

**Borough of Caldwell
Zoning Board of Adjustment
Meeting Minutes
April 3, 2024**

OATH OF OFFICE: The Oath of Office was administered to John Irwin by Mr. Cosgrove.

ROLL CALL: Ms. Sules, Ms. Corliss, Mr. Porcello, Ms. Giermanski, Mr. Kurus, and Mr. Irwin. Mr. Cosgrove, Ms. Reiter, and Mike Kobylarz from Alaimo Group (acting as Board Engineer for this Application) were also present.

ABSENT: Mr. Correale and Mr. San George.

STATEMENT OF COMPLIANCE

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

The minutes from the January 3, 2024 meeting were approved by the Board.

APPROVAL OF INVOICES:

Alaimo Group invoice #220247 dated 12/31/2023 for review of **Application Z23-002 183 Roseland Avenue** in the amount of \$1,210.00 was approved by the Board.

Alaimo Group invoice #221361 dated 2/29/2024 for review of **Application Z23-002 183 Roseland Avenue** in the amount of \$1,840.00 was approved by the Board.

T and M Associates invoice #SAB455104 dated 12/20/2023 for review of **Application Z23-003 6 Hanford Place** in the amount of \$141.00 was approved by the Board.

NEW BUSINESS:

Z23-002 183 Roseland Avenue, Gonnella Property Group, LLC
Block 55, Lot 2
Preliminary and Final Site Plan Approval

Mr. Cosgrove provided a brief summary of the application for the Board Members:

- The proposal entails renovations and an addition to a two -family residence to convert the building into a three-family residence.
- Multiple bulk variances are requested by the Applicant.
- A D Variance approval will be needed as well because the plan proposes two separate entrances.

Mr. Kurus reported to the Board Members that the two separate entrances could be deliberated separately by the Board Members. The C Variances would require approval from a simple majority vote of the Board. Approval for the D Variance would require at least 5 affirmative votes from the Board.

Mr. Roosevelt Donat, Esq. introduced himself as the Attorney for the Applicant. Mr. Donat provided a brief summary of the proposal:

- Applicant is seeking Preliminary and Final Site Plan approval.

- The existing building is a two-story/ two-family structure. The Applicant is looking to convert the building into a three-family residence.
- Renovations and the construction of an addition are proposed.
- The following C Variances are requested:
 1. Insufficient lot area.
 2. Project does not meet the minimum front and side yard setbacks.
 3. Project does not meet the minimum combined yard setbacks.
 4. Project exceeds the allowable lot impervious coverage.
 5. The two parking spaces on the site provide insufficient distance between adjacent property lines.
 6. Insufficient driveway width.
 7. Insufficient minimal side aisle width in parking area.
 8. Insufficient lighting for off-street parking area.
- A D Variance is also requested for the proposals two entrances/exits.
- Property is located in the RD/OP Garden Apartment/Office Professional District.

Frank Troia, the Architect for the Applicant, was sworn in and his credentials were approved by the Board. He provided the following testimony:

- Referred to **Exhibit A labeled VA.000** to illustrate renderings of the exterior of the building.
- Structure is somewhat dilapidated and in need of maintenance.
- Goal is to make the building more picturesque incorporating modern materials with some traditional elements including lap siding, composite paneling, dormers and wood elements to enhance the beauty of the structure.
- Proposing an addition to the rear of the building to enable the width of the building to stay the same. The addition area will be shifted slightly to the left to eliminate any additional setback issues.
- Referred to **Exhibit B labeled VA.100** to illustrate the existing conditions and floor plans of the building and to demonstrate the buildings close proximity to the neighboring property.
- Referred to **Exhibit C labeled VA.200** designating the floor plans for the Basement Apartment/Unit C. This unit will have a separate entrance off the rear of the building, which is triggering the need for a D Variance. Most of the basement area is subgrade. Unit C, approximately 1300 sq. ft., will consist of a combination kitchen/dining room area, a small living room and two bedrooms. All windows in the unit will meet egress requirements. The other means of egress would be the front door. There will be a small area of the basement that will serve as a gym or playroom area for the first floor unit.
- Referred to **Exhibit D labeled VA.201** designating the floor plans for the first floor of the building. There will be a common vestibule/mudroom area as you enter the building with access to both Units A and B (up a set of stairs). Unit A, approximately 2,200 sq. ft. will consist of an open living room area, combination kitchen/dining area, an office, a closet/laundry and 3 bedrooms. Two of the bedrooms will share a bathroom and one bedroom will be a suite with a private bathroom and a walk-in closet.
- Referred to **Exhibit E labeled VA.202** illustrating the proposed plans for the second floor and Unit B. The second floor apartment will have a similar layout consisting of a dining room/kitchen area, living room, a larger laundry room, two bedrooms with a shared bathroom, and an additional bedroom suite (three bedrooms in total).

