

**Borough of Caldwell
Zoning Board of Adjustment
Reorganizational Meeting Minutes
January 4, 2023**

A Public Meeting of the Board of Adjustment of the Borough of Caldwell was held on January 4, 2023 at 7:00pm via electronically, using Zoom Meetings. Mr. San George opened the meeting and read the opening statement.

STATEMENT OF COMPLIANCE

OATHS OF OFFICE:

Mr. Cosgrove swore in the new members of the Zoning Board: Nick Correale, Paula Sules, and Christine Corliss.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mr. Correale, Ms. Sules, Ms. Corliss, Mr. San George, and Mr. Porcello. Mr. Cosgrove and Mr. Beckmeyer were present as well.

ABSENT: Mr. Kurus, Mr. Giorgio, and Mr. Halal.

APPOINTMENT OF PROFESSIONALS:

Robert Cosgrove, Esq. was approved as the Board Attorney.
Glenn Beckmeyer was approved as the Board Engineer.
Brittany Heun and Kim Conlon were approved as Board Secretaries.

APPROVAL OF MINUTES:

The Public Minutes from December 7, 2022 were approved.

APPROVAL OF ANNUAL REPORTING RESOLUTION

The Annual Reporting Resolution for the 2022 Calendar Year was approved.

APPROVAL OF SCHEDULE FOR 2023 MEETING DATES

The following 2023 meeting dates were approved by the Board:

January 4th (Reorg)

February 1st

March 1st

April 5th

May 3rd

June 7th

July 5th

August 2nd

September 6th

October 4th

November 1st

December 6th

NEW BUSINESS:

Adjourned from the December 7, 2022 meeting with “no further notice or publication necessary by the Applicant”.

Application Z22-005 Ernest and Ellen Peia, 63 Ravine Avenue, Block 39, Lot 2
Variance Approval

Mr. Cosgrove swore in the witnesses for the Applicant: Ms. Ellen Peia, Mr. Mike Wadell, and Mr. Bob Weber. Additionally, he swore in Mr. Mike Corcoran, Attorney for the Applicant.

Mr. Corcoran asked if he could call his first witness.

Ms. Peia, the Applicant and property owner of 63 Ravine Avenue provided her testimony:

- Pursuing a variance because she would like to widen the driveway to allow better access entering and exiting her vehicle.
- There is no parking available in front of her house and the town does not permit any “standing” of vehicles on her street.
- When asked if she had ever considered expanding the driveway behind the house, instead of creating a parking area in front of the house, she responded that creating a pervious area, with a grass grid, in front of the house was more aesthetically pleasing.
- When asked if she had considered just widening the driveway in front, Ms. Peia responded that she preferred having a parking area.

Ms. Sules commented that the references and illustrations submitted had conflicting information. The Letter submitted (**Exhibit A**) expressed a desire to just widen the driveway, while the plans illustrated a parking area in front of the house. In addition, in some images, the driveway ended at the back of the house and in some the driveway continued past the house.

Ms. Peia explained that she had grass and landscaping completed behind the house shortly after moving into the residence.

Ms. Sules asked if the car would remain parked out front after dropping off passengers and requested confirmation that the town prohibited parking on the street.

Mike Wadell, Ms. Peia’s Landscape Designer replied that the only available parking is across the street and away from the residence.

Public Questions for Witness #1

There were no public comments or questions.

Mr. Mike Wadell, Landscape Designer for the Applicant provided his testimony:

- While not a licensed Architect and having no certified training, Mr. Wadell stated that he had been on-site many times and was familiar with the property.
- The house was built in 1906.
- The driveway is currently 8.9 ft in width and flanked by retaining walls on both sides, making it difficult for the homeowner to open doors of her vehicle.

- Originally considered the area behind the house, however, there is consistent damage to the siding of the house where the structure of the house ends because it is so narrow.
- The homeowners reached out to their neighbors adjacent to the right of the house to try and purchase a piece of their property so that they could extend the driveway to the right and remove the retaining wall on that side but the neighbors were not agreeable.
- Mr. Wadell explained the scope of the work he was proposing: removal of railroad ties on the left side of the driveway (right side remains), extending the driveway so that doors of vehicles can be opened, and adding a 500 sq. ft. (18 ft x 30 ft approximately) area with permeable pavers in front of the house. The slope on the left side of the driveway will be softened.
- Mr. Wadell explained that the back area behind the house was landscaped because the homeowners were not able to drive their car to that area of the property.

Mr. San George asked if it would be a better option just to widen the driveway 1-2 ft. with the pervious pavers instead?

Mr. Wadell stated that 2 ft would not be enough extra room for a truck or a car and the pervious area in front of the house is aesthetically pleasing to the homeowner.

Mr. Beckmeyer stated that 8.9 ft is just 1 ft less than the size of the parking spaces in town, which meet the RSIS Standards. He complimented the homeowner for proposing the use of pervious pavers, which are a great option for drainage, however, he stated that it may be more beneficial to just widen the driveway in the front of the property, even up to 12 ft. , to allow for easier ingress and egress from vehicles.

Mr. Wadell stated that the pervious area is only meant for loading and unloading passengers and packages from the car. The pervious area will have plantings of ajuga, irish moss, and sedum, which can take some abuse but are not meant for handling the constant weight of a car.

Ms. Peia reiterated that the pervious area is just for access in and out of the car to her house.

PUBLIC COMMENTS FOR WITNESS #2

There were no public comments.

Mr. Robert Weber, the Architect for the Applicant, offered his testimony:

- Owner of Sunnyside Landscaping since 1990 and familiar with the property at 63 Ravine Avenue.
- Commissioned by the homeowner to widen the driveway and create a pervious area for easy access in and out of car.
- Proposing to excavate the front yard area and install pervious pavers, specifically positioned to avoid storm water runoff and removal of the retaining wall on the left side of the driveway.
- Mr. Weber stated that when exiting from parking spaces, one usually has an additional area in the neighbor's spot to maneuver, whereas in this case, there is an immovable retaining wall on either side.
- Mr. Weber informed the Board Members that the left retaining wall is currently 3ft tall and slopes down as it gets closer in proximity to the house. The right retaining wall is approximately 4 ft. tall.

PUBLIC COMMENTS FOR WITNESS #3

There were no public comments or questions.

Mr. Corcoran offered the Board a closing argument:

The Witnesses have testified that the car doors can't be opened on both sides of the vehicle because of the logistics of the current driveway. There is no overnight parking on Ravine Avenue. There is damage to the side of the house. Property owners are requesting a hardship approval to add a parking area in front of the house to allow more maneuverability.

Mr. Cosgrove offered a summation for the Board:

The Applicant is requesting a C-Variance due to hardship that is related to the property and not the Applicant. Have they proven that their proposal will not be substantially to the detriment of the community, Ordinance, or Zoning Plan. A majority vote is needed .

OPEN TO PUBLIC

No public comments or questions.

The Board Members deliberated.

Mr. Porcello made a motion **to deny** the application, seconded by Ms. Sules.

Mr. Correale	no	
Ms. Sules	yes	
Ms. Corliss	yes	
Mr. San George	yes	
Mr. Porcello	yes	(4-1-0 Application was denied)

Mr. San George made a motion to adjourn the meeting, seconded by Ms. Corliss.

The meeting adjourned at 8:24pm.

Respectfully Submitted,

Kim Conlon
Zoning Board Secretary