

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

February 4, 2016

A Public Meeting of the Board of Adjustment of the Township of West Caldwell was held on February 4, 2016 at 7:31 P.M. in the Municipal Building, 30 Clinton Road, West Caldwell, New Jersey. Chairman Steven Backfisch opened the meeting and read the opening statement.

**ROLL CALL**

Members Present: Mr. Dolan, Adriaenssens, Mr. Rankin, Chairman Backfisch, Mr. Malia, Mr. Shannon, Mr. McDonnell

Members Absent: Mr. Schott

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

**APPROVAL OF MINUTES:** The Board, by those members permitted to vote, unanimously approved the minutes from January 8, 2015; May 7, 2015; July 16, 2015; October 1, 2015; and January 14, 2016.

**MEMORIALIZATION OF RESOLUTIONS:**

The Board of Adjustment unanimously approved by the memorialization of the Resolution for application Z15-24 Richard and Melanie Ventola, 9 Twin Brook Road, Block 1103, Lot 3, R-2 Zone District.

The Board of Adjustment unanimously approved the memorialization of the Resolution for application Z15-25 Gina and Louis Fazzini, 18 Sanford Avenue, Block 1603, Lot 6, R-3 Zone District.

**HEARINGS**

**1. Z15-28 David & Melissa Weisman, 105 Forest Avenue, Block 208, Lot 12, R-4 Zone District**

Seeks N.J.S.A. 40:55D-70C variance to construct a rear deck. The applicant has proposed a rear yard set back of 44 feet where a minimum of 50 feet is required (section 20-5.4.c.3)

Board Secretary acknowledged that service provided by the Applicant was acceptable.

- Larry Wiener, Esq swore in applicants Melissa Weisman (“Witness 1”) David Weisman (“Witness 2”) at 105 Forest Avenue.
- Larry Wiener, Esq. explained the process to the Applicant. He stated that there have been exhibit markings, that the applicant needs to explain to Board what work is being proposed, why that work will need a variance, why the variance should be granted and why if the variance is granted, it will not have an adverse or substantial impact on your neighbors
- Witness 1 provided an opening statement and testifies about the need to repair the existing deck that they deemed unsafe. They determined that they will be staying in town for a while and would like to extend the existing deck by four (4.0) feet deeper and three (3.0) feet wider.
- Witness 1 references Exhibit A-4.
- Witness 1 testified they would like to improve the existing deck material, improve the neighborhood, improve backyard living conditions.

- Board member noted that there is a stream that runs through the property which may create a hardship for the applicant for placement of the deck and the applicant agreed.
- Board member asked the applicant if there would be no negative impact on light air open space of neighbors and she
- Board member asked about the other side of yard and the applicant responded that there is a privacy fence which will remain.
- Board member asked what material will be beneath the deck and the applicant stated that there will be no concrete under the deck. Nothing solid will be under the new deck.
- Board member asked if safety concerns also were a factor for the replacement and the applicant agreed.
- The Board noted that the existing deck condition is not conforming now. They Board also noted that trees will remain on the property.

The Applicant provided no expert testimony.

Chairman Backfisch then asked for comments or questions from the public for the Applicants. No comments or questions were presented.

Chairman Backfisch then asked if any members of the public wish to offer testimony or make a statement for or against the Applicants. No testimony was presented.

Chairman Backfisch then asked if there were any other members of the public who wished to offer any evidence in this case, present any statement or testimony in the case. None was offered.

Chairman Backfisch closed the hearing on motion by Mr. Malia, seconded by Mr. Adriaenssens.

Board members then discussed the application.

Chairman Backfisch summarized the application. Motion was made by Mr. Rankin and seconded by Mr. McDonnell to approve application as presented and it was approved unanimously. The Board found that the variance is to be allowed and agreed to provide the requested relief to the rear yard setback variance.

### **INVITATION FOR PUBLIC DISCUSSION**

Next hearing will have the following matters:

1. Chirico – shed built one foot off property line.
2. Sign variance – St. Charles apartments.
3. Santangelo.

Master Plan – recommendation from Zoning Board of Adjustment requested. From there, it will go to the Planning Board and then the governing body. Larry Wiener, Esq. stated he will work with the Board Secretary to prepare a report for the Board review. Ms. Bross added that she spoke to Julianne Cecere regarding the recommendation that the building coverage percentage and impervious coverage calculation be added to the zoning calculation going forward. Discussion followed on the topic. The Gardens neighborhood was discussed and the possibility of creating a new “R-5” zone for the pre-existing, non-conforming lots. Impervious coverage is an issue all around town. Building coverage on lot. 30% applies to building coverage, principal structure, accessory structure over 100 sq feet. Possibly recommend a total impervious coverage versus building coverage. Floor Area Ratio discussion and agreed that the meant for new development, hard to apply to existing community. The Board also

mentioned storm water management since nothing exists in the code to address residential storm water management. A board might suggest installing a drywell at a hearing, but nothing requires it. The Board also mentioned the steep slope in the Presidential neighborhood.

**ADJOURNMENT**

The meeting adjourned at 8:36 p.m.

Respectfully submitted,

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Lynda Korfmann  
Secretary to the Board of Adjustment