

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
July 10, 2014**

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

Call to Order: Read into the record by Board Secretary.

Roll Call: Messrs. Tarantino, Cox (absent), Forst, Ms. Metzger (absent), Messrs. Deegan (absent), Pappas (absent at the time of roll call; arrived immediately after roll call was taken), Rodger, Chairman Barto

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

Resolution:

Mr. Robert Males, 147 Sheridan Avenue, Block 216, Lot 14: approval for applicant to install a generator in front yard. (corner lot)

Mr. Rutherford: reviewed the Males application; generator placement in the front yard; Board granted the application; the property is of an usual shape and configuration; the generator is to be installed in accordance with the plans which are attached to the resolution; there is also to be compliance with all applicable noise standards; members eligible to vote who are in attendance this evening are Chairman Barto and Mr. Rodger.

Motion to Approve Resolution: Chairman Barto, Rodger

Ayes: Chairman Barto, Rodger

Ongoing Business

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.

Mr. Brian Callahan, Callahan Architecture, Mrs. Marie Moore and Mr. Colin Moore all sworn in by Mr. Rutherford.

Mr. Callahan: gave his educational and professional background; has not testified before the HHK Zoning Board before but has testified before other Bergen County Zoning Boards; there has been nothing adverse that has occurred to Mr. Callahan's license that would affect the Board's decision to render Mr. Callahan as an expert.

Chairman Barto: stated Mr. Callahan has been qualified as an expert.

Mr. Callahan: stated the applicant's site is currently a single family detached, Dutch colonial style dwelling with a detached 2 car garage in the rear; architectural plans submitted; **Exhibit A1: Moore Residence Plans, dated April 16, 2014 and marked July 10, 2014;** referred to sheet A1; referred to hatched areas shown which indicate additions to the home on the west side of the property; pointed on the diagram the fact that this is an irregular shaped lot; there is an angle to the westerly property line that is not parallel to the east property line; proposing a 2 story addition; the front corner of the addition is about 10 ft. off the corner; looking for relief of the side yard setback; the 2 story addition would accommodate a library on the first floor and master closets on the second floor.

Chairman Barto: asked why an extra 2 ft. is needed.

Mr. Callahan: stated he tried to shrink it down and make it not as wide; referred to the exterior elevations which start on sheet A4; top of the drawing is the north elevation which is basically the front of the house; right side is the proposed addition; when it was shrunk to 8 ft. or 9 ft., it really wasn't a viable room; they couldn't get the doghouse dormer on the second floor which introduces some light to the second floor and aesthetically balances the house with the existing wing that is on the left side which was a former garage but is now a family room; it had to do as much as with the functional width of the room not workable at that width as well as sacrificing some of the design aesthetics.

Chairman Barto: asked, for his clarification, if the bottom floor addition was for a library.

Mr. Callahan: stated that was correct.

Chairman Barto: asked if the top floor was just for closets.

Mr. Callahan: stated yes, but it really is almost like a half story because of the roof line; they do not have a full second story; continued to speak regarding the variances sought; are seeking an improved lot coverage variance; currently there is a detached garage in the back of the lot that the previous owners built; in order to access that garage there is quite a lot of asphalt that is between the house and the garage; the garage is not in the best location; not overdoing in developing the lot; believes the placement of the garage by the previous owner is unfortunate and his client is being penalized slightly by this; the addition is fairly modest from a square footage standpoint.

Mr. Tarantino: asked where else the garage could be placed.

Mr. Callahan: stated possibly 20 ft. closer to the house; the rear addition is expanding a breakfast area and adding a bedroom upstairs; this is outlined on the floor plans; sheets A2 and A3.

Chairman Barto: asked Mr. Callahan to walk the Board through A2.

Mr. Callahan: stated A2 is the first floor plan; the hatched walls that are shaded in would be the new walls; footprint of proposed library; in the back where the breakfast area is, he is coming out 4 ft.; that is within the required side yard setback.

