

Approved

BOROUGH OF RIVER EDGE
RIVER EDGE ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS
WEDNESDAY, JULY 13, 2016

MEMBERS PRESENT:

- Eileen D. Chusid, Chair
- Valerie Costa, Vice Chair
- Gary Esposito, Secretary
- Al Ruhlmann
- Robert Nyman, Alt. 1
- Ronald Black, Alt. #2
- Mark Gioffre, Alt. #3

MEMBERS ABSENT:

- Karen Glass
- Avo Derbalian

ALSO PRESENT:

- Mark Skerbetz, Zoning Officer
- Victoria Pekerman, Board Attorney

Minutes Prepared by
Dorothy Bernice

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Chairman Eileen Chusid called the meeting to order at 8 P.M. and read the Sunshine Law. She asked the board to amend the agenda so Victoria Pekerman, Board Attorney could address the board regarding an application which is to be heard this evening. A roll call vote gave unanimous approval to this motion. Pekerman then addressed the meeting noting that the Board had requested finer points of legality which requires a special closed session meeting. She continued that it will be necessary that all board members that were present at the June meeting attend the private session. She noted that Avo Derbalian and Karen Glass were absent evening and it will be necessary to give them time to review the transcript before setting up the meeting. She would be in touch with the members with dates and times.

Chusid thanked the attorney and inquired if the board would like to amend the agenda again and do the old business first since they were already speaking about it. The board's consensus was to hear the Wales Holding 2016-07, 284 Wales Avenue first. Mark Gioffre recused himself from the Wales Holding application. Mr. Barrett was the attorney for the applicant. He had brought Mary Baumann, CSR. Barrett said that during the last hearing on the application board members had made it known that had the application been made prior to the start of construction, it would have been granted. The applicant maintains that he has the right to apply to the board at this time without having any of the construction that has already been done prejudice the board against it. He said that by listening to the neighbors last month he learned that some of the neighbors were unfairly treated by the contractor but that it was not relevant to the application. He also stated that the board attorney's letter was not relevant. Pekerman commented she had asked that the documents be provided to the board 10 days prior to the meeting so the board members would have time to review them. Chusid asked if there were copies for the board members. She was advised there were not and the members passed the submissions around. The plans were marked A-1 last month. Barrett documents in answer to the questions listed in Pekerman's letter.

Barrett introduced Samuel Singer who bought the property from Soloman Braun. Chusid said that she could not understand how he was the owner and why Braun's name was all over the permits. Singer said that he had a relationship with Braun and made it known that his daughter was looking for a house. Braun said that he

had two houses and that his daughter liked the one on Wales Avenue so he purchased it for her. He originally had plans drawn but she wanted some adjustments made and she had those done. Braun was hired as the contractor and had signed the permits on his behalf. He said he did not know that the garage was supposed to be taken down until a problem with PSE&G had him call the building department and the secretary said that he did not go for a variance and the garage. She said it should have been taken down, not repaired. He said that he had spoken to the secretary five or six times because there were problems with garbage and neighbor complaints. He got upset with Braun and was thinking of terminating his contract as he had gone over budget and different problem. He continued that he was told by the building department that I would have to get new building permits and all the contractors would have to be licensed by the state of NJ. He comes from NY and did not want to have that problem so they settled their problems and Braun finished the job. He said as soon as the secretary notified him about the need for a variance he asked Braun to apply for it as he had no knowledge of how to do it. He said it took Braun about a month to file the application.

Chusid thanked the applicant for his apology for his contractor and for coming in with the requested information. She said that on advice of counsel she had to read a letter which stated that the board may not consider any non-zoning testimony in making a decision on the application. So all talk about garbage and overflowing dumpsters, complaints and summonses should have no bearing on the decision. The applicant is asking for a variance of 120 sq.ft. It is an undersized lot. It is unfortunate that this was done after the house was completed because she said she was sure they could have taken that off the house. So the board members will have to weigh all this when making their determination.

Lisa Phillipps, introduced herself to the Board as a Licensed Planner in the state of New Jersey since 1991. The Board unanimously approved her to testify as a Planner. She handed out a four page photo exhibit of the property. This was to show that 90% of the properties in the neighborhood have garages and driveways that can accommodate extra cars. The lot is 1650 square feet, 7500 square feet is required in this zone. She stated that the properties in the area were a mixed bag of sizes. Immediately adjacent to this property is one that is 1600 square feet but across the street the lots are deeper and can go up to 15000 square feet so it not consistent in size or in architectural style. Since the applicant has decided to keep the garage they are required to ask for two variances. She continued that the addition is completely conforming and it does not impact the Wales Avenue streetscape. She said it is a neighborhood in transition because it looks like the old neighborhood consisted of some original homes, homes with additions and sites where the old home was demolished and larger new homes have replaced them. The applicant is seeking a variance from the 35% lot coverage required. The

coverage on the house is 37.5%. This amounts to 129 sq. ft. If the applicant had the required lot size, the construction as it is would only be at 30%. The second variance is maximum building coverage which according to ordinance is 25% the applicant has 28.4%. This is a difference of 209 sq. ft. This is the size of the garage. We would not be detrimental to the neighborhood. The two seepage pits which the town required and the applicant complied with will slow down run off as required. The reason for coverage requirements is to have no run off onto the neighbor's property and this is achieved. If the garage was removed and the driveway was constructed to comply with lot coverage, the applicant would only have a one car driveway. Chusid commented that would make it non-compliant to current zoning. Phillipps agreed that they would not be able to have two parking spaces as required by the state building standards which require two parking spaces. Another aspect of Zoning is not to interfere with the neighbors' light air and open space and since this garage has been there for decades, there would be no change. She continued that she went to the Clerk's office and was supplied with the 1996 and 2000 Reviews of the Master Plan. She said that she noted that plan said that new construction should not change the aesthetics of the neighborhood. The applicant affirms the goal of not being detrimental because it is a single family home. Regarding the second variance for building coverage, as I have noted previously the building meets all the height and setbacks as required by ordinance. So it would not impact any light air and open space. Chusid commented that she lives in the neighborhood and has a single car driveway and she has had thousand dollars of damage. Phillipps commented that two neighbors have sheds right up to the property line and the garage is not changed. The improved lot coverage and the building coverage can remain without any substantial detriment to the neighborhood. A board member asked if there was any slope to the land. She replied it was almost flat.

