

The Meeting of the North Caldwell Board of Adjustment was held at Borough Hall, Gould Avenue on Wednesday, January 15, 2020 starting at 8:04pm.

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

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

REORGANIZATION

Mr. Ben Curcio was sworn in as a Regular Member by Ms. Thompson.

On a Motion by Mr. Michelotti, seconded by Mr. Salan, Mr. Wangner was nominated as Chairman. The motion was carried by a unanimous vote, with Mr. Wangner abstaining.

On a Motion by Mr. Curcio, seconded by Mr. Roth, Mr. Salan was nominated as Vice Chairman. The motion was carried by a unanimous vote, with Mr. Salan abstaining.

The 2020 Zoning Board of Adjustment Members are as follows:

| NAME | TERM EXPIRES |
|----------------------------|--------------|
| Mr. Ben Curcio | 2023 |
| Mrs. Edith Jenkins | 2021 |
| Mr. Edward Roth | 2022 |
| Mr. Anthony Floria-Callori | 2021 |
| Mr. Anthony Michelotti | 2022 |
| Mr. Herschel Salan | 2020 |
| Mr. Steven Wangner | 2022 |

Alternate members would be sworn in at the February 2020 meeting.

RESOLUTION 1-2020 APPOINTING BOARD ATTORNEY

On a Motion by Mr. Floria-Callori, seconded by Mr. Salan, Ms. Lisa Thompson, Esq. was nominated as Board Attorney. The motion was carried by a unanimous vote.

RESOLUTION 2-2020 APPOINTING BOARD SECRETARY

On a Motion by Mr. Floria-Callori, seconded by Mrs. Jenkins, Mrs. Tami Michelotti was nominated as Board Secretary. The motion was carried by a unanimous vote.

RESOLUTION 3-2020 APPOINTING BOARD ENGINEER

On a Motion by Mr. Curcio, seconded by Mr. Michelotti, Mr. Paul Ferriero was nominated as Board Engineer. The motion was carried by a unanimous vote.

RESOLUTION 4-2020 ESTABLISHING 2020 SCHEDULE OF MEETING DATES

On a Motion by Mrs. Jenkins, seconded by Mr. Curcio, the 2020 Meeting dates were accepted. The motion was carried by a unanimous vote.

APPLICATIONS

Mrs. Renee Paladino – 711-713 Main Street, Block 2103, Lot 7

The use variance Application was adjourned to February 19, 2020 meeting at the request of the Applicant.

Mr. and Mrs. Philip and BobbiAnn Hobson, 26 Hamilton Drive West – Block 1902, Lot 7

Mr. Curcio recused himself at 8:09pm stating a relationship with the Applicants.

Mr. Calvin Trevenen from Ashenfelter, Tremulak, McDonough & Trevenen, LLP in Montclair, NJ was sworn in.

Mr. Trevenen stated that he was present in place of Mr. Tremulak who had a conflict that evening. Mr. Floria-Callori stated that he has a professional relationship with the Applicant's firm but noted that it would have no impact his ability to remain neutral and unbiased. Mr. Trevenen stated that the Applicant sought a C variance for a rear yard setback triggered by the roof line of a proposed outdoor kitchen area.

Ms. BobbiAnn Hobson, Applicant and property owner, was sworn in. Ms. Hobson stated that she and her family have lived in the house for six years. She stated that the rear yard is hilly and unusable, but noted that they would like to enhance their property. She explained the plan to install a pool with a modern patio and outdoor kitchen for entertainment purposes. Ms. Hobson stated that the plans would include arborvitaes and other tall landscaping to provide a buffer for privacy from the side, around the back, and to the other side of the property. She confirmed that she discussed her plans with the rear neighbor who did not have any objections. Ms. Hobson confirmed that about 28 arborvitaes are planned along the back of the property.

Mr. Wangner asked if there were any questions or comments from the Board. There were no comments or questions from the Board.

Mr. Wangner opened the hearing to the public for any questions or comments. No one from the public came forward.

