

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

October 1, 2015

A Public Meeting of the Board of Adjustment of the Township of West Caldwell was held on October 1, 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. Dolan, Mr. Adriaenssens, Chairman Backfisch, Mr. Malia, Mr. Shannon and Mr. Schott

Members Absent: Mr. Rankin and Mr. McDonnell

Advisors Present: Alyse Landano-Hubbard, Esq., Tamara E. Bross  
Larry Peter, Zoning Officer

**MEMORIALIZATION OF RESOLUTIONS**

A resolution for **Z15-17 Steven & Mary Barrasso, 67 Richard Ave., Block 1807 Lot 11, R-4 Zone** was memorialized, moved by Mr. Shannon and seconded by Mr. Malia, by a vote of 4-0-2, as Mr. Dolan and Mr. Schott were not present for hearing.

A resolution for **Z15-21 Charles & Tracy Latimer, 103 Westover Ave, Block 601 Lot 49, R-4 Zone** was memorialized, moved by Mr. Shannon and seconded by Mr. Malia, by a vote of 4-0-2, as Mr. Dolan and Mr. Schott were not present for hearing.

A resolution for **Z15-23 Michael & Roanne Previti, 232 Central Avenue, Block 400 Lot 36, R-4 Zone** was memorialized, moved by Mr. Adriaenssens and seconded by Mr. Shannon, by a vote of 5-0-1, as Mr. Malia was not present for hearing.

A resolution for **Z15-22, Carol Ann & H. Neil Broder, 4 Sylvan Way, Block 403 Lot 15, R-2 Zone** was memorialized, moved by Mr. Adriaenssens and seconded by Mr. Shannon; by a vote of 5-0-1, as Mr. Malia was not present for hearing.

**HEARINGS**

**Z15-19 Mary Beth, Anthony & Guiseppe Lentine, 19 Bond Place, Block 2607 Lot 31, R-4 Zone District**

Seeks N.J.S.A. 40:55D-70C variance to construct a rear deck. The applicant has proposed a side yard setback of 7' feet whereas a minimum of 10 feet (left side) is required. Section 20-5.4 schedule of district regulations- side yard setback. The applicant has proposed a plan with lot coverage of more than 30%, whereas 30% is maximum (Section 20-5.4.).

Request to carry to 11/5/2015.

**Z15-20 Peter Stille, 119 Forest Avenue, Block 208 Lot 45, R-4 Zone District**

Seeks N.J.S.A. 40:55D-70C variance to construct an addition and patio onto rear of home. The applicant has proposed a side yard setback of 7 feet whereas a minimum of 10 feet (right side) is required. Section 20-5.4 schedule of district regulations- side yard setback. The applicant has proposed a plan with lot coverage in excess of 30% whereas 30% is maximum (Section 20-5.4.)

\*Hearing carried from September 17, 2015.

Ms. Bross confirmed notice was carried from last month and taxes current. Ms. Landano-Hubbard reminded the applicant that he is still under oath. Ms. Bross added the following to the evidence marking list for the record: A-14 two sheets of hand drawings; A-15 coverage calculations; A-16 memo by Peter Steck; A-17 survey; A-18 elevation of proposed addition. Hearing was carried from 9/17/2015 as the Board requested additional documentation submitted A-14 through A-18.

Testimony and discussion followed by Mr. Peter Stille presenting the memo from Mr. Steck with calculations totaling 27% of lot coverage. He is requesting a side yard variance that is preexisting because of the placement of the house. Mr. Stille asked that since all documentation has been submitted he be granted approval for this application.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation, a motion was made by Mr. Malia and seconded by Mr. Shannon to grant the variance requested and approve application 5-0.

**Z14-14 Michael Capozzi, 8 Sunnie Terrace, Block 2604, Lot 15, R-4 Zone District**

Seeks N.J.S.A. 40:55D-70.c.2 variance to keep patio as installed 6' feet from the side property line whereas 10' is required Section 20-19.5.a schedule of district regulations.

