

The Meeting of the North Caldwell Board of Adjustment was held via video/tele-conference on Wednesday, April 22, 2020 starting at 8:09pm.

Chairman Wangner announced that the meeting was held in accordance with the Open Public Meetings Law and notice of this meeting was provided in accordance with the requirements of Chapter 231, P.L. 1975.

Board Members Present: Mr. Salan, Mr. Curcio, Mr. Floria-Callori, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, Mr. Sceppaguercio, Mr. Rentzis, Chairman Wangner. Also present were Lisa Thompson, Esq., Board Attorney, and Tami Michelotti, Zoning Board Secretary.

Mr. Wangner asked Mr. Roth to lead the Pledge of Allegiance.

### **APPLICATIONS**

#### **Mr. Jack Corradino – 5 Vale Place, Block 800, Lot 13 - Rear Yard Setback Variance, Lot Coverage**

Mr. John Veteri, Jr., attorney for the Applicant came forward and thanked the Board and Board Secretary for their efforts to allow for a virtual meeting during the COVID-19 pandemic. Mr. Veteri stated that electronic plans and proper notice were provided and shared with Ms. Thompson. Mr. Wangner explained the video/teleconference process before proceeding.

Mr. Veteri described the Application is for an addition to the structure at 5 Vale Place. He stated that a subdivision of the property was approved in 1985 and the home was constructed in 1994. He added that Mr. Corradino purchased the home in 2014 and subsequently made interior renovations over the last couple of years. Mr. Veteri added that some exterior improvements were completed in 2016 for which permits were obtained.

Mr. Veteri stated that the variances sought include a rear yard setback of 47.67 feet where 50 feet is required and maximum lot coverage of 33.9% where 30% is the maximum allowed. He noted that the existing coverage is 32.9%.

Mr. Frank Troia, architect for the Applicant from 125 Paterson Avenue, Little Falls, NJ 07424, was sworn in. Mr. Troia stated that he is a graduate of the New Jersey Institute of Technology with a Bachelor's Degree in Architecture. He added that he has been working in the field for seven (7) years and has been licensed for one and a half (1-1/2) years. He further added that he has appeared before several planning boards, including the North Caldwell Planning Board. The Board accepted Mr. Troia as an expert witness.

Mr. Troia presented his electronic architectural plans for the video conference participants. Mr. Troia referred to Sheet A000 to explain the existing property and the proposed plans for a two-story, one-bay garage addition and a second-story addition over the existing one-story garage. He added that a driveway extension was planned to make space for a vehicle to enter and exit the new proposed garage. He referred to Sheet A100 as the existing dwelling without the proposed modifications and explained the layout of the existing living space. Mr. Troia referred to sheet A201, a layout of the first floor proposed design. He explained that the proposal includes a portico at the front entrance which does not need a variance. He added that the proposed addition for the third garage bay at the rear right side of the home requires a variance. He noted that the proposal was based on the minimum width and depth that is needed for a car to properly maneuver and fit in the garage. He explained that it is necessary to extend past the dwelling because of an existing chimney. Mr. Troia referred to Sheet A202 depicting the second floor plan which would include an entertainment/recreation space over the existing two- car garage as well as a new space over the proposed third garage bay which would connect to the existing dwelling through a staircase. He referred to Sheet A203, the attic plan which would be utilized for a study/loft overlooking the space below on the second floor plan. He added that this space will also have a rear walkout terrace overlooking the backyard.

Mr. Troia referred to sheet A500 showing the proposed elevations and modifications to the existing house which he noted are inspired by an English manor Tudor-style structure. He further noted that the materials proposed will match the existing stone and stucco and added that the structure will comply with the overall building height restrictions. He referred to Drawing #2 and explained the additions noted that the rear of the home would be seamless to align with the existing dwelling.

Mr. Troia referred to the animation video which Mr. Wangner suggested labeling as Exhibit A1. Mr. Troia explained the content of the animation video and noted that Mr. Corradino owns three cars and also uses the garages for storage. He added that three-car garages are customary in the neighborhood and good for the resale value of the home.