- Referred to **Exhibit F labeled VA.203** showing the third floor attic, which is unfinished and not considered habitable space since the tallest ceiling height is 6.5 ft. The Applicant was hoping to offer the space to tenants as a private study or exercise area. No stairs will be constructed for the attic. Access will be by a pull down latch. The area will also house mechanical equipment.
- Referred to **Exhibit G labeled VA.500** illustrating exterior elevations. The proposal is to renovate the entire exterior of the building utilizing modern grade brick and contrasting with black siding. Three dormers are proposed to break up the roof and provide additional light in the units. A small bay window is proposed in the front of building, as well as a gabled and covered portico. An additional gabled portico is planned for the back entry door.

Mr. Kurus asked if the IBC or IRC Code was used in the architectural plans for the building?

Mr. Troia stated that usually the IRC Code is used for two and three family residential buildings.

Mr. Kurus asked if the window wells would be able to provide a means of egress?

Mr. Troia replied that there is at least 3 ft. of clearance, which is compliant for a means of egress.

OPEN TO PUBLIC Questions for Mr. Troia's Testimony

1. **George Neal, 187 Roseland Avenue, Essex Fells** had questions regarding if the non-conforming status of the property ceases if the property remains vacant for an extended period of time?
Mr. Cosgrove asked Mr. Neal to hold his question until later in the meeting when more broad questions could be posed to the Board or the Applicant.

Ms. Reiter had several questions for Mr. Troia:

- What is the status of the interior of the building at this time?
- Are any signs proposed for the building?

Mr. Troia responded that the building is completely demolished on the interior down to the wooden frame and no signs are proposed other than for the number of the house and the number of the units.

Ms. Reiter asked that it be stated on the record that no testimony was given for a sign variance.

Mr. Donat confirmed that no sign variance was being sought by the Applicant.

Brian Hoarle, the Engineer for the Applicant was sworn in by Mr. Cosgrove. His credentials were accepted by the Board.

Mr. Hoarle provided the following testimony:

- Referred to **Exhibit H labeled CI.0** the Cover Sheet of the Engineering Plans for the Project. The existing building is a two-story framed dwelling. Currently, the driveway located to the right of the building encroaches on the property next door, which they are proposing to correct with their plans. A rear yard addition is proposed.
- Referred to **Exhibit I labeled SI.0** the Soil Erosion and Sediment Control Plan. Four parking spaces in the rear of the building and two parking spaces in front of the building are proposed. A turning radius is provided on the plans. A 6 ft. privacy fence will be installed along the rear and side yards. Arborvitaes will be planted, at the request of the Board, to add additional screening to neighboring properties.
- For storm water management, an adequately-sized dry well will be installed in the rear yard. Roof liters will be piped to the dry well and the driveway will have raised Belgian blocks that will push water to inlets located in the rear of the property.

- Existing water and sewer lines will be used. Confirmation will be made that they are both in good condition and adequately sized.
- Referred to **Exhibit J labeled PI.0** Planting Plan illustrates their proposal to add shrubbery to act as a buffer around the parking area.
- The largest hardship for this property is that the lot size is approximately one-third of the size of typical lots in this zoning area. Many of the variances requested are for pre-existing conditions.
- Mr. Hoarle will work in conjunction with the Borough Engineer for any adjustments that need to be made.
- Calculations for storm water management have been provided. There should be no detrimental effects to any of the surrounding properties.

Mr. Kobylarz stated that he had received updated plans, in which many of his concerns were addressed. He had several questions/comments for Mr. Hoarle:

- The driveway width is approximately 10 ft. Would one-way accessible signs be posted warning drivers of cars approaching in the opposite direction?
- With regard to the parking in the rear of the building, is there an adequate turning radius for all available parking spaces?
- Who owns the existing wooden fence on the property that is in poor condition?
- It appears that the concrete pads for the A/C units were not included in the impervious coverage calculations.
- No lighting plan has been presented.
- The right side of the building does not appear to be part of the liter system.

Mr. Hoarle stated that a sign could easily be added to the driveway area.

The turning radius indicated on Plan SI.2 reflects maneuvering from the second parking space, indicating ample room. The fourth parking spot may require the driver to do a k-turn to maneuver out of the parking spot.

The existing fence in disrepair belongs to the neighboring property.

The padding for the A/C units are not included in the calculations, but they would only impact the numbers minimally. They can be added to the calculations.

A liter can be added to the right side of the building and be reflected in updated plans.

Any lighting inquiries should be addressed by Mr. Troia.

Mr. Kurus asked if any catch basins were proposed for driveway run-off?

