

**Borough of Caldwell  
Zoning Board of Adjustment  
October 13, 2020**

A Special Public Meeting of the Board of Adjustment of the Borough of Caldwell was held on June 3, 2020 at 7:00pm via electronically, using Zoom Meetings. Mr. Kurus opened the meeting and read the opening statement.

**STATEMENT OF COMPLIANCE**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL:** Mr. Kurus, Mr. Colaizzo, Mr. Piazza, Mr. Vere, Ms. Buechner, Mr. Flack, Mr. San George, Mr. Halal, Mr. Guagliardi.  
Mr. Trembulak, esq. and Mr. Beckmeyer were also present.

**APPROVAL OF MINUTES:**

The Public Minutes of September 2, 2020 were approved.  
Mr. Colaizzo, Ms. Buechner, and Mr. Halal abstained.

**APPROVAL OF INVOICE:**

***Durkin & Durkin LLC***, Invoice dated October 7, 2020 for application Z19-001 (2), Justine Bassman and Alexandro Nunez, 10 Hatfield Street in the amount of \$462.00.  
All Board Members voted yes; Mr. Colaizzo abstained.

**APPROVAL OF RESOLUTION:**

**Application Z19-001 (2)**, Justine Bassman & Alexandro Nunez, 10 Hatfield Street, Block 6, Lot 13  
Amendment to Approved Plans

Motion to approve Application Z19-001 (2), Ms. Bassman & Mr. Nunez, by Mr. San George, seconded by Mr. Vere.

Mr. Kurus	yes
Mr. Colaizzo	abstained
Mr. Piazza	yes
Mr. Vere	yes
Ms. Buechner	abstained
Mr. Flack	yes
Mr. San George	yes
Mr. Halal	yes
Mr. Guagliardi	yes

**NEW BUSINESS:**

**Application Z20-002**, Jose Rosario, 81 Park Avenue, Block 30, Lot 24  
Variance Relief

Mr. Trembulak gave an introductory summation.

- The applicant is seeking two variances for side yard setbacks on the northern portion of the property. A 10 ft. setback is required, where the applicant is proposing a 6.6 ft. setback for the rear addition and a 6.9 ft. setback for the front of the house.

Mr. Larry Stempler introduced himself as the attorney for the applicant.

Mr. Stempler gave a brief summation:

- The residence is an older home with a pre-existing use.
- Side setback requirement is 10 ft. and the proposed setbacks are 6.9 ft and 6.6 ft, therefore a variance for setbacks would be required, as well as a variance to enclose existing front porch for additional living space.
- The proposed rear addition is consistent with the neighborhood. Three neighboring residences have similar rear additions.
- Mr. Stempler submitted the following exhibits:  
*Exhibit A Zoning Analysis and Site Plan*  
*Exhibit B Existing and Proposed Floor Plans and Elevations*  
*Exhibit C Soil Erosion and Stormwater Plan*  
*Exhibit D Topographical Survey*

Mr. Jose Rosario was introduced as the Applicant and property owner of 81 Park Avenue.

Mr. Rosario offered his testimony:

- The property is located in the RA single-family residential zone.
- Mr. Rosario explained that he hoped to gain additional living space for his three young children by enclosing the front porch.
- The rear addition will allow him to enlarge the existing tiny playroom he has for his children and allow him to add a family room and another bedroom.
- His neighbors, with similar style homes, have also added rear additions.

Mr. Kurus asked Mr. Rosario why the second floor bedroom has smaller floor space than the first floor?

Mr. Rosario stated that he had just completed a full bathroom and that he was trying to keep that part of the house untouched.

Cross-examination of Mr. Rosario's Testimony: **(Open to the Public)**

No Public Comments.

Mr. Jose Ortiz was introduced as the architect for the applicant.

Mr. Ortiz offered the following testimony:

- Mr. Ortiz referred to Exhibit A to illustrate the need for a setback variance as 10 ft is required and 6.6 ft and 6.9 ft are proposed.
- The floor plan of the existing house is extremely narrow.
- The plans call for enclosing the front porch and adding a rear addition. On the first floor, the addition will incorporate a mudroom and a foyer, will expand the existing playroom, enlarge the living room, add a family room, and allow an access area to the garage and existing patio. The second floor plans propose the addition of a master bedroom suite with a walk-in closet.

Mr. Halal asked if egress windows will be installed?

Mr. Ortiz confirmed that egress windows would be installed.

Mr. Kurus inquired about the square footage from existing to proposed.

Mr. Ortiz replied that the existing square footage was 1800 sq. ft. and the proposed is 3000 sq. ft. He also commented that the plans stay within the requirements for maximum impervious coverage.

Mr. Kurus asked where the mechanicals would be located to heat and cool the areas of the addition.

Mr. Ortiz stated that for the HVAC they were planning on tapping into the existing system, just expanding the ducts.

Mr. Kurus suggested that the Board put conditions as to where any possible additional condensing units may be placed.

Mr. Rosario commented that he currently has an A/C system (ductless) for the first floor of the residence and that the second floor utilizes window units. The system could handle the additional square footage for the addition. A brand new steam boiler was installed recently, that can adequately provide heat for the addition area as well.

Mr. Kurus asked if the underground stormwater system can be accessed in the backyard.

Mr. Ortiz replied that it is accessible and flat.

Mr. Rosario described three trees that he is proposing to remove if he is granted approval. There are two trees, one on each front corner of the property and one in the rear right corner. The trees are dangerous and overhang on the property. He would be willing to replant new trees if they allowed to be removed.

Mr. Kurus inquired about the front steps of the property and in addition, asked if the second floor protrudes farther than the first floor on the front of the house.

Mr. Ortiz replied that they would be concrete steps with wood studs for walls. He explained that the second floor does extend 2 ft. farther than the first floor. New footings will be poured and a new foundation to stabilize what's being added on the second floor, instead of relying on the wood of the existing porch. There will be no increase in the front yard.

Cross-examination of Mr. Ortiz's Testimony: **(Open to Public)**

No Public Comments

Mr. Beckmeyer had requested that a seepage pit for backyard drainage. It was added to the plan.

General Comments: **(Open to Public)**

No Public Comments

Mr. Stempler offered a final summation:

The applicant is looking to expand the living space of his house to meet his family's needs. The plans meet all the positive and negative criteria for approval.

Mr. Trembulak offered a final summation:

The applicant is seeking variances for 2 side yard setbacks where 10 ft. is required and 6.6 ft. and 6.9 ft. are proposed and seeking approval to enclose a front porch.

The Board Members deliberated.

Mr. Colaizzo made a motion to approve Application Z20-002, Jose Rosario, seconded by Ms. Buechner.

Mr. Kurus	yes
Mr. Colaizzo	yes
Mr. Piazza	yes
Mr. Vere	yes
Ms. Buechner	yes
Mr. Flack	yes
Mr. San George	yes

Ms. Buechner made a motion to adjourn the meeting, seconded by Mr. Piazza.

The meeting adjourned at 8:09pm.

Respectfully Submitted

Kim Conlon  
Zoning Board Secretary