Chairman Wangner opened the hearing to the Board for any questions. Mr. Roth asked for clarification on if there was any work done at the property in the past that required Planning or Zoning Board approval. Mr. Veteri stated that the work that was previously done did not include any additions to the home. He added that he requested permit history from the Borough which included a deck and hot tub installation in 1998 and a pool installation in 2000. He stated that Mr. Corradino purchased the house and obtained permits in 2016 for the removal of decks and retaining walls and for the installation of a patio, new retaining walls, the pergola, walkway, fence, and the upper deck that was shown on the animation exhibit. Mr. Roth asked if there was history of any application to the Planning Board for the work that was just described. Mr. Veteri stated that they did not have any knowledge previous Planning Board applications. He addressed Mr. Ferriero's inquiry regarding the progression of existing lot coverage to 32.9 percent. Mr. Veteri stated no changes have been made within the last seven years. He added that decks installed in 1998 may have exceeded current lot coverage standards which may have been different in 1998. Mr. Roth asked if permits were obtained by Mr. Corradino for removal of the deck and addition of retaining walls. Mr. Veteri stated that there were no approvals requested from or made by the Planning Board or Zoning Board but verified that permits were issued.

Regarding timing of the proposed project, Mr. Troia stated that it would probably take about four to five months depending on the weather and the COVID-19 related Stay at Home order currently in effect. Mr. Roth asked that the Applicant and contractors to be conscious and courteous of the neighbors on this family-friendly cul-de-sac.

Mr. Floria-Callori asked why a lot coverage variance was not being sought. Mr. Troia referred to sheet A201 showing the dimensions of the proposal and noted that they are reducing the addition to the minimum space required. He added that garages are typically not designed with a depth less than 22 feet but he focused on adherence to the setback requirements as much as possible. He noted that the minimum RFIF parking requirements of 18 feet by 9 feet must be maintained. He added that the depth is dictated by the existing chimney and proposed stairs. Mr. Troia stated that the width of the addition considered moving the rear wall to avoid a variance while maintaining the 18 feet. He explained that the garage width would result in 10 feet which does not allow for ease in pulling in a car and opening the doors.

Mr. Floria-Callori referred to sheet A201 and asked if the combined depth was 15.5 feet. Mr. Troia explained that it included a beam above and noted that the actual depth is not clear on the plan. Mr. Veteri added that garage depths of 25 feet are typical in a home such as the Applicant's. He stated that the minimum depth to make the project worthwhile is 18 feet. Mr. Troia stated that in order to conform to the rear yard setback, they would have to pull the garage in about four (4) feet which would bring the exterior dimension of the garage to 10 feet. He stated that doing so would make the addition look less cohesive with the existing home. He further explained that reducing the addition would eliminate the rear yard setback variance but noted that it would not reduce the impervious coverage because the area would still be used as a driveway. Mr. Floria-Callori asked if any other solutions were possible to reduce the impervious coverage. Mr. Troia stated that the standard back-out space for a car in a single family dwelling is 30 feet which they already reduced to 24. Mr. Floria-Callori asked if a topography survey was performed. Mr. Troia referred the question to the engineer who would testify later in the hearing.

Mrs. Jenkins asked if a dry well would be installed to capture stormwater runoff as suggested in the Borough Engineer's report. Mr. Veteri stated that there is an existing 1000 gallon dry well and that another dry well is proposed which would be addressed by the engineer later in the hearing. Mr. Curcio asked if the installation of the dry well would affect the architectural plans. Mr. Troia stated that it will not affect the plans. Mr. Salan asked if the shed on the property was included in the impervious coverage calculations. Mr. Troia stated that the shed is included in his impervious coverage calculations. Mr. Salan asked if the impervious coverage could be reduced if the shed was removed with extra garage available storage. Mr. Troia stated that the Applicant would like to maintain and keep the shed so that the extra garage could be used for his third vehicle. Mr.

Rentzis asked about the consistency of the land where the addition is proposed. Mr. Troia stated that the ground is grass which is pervious material.

