

NAYES:
 ABSTAIN: Mr. Giancaspro, Mr. Molinari
 ABSENT:

Carried.

Brian & Julie Buccino, Block 1102, Lot 28; 79 Elbert Court.

A motion to waive the reading of the Resolution was made by Mr. Crimmins, seconded by Mr. Raspantini. Carried.

A motion to approve the Resolution was made by Mr. Crimmins seconded by Mr. Raspantini.

Roll Call: AYES: Mr. Crimmins, Mr. FitzPatrick, Ms. Jarvis, Mr. Raspantini,
 Mr. Scuderi, Chairwoman Strollo

NAYES:
 ABSTAIN: Ms. Boone, Mr. Giancaspro, Mr. Molinari
 ABSENT:

Carried.

BOARD COMMENTS

Chairwoman Strollo welcomed Mr. Giancaspro.

PUBLIC COMMENTS - None

PUBLIC HEARING

V-04-22-ZBA-6-Thomas & Nancy Sluby, Block 4601, Lot 47; 39 Poplar Street.

Mr. Rogers verified that the applicants had noticed properly and that the hearing could proceed.

James R. Stevens, Esq. of Gallo & Gallo, 666 Godwin Avenue, Midland Park, N.J. appeared on behalf of the applicant. Mr. Stevens presented the following exhibits:

- Exhibit A-1 Architectural Plan last revised May 16, 2022
- Exhibit A-2 Survey dated August 13, 2021
- Exhibit A-3 Photos

Mr. & Mrs. Sluby were sworn in. Mr. Stevens said that the applicant is proposing to add a rear covered deck and a rear deck to the home. The new decks will increase the building coverage by 617 sf from 15.7% to 19% where 15% maximum is permitted. Mr. Stevens said that the property is located in the R-5 Garden Apartment District. A single family home is a permitted use in the zone. Single family homes shall meet the requirement of the R-3 Residence District. Mr. Stevens said the apartment complex to the rear is an eyesore and the decks will provide an additional buffer. Mrs. Sluby said that the decks are additional space that they can use and will add more closure to the rear of the property in an effort to block the apartment complex. Mrs. Sluby said that there's no visual of the decks from the front of the house. Mrs. Sluby said that they

previously received a variance for a 6' fence and have planted arborvitaes as a buffer. Mrs. Sluby said that works and it doesn't. Mr. Stevens added that the apartments aren't moving and that is unique to this property. Mr. Stevens said the proposed decks are an attempt to buffer that visual.

BOARD QUESTIONS

Mr. FitzPatrick asked Mrs. Sluby if she would still see the apartment complex from the proposed decks. Mrs. Sluby said yes, but it would shelter part of the view. Mr. Sluby added that they would put plants on the deck to block the ability to see the apartments. Mr. Scuderi asked Mrs. Sluby if any alternatives to the plan were discussed. Mrs. Sluby said she thinks that they are proposing a smaller sized deck. Mr. Sluby added that their backyard isn't conducive to doing things with their neighbors.

PUBLIC QUESTIONS - None

Miguel Martin of Anadal Architecture, 705 Amboy Ave., Woodbridge, N.J. was sworn in and deemed an expert in architecture. Mr. Martin described the proposed decks. Mr. Martin said the proposed decks are modest. Chairwoman Strollo asked Mr. Martin why there is a plan for two decks. Mr. Martin said that's what the applicant's requested. Mr. Scuderi questioned the hardship the applicant is requesting. Mr. Stevens responded that the hardship would be the unique character of the property with the rear structure as an eyesore. Mr. Stevens said he considered a Flexible C variance but looking at the criteria under the Land Use Act wasn't sure whether that fits.

PUBLIC QUESTIONS - None

PUBLIC COMMENTS - None

BOARD COMMENTS

Mr. Scuderi said that it's a unique piece of property. Mr. Scuderi said that the proposals that extend backward do not encroach on the rear yard setback. Mr. Scuderi said his biggest concern is the C-1 hardship vs. C-2 flexible. Mr. Scuderi doesn't think by using the garden apartments in the rear as a hardship would justify the need to create two decks. Mr. Crimmins agreed with Mr. Scuderi. Mr. Crimmins said that because you don't like your view out the back window is not necessarily a hardship. Mr. Crimmins said that the property is already above the 15% maximum requirement. Mr. Crimmins said that he can appreciate combining the three separate steps along the back with one single deck. Mr. Crimmins said the proposed fireplace along the back would create a visual blocking the back. Mr. Crimmins said that he was trying to come up with reasoning that he could be in favor of the application. Mr. FitzPatrick said that he considers the zoning the hardship and he's comfortable with a C-1 hardship variance. Ms. Jarvis said that the proposed decks are modest and make the home more aesthetically pleasing. Ms. Jarvis does think that the zoning is a hardship. Ms. Jarvis said the covered deck is larger, but

on the other side. Mr. Cafiero was sworn in. Mr. Cafiero said he had a pool and pavers installed about 2 years ago. Mr. Cafiero continued that when you look at the house from the street, the left side of the house isn't used at all. The right side of the house has all the traffic. Mr. Cafiero said that instead of having the generator where all the traffic is, it made sense to put it on the left side of the house where there's zero traffic.

BOARD QUESTIONS

Mr. Molinari asked Mr. Cafiero when he submitted the permit application for the pool were the pavers included. Mr. Cafiero said he believes they were part of the pool so they should have been. Mr. Cafiero said that he hired a professional to make sure there were no problems with the town and there ended up being a problem with the town. Mr. Cafiero said it was disappointing to find out that he didn't meet the code. Mr. Scuderi asked Mr. Cafiero how long has the generator been installed. Mr. Cafiero said about a year. Mr. Scuderi asked Mr. Cafiero if there were other options to install the generator. Mr. Cafiero said that they looked into every possible option. Chairwoman Strollo asked if there was a permit for the generator. Mr. Cafiero said that's why he's here tonight. He has a very busy job and young kids and was relying on the professional, but in these two particular cases, they obviously didn't get the proper permitting.

PUBLIC QUESTIONS - None

PUBLIC COMMENTS - None

BOARD COMMENTS

Mr. Rogers commented that the Board should not take into consideration the fact that the items have already been built, installed or constructed. The Board should decide about this variance as whether it meets the criteria of a C-1 or C-2 and make that decision as if the applicant had just come before the Board for relief to get the variances sought.

Mr. Scuderi said that applicant has satisfied their burden for a C-1 hardship with the uniqueness of the property. Mr. Scuderi thinks the variances are minor in nature and based upon the hardship that's created by the property he would be in favor of the application. Mr. Giancaspro said that because of the uniqueness of the property and believes the variances are minor he would support the application. Mr. Raspantini said that he doesn't think there could be a better spot for the generator other than where it's placed and would be in favor of the application. Chairwoman Strollo said that it does appear that the generator is in a decent spot. Chairwoman Strollo said the generator is well buffered and is by the neighbor's garage so she doesn't think there's a detriment to the adjoining property. Chairwoman Strollo said that the lot is undersized and there's an easement on part of the property and she would be in favor of the application.

Mr. Hals commented that a condition of approval should be that the applicant is required to secure all permits and inspections from the building department.

