Mr. Skidmore testified that permits were obtained for the repair work. Mr. Skidmore further testified that he misunderstood the instructions of the previous Building Inspector concerning the deck construction. Mr. Skidmore stated the current Building Inspector directed that the Applicants seek variance approval for the existing deck.
7. The Applicants testified that deer resistant trees will be installed around the front and side of deck for privacy.
8. The meeting was opened to the public without comment.

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 to the intent and purposes of the Zone Plan and Zoning Ordinances of the Borough of North Caldwell and furthermore, the Applicant has sustained his 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. Therefore, on a motion by Mr. Augustitus, seconded by Mr. Ritter, the Board unanimously voted to grant the Application of Christopher and Leah Skidmore, with the following conditions: (1) the Application shall be amended to indicate that the side yard setback may not be less than 4 feet; (2) the Applicant shall install plantings along the front and side of the deck to include privacy trees which shall be at least 6 feet in height and planted 4 feet apart; and (3) the variances granted are subject to the approval of the North Caldwell Building Inspector and acceptance of construction practices and photos provided by the Applicant. Mr. Augustitus, Ms. Jenkins, Mr. Kearney, Mr. Ritter, Mr. Wangner, Mr. Angelo and Mr. Schwartz voted in favor of approval. Accordingly, the Application was approved, as amended.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 16th day of November, 2016, by a majority of the members of the Board present at such meeting and who voted in this matter at the meeting held on October 19, 2016.

November 16, 2016

Mr. Ritter moved to accept the resolution in the Matter of Mr. and Mrs. Skidmore as submitted, seconded by Mr. Augustitus with all other members approving, except Mr. Salan who abstained.

There being no further matters to come before the Board, the meeting was adjourned at 9:05p.m.

Respectfully Submitted:

Teresa E. King, Administrative Assistant