

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

MINUTES
February 6, 2017 Meeting

The Board of Adjustment's February 6, 2016 meeting convened in the Conference 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, Stephen Sigmund,
Clyde Otis, *Alt I*, Greg Drechsler *Alt. II*

Excused: Robert Kashtan, Thora Murray-Lee

Absent: None

Also present were Board Counsel Michael Edelson 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."

MINUTES

• **MINUTES OF THE JANUARY 4, 2017 REGULAR MEETING**

On a motion by Richard Lunde and seconded by Mario Springer, the Board voted by general consent to adopt the minutes of the January 4, 2017 regular meeting.

RESOLUTION
Case # BOA 16 -11

101 Boyden Avenue
BLOCK 35.01 LOT 2.01 R-1-4 ZONE

Applicant: Lisa Lane

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

On a motion by Mario Springer and seconded by Richard Lunde, the Board voted Affirmative (6) Larry Seltzer, Mario Springer, Richard Lunde, Jenifer Steig, Stephen Sigmund, Greg Drechsler to memorialize the wording of the Resolution granting relief from Section 271.50.L (2) which requires a garage to permit a non-replacement of a demolished garage

APPLICATIONS

Case #BOA16-12

721 PROSPECT STREET B. 22.02 L. 249
R-1-5 (RESIDENTIAL SINGLE FAMILY ZONE)

Applicant: Christopher & Kristen Zakian

Assigned to: Robert Kashtan

SEEKING RELIEF FROM Section 271-70.A.(4)

which requires a 5 ft. side yard to permit the continuation of a 3'01" sideyard for the construction of a one-story addition

Christopher & Kristen Zakian were present on behalf of their application and were sworn in. Mr. Zakian explained that they want to extend their kitchen and they require a variance for a preexisting non-conforming sideyard. He noted the house was built in 1923 prior to zoning requirements. They are proposing the addition to enlarge their small outdated kitchen He noted that his neighbor most directly affected was present and encouraging of the application.

Stephen Majewski R.A. of Majewski Architecture LLC, South Orange, NJ was sworn and qualified. He reviewed the plans he prepared dated 12/12/16 and cited the existing layout. He noted that the house predates the zoning. He added that they did explore stepping in the addition to meet the sideyard requirement; however it would compromise the interior design and jeopardize the functionality of the kitchen. He noted that while the lot is narrow, it is deep at 200 ft. in depth. The Zakians are also using the kitchen addition to improve access to the basement and a very small exit deck which minimally increases the impervious coverage. He explained that the addition will be held to one-story to minimize mass and bulk and will not be detrimental to the neighborhood. He added that the variance is only for a small corner of the addition and the area of intrusion is approximately two ft. wide by 6.5 ft. deep.

Mr. Majewski stated that he had reviewed the engineering comments dated 1/10/17 and would comply.

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

COMMENTS FROM THE PUBLIC:

Robert Noesner, 719 Prospect Street, stated that he has been their neighbor since they moved in and he supports the application. He added that granting the request would not negatively impact the neighborhood or his home due to the driveway between the houses.

On a motion by Richard Lunde and seconded by Stephen Sigmund, the Board voted Affirmative (7) Larry Seltzer, Mario Springer, Richard Lunde, Jenifer Steig, Stephen Sigmund, Clyde Otis, Greg Drechsler Negative (0) to grant RELIEF FROM Section 271-70.A.(4) which requires a 5 ft. side yard to permit the continuation of a 3'01" sideyard for the construction of a one-story addition MOTION CARRIES 7-0

CASE # BOA 16-05

9-11 ESSEX AVENUE - CONTINUATION

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. & Mrs. Terrance Walker were present on behalf of their application. Mr. Walker stated that he retained Mr. John McDonough, P.P. after the December meeting. Mr. Edelson informed the Board that all previous witnesses were sworn and still under oath. He also noted that the Board members who had missed the December hearing had listened to the audio of the hearing and were qualified to vote.

John McDonough, P.P., was sworn and qualified. He distributed maps of the area. He stated that he visited the site and performed a neighborhood analysis.

MARKED INTO EVIDENCE

- A-2 surrounding aerial photo
- A-3 11 X 17" color key map of 200 ft. range depicting other two-family homes

Mr. McDonough testified that there are quite a number of two-family homes on less than 5000 sq. ft. lots in the area. He ran through the C-2 balance test for the variance. He stated that the property has ample parking on site to accommodate four vehicles and contains a two-car garage. He noted that no major modifications are being proposed and the Walkers intend to occupy one of the units. In referencing A-3, he noted that most of the properties in the area are two-families and 12 of them are on less than 5000 sq. ft. lots, noting that a single family is more of an anomaly for this neighborhood. He referenced the Kaufmann court case which relied on neighborhood patterns, adding that over 50 % of the neighborhood consists of two-families.

He continued that the C-2 test and the purpose of zoning would be Purpose A which provides for a variety of housing and general welfare and Purpose M which cites the efficient use of land as this is an adaptive reuse and an easy retrofit. He stated that there is no negative detriment to the

neighborhood due to the parking and similar other lots. He concluded that the C-2 balancing is met and the benefits outweigh the detriments.

Mr. McDonough answered questions from the Board.

Martha Brazoban, R.A., previously sworn and qualified confirmed that the house footprint will not be expanded, as a previous porch foundation was utilized for the addition.

FROM THE PUBLIC: there were no questions from the public

COMMENTS FROM THE PUBLIC: there were no comments from the public

DELIBERATION OF THE BOARD

Clyde Otis noted that while the exhibit A-3 only depicted the two-families in the 200 ft. radius and there may be more in the area.

Larry Seltzer noted that the exhibits confirm what he observed, that the area has many two-family homes, even beyond the 200 ft. radius.

Jenifer Steig noted the exhibits were very clear and provided the basis for the granting of the request.

On a motion by Jenifer Steig and seconded by Mario Springer, the Board voted Affirmative (7) Larry Seltzer, Mario Springer, Richard Lunde, Jenifer Steig, Stephen Sigmund, Clyde Otis, Greg Drechsler Negative (0) to grant 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.
MOTION CARRIES 7-0

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

ADJOURNMENT

The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Adele C. Lewis, Board Secretary