

**WEST CALDWELL BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES**

January 9, 2014

A Public Meeting of the Board of Adjustment of the Township of West Caldwell was held on January 9, 2014 at 7:30 P.M. in the Municipal Building, 30 Clinton Road, West Caldwell, New Jersey. Vice Chairman Edward Malia opened the meeting and read the opening statement.

ROLL CALL

Members Present: Mr. Dolan, Mr. Adriaenssens, Mr. Rankin, Mr. Backfisch, Mr. Malia, Mrs.Canale, Mr. McDonnell and Mr. Shannon.

Members Absent: None

Advisors Present: Larry I. Wiener, Esq. and Tamara E. Bross

REORGANIZATION MEETING

ELECTION OF OFFICERS

Mr. Malia called for nominations for Chairman for 2014. Mr. Adriaenssens nominated Mr. Backfisch and Mr. Dolan seconded the nomination. There were no other nominations and Mr. Backfisch was elected Chairman by a 6-0-1 vote, with an abstention by Mr. Backfisch.

Mr. Backfisch then became the presiding officer of the Board. Chairman Backfisch called for nominations for Vice Chairman. Mr. Backfisch nominated Mr. Malia as the vice chairman and Mr. Adriaenssens seconded the nomination. There were no other nominations for Vice Chairman and the nominations were closed. The nomination was approved 6-0-1, with an abstention by Mr. Malia.

Mr. Backfisch called for nominations for Secretary for 2014. Mr. Malia nominated Mrs. Tamara Bross as Secretary and Mr. Rankin seconded the nomination. There were no other nominations and nominations were closed. The nomination was approved 7-0.

Mr. Backfisch called for nominations for Assistant Secretary for 2014. and nominated Mrs. Mary Donovan as Assistant Secretary and Mr. Rankin seconded the nomination. There were no other nominations and nominations were closed. The nomination was approved 7-0.

APPOINTMENT OF 2013 BOARD ATTORNEY

Mr. Backfisch called for nominations for Board Attorney. Mr. Backfisch moved that Mr. Larry Wiener be appointed Board Attorney for 2014. Ms. Bross noted that Mr. Wiener responded to the published RFP for 2014 Board of Adjustment Attorney and met all of the requirements. The nomination was seconded by Mr. Adriaenssens. There were no other nominations and nominations were closed. The nomination was approved 7-0. Mr. Wiener was then sworn into office by Mayor Tempesta.

Mayor Joseph Tempesta, Jr. spoke from the audience and thanked the Board members for their volunteer service. Mayor Tempesta then left the public meeting room.

ADOPTION OF 2013 REGULAR MEETING SCHEDULE

The motion to adopt the 2014 regular meeting schedule was made by Mr. Malia and seconded by Mr. Adriaenssens and approved 7-0.

ADOPTION OF 2013 RULES AND REGULATIONS

A motion to adopt the 2014 Rules and Regulations was made by Mr. Malia and seconded by Ms. Canale. The motion was approved 7-0.

APPROVAL OF MINUTES

On a motion by Mr. Malia and a second by Mr. Adriaenssens the public minutes of December 5, 2013 were approved 5-0-1 with abstentions by Mr. Rankin. Mr. McDonnell did not participate in the vote as he was not a Board member as of December 5, 2013.

RESOLUTIONS OF APPRECIATION Michael Docteroff. On a motion by Mr. Malia and seconded by Mr. Dolan the resolution of appreciation was adopted by a vote of 7-0.

Mr. Rankin and Mr. Shannon have recused themselves.

HEARINGS

1. # Z13-07 Mr. and Mrs. Perri 20 Dawson Drive, Block 2606, Lot 7, R-4 Zone District N.J.S.A. 40:55 D-70C (1) variance application to construct a front porch, a one story addition, a second floor addition and a garage to the side of the house.
The proposed front porch has a front yard setback of 27'11" setback whereas a minimum of 40' is required and creates the need for a variance.

Maria and Luigi Perri, the applicants and Julie Anne Cecere were sworn in. Ms. Bross confirmed that notice had been properly served and taxes on the property are current. Ms. Cecere has accepted the evidence list marked A-7 to B-3 and is adding a colored rendition of an inspirational home and plot plan marked A-8. A nine picture photoboard was also introduced and shall be marked A-9. As a benefit to our new Board member Mr. McDonnell, Ms. Cecere stated her qualifications and was accepted as an expert in architecture.