Mr. Wangner asked if the parapet walls are decorative or structural as he noted that the plans show that they rise higher than the ridge. Mr. Troia stated that the parapets and spire are decorative and added that they would be constructed of lumber and wood studs and would not create any livable space. Mr. Wangner asked for measurements beyond the 32 foot height limit. Mr. Troia stated that the top of the spire is 4 ½ feet above the existing ridge on the higher parapet. He added that decorative elements such as spires and parapets are typically allowed to exceed the building heights up to five to six feet. Mr. Veteri stated that he understood the Borough code to allow for spires. After review of the code, Ms. Thompson stated that the spires are not included. Mr. Ferriero confirmed this and concluded that a height variance was not necessary. Ms. Thompson explained that chimneys, spires, and similar projections are not included in calculating the building height as per the Borough ordinance. Mr. Troia stated that their interpretation is that the projection is similar to how a chimney is built. Ms. Thompson stated that is a decorative feature and not part of the roof structure. Mr. Troia confirmed that it is not part of the roof structure and is purely a decorative feature. He added that in architecture, a parapet is considered a decorative feature on a building. Mr. Wangner confirmed that the parapet can be referred to as a similar projection as stated in the Ordinance.

Mr. Wangner opened the meeting to the public for questions for the Applicant's architect, Mr. Troia.

Mr. Jerry Erlich from 1 Vale Place came forward and was sworn in. Mr. Erlich stated that the proposed plans would add significant size onto what is now the smallest house in the neighborhood. He expressed concern that the increased lot coverage would cause damage to others in the neighborhood. Mr. Ehrlich testified that rain water travels down the hill through 5 Vale Place and 3 Vale Place and then onto his property at 1 Vale Place. He explained that he installed an eight (8) inch pipe at a cost over \$10,000 which still does not prevent mud and stones from overflowing down the hill. He recommended that a third party verify the impervious coverage percent as he suggested that it is currently over 33 percent. He suggested that a canal be created for the flow of water to enter the street instead of onto his property and the neighboring properties. Mr. Erlich added that he has replaced his pool water often because of the runoff which has been costly. Mr. Wangner informed Mr. Erlich that his comments would be better suited for the Engineer which he noted would be testifying next. Mr. Erlich stated that the overhangs on the structure add to the impervious coverage. Mr. Troia stated that the proposal does not include any new overhangs, just a relocation and noted that the modifications will be contained into a roof leader. Mr. Troia stated that he does not believe it is part of the lot coverage according to the town's Ordinance. Mr. Erlich requested that the Board ensure that the lot coverage be reduced back to 30 percent.

Mr. Alan Katz from 39 Willow Brook Drive was sworn in. He asked if the dog run near the shed that was added in 2016 is included in the impervious coverage. He noted that it did not exist before the construction in 2016. He added that the dog run, on the right rear of the property, allows the Applicant's dogs to be outside all hours of the night. He if the dog run would be relocated or removed. Mr. Veteri stated that the engineer would address the question. Mr. Wangner explained that if the material used for the dog run is impervious, it would need to be added to the lot coverage percentage. Mr. Troia stated that the material is probably mulch or gravel which is permeable. Mr. Katz stated that it has a roof and is covered. Mr. Wangner stated that these questions would be addressed to the engineer and advised Mr. Katz to stay for the engineer's testimony.

Mr. Michael and Lori Etkin from 3 Vale Place came forward and were sworn in as 26 year residents at their current address. Mr. Etkin asked about permitted hours of construction. Mr. Wangner suggested they obtain the specific times from the Borough's Building Department. Mr. Etkin expressed concern for the stormwater runoff as Mr. Erlich previously explained. He noted that the problem has been exacerbated since the construction of Mr. Corradino's pool. He asked if there will be any jackhammering or blasting involved in the proposed construction. Mr. Troia stated that he does not believe there will be any blasting involved as he noted that this only would happen if bedrock exists. He stated that there may be some minimal noise to break up the existing driveway slabs but noted that the work will comply with the Building Department rules. Mr. Etkin stated that he is concerned about the heavy equipment and the location of the equipment storage. Mr. Troia stated that the 319 square foot proposed addition would require only an excavator for a couple of days to dig the foundation. Mr. Veteri stated that the proposed addition is slab on grade so he noted that they would not

