

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

September 8, 2016

A Public Meeting of the Board of Adjustment of the Township of West Caldwell was held on September 8, 2016 at 7:31 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, Mr. Rankin, Chairman Backfisch, Mr. Shannon, Mr. McDonnell

Members Absent: Mr. Malia, Mr. Schott

Advisors Present: Larry I. Wiener, Esq., Daniel Bloch, Zoning Office – Planner, Lynda Korfmann, Secretary of the Board

APPROVAL OF MINUTES

The Minutes of the August 4, 2016 Public Meeting were approved by the Board members present who were entitled to vote on the Minutes.

MEMORIALIZATION OF RESOLUTIONS:

The Board of Adjustment approved the memorialization of the Resolution for application Z16-14 Frederick Boyle, 141 Westover Avenue, Block 601, Lot 32, R-4 Zone District.

HEARINGS

1. ZB16-15 Nicholas Conforti and Kim Conforti, 85 Deerfield Road, Block 2600, Lot 9, R-4 Zone District.

Applicant seeks N.J.S.A. 40:55-70C variances to construct a new second story addition and a new front porch entry. A variance is required for the side yard setback (Section 20-5.4) where 10 feet is required, 5 feet is existing and 5 feet is proposed. A variance also is required for the front yard setback (Section 20-5.4) where 40 feet is required, 33.9 feet is existing and for the second story addition approximately 31.9 feet is proposed and for the new front porch entry approximately 22.5 feet is proposed. Application is carried without the need for new notice as the applicant does not have architectural drawings available yet.

2. ZB16-16 John Christopher and Gina Christopher, 11 Crane Avenue, Block 205, Lot 7, R-4 Zone District.

Applicant seeks N.J.S.A. 40:55-70C variance to install a new swimming pool. A variance is required for maximum lot coverage (Section 20-5.4) where 30% is permitted, 33.2% is existing and 40.8% is proposed.

The Applicants and their engineer Chester DeLorenzo were sworn in. The Board Secretary confirmed that service of notice was proper. Evidence markings were confirmed as accurate.

- The engineer provided his qualifications and was accepted as an expert.

- Applicant Gina Christopher explained their application which seeks approval for a small swimming pool and patio in the rear yard.
- The engineer explained that the lot is 76 x 150 providing for 11,400 sq.ft. The existing home is about 2,600 sq.ft. Proposed is for a small pool with a modest patio for a few lounge chairs.
- The back rear yard is sloped. He explained the surrounding properties as well. One lot (lot 6) has a pool, and both side lots have conifers along the property lines.
- The change in grade in the rear of the property is about 3 ft to 4 ft. As a result, he proposes a small yard drain on the westerly side which will drain to Crane Avenue. He noted that the property naturally drains from rear to front.
- A 65 foot, low, stack stone decorative wall is proposed in the rear as well. It is not structural, but rather being installed for aesthetic reasons.
- The pool shall be shallow, about 2'-5" running to 5'-0" deep – more a soaking pool about 230 sq.ft. in size.
- The engineer commented that he believes the application qualifies as a C1 and C2 variance.
- He added that the home and lot are a reasonable size, but the hardship arises due to the totality of the house and driveway coverage as it applies to the lot coverage. Due to the shape of the lot, many in the area are unable to meet the coverage requirement.
- He also noted that C2 applies as well. No detriments exist, but benefits exist as to the property owner. The proposed work is not unreasonable and will not negatively impact the Master Plan. Further, the positive criteria are met and there will be no impact on the neighbors with the proposed drainage.

The Board asked questions of the Applicants.

- Mr. Rankin asked the height of the stack stone wall and was advised it would be 1'-3" high.
- Mr. McDonnell noted of the excess square footage requiring the variance and if other possibilities were considered. The engineer responded in the affirmative, but explained a smaller pool is not possible and patio is important for surround for the Applicants.
- Mr. Backfisch inquired about the walkway material and was informed it will be the same material as the pool surround.

The Chairman asked if the public had any questions or comments for the Applicants or their expert. Bob Dolan of 9 Grand Avenue (lot 8) – to the right of the Applicants' property, commented. His concern has to with the proposed drainage. He explained his property configuration. The engineer responded that the proposed drain system could be adjusted to omit the pop up emitter in the lot, add an additional 100 feet of pipe and new emitter at the end by the inlet. Mr. Dolan was satisfied with this revised drain configuration.

The Chairman asked if the public had any evidence or general comments. No one appeared.

Dan Bloch, the Township Zoning Official, commented that the surface area of the pool, about 231 sq. ft. should be added into the calculation for lot coverage. Including this figure increases the lot coverage amount to 42.0%. The engineer agreed to make this change to his calculations.

Motion by Mr. Shannon, seconded by Mr. McDonnell to close the meeting.

