

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
September 4, 2014**

Meeting Called to Order at 8:00PM by Chairman Barto

Open Public Meetings Statement: Read into the record by Board Secretary.

Roll Call: Messrs. Tarantino, Cox, Forst, Ms. Metzger (absent)*, Messrs. Deegan, Pappas, Rodger, Chairman Barto

*Ms. Metzger arrived at 8:05PM; please note Ms. Metzger did not miss any testimony in regards to any applications on the agenda for this evening's meeting.

Also in attendance: Mr. David Rutherford, Board Attorney; Ms. JoAnn Carroll, Board Secretary.

Completeness Review:

Mr. Edward Decker, 201 Sheridan Avenue, Block 201, Lot 11: proposed driveway renovation and expansion.

Mr. Decker nor a representative was in attendance. **Mr. Rutherford** stated that a lot coverage calculation be submitted as part of this application which was advised by the Borough's Zoning Officer in her denial of June 18, 2014; impervious coverage is increased by the widening of the driveway; **Mr. Rutherford** will advise the client that their public hearing will take place on October 2, 2014 and that the lot coverage calculation needs to be submitted at least ten days prior to October 2, 2014; a form of notice was not submitted with the application; Mr. Rutherford will prepare one and send to the applicant; **Chairman Barto** stated this is a simple application and feels it is complete; the Board agreed; the public hearing will be scheduled for October 2, 2014.

New Business:

Mr. Thomas Fredericks, 305 Blauvelt Avenue, Block 211, Lot 4: applicants seek variances (front yard/rear yard) to construct an attached garage on the easterly side of the property and a second floor addition in the rear of the dwelling.

Mr. Steven Honig, Honig & Honig is counsel for the applicant and was present at this meeting; **Mr. Augusto Morpurgo**, Morpurgo Architects, 18 Sycamore Avenue, HHK, NJ is the architect for the applicant and was present for this meeting; **Mr. Morpurgo** gave his background and expertise and was qualified as an expert in the fields of architecture and

planning; all jurisdictional requirements have been met; there was an issue with one resident on the 200' list not receiving a certified letter due to the fact the address was copied incorrectly; as of this date the resident has received his notice; there have been two prior applications in respects to this property; there were resolutions adopted in 2002 and 2006; Mr. Honig confirmed that he did have a copy of both resolutions; this is the first application for Mr. Fredericks; applicant is seeking a variance; house has preexisting encroachments; seeking to add a second garage and to extend the upper story over the garage; corner lot; end faces on a perpendicular to Sheridan Avenue; its face is on Blauvelt; the garage, as it presently exists, faces down the block away from Sheridan; second garage is being added; variance needed for any addition that would be added to the house; **Exhibit A3 marked: Sheet 101:** Mr. Morpurgo gave a detailed description of the application including dimensions; existing house is a 3 bedroom with a one garage and 1.5 baths; it is his opinion that having a second garage is consistent with modern homes; second garage needed for personal reasons; the design is sensitive to aesthetics and with the other homes in the area; Mr. Rutherford stated that, in most instances, personal factors are not relevant; **Mr. Thomas J. Fredericks, 305 Blauvelt:** sworn in by Mr. Rutherford; stated his personal reason for second garage; **Mr. Deegan** and **Chairman Barto** both noticed that in the area of Mr. Frederick's home, there are mostly one car garages; new chimney and new vestibule proposed; recapped the variances; **Mr. Tarantino** remarked that this property has had two applications before the Board over the last 15 years; suggested, hypothetically, to eliminate the new garage and add space above the original garage as a bedroom, where the bathroom needed to go; **Mr. Morpurgo** stated this could be discussed, but adding a garage would not be a detriment to the other homes in the area; faulted the Master Plan for the restrictions of the R2 zone; trees could be planted for screening to block extension of home.

At this time, Mr. Honig, Mr. Fredericks and Mr. Morpurgo had a discussion outside of the Courtroom.

Proper screening could be placed to minimize the view from the rear; **Mr. Tarantino** stated the variances being sought are not de minimus in nature; **Mr. Rutherford** interjected to state the Board certainly understands the personal hardship, but hardship that is personal to an application is not the proper basis for the granting of a variance; the Board is to base its decisions on factors relating to the property; the argument is the property is exceptionally shallow with only a 72' depth; there is a 12' building envelope; **Mr. Honig** stated he had no further witnesses; **Chairman Barto** asked for members of the public to come forward with any questions they may have for Mr. Morpurgo; after the question portion of the meeting is over, then residents will be invited to come forward and make statements.