be digging down too far. Mr. Etkin stated that large construction equipment on the property during the previous pool construction in 2016 caused significant disruption. Mr. Troia stated that the demolition and excavation for a new pool was far more extensive than the construction proposed with this addition and confirmed that this proposal will have less disruption than the pool construction. Mr. Etkin stated that there is a large significant fence around the entire property with a gate to the driveway. He detailed several incidents with Mr. Corradino's large dogs getting loose and attacking his wife and small dog which he noted led to a court hearing. He stated that he is extremely concerned that during the construction, portions of the fence may need to be removed which could allow the dogs to get out onto neighboring properties. Mr. Troia stated that they should not have to take down any portion of the fence as all the construction vehicles should enter the property through the gate. He agreed that it would be best for Mr. Corradino to keep the gate closed to keep the dogs from getting out of the property. Mr. Wangner stated that Mr. Veteri should communicate this information with Mr. Corradino and ensure diligence regarding the dogs. Mr. Veteri agreed. Mr. Etkin stated that consideration for the neighbors is a concern and added that the fence was not shown on the virtual video or plans. Mr. Troia stated that the fence was not modeled in the animation because it was not part of the architecture that they were creating. He noted that the fence is shown on Sheet A00 which is the site plan. Mr. Etkin noted that the size of the fence is unusual. Mr. Veteri stated that he will communicate these comments with the Applicant with respect to public safety and neighborhood consideration.

Mr. Floria-Callori asked if the impervious coverage calculations on the plans include the shed. Mr. Veteri stated that the shed is included in the impervious coverage calculations on the existing and proposed plans. Mr. Floria-Callori asked if the dog run is included in the impervious coverage calculations on the plans. Mr. Veteri stated that the dog run does not seem to be included in the impervious calculations asked to defer the question to the engineer. Mr. Floria-Callori asked which calculations were used to generate the impervious coverage. Mr. Veteri stated that the engineer's calculations were the final calculations used.

Mr. Floria-Callori stated that there seems to be concern with the runoff issues and asked if there are any plantings being removed or added in this Application. Mr. Veteri stated that no significant plantings would be removed and noted that the engineer would address the question.

Mr. Floria-Callori noted that conference participants were using the Zoom meeting chat function to make comments. Ms. Michelotti stated that the chat comments are captured in the recording of the meeting. She stated that any chat comments should be made as testimony on the record and that she would not be reading them into the record. At that time, Ms. Michelotti disabled the chat function to allow for participants to comment to one another.

Mr. Erlich noted that he believed the surface of the dog run is AstroTurf which is impervious material. Mr. Wangner stated that Mr. Erlich's comment is noted.

Mr. Wangner asked if there were any more questions for the Architect. There were no more questions for the Architect, Mr. Troia.

Mrs. Jenkins announced that she lost video connectivity and rejoined the meeting via phone.

Mr. Veteri introduced the Applicant's Engineer, Mr. Jeff Egerian, from Fairfield, NJ. Mr. Egerian was sworn in and explained his qualifications as a graduate from New Jersey Institute of Technology and a licensed engineer since 2012. He added that he has testified in front of numerous boards in the area. The Board accepted Mr. Egerian as an expert witness.

Mr. Egerian referred to the April 15th letter from Mr. Paul Ferriero. He stated that the net increase in the impervious coverage related to the proposed addition and driveway expansion will be 1,113 square feet over what is permitted. He noted that Mr. Ferriero suggested designing a stormwater management system based on the 1,113 square feet. Mr. Egerian explained that three (3) inches of rain equates to 278 cubic feet which can be routed and stored in a 1,000 gallon seepage tank. He stated that if the Board grants the variances, his office will prepare a stormwater detention plan and grading plan, both of which will require permits. He explained that a seepage tank of that volume will accommodate the increase in the impervious area and will route and store water underground. Mr. Egerian explained that no adjacent properties would be negatively impacted by this

improvement. He stated that water from heavy rain would be rerouted and detained on the property thereby mitigating any negative impact on the adjacent properties.

