

September 16, 2015

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, September 16, 2015 starting at 8:04pm.

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: Mrs. Jenkins, Mr. Augustitus, Mr. Ritter, Ms. Tanelli, Mr. Wangner, Mr. Lisa

Absent: Mr. Schwartz, Mr. Shah, Mr. Salan

Also present were Lisa Thompson, Attorney, and Nancy Pravata, Secretary and Teresa King, Administrative Assistant.

APPLICATIONS

MATTER OF YLLI BILANI, 18 BROOKSIDE TERRACE, BLOCK 505, LOT 10

Mr. Bilani was sworn in. Mr. Bilani explained that he has a handicapped daughter in a wheelchair. In order to accommodate his daughter in the wheelchair and make her feel part of the family, they would need to expand the home. Mr. Bilani explained that he tried to expand the existing dwelling without requiring variance approval, however the existing configuration would not allow for expansion of rooms accessed by this daughter, noting that the best way to meet ADA requirements requires expanding to the front and side of the dwelling. The Applicant testified that he is also adding an elevator to his home as part of the proposed renovations.

Mr. Augustitus stated that the proposed plan is an excellent design for ADA compliance. No one else on the board had any other comment.

The matter was opened to the public. Mr. Louis Cohn, 16 Brookside Terrace commented that he has been Mr. and Mrs. Bilani's neighbor for the past nine years. He said that they shower their daughter with love, and he supports their application and feels it should be granted.

Mr. Augustitus made a motion, seconded by Mr. Lisa to accept the Application as proposed. A vote was taken with all Board members voting yes.

MATTER OF NAVEEM BALLEM, 70 ROOSEVELT BLVD, BLOCK 504, LOT 3

Mr. Rich Zimmer from Tapestry Landscape Architecture was sworn in and presented his credentials to the Board. The Board accepted Mr. Zimmer as an expert witness.

Mr. Zimmer described the Applicant's proposal to add a pool, patio and walkway. Mr. Zimmer stated that he feels the pool is an appropriate size as the spa is being built into the pool. He feels that patio size is also sufficient as it is a connection to the driveway. Exhibit A-1 was submitted as it shows the plans in color and the addition of mature evergreens. Mr. Zimmer stated that the design is consistent with the neighborhood although it exceeds maximum coverage.

Mr. Mark Walker from the Walker Design Group was sworn in and presented his credentials. Mr. Walker was accepted by the Board as an expert witness.

Mr. Walker stated the home is located near the end of a cul-du-sac. The house is being totally renovated. The driveway is being cut back, a walkway is being added and a few small additions are being added. Mr. Walker stated that cutting back the driveway is to help mitigate the impervious coverage.

Mr. Walker further testified that there should be no issue with erosion control as silt fence and localized soil conservation measures will be in place. A lawn inlet with recharge units attached to it will be installed. Mr. Walker stated that these are used to collect run-off from the yard. The recharger bottom opens, collects run-off from the yard, discharges to recharging areas and infiltrates the ground.

September 16, 2015

Mr. Walker further stated that currently the existing impervious coverage is at 34.4%. The prior owner had applied for that variance relief and the current homeowner does not know why they were granted approval at that time. The proposed impervious coverage is 40.7%

Mr. Wangner asked if there is currently an irrigation system and sump pumps. Mr. Ballem explained with all the renovation he suspects the irrigation system will need to be replaced and sump pumps have already been installed. The question of the run-off of this water was answered by Mr. Walker. He explained that the water will flow down a swale on the side of the property and discharge into the storm sewer system.

Mr. Lisa stated that the proposal greatly exceeds the 30% impervious coverage ordinance. Mr. Augustitus stated that the property will ultimately consist of house, walkways, driveway and pool.

Mr. Walker stated he informed the homeowner that this was an aggressive plan and came prepared with a proposed new plan. Exhibit A-2 – Alternate Layout was submitted.