Chairman Barto: stated everything is within the buildable area except for the 2 story addition.

Mr. Callahan: stated that was correct; walked the Board through A3, which is the second floor plan; doghouse dormers shown; to the right of that are the hatched walls which indicate the walk in closets; a lot of the space is under sloped ceilings; not a full second story space; the dormer allows some cross ventilation and light; over the breakfast area is the proposed fourth bedroom; sheet A4 is the north and west exterior elevations; A5 is the south and east elevations.

Chairman Barto: asked if any consideration was given to placing the library somewhere else.

Mr. Callahan: referred to A2 and the way the house is laid out; the kitchen is in the back of the house with a side entry at the covered porch; that is how the homeowners come into the house and also where the exterior light from the kitchen comes from; there is already a little porch there that they are converting to a breakfast area; from the views from the back of the house, it did not seem a library was suitable.

Mr. Rodger: asked if the architect had considered the library further north to reduce the variance requirement.

Mr. Callahan: stated yes, they did; it didn't look right; it was too small an element to be in front of the main façade of the house; trying to make the side yard work; the roof overhang comes in front of the front wall of the house; because of the overhang; the way it is positioned; it is about 18 inches back from the front corner of the house where the library starts.

Chairman Barto: assumed that if that was moved forward so it would be flush with the house, it wouldn't have a substantial impact on the side yard setback.

Mr. Callahan: stated that was correct; would have to be a substantial change; on the plan the property and setback lines have been superimposed so the geometry can be seen.

Mr. Tarantino: asked if the architect believes this is the only place the addition can be placed.

Mr. Callahan: stated this was correct.

Mr. Tarantino: asked why it could not be put behind the bedroom to the left and next to the kitchen.

Mr. Callahan: stated because that is the main entry point of the house; there is an exterior door next to the covered porch and the exterior entrance into the kitchen from the driveway.

Mr. Tarantino: asked if there was a door by the breakfast area.

Mr. Callahan: stated that is just to bring food out for entertaining and to access the patio in the backyard.

Mr. Tarantino: asked if the distance between that door, next to the kitchen, and the garage was exactly the same as to the door to the breakfast area.

Mr. Callahan: stated there are two sets of French doors in the back of the family room that overlook the backyard; that would be precluded by any addition that would happen there; windows in the kitchen that they would like to get cross ventilation from.

Mr. Tarantino: stated the wall between the breakfast area and the kitchen are being removed.

Mr. Callahan: stated yes; believes it is a better use of the property because there is an existing covered porch in the breakfast area; trying to use some space that is already in the square footage of the house; screened porch does not get a lot of use.

Mr. Tarantino: stated he had a survey in front of him that shows the patio significantly larger than what is on the plan behind the breakfast area; asked what the patio size was.

Mr. Callahan: stated the existing patio is approximately 16 ft. off of the house from a north/south direction and then it is longest in the other direction approximately 18 ft.

Mr. Rutherford: asked if there was any change proposed to that patio.

Mr. Callahan: stated “No.”

Mr. Tarantino: stated the plan is confusing; the 10 ft. side setback is the northern most corner of the library; asked if it was 10 ft. exactly.

Mr. Callahan: stated it is not quite 10 ft.; it is a little bit less; on A2 it is shown where the front line crosses the front corner; maybe 9 inches into the required 10 ft.

Mr. Rutherford: stated the NW corner of the library is approximately 9 ft. 3 inches.

Mr. Tarantino: asked for the dimension of the library.

Mr. Callahan: stated 12 ft. x 16.5 ft.

Mr. Tarantino: asked if Mr. Callahan was stating that an extra foot would negatively impact the curb appeal if it was reduced to 11 ft.

Mr. Callahan: stated 11 ft. may be possible; would have to speak with his clients.

Mr. Tarantino: stated he believed Mr. Callahan was trying to make the dormers and the windows proportional.

Mr. Callahan: stated that was correct; there is a short wall there; it looks out of scale or a dormer can't be put in at all; the dormer gives it functionality for that space.