Mr. Veteri offered to base the stormwater standards on the impervious coverage increase from 30 percent to the proposed 33 percent. He noted that the increase in coverage over the years could not be tracked. He asked if the dry well would satisfy the entirety of the increased lot coverage. Mr. Egerian confirmed that the drywell will be designed for 1,113 square feet which includes the excess over the 30 percent impervious surface. Mr. Veteri referred to A100 and asked if there will be an improvement to the existing inlet with the new system. Mr. Egerian stated that the system will be new and would not rely on the existing inlet.

Mr. Egerian stated that a topographical survey had been considered but was not yet modeled. He offered to provide the topographic survey and grading plan with the permit application as well as a stormwater detention permit application. He explained the topographic survey would be utilized when preparing grading plan.

Mr. Egerian stated that the dog run was not included in the impervious coverage calculations. He further stated that the dog run has a synthetic turf floor which is classified as an impervious surface by the Borough. Mr. Veteri asked if there was a roof covering the dog run. Mr. Egerian stated that it appears that there is a tarp over the two fences but not a physical roof structure. Mr. Veteri stated that the goal is to make improvements to the property with respect to the drainage. He added that the topography of the area includes many peaks and valleys and noted it is not the standard for the Applicant to cure the existing issues but that the Applicant would ensure that no negative impacts are generated including the stormwater management issues.

Mr. Ferriero stated that an overhang is part of the horizontal projection of a building and should be considered an impervious surface. He added that the AstroTurf surface of the dog run is impervious and needs to be included in the design calculations of the drywell. He noted that a new lot coverage calculation is needed to reflect the dog run. Mr. Egerian stated that the dog run is 479 square feet which brings the total coverage to 10,107 square feet. He stated that the new lot coverage including the dog run would total 35.6 percent. Mr. Ferriero stated that the new variance request will be for 35.6 percent. Mr. Wangner asked Mr. Ferriero if he has been to the property and has seen the slope. Mr. Ferriero stated that he has not been out to the property but he reviewed photographs of the property. He stated that he will review the topographic survey once it is completed to see where the best location for stormwater collection should be.

Mr. Rentzis asked if there were plans to catch stormwater runoff during the construction phase. Mr. Egerian stated that there will be an erosion control plan in place to ensure that runoff and silt does not leave the property. Mr. Rentzis stated that it seems like most of the runoff problem is on the northern section of the property. He asked if there was thought to creating a large French drain that runs across that section. Mr. Egerian stated that it has not been discussed with the client but that options could be explored.

Mr. Salan asked if there should be more than one dry well located on both sides of the property considering the updated impervious coverage of 35.6 percent. Mr. Egerian stated that he will consider and explore the overall roof area of the home and the dog run. He explained that the drainage plan will be a function of the volume and will be based on the criteria of three (3) inches of rain. He added that it will all be designed on a drainage plan and confirmed that the overhangs will be measured and included in the impervious area. Mr. Salan asked Mr. Egerian if his client is familiar with the runoff issues of his neighbors. Mr. Egerian stated that he had not discussed these issues with his client.

Mrs. Jenkins asked if the overhangs will make the impervious coverage rise beyond 35.6 percent. Mr. Ferriero stated that the horizontal projection would factor into the impervious coverage calculation. Mr. Egerian confirmed that the overhangs will be measured and included in the calculation. Mrs. Jenkins asked if it is imperative that the dog run be on the property. Mr. Egerian stated that he could not provide an answer. Mr. Egerian stated that the dog run is fully fenced by a chain link fence with a gate and natural slats. Mr. Veteri stated that he would discuss options with the client and suggested that the dog run could possibly be modified to alleviate any issues. Mrs. Jenkins asked if Mr. and Mrs. Corradino made changes to the pool. Mr. Veteri stated that there was a pool at the property since 2000 but noted that the improvements to the pool area were permitted in 2016. Mr. Veteri referred to A000 and stated that the pool does not look different than the original pool. Mr. Egerian stated that he can't testify to that without a survey.

Mr. Curcio asked Mr. Egerian if he could estimate the additional lot coverage with respect to the overhangs. Mr. Egerian stated that it will increase but could not provide an estimate at that time. Mr. Curcio asked if the application requires re-notice regarding the impervious calculation increase. Mr. Veteri read the language in the notice and Ms. Thompson confirmed that there will not be a notice issue. Mr. Curcio expressed concern that the impervious coverage increase will exacerbate the runoff issues. Mr. Veteri stated that all unresolved issues would be addressed.