Mr. Gerry Anthony Bruno, Jr., Licensed Architect for the Applicant was sworn in. Mr. Bruno presented his educational background and professional qualifications and was accepted by the Board as an expert witness. Mr. Bruno confirmed that he prepared the architectural plans for the Application. He referred to Exhibit A1 which he noted is a colored version of the elevations. He stated that the proposal includes removing the existing sunroom on the rear of the home and replacing it with a new enclosed sunroom. He noted that the proposal includes a pool pavilion structure with three open sides, a pool, and landscaping. Mr. Bruno referred to Exhibit A2 depicting the existing house which is a Tudor style home built in the 1980s. He explained that the rear of the home has wood shingles and added that the existing sunroom has a shed roof with a prefabricated aluminum window system with an outdoor terrace directly behind it. Mr. Bruno explained that the proposal is to replace the existing sunroom with a new sunroom of the same size and to add a pool pavilion. He noted that the proposal is within the permitted lot coverage and added that it includes a full lot development plan with a drywell which will align with the existing side of the house. He explained that the open pool pavilion structure will extend 18 feet with two support columns to include a kitchen, fireplace, and pizza oven to which the pool and spa would connect. Mr. Bruno stated that the sunroom and pool pavilion exterior will be a traditional Tudor style similar to the existing home with stucco, timbering and decorative pegging. He noted that the windows will be set back to the edge of the sunroom and added that there will be a front gable over the columns. He explained that the structure will have a vaulted ceiling with a one-story height and noted that the roof will be aligned with the existing family room roof. He stated that the style of the back of the house will mimic the front of the home. Mr. Bruno confirmed that the civil engineer calculated the proposed lot coverage at 28.82% and that the rear yard setback variance is required for the proposed roofline over the outdoor kitchen.

Mr. Floria-Callori asked Mr. Bruno to explain the existing vs. proposed rear topography. Mr. Bruno stated that the existing topography slopes down from the back of the property towards the house. He referred to the plan submitted to the Board and confirmed there would be no dramatic change in the topography with proposal. Mr. Floria-Callori asked for a landscape plan. Mr. Bruno stated that the pool company has the landscape plan and noted that it can be submitted to the Board. Mr. Roth asked for the reason why one tree was being removed in the proposal. Mr. Bruno stated that the tree is being removed due to its close proximity to the proposed pool. Mrs. Jenkins noted that the physical depiction of the plan indicates the removal of the tree which was not specified in the plan notes.

Mr. Floria-Callori stated that the Board received a memo from the Borough Engineer indicating that there is a discrepancy in the seepage pit on the plans. Mr. Bruno stated that he did not receive a call from the Borough Engineer but noted that there is a seepage pit included in the plan. Mr. Wangner stated that the issue was with the calculations regarding the amount of water the seepage pit could accept. Mr. Bruno stated that he puts his faith in the calculations prepared by the Applicant's civil engineer. Mr. Wangner stated that compliance with the Municipal Engineer's requirements would be a condition of the Application approval. Mr. Bruno noted that a small area of the driveway will be removed to stay under the 30 percent impervious coverage requirement.

Mr. Wangner asked if there were any questions or comments from the public. There were no comments or questions from the public.

Mr. Wangner asked if there were any questions or comments from the Board. Mrs. Jenkins asked when the permit for the pool was received. Ms. Hobson stated that the pool permit was received in November 2019. Mrs. Jenkins questioned the addition of the fence on the plans. Ms. Thompson stated that the fence should be included in the pool permit. Mr. Floria-Callori stated that the fence should be in accordance with the Town Ordinance.

Mr. Wangner stated that the fence, landscaping, and seepage pit calculations will be conditions of the Application approval. Mr. Salan asked how many seepage pits are proposed in the plan. Mr. Bruno stated that there are two seepage pits on the plan.

Mr. Floria-Callori made a motion to approve the Application subject to the following conditions: (1) the approval of seepage pits by the Municipal Engineer; (2) a landscape buffer to include 28 trees of eight feet in height, depicted on a landscape plan; (3) the installation of a pool fence conforming to Borough Code. The motion was seconded by Mr. Salan and approved unanimously with affirmative votes by Mr. Floria-Callori, Mr. Salan, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, and Mr. Wangner.

Mr. Curcio returned to the dais at 8:40pm.

Ms. Thompson recused herself at 8:40pm citing a conflict with the next Applicant at which time Mr. Jack Dusinberre (Planning Board Attorney) fulfilled the role temporarily.

Mr. and Mrs. Michael Corbo, 8 Brookside Terrace – Block 505, Lot 5

Mr. Michael Corbo and Mrs. Suzanne Corbo, Applicants, were sworn in. Mr. Corbo stated that they purchased the ranch style home in November of 2018 with the intention of adding a second level. He explained that they settled on a modular build for the benefit of staying in the home during construction and further explained that it was built offsite with minimal disturbance to the neighbors. Mr. Corbo stated that the building setback issues came to light when they filed for the building permits.