Chairman Barto: asked if Mr. Callahan where to cut back the width to 11 ft., could he give an idea as to what that would do to the encroachment.

Mr. Callahan: stated it is a little more than 2 ft.; they are asking for 2.8 at this time; it would change to 2.3 ft. of relief.

Mr. Tarantino: asked if Mr. Callahan was referring to the southern most corner.

Mr. Callahan: stated on the SW corner.

Mr. Rutherford: stated it would be 7.7; it would comply in the NW corner.

Mr. Callahan: stated that was correct; it would comply in the north.

Mr. Tarantino: asked about the proportionality of the dormers and windows if the measurement was changed to 11 ft.

Mr. Callahan: stated it would still work in terms of scale and still have functional space inside.

Mr. Tarantino: confirmed the size of 11 x 16.

Mr. Callahan: stated, "Yes."

Mr. Tarantino: asked if the impact would be lessened in the southwesterly corner if the room was changed to 14 ft. from 16 ft.

Mr. Callahan: stated it would.

Mr. Tarantino: asked why the room was 16 ft. vs. 14 ft.

Mr. Callahan: stated furniture placement was an issue; it changes the height front to back if the roof pitch is being kept; the dormer would sink lower and it will start to mess with it a bit.

Mr. Tarantino: stated the pitch is currently at 16 ft; it would have the same pitch as the other two sections of the house.

Mr. Callahan: stated if he were to shrink that to 14 ft. he would still want to match the pitches of the roof; the dormer will be even lower than that space; if 16 ft. could be approved that would help.

Mr. Tarantino: stated that was a good point; he had no further questions.

Chairman Barto: asked for any members of the public who had a question or comment to come forward.

Ms. Tina Craig, 28 Pinecrest Road: sworn in by Mr. Rutherford; lives to the westerly side of the property; adjacent on the west side; understands the applicant needs more space; objects to the side yard encroachment; this would negatively impact the character of the neighborhood; would like the Board to not give a decision this evening so the applicant can find an alternative to the plans they have proposed.

Chairman Barto: asked if Ms. Craig lived on the side that would be most affected by the encroachment.

Ms. Craig: stated. "Yes."

Mr. Tarantino: asked what the distance from Ms. Craig's house to the property line was.

Ms. Craig: stated the driveway is there and she doesn't know the distance.

Chairman Barto: asked if the driveway was between the property line and the house.

Ms. Craig: stated the driveway goes alongside the property line; then there are some hedges that belong to the applicant; Ms. Craig's kitchen and dining room faces the applicant's property.

Mr. Tarantino: asked for a description of the hedges.

Ms. Craig: stated they are tall; at least 8 ft. tall; quite wide; 3-4 ft. wide; they are thick; can't see through them; the design of the proposed addition is too close to her property; the applicant's house would be too close to Ms. Craig's house.

Mr. Pappas: asked if curb appeal was an issue and not just screening.

Ms. Craig: stated that was correct; the applicant's house would look "scrunched" over towards her house.

Mr. Robert Craig, 28 Pinecrest: sworn in by Mr. Rutherford; wanted to expand on the hedgerow; the property line runs along the trunk line of the hedgerow; that is the property line; the hedges are completely on the applicant's property; one of the problems he is facing, even though the SW corner would be 7.2 ft. to the line, that does not take into account the branches of the hedgerow; they run 5-6 ft. straight out horizontally; the addition might be right up against the hedgerow; very little space at all; solution would be to take the hedgerow down which he can do; that would be a significant negative impact on the value of his house.

Mr. Tarantino: asked if the hedgerow was important to Mr. Craig.

Mr. Craig: stated it was very important; it has been there for over 50 years; it provides pleasant screening.

Mr. Tarantino: asked what Mr. Craig envisioned the distance from the NW corner to the hedgerow to be.

Mr. Craig: stated the hedgerow comes in approximately 4 ft. into the property line; they straddle the property; if they are going to be 7-8 ft. off the property line, there will be 5 ft. in between them.

