

September 21, 2016

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, September 21, 2016 starting at 8:03pm.

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, Mr. Angelo

Absent: Mr. Shah

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

APPLICATIONS

MATTER OF MR. FRANCIS KORFMANN, 240 SMULL AVENUE, BLOCK 1004, LOT 17

Mr. Korfmann was sworn in. Ms. Lynda Korfmann, Attorney and daughter, represented Mr. Korfmann. Ms. Korfmann explained the Applicant is seeking a side yard setback variance. The Applicant proposes to add a one story addition to the rear of the existing two car garage. The proposed addition will conform to the character of the home. The garage is currently too narrow and shallow to permit storage. The proposed addition will not extend any further into the side yard setback than the existing dwelling. The narrowness of the existing lot and the orientation of the existing dwelling do not allow for the construction of the garage addition without variance relief. The proposed garage addition could not be constructed in any other location.

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. Salan. A vote was taken and the Application was unanimously approved.

MEMORIALIZATIONS

MATTER OF MR. AND MRS. L. FUNDLER

Decided: July 20, 2016

Memorialized: September 21, 2016

WHEREAS, Mr. and Mrs. Laurence Funder (hereinafter referred to as the "Applicant") have filed an application for variance relief pursuant to N.J.S.A. 40:55D-70(c) for parking and signage for a proposed coffee house within the existing building located at 15 Bloomfield Avenue, also known as Lot 12 in Block 100 (the "Property"). The subject Property is located in the Office Zone; and

WHEREAS, all owners of property located within 200 feet of the Property 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 July 20, 2016; and

WHEREAS, testimony in support of the Application was presented to the Board by the Applicant and Architect JulieAnn Cecere; and

WHEREAS, the owner of the Property has consented to the submission of the Application; and

WHEREAS, the Board considered documentary evidence submitted with the Application, and exhibits presented during the public hearing; and

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

1. The Applicant seeks approval of variances for existing minimum lot size, existing lot coverage, parking and loading zone to permit the use the existing structure for a coffee house establishment.

2. Laurence Funder, Esq. was sworn in. Mr. Funder stated that he currently has a verbal agreement with the owner, Mr. Arthur Rees to lease the property for use as a coffee house. If the application is approved, a written lease agreement will be executed. Mr. Funder stated that the space is not currently occupied.

3. Mr. Funder described his plan to open a coffee house. Mr. Funder testified that coffee, tea and expresso along with a small menu of food will be served. Mr. Funder further testified that no food items will be prepared at the premises, stating that all food sold will be "grab and go" items.

4. Ms. JulieAnn Cecere, Architect, was sworn in and presented her qualifications to the Board. Ms. Cecere was accepted as an expert witness. Ms. Cecere described the proposed site plan she prepared on behalf of the Applicant.

5. Upon questioning by the Board, Ms. Cecere testified that the plan shows four tables with two chairs each. Ms. Cecere further testified that seating capacity is based on the square footage of the building divided by a prescribed number based on the building code. Ms. Cecere added there will be no tables and chairs outside, as the site does not have space for outdoor seating.

6. Ms. Cecere testified that the site originally had three parking spaces. Ms. Cecere stated that a shed located on the Property has been torn down, which allows for the creation of a fourth parking space. One of the four spaces will be designated for handicapped parking. Ms. Cecere noted that there are also two parking spaces on Bloomfield Avenue.

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7. In response to questions from the Board, Mr. Funder stated there will be two, possibly three, employees. Employees will be directed to park on Elm Road.

8. Mr. Funder testified that deliveries to the site will be made by Fed Ex and UPS. Deliveries will be made to the site and to an off-site storage facility. Mr. Funder further testified that any deliveries to the site would be made early in the morning, from Bloomfield Avenue only.

9. Mr. Funder stated he anticipates that the coffee house will be open from 6:30am to 10:00pm, depending in demand.

10. With regard to signage, Ms. Cecere stated that the Applicant seeks two outdoor signs. Ms. Cecere stated the proposed signs are slightly larger than what the Borough Ordinance allows. Both signs will utilize the existing lighting.

11. The meeting was open to the public. Mr. Arthur Rees, 20 Glenview Road, North Caldwell was sworn in. Mr. Rees stated that he has owned the Property since August 2015 and has made some minor renovations. Mr. Rees addressed the Board's parking concerns and feels it is not an issue as the previous business employed five to six people. Mr. Rees testified that other businesses have expressed interest in the space, but in his opinion the coffee house best fits the changes in the area.

NOW, THEREFORE, BE IT RESOLVED that based on the facts as found above, the Board determined that Applicant has met the criteria for the variances requested, with the benefits of granting same outweighing any detriment. On a motion by Mr. Augustitus, seconded by Mr. Ritter, the Board unanimously approved the Application of Mr. and Mrs. Laurence Funder, with the following stipulations: (1) a fourth parking space shall be added; (2) deliveries shall be made from Bloomfield Avenue only; (3) both signs shall comply with the Borough Code; and (4) the impervious coverage shall be maintained as is. Mr. Wangner, Mr. Augustitus, Ms. Jenkins, Mr. Ritter, Mr. Kearney, Mr. Salan and Mr. Schwartz voted in favor of approval.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 21st day of September 2016, by a majority of the members of the Board present at such meeting and who voted for the action taken on July 20, 2016.

Mr. Augustitus moved to accept the resolution in the Matter of Mr. and Mrs. Funder as submitted, seconded by Mrs. Jenkins. Said motion carried unanimously.

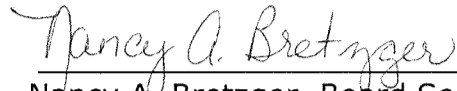
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MINUTES

Mr. Ritter moved to accept the minutes of the Regular Meeting of July 20, 2016, seconded by Mr. Kearney, with Mr. Salan abstaining. Said motion was passed.

There being no further matters to come before the Board, the meeting was adjourned at 8:12p.m.

Respectfully Submitted:



Nancy A. Bretzger, Board Secretary