Ms. Kirstein Osterkorn was sworn in and stated her qualifications as a Licensed Engineer since 2011 and a Licensed Planner since 2013. She added that she is a surveyor and noted that she has been practicing for over 15 years and has testified before other Boards in various counties. The Board accepted Ms. Osterkorn as an expert witness.

Ms. Osterkorn stated that the property lot area and depth conform to Borough code but noted there is an existing non-conforming right-yard setback at 18.72 feet where 25 feet is required. She added that the front-yard setback is 48.72 feet where 50 feet is required. She explained that there are 41.14 feet to the first step with the platform and added that there are 46.14 feet to the stairs that lead to the open porch area. She confirmed that the Application will be amended to reflect these updated dimensions. Ms. Osterkorn referred to various photos that she presented to the Board to explain the front-yard setback. Mr. Dusinberre offered to the Board that the setback measurement from the bottom of the third step is a reasonable point to consider the access to the property from the exterior. He further noted that this is a pre-existing non-conforming portion of the structure that has no prior construction history from the Borough's block and lot Building Department files. Mr. Dusinberre asked if the front edge of the house has an overhang that runs the full width of the home. He explained that the setback is calculated to the structure and noted that the overhang is considered part of that structure. Ms. Osterkorn confirmed the overhang of one foot and noted that the front yard setback would be revised to 47.72 feet.

Ms. Osterkorn stated that the plan is to expand the second floor of the home with a modular construction company. She added that the existing non-conformities were first brought to the property owners' attention when building permits were sought. She noted that the plans would not exacerbate the non-conformities and would remain within the existing setbacks. Ms. Osterkorn referred to Exhibit A-2, an aerial photo of the neighborhood. She stated that the proposed house would fit with the neighborhood and that front-yard

setbacks of the surrounding homes are similar. She explained Exhibit A-1 as the view between the Applicant's home and the neighbor at 6 Brookside Terrace. Ms. Osterkorn explained that the houses are set apart where a second floor addition would have no detrimental impact to the neighbors. She referred to Exhibit A-3 depicting the architectural rendering of the proposed addition.

Ms. Osterkorn stated that the Applicants' proposal has no detrimental impact to the zoning plan. She further added that the proposed addition will enhance the neighborhood while conforming to the streetscape.

Mr. Floria-Callori noted that the Application includes an expansion in the footprint but the addendum states that the existing setback will remain as is. Ms. Osterkorn explained a reference to the 2002 variance approval. Mr. Floria-Callori stated the prior variance granted the 20-foot setback but noted that the house encroaches closer than that. Ms. Osterkorn stated that she submitted an OPRA request for the building file but was unable to find any information regarding the discrepancy.

Mr. Floria-Callori asked for a landscape plan. Mr. Corbo stated that currently there is one large tree with some shorter vegetation behind that and noted that there is no plan to make changes. He confirmed that any landscaping damaged during construction will be restored.

Mr. Roth asked about the current structure's construction. Mr. Corbo stated that the house was built in the 1950s with a CMU foundation and wood frame construction. Mr. Roth asked what the total weight of the new structure is that is being added to the existing structure. Ms. Osterkorn referred the questions to the modular builder.

Jonathan Stouffer, licensed builder and owner of Tristate Modular Homes, L.L.C., was sworn in. Mr. Stouffer stated that he is a minority shareholder in the modular manufacturer, Modular Steel Systems. He explained that his company manufactures single family homes as well as larger structures such as hotels and college dormitories. He added the Corbo property is his first project in North Caldwell.

Mr. Roth asked about the calculations regarding footers, existing structure and the weight of the addition being lifted onto the existing structure. Mr. Stouffer stated that the architectural plans for the proposed home were reviewed and a determination was first made regarding financial feasibility. He added that a licensed engineer was then brought to the site to take measurements and dimensions. Mr. Stouffer explained that the existing home is a traditional raised ranch with a center bearing wall and noted that the roof load is pushed to the outside walls with weight bearing on the perimeter. He added that modular additions bear weight on the perimeter. He further explained that the engineer determined that the structure can support the additional weight which is predominantly open space with bedrooms and two bathrooms. He noted that floor joists are traditionally 2" x 8" as per to building code but that the those on the proposed addition will be 2" x 10" to support the desired open space, tile floors, and granite countertops. Mr. Stouffer stated that the second floor modular will not disturb the first floor of the existing structure. He added that there will be no ground disturbance that would alter the existing setbacks. He noted that the current home's varying ceiling heights require pony walls to establish a level plane. He further explained that the modular boxes are set on top and anchored together to the structure. He added that modular construction is approved by the State. Mr. Stouffer stated that the boxes will be 95% complete and the roof shingles will be 80% complete upon delivery.