Mr. Rakesh Malhotra, 2016 Sheridan Avenue: his property adjoins in the rear yard; asked questions regarding the height of the current garage; height of the attic/living room; width and depth of attic; chimney.

Mr. Honig: stated that no variance would be needed for the second story.

Chairman Barto: asked for clarification of the height of the garage; the height listed in the Bell resolution from 2012 states 17.9 ft. but the current height is listed at 20 ft.

Mr. Morpurgo: stated the existing height is 20 ft.

Mr. Robert Almodovar, 304 Blauvelt Avenue: his property faces the Frederick's house across Blauvelt; asked a question regarding the side yard vs. the rear yard.

Mr. Rutherford: stated that in the 2012 resolution the area between the rear of the home and the north property line is a rear yard; the area between the side of the house and the east property line is the side yard.

Ms. Metzger asked if the roof was raised of the current garage, a bathroom could be added with access to a bedroom without losing the bedroom; **Mr. Morpurgo** stated there is not enough height. **Exhibit A1: shows existing east elevation;** roof could not be raised; **Chairman Barto** stated there is enough space to work with without adding an entirely new portion to the building in terms of a second garage and what would go on top of it; the only question pending is can this be done; **Mr. Morpurgo** stated it would have to be turned into a 3-bedroom home; it is a 3-bedroom home at this time so it will be kept as a 3-bedroom home; will not be good aesthetically; would look boxy; the step back is more in line with the architectural integrity in the area; **Chairman Barto** and **Mr. Tarantino** do not agree with this opinion; referred to **Exhibit A102;** if the section is pulled out to accommodate the bedroom it will look like a box; it will destroy the one wing; the plan will look flat; **Chairman Barto** asked if all the elements mentioned could be accomplished minus the second garage; **Mr. Morpurgo** doesn't feel this design would be aesthetically pleasing.

No further Board questions.

Mr. Rakesh Malhotra: stated many of the visuals where not part of the applicant's file.

Mr. Rutherford: stated the applicant had only filed sheet A102; **Mr. Honig** confirmed; **Chairman Barto** asked for and received a copy of the current survey of the applicant's property; confirmed with Mr. Morpurgo

that the current house is not flag; **Mr. Malhotra** was sworn in by Mr. Rutherford; discussed and asked questions regarding dimensions; chimney; screening concerns; proposed second fireplace; opposed to expansion; too big for property. The following exhibits were submitted and marked by Mr. Malhotra: **Exhibit M1: View from neighbor's yard; Exhibit M2: 2006 original plan which was denied; Exhibit M3: existing south elevation/proposed south elevation; Exhibit M4: View from neighbor's yard with table 1 in right hand upper corner.**

Mr. Sergio Martinez, 317 Blauvelt Avenue: sworn in by Mr. Rutherford; stated he is the neighbor to the east of the Frederick's property; has no objection to this application.

Ms. Michaela Donadio, 405 Blauvelt Avenue: sworn in by Mr. Rutherford; stated she lives one block down from the applicants; sympathizes with the applicant's situation but feels the structure proposed is too big for the property; **Mr. Honig** Ms. Donadio if she had a two story house and a two car garage and what difference was there between the Frederick's application and her home; **Ms. Donadio** stated she never went near 10 ft.; believes the setbacks are guidelines that should be followed; **Mr. Honig** stated the bulk of the proposed project is not the issue.

Mr. Robert Almodovar, 304 Blauvelt Avenue: sworn in by Mr. Rutherford; stated he lives across the street from the applicant; spoke regarding corner lots and FAR; he would approve the application.

Mr. Honig summarized by saying this was a unique application; no mass issue; asking for second garage which the applicant is allowed to have; there are certain de minimus encroachments into the front and rear yards; no on the side; architect has given aesthetic reasons for addition; believes this plan is in keeping with the area; can and should be granted; impact on neighbor to the rear can be lessened with screening; **Mr. Taranatino** asked, theoretically, what would stop another owner from extending the house out towards the west; **Mr. Honig** stated the Board can place in the resolution that his home never be touched again; **Mr. Rutherford** stated the Board can impose appropriate conditions; if the Board were to grant the application, it can include conditions that it thinks are relevant and appropriate; there was no language in the 2006 resolution that suggested "enough was enough" with this property; an application can always be filed; **Mr. Cox** inquired about possible variances that need to be approved; **Mr. Rutherford** stated there are no additional variances; the generic variance is a rear yard setback; a rear yard setback to permit the construction of a second floor of an existing one story building, as well as, the addition of a garage that is indeed two stories; the front yard is essentially the same thing; **Chairman Barto** stated that his recollection of 2006 is that he went on the record to say