The Board members reviewed the application and provided comments. Mr. McDonnell noted that the minor adjustment to the drain system was good and the layout was nice. Mr. Dolan noted that not all impervious coverage is created equal and that a pool is different. He added that he believes that the positive criteria outweigh the negative criteria. Chairman Backfisch acknowledged that the home is modest in size and that the driveway consumes a good deal of the property. The proposed work will be an improvement.

Motion was made by Mr. Adriaenssens to approve application as presented subject to the conditions articulated and seconded by Mr. Rankin. The motion was approved by a vote of 6-0.

3. ZB16-17 Sergio Vlacich and Rebecca Vlacich, 34 Pleasant Avenue Block 508, Lot 46, R-4 Zone District

Applicant seeks N.J.S.A. 40:55-70C variance to construct a new second story addition over an existing den. A variance is required for the side yard setback (Section 20-9.5) where 10 feet is required, 4.8 feet is existing and 4.8 feet is proposed. Also it is a pre-existing nonconforming structure (Section 20-8.1(b)).

The Applicants were sworn in. The Board Secretary confirmed that service of notice was proper. Evidence markings were confirmed as accurate.

- The Applicant Sergio Vlacich explained the application.
- He and his wife purchased the property in 2009. The home was a 3BR, 2BA home. There are 2 bedrooms and one bathroom on the second floor. The one bedroom on the first floor is used as a den. Now they have one child and are expecting a second. They would like to add a third bedroom to the second floor. The existing den on the first floor is 4.5 feet from the side property line. They explored other construction options with their architect, but no other work was practical. The roof line and structure of the house does not lend itself to other second floor construction. The existing den has a shed roof and could easily have a second floor added above it.
- The Applicant stated that he believes the proposed construction is in conforming with the neighborhood.
- Construction over the existing garage was not feasible because it is on the other side of the home and separated from the existing bedrooms.

The Board asked questions of the Applicant.

- Mr. Wiener commented that the infrastructure of the house gives rise to the C1 hardship.
- Mr. McDonnell inquired about the possible addition over the garage and the Applicant clarified that this space has not utilities in it and would require significant work to reconfigure the area to accept a second story.
- Mr. Shannon confirmed that the existing side yard setback is 4.8 feet and the proposed addition will keep the 4.8 foot side yard setback.
- Mr. Dolan inquired about the materials to be used on the exterior surfaces. The Applicant confirmed that the materials will match existing conditions.
- Mr. Adriaenssens had the Applicant confirm that that the proposed room will connect to the existing second floor space and that there will be a new roof line.
- Mr. Wiener noted that the C1 variance contemplates the existing infrastructure on the lot, in this case the home, and then how a property owner may configure development on the lot, which in this case is impractical, especially as reviewed by the Applicant's architect.

The Chairman asked if the public had any questions, comments or testimony for the Applicant. No one responded.

Motion by Mr. McDonnell, seconded by Mr. Adriaenssens to close the meeting.

The Board members reviewed the application and comments were provided. Mr. Dolan acknowledged he supported the application for the reasons discussed for C1 variance.

Motion was made by Mr. Rankin to approve application as presented subject to the conditions articulated and seconded by Mr. Shannon. The motion was approved by a vote of 6-0.

4. ZB16-18, Andrew Apicella, 164 Orton Road, Block 2700, Lot 14, R-4 Zone District

Applicant seeks N.J.S.A. 40:55-70C variance to demolish an existing screened porch and construct a new one story addition and new deck. A variance is required for the side yard setback (Section 20-9.5) where 10 feet is required, 8.5 feet is existing and 6.4 feet is proposed.

The Applicant was sworn in. The Board Secretary confirmed that service of notice was proper. Evidence markings were confirmed as accurate.

- Mr. McDonnell noted that although he resides outside of the 200 foot notice zone, he is a resident of Orton Road, but does not know the Applicant.
- The Applicant explained the application which proposes to demolish an existing, dilapidated screened porch and replace it with a new addition and new deck.
- He noted that the rear of the property slopes significantly away from the home. His basement exits to grade and is a walkout basement. The proposed area for the work, in comparison, offers level ground for building.
- He added that there will be a visual improvement to the property as well.
- He stated that the new Family Room will provide an exit to the new deck and that the current house currently does not have a rear door.
- He also noted that the other side of the property contains the garage and also slopes away from the home, which also makes it difficult to build (south side).
- The lot is deep, but extremely narrow (90 feet wide). The current porch already encroaches into the required setback area.

The Board asked questions of the Applicant.