Mr. Floria-Callori referred to Exhibit A-3 and asked to confirm that the height of the structure is 29-½ feet. Mr. Stouffer confirmed the height at 29-½ feet; Ms. Osterkorn confirmed that the maximum building height above average grade is 32 feet.

Mr. Wangner asked about the chimney. Mr. Stouffer stated that the chimney will be extended upward according to code as the chimney currently sits on the western side on the gable end, eight feet back from the ridge. He added that the chimney will end up at 18 inches above the ridge line. Mr. Stouffer confirmed that it is an active brick firebox. Mr. Corbo confirmed that they intend to use it.

Mr. Wangner asked if there were any other questions or comments from the Board. There were no other comments or questions from the Board.

Mr. Wangner asked if there were any questions or comments from the public. There were no comments or questions from the public.

Mr. Dusinger noted that Mrs. Corbo was not named on the Application and asked for her consent to the Application. Mrs. Corbo stated that she agrees with the Application and would like it to move forward. Ms. Osterkorn asked if the Application needs to be resubmitted with the change. Mr. Dusinger stated that that Application does not need to be resubmitted as the change is on record.

Mr. Wangner referenced a wall on the plans that has no windows and asked if exterior landscaping could be added in that space. Mr. Corbo stated that windows do exist on that first floor wall although they are not included on the rendering. Ms. Osterkorn confirmed that the second floor has windows on that side and that the first floor has two windows that will remain.

Mr. Stouffer noted that there is a sufficient natural buffer along the westerly side of the property that includes blue spruces and an oak tree with a healthy canopy that will remain. Mrs. Corbo noted that her family is in the landscaping business and stated that they will do a full planting once the construction is completed.

Mr. Dusinger asked for verification of the building height as 29-1/2 feet to the top of the roofline. Ms. Osterkorn confirmed this and stated that the 3 feet, 9 inches on the plan is incorrect. She confirmed that the 29-1/2 feet from the first floor elevation to the roofline, together with existing grades, will not exceed the definition under the ordinance maximum of 32 feet.

Mr. Dusinger summarized the Application, testimony, and findings for the record. Mr. Floria-Callori made a motion to approve the Application with stipulations explained by the Board Attorney and as confirmed by the testimony (provided that the existing setback of 46.14 feet is not expanded and that the maximum building height will not exceed the permissible height as established by the Zoning Code). Mr. Curcio stated his satisfaction with the landscape buffer between the two homes as depicted in Exhibit A-1 and seconded the motion. A vote was taken and the application was approved with affirmative votes by Mr. Floria-Callori, Mr. Curcio, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, Mr. Salan, and Chairman Wangner.

Ms. Thompson returned to the meeting at 9:36pm at which time Mr. Dusinger departed.

2019 ANNUAL REPORT

Mr. Floria-Callori made a motion to accept the 2019 Annual Report, seconded by Mr. Roth. A vote was taken and the 2019 Annual Report was approved with affirmative votes by Mr. Floria-Callori, Mr. Roth, Mr. Curcio, Mrs. Jenkins, Mr. Michelotti, Mr. Salan, and Chairman Wangner.

CITIZENS TO BE HEARD

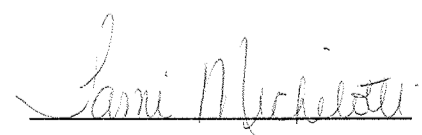
Mr. Wangner stated that no one from the public was present to be heard.

APPROVAL OF MINUTES

Mr. Floria-Callori made a motion to accept the minutes of the Board Meeting of December 18, 2019 with two corrections. The motion was seconded by Mr. Curcio. Said motion was passed with seven affirmative votes by Mr. Floria-Callori, Mr. Curcio, Mrs. Jenkins, Mr. Michelotti, Mr. Roth, Mr. Salan and Chairman Wangner.

There being no further matters to come before the Board, Mr. Salan made a motion to adjourn the meeting, seconded by the Board. Said motion passed unanimously. The meeting was adjourned at 9:45p.m.

Respectfully Submitted,



Tami Michelotti
Zoning Board Secretary