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# BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES MAY 4, 2017

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A meeting of the East Rutherford Zoning Board of Adjustment was held on **May 4, 2017** at 7:00pm at the Borough Hall, located at 1 Everett Place, East Rutherford.

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## ROLL CALL

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| <input checked="" type="checkbox"/> Philip Alberta, Chairman         | <input checked="" type="checkbox"/> John Giancaspro, Secretary |
| <input checked="" type="checkbox"/> Carmen Polifronio, Vice-Chairman | <input checked="" type="checkbox"/> Richard Cedzidlo, Attorney |
| <input checked="" type="checkbox"/> Al Levy                          | <input checked="" type="checkbox"/> Mark Everett, Planner      |
| <input checked="" type="checkbox"/> John Martin                      | <input checked="" type="checkbox"/> Arthur Senior, Engineer    |
| <input checked="" type="checkbox"/> Richard Krajunus                 |  |
| <input checked="" type="checkbox"/> Gary Viccaro                     |  |
| <input checked="" type="checkbox"/> Thomas Banca                     |  |
| <input checked="" type="checkbox"/> Derek Sands, Alternate Member    |  |

*Denotes in Attendance*

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The meeting was called to order by Chairman Alberta, followed by the Pledge of Allegiance.

## APPROVAL OF MINUTES

APPROVAL OF MINUTES OF MARCH 15, 2017						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta			<b>X</b>			
Polifronio	<b>X</b>		<b>X</b>			
Levy			<b>X</b>			
Martin		<b>X</b>	<b>X</b>			
Krajunus			<b>X</b>			
Viccaro			<b>X</b>			
Banca						<b>X</b>
Sands			<b>X</b>			

**RESOLUTIONS**

**RESOLUTION #17-03(R)**

**DOCKET #16-008**

**Application for Approval of Change of Use with a D-1 Use Variance and Site Plan Waivers  
94-96 Carlton Avenue, LLC**

94-96 Carlton Avenue

Block 18, Lot 6

Before the Board was Resolution #17-03(R) memorializing approval to construct an addition to the second story and convert the first floor commercial space to a residential apartment.

<b>APPROVAL OF RESOLUTION 17-03(R)</b>						
<b>MEMBER</b>	<b>MOVED BY</b>	<b>SECOND</b>	<b>AYE</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>NOT PRESENT</b>
Alberta			<b>X</b>			
Polifronio		<b>X</b>	<b>X</b>			
Levy			<b>X</b>			
Martin			<b>X</b>			
Krajunus	<b>X</b>		<b>X</b>			
Viccaro			<b>X</b>			
Banca						<b>X</b>
Sands			<b>X</b>			

**RESOLUTION #17-04(R)**

**DOCKET #17-001**

**Application for Preliminary and Final Site Plan Approval with Use Variances and D-2 Variance**

**Artmark Mold & Tool Co.**

742 Paterson Avenue

Block 20, Lot 1

Before the Board was Resolution 17-04(R) memorializing the Board’s action to not grant approval of preliminary and final site plan, with use variances and a D-2 variance, in order to add a second story to an existing building, for offices in manufacturing of molds and modernize equipment. Only Members Banca, Levy, and Martin were eligible to vote on the resolution.

<b>APPROVAL OF RESOLUTION 17-04(R)</b>						
<b>MEMBER</b>	<b>MOVED BY</b>	<b>SECOND</b>	<b>AYE</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>NOT PRESENT</b>
Alberta						
Polifronio						
Levy	<b>X</b>		<b>X</b>			
Martin		<b>X</b>	<b>X</b>			

Krajunus						
Viccaro						
Banca						X
Sands						

**DOCKET #17-002**

**Application for Approval of Change of Use and Site Plan Waivers  
Titan Restoration, Inc.**

82 Herman St  
Block 43, Lot 20

Mr. David Crook came forward and explained to the Board that he had been retained as the new attorney for the application. He noted that the Applicant was not ready to proceed and would be considering revisions to the application. Mr. Crook agreed with the Board that new notice should be served before proceeding. Chairman Alberta announced that the application would be carried to a later date and new notice would be provided.

**DOCKET #17-003**

**Application for Bulk Variance  
Richard Ramirez**

15 Prospect Terrace  
Block 56, Lot 4

Mr. David Crook, Attorney for the Applicant, came forward and introduced the application to construct a three car garage at 15 Prospect Terrace. Mr. Crook introduced the following exhibits:

- Exhibit A-1: Zoning Board Application
- Exhibit A-2: Proof of publication and certificate of mailings
- Exhibit A-3: Tax Collector’s Certification
- Exhibit A-4: Architectural Plans
- Exhibit A-5: Boundary and Topographic Survey
- Exhibit A-6: Zoning Officer’s Denial
- Exhibit A-7: Special Monitor’s Review
- Exhibit A-8: 1<sup>st</sup> review letter of Remington & Vernick
- Exhibit A-9: 2<sup>nd</sup> review letter of Remington & Vernick
- Exhibit A-10: 3<sup>rd</sup> review letter of Remington & Vernick

Mr. Crook explained that the Applicant sought to construct a three car garage on his property to provide on-site parking and to alleviate the parking conditions on Prospect Terrace.