Chusid thanked her for her testimony. She was then going to turn the meeting over to the Board Attorney as they had two board members absent who were at the first hearing. Barrett said that he would be happy to provide the board members with a transcript of the meeting and then holdover the vote until next month's meeting. That would give the board members time to examine the transcript. Chusid said that it would be a good idea. Since this was a busy time of the year, she would ask the board secretary to request RSVP to the meeting notice. There were no questions or comments from the public. A discussion took place as to which board members would be present in August and September and Barrett told the attorney he would make a decision when he knew how many board members would be present in August. Chusid commented that the application was much clearer this month and wished it had begun that way. Barrett said that he had no idea there was so many problems but as we found out they were with the contractor and everything was resolved as soon as the applicant knew.

Chusid asked Mark Gioffre to come back to his seat so they could continue the meeting. She then called Mr. Bigu of 185 Woodland Street to begin his application. There was some question regarding his notice of neighbors which was resolved and then Chusid read the letter of denial which noted that he was seeking two variances one for an accessory building in excess of 150 sq. ft. The proposed shed was 170 sq.ft. The applicant also needed a variance for lot coverage. He was proposing 38.11 sq.ft. and 35 is allowed. Mr. Bigu said that he was unaware that he needed a building permit and began the job without it. He said he stopped as soon as he received a call from the building department. He said that the shed was 4 feet from the property line and that he adjusted the height from 15 feet to 11.5 feet to comply with the town ordinance. He was asked by board members if he had a garage and he responded that there was none on the property. A board member noted the size of the property as 50 x 142. He was asked if a contractor was working on the project. He responded he was doing it himself. Chusid commented that the backyard was beautiful and when the applicant said he did all the work himself. She said she was impressed. Another board member asked him if he had made the pergola and he said yes and he was actually going to make it bigger but Skerbetz had told him the size he was allowed and he complied. He said that if had been aware of the restrictions on the shed prior to starting the work, they would not be meeting. The meeting was open to the public for questions. Carolyn Hermlian said she was his neighbor to the rear on Wales Avenue. She said she has a terrible water problem because of the where she is located on Wales Avenue. She said the roof would cause run off onto her property. Bigu said that he would be having several water containers to reuse the water and that he would slope the land away from her property and that should handle the problem. The second resident was Jun Chung who said that with the foundation, the shed would really exceed the height limitation. Bigu said he knew he had to measure from the grade. Chung then said he had taken away any light from his house because he planted big bushes. Bigu said that he had planted arbor vides and that they would keep growing but he was not told he could not do that. Chusid suggested that they speak neighbor to neighbor about landscaping. Bigu said he has been speaking to the neighbors and originally he was going to put white siding on the shed but he was told that would be hurtful to the eye so he changed it to grey. Hermlian said that the structure looks so high. She didn't know anyone in town that had a structure that tall. She then said the town should give new homeowners some kind of a handout of what they can and cannot do. They should understand they can't do whatever they want. Chusid said everything is on the website. There was a discussion about solid white fences being a walled in area. Liz Stewart said that she lives to the rear. She said that in the past couple of years seven mature trees have died. She suggested that the applicant plant a maple tree. The applicant said he was planning on some fruit trees. Al Ruhlmann moved for approval with a

second by Robert Nyman and all present voted affirmatively. He was advised not to do any more work until you receive the resolution at the next meeting.

The next applicant was Bruce Julien, 21 Eastbrook Drive was seeking a bulk variance for impervious surface to expand his driveway to 35.5% of lot coverage and 35% is required. This application has 43 square foot over what is allowed. He requested a 20 foot driveway which is permitted. Ruhlmann noted that it looks close to the neighbor. Julien spoke to his neighbor and they have no problem with it. He also assured the board that there is no tree in the way. He also provided that he is in the middle of the block. Al Ruhlmann moved to be approved and Mark Gioffre seconded the motion. The board voted unanimously.

Memorialization of resolution for the Strasser application at 220 Monroe Avenue Al Ruhlmann moved approval of the application and Valerie Costa seconded it. Valerie Costa, Al Ruhlmann, Robert Nyman, Mark Gioffre and Gary Esposito voted affirmatively.

Memorialization of resolution for the Cerullo application at 162 Valley Road for a front and rear yard setback was moved for approval by Al Ruhlmann and seconded by Robert Nyman. Valerie Costa, Al Ruhlmann, Robert Nyman, Mark Gioffre and Gary Esposito voted affirmatively.

Memorialization of resolution for the Chen application at 204 Voorhis Avenue for a lot coverage variance was moved for approval by Al Ruhlmann and seconded by Robert Nyman. Valerie Costa, Eileen Chusid, Robert Nyman, Al Ruhlmann and Gary Esposito voted affirmatively.

The minutes for February 10, 2016 were moved for approval by Al Ruhlmann seconded by Ron Black. Approved by Valerie Chusid, Ron Black, Al Ruhlmann, Valerie Costa, Robert Nyman and Gary Esposito.

Motion to adjourn was not on CD.