

**BOROUGH OF WOODLAND PARK
BOARD OF ADJUSTMENT MINUTES**

December 12, 2011

MEETING CALLED TO ORDER AT 7:30 P.M. by Chairwoman Kallert.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS IN ATTENDANCE: TRACY KALLERT, TONY ORLANDO, GIANNI INTILI, RUTH PATTERSON, JOSEPH PASCRELL, JIM IANNIELLO, AND VINNIE DECESARE

ALSO PRESENT – JOHN FIORELLO, BOARD ATTORNEY

FLAG SALUTE

A motion to approve the minutes of the September 26, 2011 meeting was made by Ms. Patterson, second by Mr. Decesare and approved.

ORDER OF BUSINESS

Chairwoman Kallert asked Mr. Fiorello to update the Board on the suits filed by Quick Chek and 75 Jackson Ave., LLC. Quick Chek has dismissed their appeal of the denial. They have also received the Planning Board transcripts for 75 Jackson, LLC and they will be putting together a briefing schedule.

DOCKET # 11-07 – M. QUENTZEL – 776 MCBRIDE AVE. – BLOCK 18 LOT 35 & 35.01 – BULK VARIANCE

Martin Quentzel, applicant, was sworn in. He is not living at the house right now but it is his legal address. The house is currently under renovation due to the recent flood. The house is very small. It pretty much is satisfactory for him but the existing garage is too small to accommodate a regular size car. The little space he would gain from closing the garage would satisfy his needs for living area on the first floor.

Mr. Decesare asked if he already took the garage door down. Mr. Quentzel said after the storm the windows were broken out and there had been some vandalism so they did remove

the door. Mr. Decesare thought the wall was already built. Mr. Quentzel said they did jump the gun and did some construction. He did not know he would need a variance to close the garage. The dumpster is sitting in the driveway at this time. There are two bedrooms on the second level. They could fit 2 or 3 cars deep in the driveway. It is a very wide property but it is very deep where the driveway is located.

Ms. Patterson asked if they would be filling in at the back of the garage. Mr. Quentzel said he sees no reason for filling it in. He only has one car.

Mr. Decesare asked if it is a dirt driveway. Mr. Quentzel said when the dumpster is gone the whole property will be cleaned up. They would make it a legitimate driveway when appropriate. The garage is about 10 ½' wide and about 18' deep. Chairwoman Kallert asked why he thought that was not big enough. He said he has a pickup truck and he could not park his vehicle in that garage. He is the only driver in the house. Ms. Patterson said there could be a potential of more drivers. She asked what the size of the driveway would be. He said he would work with the building department to put in a driveway.

Mr. Quentzel said the water did not come into the first floor level. There was water in the basement and the garage is on a slab.

Mr. Intili said he is proposing living area for a home office where the garage is. He asked if there was heat or electric in the garage. Mr. Quentzel said it is extremely easy to expand the heat and electricity into the garage. Mr. Intili asked if they could do it over the garage. Mr. Quentzel said the garage was framed with wood that would not be adequate to support a second floor on top of the garage. There is a powder room on the 1st floor and a full bathroom on the 2nd fl. The powder room is being built during construction. He pointed out where the 5' X 5' small powder room would be. They will not be expanding the kitchen. There will be an entrance to the new area from inside the house but no entrance to the exterior from that room. Right now you must go outside to enter the garage.

Chairwoman Kallert asked if he was planning on any other expansion if he had to keep the garage. Mr. Quentzel said it was not economically feasible to add on to the house. Since his car doesn't fit in the garage he would not have a home office and an empty garage.

Mr. Ianniello asked what he was planning to do to the exterior of the house. Mr. Quentzel said they have been mainly working on the inside but once that is done they will be putting in new windows and repairing the siding. It will look a lot better then it does now.

Chairwoman Kallert asked if he was located in the flood plain and asked if it was mandatory for him to have flood insurance. Mr. Quentzel said he did not know if it was mandatory because he doesn't have it right now. Mr. Ianniello asked if he had a mortgage. Mr. Quentzel said he did not. Mr. Ianniello said if there is no mortgage there is no bank to say he requires flood insurance but felt he should look in to it. Mr. Quentzel said that hindsight is always 20/20 because when the storm hit he couldn't believe it. Chairwoman Kallert asked if he has ever been told he can't expand because he is in a flood zone. Mr. Quentzel

said he never asked. He knows he can't apply for flood insurance right now because the house is under construction but once it is done he does plan on adding flooding insurance.

PUBLIC OPEN – CLOSED

Chairwoman Kallert said the ordinance states there must be a garage and she has not heard any hardship in this case. Mr. Ianniello asked if he was made aware there is an ordinance requiring garages. Mr. Quentzel said he was told that if he wanted to convert it to livable space he would have to apply for a variance. He said there are houses that do not have garages. Ms. Patterson said they were probably grandfathered in. Mr. Quentzel said the house is very small and he needs just a little more space. Chairwoman Kallert said she understands but the Board can only grant a variance in the event of a hardship. The hardship would be a hardship of the land and not a hardship to him. Mr. Quentzel said there really is no where to go. Mr. Fiorello asked if there was space next to the existing garage to build another garage next to it. Mr. Quentzel said he would think so. Mr. Fiorello asked if he would agree to build a garage next to the space he would have now by closing the existing garage. Mr. Quentzel did not know if financially he could do it immediately. Mr. Fiorello said it would have to be done at the same time. Mr. Quentzel said he did buy the house for cash which was basically all he had and the storm killed him in terms of a hardship. Mr. Fiorello said it was just a thought for him to consider. Mr. Quentzel said he has no experience in this forum. Mr. Fiorello said he must prove a hardship on the property such as it being oddly shaped or difficult to develop. Chairwoman Kallert thought building over the garage would also be an option. Mr. Quentzel said his builder said that was not feasible because it would have to be re-framed. Mr. Fiorello said if the Board turns him down he may be able to go to the building department with plans to build another garage. Mr. Quentzel said he would need setback variances. Mr. Fiorello suggested withdrawing the application.

Mr. Orlando asked if he had enough comfortable living area. Mr. Quentzel said he spends a lot of time in front of the computer and reading. He felt he would have usable space as opposed to a garage his car won't fit in.

A motion to deny was made by Ms. Patterson, second by Mr. Decesare. Mr. Decesare noted it was regret but he could not see a hardship in this situation. Application was denied by a vote of 7 – 0.

Mr. Fiorello noted the Board should look at the Planner that was in the packet which discusses Medici and use variances. He felt it would be very useful for the Board members to keep and read.

A motion to adjourn was made by Ms. Patterson, second by Mr. Ianiello. All in favor. Meeting adjourned.