Ms. Bross confirmed notice given and taxes current. Ms. Landano-Hubbard swore in applicant Michael Capozzi. Exhibit list was approved A-1 through A-8 and B-1 through B-2.

Testimony and discussion followed by applicant stating reasons for request of relief for side yard setback for the installation of the patio currently in place. The applicant received a summons for installing patio in the side yard without a variance and is before the Board to seek relief for the patio retroactively. The presence of that portion of the paver patio provides a safe and level walking area for anyone entering or exiting the side door of the house, especially his two young daughters and their friends. Secondly the patio provides safe drainage of rainwater as the property has a pitch and it is also more aesthetically pleasing. The applicant is asking the Board to grant relief for the above reasons, most importantly for the safety issue of entering the home.

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 5-1.

NOTED: Mr. Frank Russo, Township Engineer for this project is now present. 8:05PM

**Z14-18 (AMENDED), Joseph Santangelo, 108 Ravine Avenue, Block 802, Lot 3, R-4 Zone District**

Seeks N.J.S.A. 4055D-70b interpretation of the Zoning Ordinance specifically as it relates to lot coverage as delineated in the District Regulations set forth in section 20-5.4 of the Zoning Ordinance.

Ms. Bross confirmed notice was given and taxes are current; also for the record this application was originally heard on December 11, 2014, carried to April 2, 2015 and then again to May 7, 2015. Mr. Dolan and Mr. Schott have certified that they have listened to the audio of meetings they did not attend. Noted is a change in attorney as Mr. Joseph Maddaloni is representing the Applicant and submitted amended application for interpretation of lot coverage resolution dated June 3, 2014 which was memorialized after Mr. Santangelo was issued building permits.

Testimony and discussion was offered by Mr. Maddaloni stating that because the resolution was adopted after Mr. Santangelo completed his development that the change in lot coverage should not be enforced against Mr. Santangelo. Mr. Maddaloni entered his argument page 10 through page 19 of his letter dated August 13, 2015 addressed to Ms. Tamara E. Bross relating specifically to the resolution dated June 3, 2014 that it should be retracted or if the Board is not in favor of this then “clearly” this resolution should not apply to Mr. Santangelo’s application because the building permit was complete.

Ms. Landano-Hubbard swore in Joseph Santangelo and asked about the current status of the property. Applicant has temporary CO from building department; that home and garage are constructed; driveway is not paved. He is here to satisfy 6 variances to obtain CO.

Mr. Maddaloni referred to Mr. Santangelo’s certification to present the chain of events that has brought the Applicant before this Board.

Ms. Landano - Hubbard asked that all of the surveys be clarified and asked what was presented for building permits; specifically the differences of calculations on Exhibits B and C from the variance application.

Mr. Maddaloni suggests that the lot coverage should not be applied to this applicant as the Applicant was issued building permits prior to the Resolution of the Interpretation in June 2014.

Mr. Dolan is willing to go back and read Mr. Carter’s memo and listen to audio but not prepared to make a decision before doing so.

Chairman Backfisch directed the clerk to distribute a copy of the audio to members.

Mr. Maddaloni requested a copy as well.

Mr. Russo stated that building permits were issued because plans submitted did not require any variances; six variances came into play after the Applicant developed his property.

Mr. Santangelo did not build what he submitted to the building department.

This hearing will be carried until December 3<sup>rd</sup> without further notice.  
Mr. Peter stated that site plans are not consistent and requested updated plans with calculations on a single, larger plan.  
Mr. Dolan requested a bullet point timeline from Mr. Maddaloni.

There were no questions or comments from the Public.

### **INVITATION FOR PUBLIC DISCUSSION**

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

### **ADJOURNMENT**

The meeting was adjourned at 9:55 PM.

Respectfully Submitted,

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Tamara E. Bross, Board of Adjustment Secretary