Mr. Hoarle responded that the Belgian blocks pitch towards the rear yard. They would be willing to consider a second location. The dry well proposed will have two open grates made out of concrete. The grates are removable for clean-outs.

Ms. Corliss inquired about the two parking spaces proposed in the front of the building. Are they allowable or is a variance needed?

The two parking spaces proposed in front are part of the variances requested by the Applicant.

Mr. Porcello asked if there were any sight line issues with regard to the proposed screening and exiting the driveway, especially to the north side?

Mr. Hoarle responded that they are proposing 3 ft. hedges, which should not impact sight lines. The building to the north is a condominium complex. They are not changing the state of that condition, possibly only increasing traffic by four additional cars.

Ms. Sules asked the width of the most narrow part of the driveway and if it would be wide enough for an emergency vehicle, like an ambulance?

Mr. Hoarle responded that the narrowest part of the driveway is 10 ft. He indicated that there was a mistake made on the Site Plan. An emergency vehicle would be able to drive down the driveway.

Ms. Reiter had several questions/comments for Mr. Hoarle:

- She inquired about the size of the parking spaces in the back parking area.
- No sidewalk is proposed for tenants to walk up or down the driveway. With limited or no lighting, it might be difficult to navigate at night.
- Where will refuse and recycling be stored and collected?
- No lighting is proposed for the parking area. Is there a requirement for lighting since the proposed structure will be a three-family? It may be required to be added to the plans.
- Will the parking spots be assigned?

Mr. Hoarle responded that the back parking spaces would be 8 ft. X 22 ft. and the front parking spaces would be 9 ft. X 22 ft.

Areas with two-way traffic and pedestrian traffic are not uncommon.

Refuse and Recyclables will be stored and collected in a rear cross-hatched area. There is also ample room at the back of the property for snow removal and storing.

There will be lights above each of the entrance doors to the building, with no spill-over to adjacent properties. The Applicant is agreeable to submitting a lighting plan for the parking area. The possibility of installing motion lighting was discussed.

The assigning of designated parking spots for the tenants is yet to be determined.

Mr. Kurus noted that the Board would like to have the location of the refuse/recyclable storage and collection area put on record, as well as the size of any dumpsters used.

A discussion ensued regarding the standards that need to be met with regard to converting this property from a two-family residence to a three-family residence. The IBC code has more stringent requirements which may pertain to issues like lighting and safety for pedestrians walking to and from the parking area. In addition, Mr. Kurus asked if a three-family residence would now be classified as a residential property or a commercial property?

An interruption in the internet service for some of the Board Members was caused by inclement weather and power outages. A brief recess was taken at 8:37 PM with an announcement by Mr. Cosgrove that the meeting would resume at 8:45PM.

At 8:45 PM, the meeting resumed.

Upon roll call, all participating Board Members prior to the recess were present:

Ms. Sules

Ms. Corliss

Mr. Porcello

Ms. Giermanski

Mr. Kurus

Mr. Irwin

Mr. Kurus asked for the Applicant and his professionals to research the standards required for this project. If the standards are outlined by the IBC code then the requirements are more stringent. A lighting plan could be submitted during the Construction Permit process.

Mr. Kurus asked if any ADA compliance would need to be met with regard to parking for this project?

Mr. Hoarle stated that an ADA parking spot could be added in the back parking lot and the plans could be adjusted to reflect the addition of that spot.

Ms. Sules inquired if a variance for lighting for off-street parking was included in the list of variances requested by the Applicant?

Mr. Hoarle responded that he was not aware of any off-street lighting requirements but that he would work with the Borough's Engineer for compliance.

OPEN TO PUBLIC (Questions for Mr. Hoarle's Testimony):

There were no public comments/questions for Mr. Hoarle's Testimony.

Mr. Kurus asked if Mr. Donat could confer with the Applicant to see if the hearing could continue at the next regularly scheduled meeting date?

Mr. Donat stated that his Client was agreeable to carry over the meeting until the next meeting date.

Mr. Cosgrove announced that the hearing of the application for 183 Roseland Avenue would be adjourned until the May 1st Zoning Board Meeting Date, **with no further public notification required by the Applicant.**

The Board Secretary announced that the next Zoning Board of Adjustment meeting would take place at **7:00PM on Wednesday, May 1, 2024 IN PERSON at 14 Park Avenue, Caldwell, the Borough's Health and Senior Services/Irene Gibbons Building, on the second floor.**

Mr. Kurus notified the Applicant that any additional documents for the Board would need to be submitted at least 10 days prior to the May 1st hearing date.

Mr. Porcello made a motion to adjourn the meeting, seconded by Ms. Sules.

The meeting adjourned at 9:04PM.

Respectfully Submitted,

Kim Conlon
Zoning Board Secretary