

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

June 4, 2015

A Public Meeting of the Board of Adjustment of the Township of West Caldwell was held on June 4, 2015 at 7:30 P.M. in the Municipal Building, 30 Clinton Road, West Caldwell, New Jersey. Chairman Backfisch opened the meeting and read the opening statement.

ROLL CALL

Members Present: Mr. Adriaenssens, Mr. Rankin, Chairman Backfisch, Mr. McDonnell and Mr. Schott

Members Absent: Mr. Dolan, Mr. Malia and Mr. Shannon

Advisors Present: Larry I. Wiener, Esq., Tamara E. Bross
Glenn Carter, Zoning Officer

APPROVAL OF MINUTES

On a motion by Mr. Adriaenssens and seconded by Mr. Rankin, the public minutes of June 14, 2014 were approved 4-0-1, Mr. Schott was not present at hearing.

MEMORIALIZATION OF RESOLUTIONS

A resolution for # **Z15-02, Douglas L. Cummings, 60 St. Charles Ave, Block 1807 Lot 6, R-4 Zone District** was memorialized, moved by Mr. Adriaenssens and seconded by Mr. Rankin; by a vote of 4-0-1, as Mr. Schott was not present for hearing.

A resolution for **Z15-06, Michael Miscia, 24 Beechwood Road, Block 2606 Lot 24, R-4 Zone District** was memorialized, moved by Mr. Adriaenssens and seconded by Mr. Rankin; by a vote of 4-0-1, as Mr. Schott was not present for hearing.

A resolution for **Z15-07, Louis Ferrara, 29 Dawson Drive, Block 2607 Lot 13, R-4 Zone District** was memorialized, moved by Mr. Rankin and seconded by Mr. Adriaenssens; by a vote of 4-0-1, as Mr. Schott was not present for hearing.

A resolution for **Z15-08 Charles & Gina Stadtman, 160 Central Avenue, Block 506 Lots 17&18, R-4 Zone** was memorialized, moved by Mr. Rankin and seconded by Mr. Adriaenssens; by a vote of 4-0-1, as Mr. Schott was not present for hearing.

A resolution for **Z15-04, Hawthorne Charitable Foundation, 31 Fairfield Avenue, Block 1002 Lot 9, R-3 Zone District** was memorialized, moved by Mr. Rankin and seconded by Mr. Schott; by a vote of 4-0-1 as Mr. Adriaenssens was not present for hearing .

HEARINGS

Z15-09 Michael & Nicole Tirrito, 16 Loughheed Avenue, Block 2201 Lot 63, R-4 Zone

Seeks N.J.S.A. 40:55D-70C variance to construct a rear deck. The applicant has proposed a rear yard setback of 27'-6 5/8" whereas a minimum of 33' is required. Section 20-5.4c3 calculation to determine required rear yard setback-note 3.

Ms. Bross confirmed proper notice was given and taxes are current. Mr. Wiener swore in applicants Nicole and Michael Torrito owners of property.

The exhibit list was approved A-1 through A-8 and B-1 through B-2. A photo board marked A-9 was presented to the Board.

Testimony and discussion followed by applicants stating reasons for request of relief for rear yard setback to build a deck for additional family and entertaining space outside. There is a steep slope and a deck gives a level usable space without impacting the neighbors.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation; a motion was made by Mr. Adriaenssens and seconded by Mr. Rankin to grant variances requested and approved with appropriate conditions 5-0.

Z15-10 Bernard and Nicholas Russomano, 8 Deerfield Road, Block 2604, Lot 4 R-4 Zone

Seeks N.J.S.A. 40:55D-70C variance for an addition/ improving existing garage. The applicant has proposed a side yard setback of 9.18' where a minimum of 22.5' is required Section 20-5.4(note #4) and any vertical extension of a structure along an existing non-conforming setback line shall be deemed an enlargement of an existing non-conformity section 20-18.1.b

Ms. Bross confirmed notice given and taxes current. Mr. Wiener swore in Bernard Russomano and Nicholas Russomano; father and son are property owners Bernard grew up at this address and is currently Nicholas' primary address. Exhibit list was approved A-1 through A-8 and B-1 through B-3.

