

October 19, 2016

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, October 19, 2016 starting at 7:59pm.

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. Angelo

Absent: Mr. Shah, Mr. Salan

Also present were LisaThompson, Attorney and Nancy A. Bretzger, Board Secretary

APPLICATIONS

MATTER OF MR. & MRS. C. SKIDMORE, 100 MOUNTAIN AVENUE, BLOCK 200, LOT 3

Mr. Schwartz asked the Applicants to come forward. Mr. and Mrs. Christopher Skidmore, Applicants, were sworn in. Mr. Michael Skidmore, father of the Applicant, was also sworn in.

Mr. Michael Skidmore explained the deck was constructed without a permit. Mr. Skidmore explained that he was instructed by the Borough's previous Building Inspector to update the permit in order to construct the deck. Mr. Skidmore stated the permit was not updated. The current Building Inspector informed the homeowners to apply for a variance.

After reviewing the plans, the members of the Board questioned the side yard setback, noting that the survey and site plan submitted with the Application do not reflect the same measurements to the property line. Mr. Skidmore was asked if it is a 4 foot setback or an 8 foot setback. It was determined that the survey reflects the correct measurements and the deck is 4 feet from the property line.

Members of the Board questioned the impervious coverage. Since the deck is constructed of pressure treated wood and there is stone under the deck for water to drain, the deck falls within the guidelines of impervious coverage.

The Board asked Mr. Skidmore if there were any plans for planting trees or shrubs in the front and on the side of the deck. Mr. Skidmore explained that it is the Applicants intention to plant privacy trees in those areas.

Mr. Schwartz opened the meeting to the public. No one from the public came forward.

Mr. Augustitus moved to accept the Application as submitted, seconded by Mr. Ritter with the following conditions: Amendment is made to the side yard setback which is 4 feet and cannot be less than 4 feet; The Applicant shall install plantings on the front and side of the deck to include privacy trees 6 feet in height and planted 4 feet apart; the variance is subject to the approval of the North Caldwell Building Inspector and acceptance of construction practices and photos provided by the Applicant.

A vote was taken and the application was unanimously approved.

MEMORIALIZATIONS

MATTER OF FRANCIS KORFMANN

Decided: September 21, 2016

Memorialized: October 19, 2016

WHEREAS, Francis Korfmann (hereinafter referred to as the “Applicant”) has filed an application for a variance 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 240 Smull Avenue, also known as Lot 17 in Block 1004 in order to construct an addition to the existing garage. The subject property is located in 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 21, 2016; and

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

1. The Applicant was represented by Lynda Korfmann, Esq. The Applicant was sworn in and the Application was presented to the Board.
2. The Applicant seeks approval from the requirements of the Borough Code for right side yard setback (8.5 feet where a minimum of 25 feet is required)
3. The Applicant proposes to extend the existing garage 8 feet in depth, for the width of the exiting garage. The garage has a pre-existing non-conforming setback of 13.8 feet at the front of the existing garage and 9.9 feet at the rear of the garage. The proposed addition would create a side yard setback of 9.9 feet to 8.5 feet.
4. The existing garage is too narrow and shallow to permit storage. The narrowness of the existing lot and the orientation of the existing dwelling do not allow for construction of an addition to the garage without variance relief. The proposed expansion of the garage cannot be constructed in any other location on the lot.
5. The Applicant proposes to continue the roof line and use the same materials for the construction of the addition to match the existing dwelling. The proposed one-story addition will not be visible from the street.
6. The matter was opened to the public without objection or comment.

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The Board, in reviewing the above facts and the materials presented at the hearing, finds that the Applicant has met his burden under the Municipal Land Use Law and that the variance requested may be granted without detriment to the zoning ordinance or the master plan as the proposed addition will be constructed with minimal encroachment into the side yard setback; the addition cannot be constructed in any other location; and the addition is in keeping with the neighborhood and will not be visible from the street.

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. Salan, the Board unanimously voted to grant the Application of Francis Korfmann, as submitted, with affirmative votes by Mr. Ritter, Ms. Jenkins, Mr. Augustitus, Mr. Wangner, Mr. Kearney, Mr. Salan, Mr. Angelo and Mr. Schwartz. Accordingly, the Application was approved as submitted.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 19th 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 21, 2016.

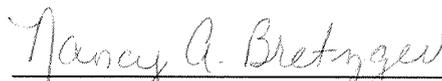
Mr. Augustitus moved to accept the resolution in the Matter of Mr. Korfmann as submitted, seconded by Mr. Ritter. Said motion carried unanimously.

MINUTES

Mr. Ritter moved to accept the minutes of the Regular Meeting of September 21, 2016, seconded by Mr. Angelo. Said motion was passed.

There being no further matters to come before the Board, the meeting was adjourned at 8:38pm.

Respectfully Submitted:



Nancy A. Bretzger, Board Secretary