

Borough of Woodland Park

Board of Adjustment



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WOODLAND PARK
BOARD OF ADJUSTMENT MINUTES
FEBRUARY 25, 2013

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

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: RUTH PATTERSON, JIM IANNIELLO, PHILIP DICRISTINA, TIMOTHY BARGIEL, RUSSEL JUZDAN, GIANNI INTILI AND LISA VAINIERI-MARSHALL

ALSO PRESENT -- JOHN FIORELLO, BOARD ATTORNEY

FLAG SALUTE

A motion of approve the minutes of January 28, 2013 was made by Mr. Ianniello, second by Mr. Juzdan and approved.

DOCKET # 13-01 – M. MUCCIO – 42 VAN WINKLE CT. – BLOCK 111.01 LOT 6 – BULK VARIANCE

Mr. Michael Muccio, applicant, was sworn in. He stated he needs a variance in the front yard. He provided packets showing the site plan which shows the front of the structure. The front of the structure is in the 25' setback, on the far left it is 3'6" into the setback the center is 9'8" and the far right is 6" into the setback. The problem he faces is that when the house was built it was built on an angle. When you look out from the master bedroom window you are looking right onto the deck of the house next door which is built straight. He noted the Board can see in the pictures that all the houses are straight except for his house which is on an angle. He said from what he understands it was built that way in order to meet the codes at the time. He is looking to utilize his entire parcel of property. He has about 75' from the end of the house to the far right of the property that is just open land. He wants to put the house straight with a larger house and utilize the property. He can meet the 25' rear yard setback but he can't meet the 25' in the small area in front of the house because of the cul-de-sac. The packet of plans and pictures submitted to the Board was marked A-1.

Mr. Muccio stated A-1 shows the highlighted area that infringes in the setback. The reason he is building a bigger house is because he is getting remarried and his fiancé has a daughter and he has two children. The cover page shows the elevations and what the house is going to look like. Page 2 shows his neighbor's homes that are straight and his house turned on an angle. He described the pictures of his neighborhood and his property. The last picture shows the house across the street from him and he noted it is straight on the property and it is what he is trying to accomplish with his property.

Mr. Juzdan asked if he would be demolishing his existing house. Mr. Muccio said that was correct. He stated his existing house is about 1,800 sq. ft. He has a prosthetic leg so the new home's Master bedroom, garage, etc. will be level on the first floor with the children above on the second floor so it will be conducive to him. The fence shown in the picture is on his property line and the shed is on his property.

Mr. Fiorello asked if the existing house meets all the front yard requirements. Mr. Muccio said he believes it does because of the way it is turned and is the reason why it was built that way. The previous owner wanted to build a pool on the empty property but it never happened. Mr. Fiorello asked if he configured the proposed house the same way would they have the same problem with the setback. Mr. Muccio said yes, they did try to look at it but it would have to be 3' off the property line. Mr. Fiorello asked if they would violate the side yard requirement. The Board Secretary said if it was 3' it would be a violation and the requirements is 15' with no one side less than 5'. Mr. Muccio said the house would definitely be at an odd angle. He felt they would have more privacy with the way the new house is proposed.

Mr. Intili said they do not have a plot plan with a survey of the existing house. Mr. Muccio said he was not aware he should do that. Mr. Intili said the plan shows a few patios in the back of the house and the drawings say a variance is required. Mr. Muccio said there is no variance required. Mr. Fiorello said when he saw that this afternoon he spoke with Felix who told him whoever drew the plans made a mistake and there is no variance required. Mr. Intili said he went to the site and noticed there was quite a drop at the back of the house. Once the new driveway is in place what will happen. Mr. Muccio said he doesn't have the elevations because he is waiting for his architect. Mr. Muccio said the driveway would be on the side where the garages are. Mr. Intili said the level of the garage is with the first floor. Mr. Muccio said that side of the property is for the most part at grade level. Mr. Intili said his concern is the edge of the driveway and the issue of safety. Mr. Muccio said there would be a walkway that would come around to the back of the house. He said if there is a need for a banister for safety purposes he would absolutely put it in. Mr. Intili asked if there would be an upper and lower deck. Mr. Muccio said there would be both and a retaining wall.

Mr. Intili did not feel the issues with the distance they are asking for is a major issue. He felt the checklist that was submitted was lacking information. He asked if the application was approved if he would bring it up to speed. He noted some items that were missing. He felt the application could be approved with those conditions. Mr. Muccio felt he could meet

those conditions. Ms. Patterson noted they were requesting waivers on certain items on the checklist. Mr. Intili felt some of the items were not there.

PUBLIC OPEN – CLOSED

A motion to approve with the condition that the applicant submit plans properly labeled, dated and signed to the proper municipal official was made by Mr. Intili, second by Mr. Bargiel and approved by a vote of 7 -0.

Mr. Fiorello discussed the Report of Approvals & Denials 2012 with the Board. He noted the Board heard 7 applications last year. An amended site plan approval was granted, 3 bulk variance applications were denied and 3 bulk variance applications were approved. Mr. Intili stated there were many recommendations made to the governing body and the Planning Board over about ten years and requested they be attached to the report again this year. A motion to submit the report with the recommendations made in previous years to the governing body and the Planning Board was made by Mr. Intili, second by Mr. Ianniello and approved.

Mr. Fiorello noted that the Board is a quasi-judicial board and all submissions should be made during the hearing and marked accordingly. Mr. Intili asked about Mr. Fiorello talking to the Code Official and if it was hearsay. Mr. Fiorello said he is the attorney to the Board and when he saw a variance on the plan he called Mr. Esposito in order to find out why he did not mention that variance. Mr. Esposito did say it was a mistake. He checked with him in order to report to the Board. Mr. Intili felt there should be a matrix on the plan so the Board knows what is needed. Ms. Patterson noted if the Board has any questions they can call the Board Secretary or the Board Attorney any time.

A motion to adjourn was made by Mr. Ianniello, second by Mr. Juzdan, all in favor. Meeting adjourned.