Mr. Wangner asked Mr. Veteri if the Board should proceed or if the Applicant prefers to adjourn to the next meeting to allow time for revisions. Mr. Veteri asked for any new comments that require consideration so that they can be addressed at the next meeting of the Board.

Mr. Wangner asked the Board members if they had any new comments. Mr. Floria-Callori suggested that the Applicant first finalize the impervious coverage calculations and consider comments made by the neighbors. Mr. Sceppaguercio stated his agreement and offered the opportunity for the Applicant to submit revised plans. Mr. Roth requested a timeline for the erosion control plan to be submitted to the Borough Engineer. Mr. Michelotti, Mrs. Jenkins, and Mr. Salan agreed with the suggestions of the Board. Mr. Salan and Mr. Curcio expressed the importance of public comment. Ms. Thompson added that it would be best to have the new information presented first.

Mr. Wangner recommended that the public participated in the May hearing to continue with questions based on the Applicant's new proposal. Mr. Floria-Callori noted that the covered patio violates the rear-yard setback and should be added to the variance request. Mr. Veteri referred to Sheet A000 and offered to include it if necessary. Mr. Veteri stated the new information would be reviewed with his client for modifications which would be shared with the Borough Engineer.

Ms. Thompson stated that the next Board meeting is on May 20. Mr. Veteri and Mr. Egerian agreed that they would be ready for the May hearing. Ms. Thompson confirmed that no further notice was required for the adjournment to the following meeting

Ms. Thompson confirmed that her review of Chapter 64 of the Borough Code stipulates that construction is prohibited between the hours of 6:00pm and 7:00am on Weekdays and 6:00pm and 9:00am on Weekends.

## **MEMORIALIZATIONS**

### **Mr. Anthony Aulita – 3 Hillside Avenue, Block 15, Lot 2103 - Impervious Coverage**

#### **MATTER OF ANTHONY AULITA**

Decided: February 19, 2020

Memorialized: April 22, 2020

**WHEREAS**, Anthony Aulita (hereinafter referred to as the "Applicant") filed an application for a variance pursuant to N.J.S.A. 40:55D-70c before the Borough of North Caldwell Zoning Board of Adjustment (the "Board") with regard to property located at 3 Hillside Avenue, also known as Lot 15 in Block 2103 in to permit expansion of the paved parking area and front landing of the existing dwelling. The subject property is located in the R2 residential zone; and

**WHEREAS**, all owners of property located within 200 feet of the subject premises were properly notified according to law; and

**WHEREAS**, the jurisdiction and powers of this Board have been properly invoked and exercised pursuant to Statute; and

**WHEREAS**, a public hearing was held by this Board on February 19, 2020; and

**WHEREAS**, the Board makes the following finding and determination based upon the following facts:

1. Mr. Anthony Aulita, was sworn in. Mr. Aulita described the application as a request for a lot coverage variance to expand his existing driveway. He explained that the current driveway accommodates his two vehicles, a personal car and a commercial van. Mr. Aulita further testified that street parking is by permit

