

TOWNSHIP OF MAPLEWOOD
ZONING BOARD OF ADJUSTMENT
574 Valley Street, Maplewood
New Jersey 07040

MINUTES
January 4, 2017 Meeting

The Board of Adjustment's January 4, 2016 meeting convened in the Committee Room of the Municipal Building, 574 Valley Street, Maplewood, New Jersey. Larry Seltzer called the meeting to order at 8:00 P.M. He read the following:

"Pursuant to Section 5, Public Law 1975, this is to state for the record that adequate notice of this meeting has been provided to the public by posting and maintaining the annual notice of the meetings for 2017 in the News Record of South Orange and Maplewood and the Star Ledger in December of 2016 and by filing of said notice in the office of the Municipal Clerk."

ROLL CALL

Board members:

Present: Larry Seltzer, Mario Springer, Richard Lunde, Jenifer Steig, Robert Kashtan, Stephen Sigmund,
Greg Drechsler *Alt. II*

Excused: Thora Murray-Lee, Clyde Otis, *Alt I*

Absent: None

Also present were Board Counsel Michael Edelson, Board Consultant Robert Bratt, P.E., P.P. and Board Secretary Adele Lewis.

Larry Seltzer read the following:

"**WHEREAS**, Section 7 provides that the Zoning Board of Adjustment has the discretion to permit, prohibit or regulate the active participation of the Public at any meeting.

WHEREAS, it is the desire of the Zoning Board of Adjustment to comply with the provisions of this act and at the same time to conduct its business in an orderly and expeditious manner:

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Maplewood, that it does prohibit, except as set forth in the formal agenda, active participation in the deliberations of the Zoning Board of Adjustment at all of its meetings."

REORGANIZATION OF THE BOARD

Election of Chairman (conducted by the Board Attorney Michael Edelson -*call for nominations*)

A motion was made by Robert Kashtan and seconded by Richard Lunde to elect Larry Seltzer the Chairman of the Zoning Board for the year 2017

A call for other nominations- seeing none, nominations were closed and a single ballot was cast for Larry Seltzer

The meeting was turned over to Chair Seltzer.

Election of Vice Chairman

A motion was made by Robert Kashtan and seconded by Richard Lunde to elect Mario Springer the Vice Chairman of the Zoning Board for the year 2017

A call for other nominations- seeing none, nominations were closed and a single ballot was cast for Mario Springer.

Resolution No. 1

On a motion made by Richard Lunde and seconded by Stephen Sigmund, be it resolved that Michael Edelson be appointed Board Attorney to the Zoning Board through and including the January 2018 meeting.

Resolution No. 2

On a motion made Jenifer Steig and seconded by Robert Kashtan, be it resolved that Keller & Kirkpatrick be appointed Consulting Engineer to the Zoning Board through and including the January 2018 reorganization meeting of the Board.

Resolution No. 3

On a motion made by Larry Seltzer and seconded by Richard Lunde, be it resolved that Adele Lewis be appointed Secretary to the Zoning Board through and including the January 2018 reorganization meeting of the Board.

Resolution No. 4

On a motion made by Robert Kashtan and seconded by Stephen Sigmund, be it resolved that the News-Record, and Star Ledger be designated the official newspapers of the Zoning Board for the publications of official notices and as the official newspapers to receive notices for the purpose of the Open Public Meetings Act.

Resolution No. 5

On a motion made by Stephen Sigmund and seconded by Mario Springer, be it resolved that the procedures, forms and by-laws be hereby re-adopted.

Resolution No. 6

On a motion made by Richard Lunde and seconded by Jenifer Steig, be it resolved that the regular 2017 Meetings of the Maplewood Zoning Board through the January, 2018 reorganization meeting be held on The following dates:

- January 4
- February 6
- March 6
- April 3
- May 1
- June 5
- July 3
- August 7
- September 6 (*1st Wednesday*)
- October 2
- November 6
- December 4
- and
- January 3, 2018 (*1st Wednesday*)

It was noted that most dates were the first Monday of the month EXCEPT September and January 3, 2018 which are first Wednesdays of the month.
All meetings will be held in the Municipal Building, 574 Valley Street beginning at 8:00 p.m.

MINUTES

- **MINUTES OF THE DECEMBER 5, 2016 REGULAR MEETING**

On a motion by Larry Seltzer and seconded by Jenifer Steig, the Board voted by general consent to adopt the minutes of the December 5, 2016 regular meeting.

- **MINUTES OF THE NOVEMBER 28, 2016 SPECIAL MEETING**

On a motion by Mario Springer and seconded by Robert Kashtan, the Board voted by general consent to adopt the minutes of the November 28, 2015 Special meeting.

RESOLUTIONS

Case #BOA 16-09

586 Ridgewood Road

Block 12.05 Lot 219.02 R-1-5 Zone

Applicant: **ANTHONY & MELANIE CORTESE**

Seeking a Variance from Section 271-70 (4) (a) which requires a rearyard setback of 25 ft. to permit a rearyard setback of 11.47ft. for a deck.

On a motion by Larry Seltzer and seconded by Robert Kashtan the Board voted Affirmative (4), Larry Seltzer, Robert Kashtan,, Richard Lunde, Jenifer Steig, Negative (0) to memorialize the wording of the Resolution granting Variance from Section 271-70 (4) (a) which requires a rearyard setback of 25 ft. to permit a rearyard setback of 11.47ft. for a deck.