- Chairman Backfisch and Mr. Wiener commented upon the existing lot size and the challenges that present for development. Adding that the infrastructure creates a need for a C1 variance as does the shape of the property which adds dimensional problems.
- Mr. Dolan inquired about the basement and the possibility of constructing the addition of the rear. The Applicant explained that the foundation would be about 10 feet high due to the slope of the property at that location. The Applicant added that the proposed location only will have a crawl space beneath it.
- Mr. McDonnell clarified that the existing porch and its foundation will be removed and a new foundation constructed. This work at the side of the property will be less involved than if constructed at the rear of the property.
- Chairman Backfisch asked about the neighbors. The Applicant explained that the neighbor on the side of the property addition is aware of the application and had no objections. That neighbor's driveway is adjacent to the addition.
- Mr. McDonnell inquired about the exterior finish on the front of the home and the Applicant confirmed that the real brick face on the front will remain, but the side brick veneers will be covered.
- Mr. Adriaenssens had the Applicant confirm that the deck will never be enclosed.

The Chairman asked if the public had any questions, comments or testimony for the Applicant. No one appeared.

The Board members reviewed the application and comments were provided. Mr. McDonnell indicated that he believes that the application clearly qualifies as a C1 variance. Mr. Dolan agreed noting the shape of the lot.

Motion was made by Mr. Adriaenssens to approve application as presented subject to the conditions articulated and seconded by Mr. McDonnell. The motion was approved by a vote of 6-0.

5. ZB16-19, James Hyman, 30 Eastern Parkway, Block 1801, Lot 4, R-4 Zone District

Applicant seeks N.J.S.A. 40:55-70C variance to construct a two story addition with a new garage on the first floor and a new master bedroom on the second floor, a new rear landing and deck area and anew front porch entry. A variance is required for maximum lot coverage (Section 20-9.5) where 30% is required, 24.14% is existing and 34.3% is proposed. A variance is required for minimum front lot setback (Section 20-5.4c2) where 40 feet is required, 32.4 feet is existing and 26.4 is proposed. No variance is needed for the rear deck/platform area.

The Applicants (James Hyman and Jennifer Virella, husband and wife) and their expert architectural project manager Nazir Afamougat were sworn in. Mr. Afamougat has an address of 271 North 11th Street, Prospect Park, New Jersey. The Board Secretary confirmed that service of notice was proper. Evidence markings were confirmed as accurate.

- The Applicant explained the application stating that they need a C1 variance to allow the 2-story addition and the new front entry.
- Mr. McDonnell inquired if the rear shed was included in the coverage calculation. He also inquired about the reason for the large front porch. Ms. Virella explained that their young children play in the front yard area and she usually brings out a folding chair. For safety reasons and comfort, they would prefer a larger porch area on which to sit. She added that she feels the porch will be an aesthetic improvement to the home as well.
- Chairman Backfisch asked about the location of the front door.
- Mr. Dolan commented upon the front yard setback and asked if properties in the neighborhood had similar conditions. The Applicant said most are closer than 40 feet to the street.
- Mr. Adriaenssens had the Applicant confirm that the rear deck area is not to be enclosed.
- Discussion occurred regarding the new driveway configuration. The Applicant explained he will remove the existing blacktop, restore much of the area to grass and construct a new driveway in front of the new garage. He agreed that the new driveway area will not exceed the permitted level of no more than 30% of the front yard area.

The Chairman asked if the public had any questions, comments or testimony for the Applicant. No one appeared.

Dan Bloch commented that the lot depth is undersized and this presents a challenge to put an addition in the rear as does the front yard setback for the new porch.

Motion by Mr. Rankin, seconded by Mr. Adriaenssens to close the meeting.

The Board members reviewed the application and comments were provided. Mr. Dolan commented upon the application and stated he believes it conforms with the current neighborhood scheme. Mr. McDonnell stated that the entire neighborhood is nonconforming due to the lot sizes and hence, any development always requires a C1 variance.

Motion was made by Mr. McDonnell to approve application as presented subject to the conditions articulated and seconded by Mr. Adriaenssens The motion was approved by a vote of 6-0.

INVITATION FOR PUBLIC DISCUSSION

There was no public discussion.

ZB09-12 1104 Bloomfield Avenue, LLC, 1104 Bloomfield Avenue, Block 1800, Lot 25 and 26 (Rainbow Academy property). Prior approval with conditions granted on June 2, 2011, memorialized on July 7, 2011; and approval with conditions granted on May 2, 2013, memorialized on June 6, 2013. Applicant seeks relief from site improvements relating to decorative lights along Bloomfield Avenue. The Board Planner Darlene Green suggests a field change to omit this approval condition for the decorative lights.

Larry Wiener, Esq. explained the matter. Discussion occurred regarding the decorative lights and the proposed field change. The Board members did not object to the recommendation by the Board Planner Darlene Green to allow a field change.

ADJOURNMENT

The meeting adjourned at 9:11 p.m. on motion of Mr. McDonnell, seconded by Mr. Adriaenssens.

Respectfully submitted,

Lynda Korfmann
Secretary to the Board of Adjustment