- only, making it difficult to have guests visit his home. Mr. Aulita explained his plans to lengthen the driveway from front to back to accommodate six vehicles.
2. In response to the Municipal Engineer's Report of November 11, 2019, Mr. Aulita stated that he reviewed the report and noted that curbing is planned around the entire driveway even though it was not reflected in the plan. Mr. Aulita further stated that he understands that the proposed driveway must be staked out to accurately complete the proposed work. It was noted that a sealed survey was provided as part of the application
  3. In response to questions from the Board, Mr. Aulita confirmed that there is a utility pole located on the property line. Mr. Aulita testified that the pole would not impact his proposed plan. Mr. Aulita expressed his opinion that there would be no need to relocate the utility pole.
  4. In response to questions from the Board concerning the request for 71% impervious coverage where only 30% is permitted, Mr. Aulita stated that he needs the room for guest parking and noted that Hillside Avenue is a narrow street where on-street parking is not allowed without a permit. Mr. Aulita stated that his neighbor has a driveway with a garage in the back with similar lot coverage. He added that most of the driveways in the neighborhood are equivalent to two-car lengths. Mr. Aulita further stated that he has not requested an on-street parking permit from the Borough and added that he does not know how to obtain one.
  5. In response to questions from the Board, Mr. Aulita stated that there are no plans for stormwater mitigation and noted the high cost of the proposed project. Mr. Aulita confirmed that plans to park his vehicles side-by-side to alleviate moving one car in the street to get to the other.
  6. Mr. Aulita testified that his neighbors do not oppose the plan and added that it is a benefit to them that he does not have to park a car on the street.
  7. When asked about the conditions on the street during rainstorms, Mr. Aulita stated that he knows of no flooding issues at his neighbors' homes.
  8. Mr. Aulita stated that the property is already over the maximum impervious coverage and noted that he is not willing to make the driveway smaller as a smaller paved area would not satisfy his needs.
  9. Mr. Aulita described the street parking situation in the area, stating that it has improved since a restaurant on Main Street closed but noted that the narrowness of the street makes it difficult to park on both sides. Mr. Aulita stated that no one parks on the street when it snows and noted that the street is well-plowed.
  10. Mr. Aulita testified that he would park his van and car in the back of the driveway. The rear yard currently has grass and a fruit tree, which he intends to remove. Mr. Aulita stated that he has parked partially on the grass in the past.
  11. In response to questions from the Board, Mr. Aulita offered to remove the walkway around his home on the opposite side of the home from the driveway. He stated that he did the impervious coverage calculations with some help but noted that he was unsure of the calculation of the walkway itself. Mr. Aulita further testified that it would be difficult to only partially pave the desired length of the driveway and park on two strips of concrete. He noted that keeping grass in the middle or installing a gravel driveway would be difficult to maintain and plow.
  12. Mr. Aulita stated that the proposed driveway will fit six cars when needed.
  13. Mr. Curcio referred to page 2, paragraph six of the Engineer's report about the need for a drywell to capture runoff. Mr. Aulita stated that if a drywell is required, he will have it done. Mr. Wangner stated that the Engineer's report states that the drywell should be designed to have the capacity for the entire increase in the impervious surface. He noted that stormwater management is an important issue in town and added that thought should be given to adding a drywell to mitigate it.
  14. In response to a suggestion from the Board to obtain a parking permit from the Borough to mitigate his parking issue, Mr. Aulita noted that he will still be unable to park overnight on the street. He further explained that the parking permit is per vehicle and non-transferable to guests. Mr. Salan noted that a call can be placed for permission to park on the street overnight when needed. Mr. Aulita stated that he has called for permission to park on the street overnight frequently.
  15. In response to questions from the Board, Mr. Aulita explained the topography of the property, stating that it slopes to the left. Mr. Aulita further stated that he is willing to satisfy the Board's concerns with the removal of the sidewalk around the home and installation of a drywell. Mr. Floria-Callori stated that he estimated that the sidewalk eligible for removal would account for a 6% reduction in impervious coverage.
  16. In response to questions from the Board, Mr. Aulita testified that installing the driveway with two cement strips would not help to accommodate guests' vehicles. Mr. Aulita explained that he does not feel that his request is unreasonable as he added that most of his neighbors are over the permitted impervious coverage.
  17. The hearing was opened to the public without question or comment.

The Board, in reviewing the above facts and the materials presented at the hearing, finds that the Applicant has met his burden under the Municipal Land Use Law and that the variance requested may be granted without detriment to the zoning ordinance or the master plan as the pre-existing nonconforming lot coverage causes a hardship and the proposed expansion thereof will be mitigated by a drywell; and further that the proposed driveway improvement will enhance the use of the home and address on street parking concerns for the neighborhood.