Case #BOA 15 -06

113 Parker Avenue

Block 36.06 Lots 58 & 61 R- 1- 5 Zone

Applicant: Congregation Beth Ephraim

Granting a Use Variance with preliminary and final Site Plan approval for expansion of a non-conforming existing accessory Jewish preschool use with a parking waiver to construct an addition to the building.

On a motion by Mario Springer and seconded by Richard Lunde voted Affirmative (6) Robert Kashtan, Mario Springer, Richard Lunde, Jenifer Steig, Stephen Sigmund, Greg Drechsler, Negative (0) to memorialize the wording of the Resolution granting a Use Variance with Site Plan approval for expansion of an existing accessory preschool use with parking variance.

APPLICATIONS

Chair Seltzer called the first application, 9-11 Essex Avenue. Mr. Walker was present with the architect, Martha Brazoban, R.A. She presented revised plans which were marked as exhibit A-1 dated 1/4/17. (Exhibit retained by applicant). She stated that the plans were approved by the building department. Mr. Seltzer inquired if the testimony would include the legal requirements

for the granting of a variance. Mr. Walker informed Mr. Seltzer that had retained a planner, Mr. John McDonough. He expected Mr. McDonough to arrive shortly as he is coming from another meeting. Chair Seltzer stated the Board would hear 101 Boyden Avenue first.

Case # BOA 16 -11

101 Boyden Avenue

BLOCK 35.01 LOT 2.01 R-1-4 ZONE

Applicant: Lisa Lane

Assigned to: Jenifer Steig

Seeking relief from Section 271.50.L (2) which requires a garage to permit a non-replacement of a demolished garage.

Lisa Lane was present on behalf of her application and was sworn in. She reviewed the application submitted and stated that she has owned the home since 1999. She described the two-family home and the challenges of the narrow one car driveway, the substandard size garage and the closeness of the garage to the home. Additionally, parking is problematic and with the shuffling of cars, it limits her ability to rent the apartment. She noted that the garage is of substandard size and dilapidated. The driveway and parking situation has necessitated her renting to only family members. She stated that the garage has been demolished as it was unsafe, in addition to non-functional and has no purpose.

Ms. Lane referenced a previous tenant who broke the lease due to the parking situation. She stated that allowing non reconstruction of the garage will allow for parking for 4 to 5 cars. She reviewed the photos submitted with her application. She added that this is a quality of life issue.

Larry Seltzer explained the requirements for the granting of a variance. He inquired about the placement of the garage and possible repositioning of the garage. She stated that repositioning the garage would have it abut the house. Mr. Edelson inquired about the dimensions of the lot and Ms. Lane confirmed that the lot width is 34.50 and the driveway is 8.9 ft. wide. Mr. Edelson observed the undersized lot does constitute a hardship. Mr. Seltzer noted that it would be difficult to construct a functional two-car garage given the constraints of the property.

Mr. Sigmund inquired if her property was the only property with this condition. Ms. Lane stated that there are four other homes with this condition.

Ms. Lane added that the parking prohibition on her section of Boyden Avenue is an added hardship.

Ms. Steig inquired if this would prompt the other four property owners to consider a similar request.

Mr. Seltzer stated he did not have that concern.

QUESTIONS FROM THE PUBLIC: there were no questions from the public

COMMENTS FROM THE PUBLIC:

Francesca Asamoah, 99 Boyden Avenue stated that she supports the request. She reiterated the frustration of the parking problem with no on street parking. She added that granting the request would not negatively impact her.

Mr. Seltzer stated that he believe a case has been made for a hardship given the narrowness and shallowness of the lot.

Mr. Edelson stated that while the home is in the R-1-4 zone, the two-family use is a pre-existing non-conformity as confirmed by the tax assessors' office. Ms. Lane stated that Mr. Art Christenson informed her that the property was once owned by his family.

Mr. Bratt noted that the asphalt area is existing so no additional drainage mitigation would be needed.

On a motion by Jenifer Steig and seconded by Richard Lunde, the Board voted Affirmative (7) Larry Seltzer, Robert Kashtan, Mario Springer, Richard Lunde, Jenifer Steig, Stephen Sigmund, Greg Drechsler Negative (0) to grant relief from Section 271.50.L (2) which requires a garage to permit a non-replacement of a demolished garage MOTION CARRIES 7-0

CASE # BOA 16-05

9-11 ESSEX AVENUE

BLOCK 38.07 LOT 2.01 R-2-4 ZONE

APPLICANT: VALERIE WALKER

Assigned to: Larry Seltzer

Conversion of a one-family house into a two family house on a 4000 sq. ft. lot where 5000 sq. ft. lot minimum is required.

Mr. Terrance Walker stated that Mr. John McDonough had contacted him to inform him that he was delayed. Mr. Edelson informed him that he would be carried to the next meeting and his notice be carried.

The application will continue to the meeting of MONDAY, FEBRUARY 6, 2017 at 8:00 pm. with no further notice given.

NEW BUSINESS

Adoption of the Zoning Board 2016 Annual Year End Report pursuant to N.J.S. 40:55D-70.1

On a motion by Richard Lunde and seconded by Robert Kashtan, the Board voted by general consent to adopt the Zoning Board Annual Year End Report pursuant to N.J.S. 40:55D-70.1

The next meeting of the Board of Adjustment is scheduled for MONDAY, FEBRUARY 6, 2017

ADJOURNMENT

The meeting was adjourned at 8:55 P.M.

Respectfully submitted,

Adele C. Lewis, Board Secretary