that he thought the lot was too shallow to accommodate a lengthy house with a two car garage; the plan is interesting and he understands the personal aspect, but he still feels the same; Chairman Barto would be much happier if it remained a one car garage, which is consistent with what he thought in 2006; **Mr. Cox** agrees; believes the second garage overwhelms the property; **Mr. Forst** stated the possibility exists to include a master and a bath; it would meet the applicant's needs; **Chairman Barto** stated the applicant can take the advise given by the Board, go back to the drawing board and return next month; or the Board can vote this evening; **(Mr. Honig, Mr. Fredericks and Mr. Morpurgo stepped outside of the courtroom to have a discussion at this point in the meeting; vegetation would be part of the discussion.)** **Mr. Honig** returned to inform the Board that the applicant would like to return next month; **Mr. Rutherford** stated, for the benefit of the public, that the applicant has requested a month to revise the plan; the public hearing will continue on October 2, 2014 at 8PM in the courtroom of the municipal building; there will be no further notice; all revised plans need to be filed at least ten days prior to the October meeting; it might be helpful for Mr. Honig to include the site plans, elevations and the proposed floor plans, etc.; similar to what the applicant had at the meeting this same evening; **Chairman Barto** asked if an extension was needed; **Mr. Honig** consented to an extension for the Board to decide the matter through October 2, 2014.

Ms. Metzger has signed the absent certification document stating she has listened to the audio of the July 10, 2014 meeting.

Mr. Cox has signed the absent certification document stating he has listened to the audio of the July 20, 2014 meeting.

Marie and Colin Moore, 406 Braeburn Road, Block 209, Lot 4: applicants seek variances to construct a one story addition and a two story addition to an existing single family residence; continuation.

Please note: Mr. Deegan is recused from this application and has left the courtroom.

Mr. Rutherford stated that since the last hearing Mr. Callahan has provided a revised set of plans which are revised through July 24, 2014; Mr. Callahan testified as an expert witness in July; qualified as an expert at that time and was also sworn; Mr. Callahan is still under oath; **Mr. Moore** recapped the application; discussed variances for both a side yard setback and lot coverage; spoke with the Craigs who are neighbors of the applicants; positive meetings; **Mr. Callahan** stated that the original plans indicated a 12 foot addition on the side of the house; this was brought in a foot and a half; referred to sheet A2 of the plans with the revision date of July 24, 2014; looked at aesthetics as well; referred to sheet A4; top

row shows front elevation of the house which faces north; 3 variances; lot coverage, improved lot coverage and side yard setback; **Mr. Rutherford** reviewed the revision dimensions; Mr. Moore did not meet with Mr. Edelson since the last meeting; **Mr. Rodger** asked about the second story height and its true number; **Mr. Callahan** stated there is an overhang on the second story; 8.5 ft.; matter of inches where it encroaches slightly further than the first floor wall; **Exhibit A2: survey with hedgerow area shown**; the AC will be moved closer to the house; wants to move by alcove; 10 ft. in towards the house.

Mr. Robert Craig, 28 Pinecrest Road: sworn in at prior meeting; still under oath; briefly discussed the setbacks to make sure he understood them correctly; wanted to confirm the positioning of the air condition units.

Motion to Approve application: Tarantino, Cox

Ayes: Tarantino, Cox, Forst, Metzger, Pappas, Rodger, Chairman Barto

Recused: Deegan

Ms. Moore: asked if there was a way to obtain their resolution before the next meeting.

Mr. Rutherford stated he can write a letter to the Construction Department; this may help; he has no control over the Construction Department; the Board would have to authorize him to send the letter; **Chairman Barto** stated Mr. Rutherford was authorized to send a letter to the Construction Department; asked the applicant to build what has been approved.

Approval of Minutes: Tarantino, Cox

July 10, 2014

Ayes: Tarantino, Cox, Forst, Metzger, Deegan, Pappas, Rodger, Chairman Barto

Motion to Adjourn: Pappas, Cox

All Board Members present approve Motion to Adjourn.

Meeting adjourned at 10:25PM

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary
September 17, 2014