

**Borough of Caldwell
Zoning Board of Adjustment
June 5, 2019**

A Public Meeting of the Board of Adjustment of the Borough of Caldwell was held on June 5, 2019 at 7:00P.M.in the Municipal Building, 1 Provost Square, Caldwell, New Jersey. Mr. Piazza opened the meeting and read the opening statement.

PLEDGE OF ALLEGIANCE TO THE FLAG

STATEMENT OF COMPLIANCE

ROLL CALL: Mr. San George, Mr. Vere, Mr. Flack, Mr. Piazza, Mr. Colaizzo, Ms. Buechner, and Mr. Halal

ABSENT: Mr. Kurus

APPROVAL OF MINUTES:

The Public Minutes of May 1, 2019 were approved.

NEW BUSINESS:

Application Z19-002, Thomas P. Stille, 33 Smull Avenue, Block 23, Lot 21
Variance Relief

Mr. Robert Gaccione is representing the applicant Thomas P. Stille, 33 Smull Avenue, Application Z19-002. The first floor is vacant and the 2nd floor is residential use. In 1990 the applicant applied for a variance to convert the 1st floor to commercial and 2nd floor residential. Mr. Stille received a letter of denial because two family dwellings are not a permitted use in the OR/C Zone.

Mr. Stille was sworn in as the applicant.

Mr. Stille gave a summation of his property:

- He resides at 143 Smull Avenue, West Caldwell.
- He is the owner of 33 Smull Avenue since 1990.
- In 1990 he received a variance to have the 1st floor commercial and 2nd floor residential.
- Currently the 1st floor is vacant and the 2nd floor is a 2 Bedroom apartment which is rented.
- It has been difficult to rent the 1st floor to commercial use.
- If approved he will remain the owner of 33 Smull Avenue.

OPEN TO PUBLIC:

None

Mr. Montalbano was sworn in and qualified as an Architect.

Mr. Montalbano gave a summation:

- A smaller copy of A-1 was handed out to the members of the Board.
- The property has a 2 ½ wood frame building which is over 100 years old.
- The applicant is not proposing any additions.
- No alterations to the exterior accept 2 windows.
- It's a traditional home with an enclosed front porch.
- It fits the character of the neighborhood.
- There is a front and back entrance.
- 2nd floor is a residential apartment with no renovations to that apartment.
- The existing 1st floor will need to be modified.
- There will not be another water meter the landlord will be taking care of the bills.
- New windows will be blended with the siding.

OPEN TO PUBLIC ON MR. MONTALBANO STATEMENT:

NONE

Mr. Nicholas Graviano was sworn in and qualified as Planner.

Mr. Graviano gave a summation:

- The Property is on Block 23, Lot 21, 33 Smull Avenue and it's in an OR/C Zone Office Residential Character District.
- 2700 sq. ft.
- Driveway is from Smull to the back yard.
- They are asking for a D1 Variance.
- Bulk variances are pre-existing.
- The building is over 100 years old.
- Residents from 1 – 41 Smull are a mixture of Character.
- Residents on the even side are a mixture of commercial, office and single family homes.
- The positive and negative criterion has been established.
- The applicant will satisfy Mr. England's letter.

Mr. Beckmeyer spoke about drainage and he would like to see that.

Board members discussed the parking and the two spaces in the back and suggest removing them and adding grass or plants for tenants.

OPEN TO PUBLIC ON MR. GRAVIANO'S STATEMENT:

None

OPEN TO PUBLIC FOR APPLICATION:

Ms. Roxanne Brady, 33 Smull Avenue, she is a tenant of the applicants and lives on the 2nd floor. She has been there for 7 years and would like to see a tenant on the 1st floor.

Dr. Wacha, 31 Smull Avenue, has his office next door to 33 Smull Avenue and has been there since 1981. He spoke about the problems with parking and having a commercial office on the 1st floor and recommends a residential use.

CLOSED TO PUBLIC

Mr. Gaccione gave a brief summation on the application.

Board members discussed the application.

Mr. Cosgrove advised the Board that the conditions will include all representation made by the applicant during testimony and by applicants counsel and other professionals during testimony. The applicant will remove two parking spaces closest to the rear of the House and grass or plantings will be added as to the applicant's choice. The Engineer will look at the drainage and the sidewalks for approval. Mr. England's letter will be incorporated into the resolution. This Board will be voting to approve the D1 variance and will be determining that the application can be granted without substantial detriment to the public good and will not impair the intent and or purpose of the Zoning plan.

Mr. San George made a motion to adjourn, seconded by Ms. Buechner.

The meeting adjourned at 7:55PM

Respectfully Submitted

Lisa O'Neill
Zoning Board Secretary