Testimony followed by applicants stating reasons for request of relief to improve the flat roof on garage and replace with peaked roof. The roof has continually leaked and the peak will help eliminate that problem without enlarging the footprint. The applicant agreed to abate property maintenance issues mentioned in zoning officers memo.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation; a motion was made by Mr. Rankin and seconded by Mr. Adriaenssens to grant variances requested and approve with conditions 5-0.

Z15-11 Gary & Theresa Pankiewicz, 14 Evergreen Road, Block 2202 Lot 7, R-4 Zone

Seeks N.J.S.A. 40:55D-70C variance to construct a rear deck. The applicant has proposed a rear yard setback of 34' whereas a minimum of 38.625' is required. Section 20-5.4c3 calculation to determine required rear yard setback-note 3

Ms. Bross confirmed notice given and taxes current. Mr. Wiener swore in Applicants Gary and Theresa Pankiewicz. Exhibit list was approved A-1 through A-8 and B-1 through B-3.

Testimony and discussion followed by applicants stating reasons for request of relief for rear deck to expand the enjoyment of their yard and far away from their neighbors to be a detriment.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation; a motion was made by Mr. Rankin and seconded by Mr. McDonnell to grant variances requested and approve 5-0.

Z15-12 Fred Truzzolino, 1 Gymoty Road, Block 2801 Lot 1, R-3 Zone District

Seeks N.J.S.A. 40:55D-70C variance to install a 6 foot fence. The applicant has proposed a front yard setback (corner property) of 8' whereas a minimum of 20' is required Section 20-21.14b.

Ms. Bross confirmed notice was accurately given and taxes are current. Mr. Wiener swore in Kim and Fred Truzzolino. Exhibit list was approved A-1 through A-8 and B-1 through B-3. A photo board of ten photos of applicants property marked A-9 and a highlighted enlarged copy of the applicants survey marked A-10 were added to the evidence marking list.

Testimony was offered by Mr. Truzzolino offering details about site plan and reasons for requesting relief. A four foot wooden fence currently surrounds the back yard and would like to replace with a six foot solid fence for privacy and safety. The property is on a very busy corner of Harrison Avenue and increase of traffic is also a concern. Large shrubs currently border the street and the six foot fence will be screened somewhat from the street by them. Chairman Backfisch pointed out Harrison Road is a county road and if you wish to put fence on the reserve/easement within 12 feet you are at your own risk in the future if they wish to widen the road.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation; a motion was made by Mr. Adriaenssens and seconded by Mr. Schott to grant variances requested and approve 5-0.

Z15-13 Tina Russo-Rivera, 53 Dalewood Road, Block 2700 Lot 28, R-3 Zone District

Seeks N.J.S.A. 40:55D-70C variance to install a 6 foot fence. The applicant has proposed a front yard setback (corner property) of 10.5' whereas a minimum of 20' is required Section 20-21.14b

Ms. Bross confirmed notice was given and taxes are current. Mr. Wiener swore in Tina Russo-Rivera. Exhibit list was approved A-1 through A-7 and B-1 through B-3.

Testimony was offered by Ms. Russo-Rivera that she is requesting to install a six foot fence for privacy and to prevent commuters from walking through her yard. This will enclose her back yard for privacy and safety. Neighbors are all fine with proposed fence placement.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation; Members of the Board requested that she stake two lines of string at the 20 foot and 10 foot setback for a visual. The applicant agreed and will carry this application until the next scheduled hearing; this will allow the members to drive by and view site lines.

DISCUSSION

Members discussed rescheduling the July 2nd meeting and directed notice for July 16th. Mayor and Council recommend Maser Consulting as Board Planner and Mr. Adriaenssens made a motion and Mr. Rankin seconded to adopt resolution naming Board Planner and was approved 5-0.

INVITATION FOR PUBLIC DISCUSSION

There were no comments and/or discussion from the Public.

ADJOURNMENT

The meeting was adjourned at 8:55 PM.

Respectfully Submitted,

Tamara E. Bross, Board of Adjustment, Secretary