**NOW, THEREFORE, BE IT RESOLVED** that based on the facts as found above, the Board finds that the impervious coverage variance relief requested can be granted without substantial negative impact to the intent and purposes of the Zone Plan and Zoning Ordinances of the Borough of North Caldwell and furthermore, the Applicant has sustained the burden of proof that a hardship exists to permit granting the relief requested and that the benefits of granting the relief requested substantially outweigh the detriments with regard to variance request. Mr. Floria-Callori made a motion to approve the Application subject to the following conditions: (1) the sidewalk on the southern property line shall be removed; and (2) a drywell shall be engineered and installed to capture any excess runoff which shall be reviewed and approved by the Municipal Engineer. The motion was seconded by Mr. Salan. A vote was taken, and the Application was approved with four affirmative votes by Mr. Salan, Mr. Michelotti, Mr. Roth, and Chairman Wangner. There were three nays by Mr. Floria-Callori, Mr. Curcio, and Mrs. Jenkins.

**IT IS HEREBY CERTIFIED** that this is a true and correct copy of the resolution adopted this 22<sup>nd</sup> day of April 2020, by a majority of the members of the Board present at such meeting and who voted for the action taken on February 19, 2020.

Mr. Floria-Callori made a motion to approve the memorialization, seconded by Mr. Curcio. A vote was taken and the memorialization was approved with seven affirmative votes by Mr. Floria-Callori, Mr. Curcio, Mr. Salan, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, and Chairman Wangner.

#### **LaSerra Farms, LLC – 216 Mountain Avenue - Appeal of Notice of Violation, Use Interpretation**

See resolution attached

Mr. Floria-Callori highlighted the last paragraph of the Letter of Interpretation which stated that the appeal is granted to allow six chairs on the property. He noted with that said he will make a motion to approve the memorialization as written, seconded by Mr. Salan. A vote was taken and the memorialization was approved with seven affirmative votes by Mr. Floria-Callori, Mr. Salan, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, Mr. Sceppaguercio and Chairman Wangner. Mr. Curcio abstained.

Ms. Michelotti requested confirmation that the approval of six chairs does not change the permitted use beyond the mercantile business. Ms. Thompson confirmed that after reading the minutes and resolution, she noted that the approval was given for the six chairs and added that it does not change to a dine-in business. She noted that the Board of Health permit does not grant that right either. Ms. Michelotti asked if the present of the chairs/stools allow a patron(s) to sit and eat in the establishment. Mr. Wangner stated that it is still a grab-and-go business.

#### **NEW BUSINESS**

Green Brook Zoning Overlay Ordinance

Mr. Wangner suggested that the Board members review the ordinance that was introduced on Feb. 25, 2020 and direct any questions to the Mayor and Council during the scheduled public hearing.

#### **APPROVAL OF MINUTES**

Mr. Floria-Callori made a motion to accept the minutes of the Board Meeting of February 19, 2020 with one correction. The motion was seconded by Mr. Salan. Said motion was passed with seven affirmative votes by Mr. Floria-Callori, Mr. Salan, Mr. Curcio, Mrs. Jenkins, Mr. Michelotti, Mr. Roth and Chairman Wangner.



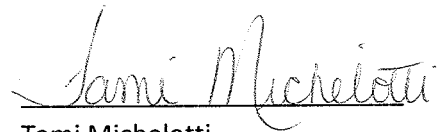
Mr. Floria-Callori made a motion to accept the minutes of the Special Board Meeting of April 3, 2020. The motion was seconded by Mrs. Jenkins. Said motion was passed with seven affirmative votes by Mr. Floria-Callori, Mrs. Jenkins, Mr. Salan, Mr. Curcio, Mr. Michelotti, Mr. Roth and Chairman Wangner.

The Board considered the schedule for Conference and Regular meetings in the new virtual meeting environment due to the COVID-19 pandemic. Ms. Thompson stated that the annual notice published subsequent to the Annual Reorganization meeting would need to be re-noticed if revisions to the meeting schedule were made. Mr. Wangner stated further consideration would be needed if virtual meetings continue indefinitely.

Mr. Ferriero suggested to the Board that the variance application checklist be updated. Mr. Wangner requested that the Board consider revisions and bring any suggestions to the next meeting.

There being no further matters to come before the Board, Mr. Curcio made a motion to adjourn the meeting, seconded by the Board. Said motion passed unanimously. The meeting was adjourned at 10:52pm.

Respectfully Submitted,



Tami Michelotti

Zoning Board Secretary