Mr. Joseph Donato of 14 Route 4 West in River Edge, Architect for the Applicant, was sworn in to provide testimony regarding the application.

Mr. Donato explained that the property provided a unique situation for parking as much of the area is striped yellow, restricting parking from Hoboken Road and extending passed the Applicant’s

property. He also noted that the property is raised and access is made via 20 stairs, three-feet wide from the sidewalk.

Mr. Donato explained that the application before the Board was to construct a one-story, three car garage which would remove three vehicles from parking on the street. He noted that no on-street parking would be eliminated by the curb cut because of the restricted parking area already in place.

Mr. Donato testified that the proposed garage would be a L-shaped, masonry structure be approximately 20-feet by 20-feet on one side, and approximately 20-feet by 38-feet on the other side. He noted that the garage would be flat and would also serve as a patio/deck area, enclosed by railings. He explained variances were required because the structure would be set back only eight inches from the property line and 1.4 inches from the side yard. It also requires a variance as it is an accessory structure set in the front yard. He further noted that accessory structures located in the front yard were common in the neighborhood.

Mr. Donato addressed the issues raised by Mr. Senor's review, specifically the set back and calculations requested. He explained that by moving the garage closer to the existing residential structure would require a taller structure and would create interference with the existing structure's foundation. Additionally, he testified that the creation of a setback could create another parking space along the sidewalk area, something the Applicant did not wish to do. He believed that the structure could be set back, but would advise against it. He stated that the calculations requested would be provided.

Mr. Donato further stated that the application would provide a positive impact to the community as it would create parking issues and benefit the homeowner's lifestyle.

Mr. Senor, Engineer for the Board, expressed concern over the turning radius to accommodate the backing and turning of vehicles exiting the driveway. Mr. Anthony Giudetti, the Applicant's contractor, was sworn in to provide testimony. Mr. Giudetti explained that he has been performing work in the neighborhood and is familiar with the conditions. He noted that homes in the area have similar conditions and by bringing the garage close to the property line increases a driver's ability to see on-coming traffic, whereas a setback would create a blocked view by a retaining wall. Mr. Viccaro asked Mr. Senor what his recommendation would be to set back, to which Mr. Senor stated 20 feet.

Mr. Everett, Planner for the Board, reported to the Board that accessory structures serving as a garage are only permitted to have no more than two vehicles, therefore, the application would require a variance for the third vehicle.

Mr. Krajunus suggested reducing the size of the structure and creating a driveway apron. Mr. Giudetti explained that construction would be difficult and the application was developed with the simplest design in mind. He further explained that it may not be economically feasible to construct in such a manner and had concerns over undermining the existing foundation.

Mr. Crook asked the Chairman if a consensus on size and setback could be reached so the Applicant could consider the Board's position. Mr. Polifronio stated he felt the size of the garage was appropriate but should be pushed back to assist in achieving the turning radius. Chairman Alberta, Mr. Martin and Mr. Sands concurred. Mr. Viccaro also agreed and noted that the application was a unique property and the Applicant was improving the on-street parking situation. Mr. Krajunus felt the garage should be pushed back from the property line and Mr. Levy felt the application should be reduced to a two car garage.

The Applicant, Mr. Richard Ramirez was sworn in to provide testimony. He explained that he was seeking to alleviate parking issues on Prospect Terrace by removing his two vehicles from the street. He explained the difficulties in finding parking on a daily basis and felt that it would be of great benefit to him and his family.

The Board and the Applicant's professionals discussed various design changes to the structure. A consensus was reached and the Applicant agreed to amend its application to include the following details:

1. The proposed garage structure would be setback six feet;
2. The width of the proposed garage would remain as originally submitted;
3. The depth of the proposed garage would be reduced by two feet from the southwest corner;
4. A curbcut would be agreed upon by the Applicant's and Board's professionals, but not exceed 26 feet;
5. Drainage would be incorporated into the final design

A motion was made by Mr. Viccaro and seconded by Mr. Martin to accept the amended application. All were in favor.

Mr. Levy moved to open the meeting to the Public. Mr. Martin seconded the motion, all were in favor.

Ms. Susan Krause of 36 Prospect Terrace came forward and expressed her disappointment with the Board's action to require the Applicant to reduce the size of the garage. She felt the Applicant was providing a benefit to the neighborhood by providing on-site parking and alleviating conditions on the street. She noted that she hoped additional garages will be constructed following Mr. Ramirez.

Mr. Martin moved to close the meeting to the Public. Mr. Viccaro seconded the motion and all were in favor.

A motion was made by Mr. Viccaro, seconded by Mr. Krajunus to approve the amended application.

<b>ROLL CALL</b>
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MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta			<b>X</b>			
Polifronio			<b>X</b>			
Levy			<b>X</b>			
Martin			<b>X</b>			
Krajunus		<b>X</b>	<b>X</b>			
Viccaro	<b>X</b>		<b>X</b>			
Banca						<b>X</b>
Sands			<b>X</b>			

The application was approved.

With no further business before the Board, a motion was made by Mr. Viccaro, seconded by Mr. Krajunus to adjourn the meeting. All were in favor.

Minutes By:  
John Giancaspro  
Secretary