The applicants are proposing an addition of a front porch onto their existing home which meets all of the required setbacks except the front yard setback which is currently an existing, nonconforming front yard.

Ms. Cecere presented a photoboard to show the placement of the home on the curve of Dawson Drive, to assist visually how the setback will be viewed from the street level. Ms. Cecere noted that the only variance needed is the front yard setback that in her opinion is *di minimis* and stays

in character with the neighborhood. This design will create a usable family friendly home and an asset to an eclectic neighborhood.

There were no comments from the public.
A motion was made to close the hearing.

A motion was made by Mr. McDonnell and seconded by Mr. Adriaenssens to grant the variance that will allow the front porch addition as shown on the plan marked A-8 and approved 6-0.

WHEREAS, Maria & Luigi Perri have applied to the Board of Adjustment, Township of West Caldwell for permission to construct an addition onto an existing home requiring variance relief for premises located at 20 Dawson Drive and known as Block 2606, Lot 7 on the Tax Map of the Township of West Caldwell which premises are in a “R-4” Zone;

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and having conducted a public hearing has made the following factual findings:

1. The applicants are the owners and occupants of the single-family home on site.
2. The applicants were proposing to construct a significant addition onto the existing home. Much of the addition would not require variance relief. However, the applicant’s plans result in the need to decrease the already non-conforming front yard setback. (Existing 30’6”; proposed 29”; required 40’). It is further noted that the front steps and any bay windows are not calculated as part of the front yard setback pursuant to Section 20-5.4c.2.
3. The applicants received a letter of denial dated 10/30/13 from John Bock, Zoning Officer.
4. The Board received a memorandum dated 12/19/13 from Jessica Giorgianni, the Zoning Officer.
5. The Board introduced exhibits which were pre-marked and entered as part of the record of the within matter.
6. Applicants submitted architectural drawings prepared by Julie Anne Cecere, architect, dated 10/28/13 consisting of five sheets.
7. Much of the testimony, at the public hearing, was provided by the applicant’s architect, Julie Anne Cecere. Ms. Cecere introduced two additional exhibits – A-8, a plot plan elevation rendition and A-9, a nine picture photoboard.
8. Ms. Cecere noted that the subject property was located on a curve on Dawson Drive. As such, she opined the additional 1.5’ relief would be *de minimis* and imperceptible to the naked eye. She noted the additional “bump out” would accommodate upgrading the interior flow of this home. She noted the existing home was an Eisenhower era Cape Cod, mid 20th Century home. As such, the upper level has limited utility due to the low roofline typical in Cape Cod style homes. Her visual inventory of the housing stock, in this neighborhood, indicated that many of the homes were going through similar upgrades and modifications. She opined those home that had not already gone through this process would, in all likelihood, eventually be brought up to current housing preferences.
9. She stated that she had done a careful analysis of other alternative designs for the home. But after taking into account the location of existing infrastructure and the ability to re-adapt and re-utilize the existing home, opined that the iteration presented to the Board was a well thought out adaptive re-utilization of this existing resource.

WHEREAS, the Board has determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of West Caldwell for the following reasons:

1. The Board finds the testimony of the applicant's witness to be credible and on-point. The location of the existing infrastructure together with the orientation of the infrastructure to the street (a curve) constitutes hardships peculiar to the premises.
2. The applicant's proposed relief is *de minimis* under the circumstances. Granting the relief will permit a significant and major renovation of this existing outmoded home. The grant of this variance will have a positive impact on the surrounding homes and be a general aesthetic upgrade to this neighborhood.
3. There will be no significant impact as a result of this minor deviation from the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township West Caldwell on the __ day of _____ 2014 that the approval of the within application be granted subject, however, to the following conditions:

1. Payment of all fees, sureties, and escrows required by ordinance.
2. Front porch is not to be enclosed.
3. Addition to be sized and located as depicted on the architectural plans submitted with the application. Front yard setback to be no less than 29', as proposed.

INVITATION FOR PUBLIC DISCUSSION

There were no comments or questions from the public.

ADJOURNMENT

The meeting adjourned at 8:13 p.m.

Respectfully submitted,

Tamara E. Bross Board of Adjustment Secretary