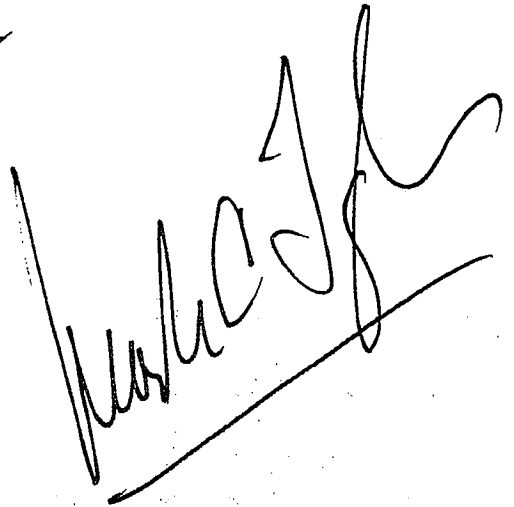


BOARD OF ADJUSTMENT
Minutes of
July 7, 2010



Present:

Mr. Fowler
Mr. Kuga
Mr. Langenbach
Mr. Lewis
Mr. Zarnowski
Chairman Tighe

Absent:

Mr. D'Armiento
Mr. VanWinkle

Also present were Attorney Brian Schwartz, Borough Engineer David Testa and Recording Secretary Maryann Thorpey. ✓

Chairman Tighe called the meeting to order at 7:34PM. The compliance statement was read and roll call was taken. ✓

BA-10-003 Dina Angulo, 5-5A New Walnut Street. Ms. Angulo was sworn in. The hearing was paused in wait for the applicant's architect. ✓

Mr. Zarnowski moved to accept the minutes of June 16, Mr. Fowler seconded, unanimous approval. ✓

Resolution for BA-09-005, Edison Garcia, 41 Summit Avenue. Mr. Zarnowski moved to accept with correction, Mr. Fowler seconded, unanimous approval. ✓

Roger Winkle, 947 Park Avenue, Plainfield, architect for Ms. Angula, was sworn in. There was a house fire on December 11. Mr. Winkle inspected and developed the new plans. The lot is undersized and non-conforming. They are proposing adding a small addition to the rear and the attic and the front of the house will get a "facelift". The attic space will have a dormer. There is no change to the height of the structure. 160sf will be added to the second floor and 157sf to the attic. There is no addition to the first floor. Mr. Winkle believes it is within code to have habitable space in the attic, as long as it is not more than 1/3 of the second floor space. Mr. Testa will check on the code for attics. ✓

Mr. Fowler asked if there would be a kitchen in the attic; Mr. Winkle said no. Mr. Fowler explained the Board is skeptical about living space in attics. Mr. Winkle said he believes it is legal; it will not become an apartment. There is a detached garage in the rear. It currently has a flat roof; will be replaced with a gabled roof. He described the egress from the attic. The windows are all egress. There will ✓

be no fire escape. There will be a firewall between the 2 homes. There will be 2 bedrooms in the attic. Mr. Zarnowski questioned if there would be soundproofing between the 2 apartments; Mr. Winkle said there would be.

The basement is open space with the furnace and hot water heater; a cement wall separates each side. There are stairs to the outside. On one side of the house there will be 4 bedrooms and a small office, which could be used as a small bedroom. On the other side of the house the stairs to the attic will be removed and a closet will be added.

Mr. Zarnowski questioned the parking. There is a 2-car garage. Mr. Winkle said it is a long driveway, but he doesn't believe there is enough room for 2 cars in front of the garage. He said the driveway is 70' long. Ms. Angulo has owned the house over 20 years. She has 3 children and wants more privacy for them. She said they have 5 cars and they are parked in the driveway.

Mr. Kuga questioned the rental side. The bedroom next to the firewall is 8'x10'. Mr. Schwartz asked how wide the four rooms on the second floor are. The first bedroom is 9'x13.5', the second and third are 8' (barely over 70sf), and the fourth is 9'. The third floor bath was questioned. The first floor has a powder room.

Chairman Tighe asked Mr. Winkle for assurance of the safety of the attic rooms. He asked if the current slant of the roof over the second floor could be used as an exit in case of an emergency. He said the dormer could be pushed back a couple of feet and a floored balcony could be built below to bring it above the ground by about 10'. There is no window in the attic bathroom; Mr. Winkle said he could add a small window. Chairman Tighe said though the application might meet code, he is not sure that it is safe for the family.

Open to the public for questions; no questions.

Open to the public for comments. Mrs. Nikol, 9 New Walnut Street, supported the application.

Mr. Winkle summarized.

The Board deliberated. Chairman Tighe said there are other houses on the block with dormers. He suggested to abandon the extra bedroom. Mr. Langenbach questioned the attic bathroom. Chairman Tighe said the room can function, he is concerned with the usage of the third floor, however, the only access is through the first and second floor.

Mr. Kuga believes it would be fair to have the same number of bedrooms on

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each side. Mr. Zarnowski said it's not appropriate for the Board to redesign the application. Mr. Schwartz reminded the Board the applicant wouldn't necessarily always own this house. It was the consensus of the Board to allow two bedrooms on the third floor with a bathroom.

Mr. Schwartz read the conditions. Mr. Fowler questioned why the Board accepted the usage of the attic space as living space, considering the Board has consistently disallowed attic living space in the past.

Mr. Zarnowski moved to accept the application, Mr. Kuga seconded, unanimous approval.

Mr. Langenbach gave the Board the Property Maintenance report; water has been coming from the curb at 58 Brook Avenue since February.

Mr. Zarnowski moved to adjourn, Mr. Langenbach seconded, meeting adjourned at 9:32PM.