Exhibit A-2 shows the patio removed on both sides of the pool, but not at the end of the pool by the spa. The alternate plan reduces the impervious coverage from 40.7% to 38.9%.

The Applicant asked if they narrow the driveway if that would bring the impervious down so that they could leave the pool the same size. The Applicant also asked if grass pavers were used instead of a flagstone patio, would that help decrease the impervious coverage.

Mr. Ballem spoke privately with Messrs. Pena, Walker and Zimmer. Upon returning, Mr. Pena stated that Mr. Ballem, as a lay person, did not fully realize the impact of impervious coverage when purchasing the home. Mr. Pena stated that by removing a substantial portion of the driveway and pavers in the backyard, the impervious coverage can be reduced to 36%.

It was suggested by Mr. Wangner that the Applicant put the proposed revisions in place and come before the Board at the next meeting scheduled for October 21. Mr. Ballem agreed and the Application is postponed until next month.

MEMORIALIZATIONS

MATTER OF SAAED PAYDAR, 55 GRANDVIEW AVENUE, BLOCK 1900, LOT 14

MATTER OF SAAED PAYDAR
Decided: July 15, 2015
Memorialized: September 16 2014

WHEREAS, Saaed Paydar (hereinafter referred to as the “Applicant”) has 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 55 Grandview Avenue, also known as Lot 14 in Block 1900 in order to construct a single family home on an existing non-conforming lot. 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

September 16, 2015

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 15, 2015; and

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

1. The Applicant and Architect Roger Winkle were sworn in and presented testimony in support of the Application. Mr. Winkle described his credentials and was accepted by the Board as an expert witness.
2. Mr. Paydar stated that he has lived in North Caldwell for over fifteen (15) years. Mr. Paydar stated that he acquired the subject property approximately three (3) to four (4) months ago to build a new home for himself. Mr. Paydar stated that his children are grown and would like a smaller house, but wants to stay in North Caldwell.
3. Mr. Paydar described the required variances, stating that the existing lot width is 100 feet, where a minimum lot width of 125 feet is required. The proposed side yard setbacks are 20 feet where a minimum of 25 feet is required. In addition, upon review of the proposed construction plans, the Board identified a variance for the proposed front facing garage.
4. Mr. Winkle testified that compliance with the side yard setback requirements for the 100 foot wide lot creates a house that is too narrow. The proposed dwelling was designed with 20 foot right and left side yard setbacks to provide a livable home and take advantage of the backyard view.
5. Upon deliberation among the Board members, the issue of the front facing garage was discussed. Members of the Board determined that reducing the side yard setback and eliminating the front facing garage allowed for construction of a livable dwelling in keeping with the existing neighborhood.
6. The matter was opened to the public without objection or comment.
7. Based upon questioning by the Board, the Applicant revised his proposed plan by shifting the dwelling to create a right side yard setback of no less than 15 feet thus eliminate the need for the left side yard setback, and allowing the garage to be constructed facing the left side yard of the proposed dwelling.

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

September 16, 2015


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 the undersized existing lot creates a hardship 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 Saeed Paydar, as revised, to include a right side yard setback of no less than fifteen (15) feet, with a conforming left side yard setback and a side facing garage. Mr. Augustitus, Mr. Ritter, Ms. Jenkins, Ms. Tanelli and Mr. Schwartz cast affirmative votes. Accordingly, the Application was approved as revised.

IT IS HEREBY CERTIFIED that this is a true and correct copy of the resolution adopted this 16th day of September, 2015, by a majority of the members of the Board present at such meeting and who voted in this matter at the meeting held on July 15, 2015.

Mr. Augustitus moved to accept the resolution as drafted, seconded by Mrs. Jenkins with all other members voting in favor of approving, except Mr. Wangner and Mr. Lisa who abstained.

There being no further matters to come before the Board, the meeting was adjourned at 9:10pm.

Respectfully Submitted:



Nancy A. Pravata, Board Secretary