Ms. Moore: stated the hedges are shown on the survey.

Mr. Callahan: stated he wasn't sure how much that could be relied upon; there is an indication of the hedgerow on the surveyor's plan.

Mr. Tarantino: asked if it stops at a certain point.

Mr. Callahan: stated the applicant's driveway is indicated; it is about 4 ft. to the west of the property line.

Mr. Rutherford: asked for confirmation that the hedgerow ends at approximately the SW corner of the proposed library and that is even with the end of the driveway.

Mr. Callahan: stated that was correct.

Mr. Rodger: stated the hedgerow is depicted as 2.5 to 3 ft. on the survey.

Mr. Callahan: stated at the SW corner of the addition there is 3 ft. between the hedgerow and the building.

Mr. Rutherford: stated that surveyors do not always accurately depict the hedgerow; it is shown because they are looking to be descriptive of what is on the property; would inform the Board that it is hard to draw any real conclusions from setback.

Mr. Moore: stated that on his side the hedgerows are bare; they were never cared for on his side from when he purchased the home; on the Craig's side they are gorgeous; wanted to make the point that the survey is not correct as far as the shrubs; on his side, especially as you get farther away from the street on the hedgerow, and get closer to where they are proposing to build, the hedgerow is really naked on his side until the very top and then green all the way over.

Mr. Craig: stated that is confined to the SW.

Mr. Moore: stated the farther away from the street, the hedgerow becomes barer.

Mr. Rodger: asked if the hedgerows would be in worse shape if they are taking sunlight away from them.

Mr. Moore: stated the existing house is taller.

Mr. Rodger: asked if he was closer to the hedgerow.

Mr. Moore: stated yes and it would block some light.

Mr. Tarantino: asked if there was a plan to replace the hedgerow.

Mr. Moore: stated the Craigs have made it very clear that they like the hedgerow; can try to plant in front of it.

Mr. Tarantino: stated Ms. Craig brought up the issue of where she could observe the addition; asked if the kitchen and dining room are further south along the property line beyond the hedgerow where it stops.

Mr. Craig: stated the line of sight is to the applicant's existing porch; the view from his kitchen is directly to the SW corner.

Mr. Moore: stated there are trees after the hedgerow; they run through the fence and past the patio; a lot of foliage.

Chairman Barto: asked if that could be taken to mean that there is screening at that location.

Mr. Moore: stated in his opinion, yes; there are 5 hemlock trees; two trees on the Craig property then bushes that aren't that high.

Mr. Harry Edelson, 412 Braeburn Road: sworn in by Mr. Rutherford; lives on the other side of the Craigs; directly adjacent to the left as you face the home; wanted to correct the previous testimony; the garage mentioned is not a garage; there are no cars in it; it is a storage area; the applicant's cars are parked in the driveway at all times; they have been built up more than what is required by zoning laws; his greenery was cut down by the applicant's; he looks upon their extensive driveway.

Chairman Barto: asked if the greenery that was cut down was on Mr. Edelson's property.

Mr. Edelson: stated the greenery was on the Moore's property.

Chairman Barto: stated the applicant had the right to cut down the trees that were on his property; asked where the applicant's cars are parked.

Mr. Edelson: stated on the front of their driveway; they have a gate to keep the dog contained; from the street to the beginning of their house is the driveway where they park their cars.

Chairman Barto: asked Mr. Moore if this was accurate.

Mr. Moore: stated yes, they park both cars often in the front; there is a lot of storage in the garage; will move the items in storage into the house when the new addition is built; can't park in the garage at this time; goal is to make it a functioning garage.

Mr. Rutherford: stated the primary concern deals with improved lot coverage.

Mr. Edelson: stated yes; there is grass where extensions will be built; there is a lot of macadam; whatever little grass there is by the Craig's property will be gone; not a lot of grass will be left.

Ms. Susan Atkinson, 27 Pinecrest: sworn in by Mr. Rutherford; her property is caddy corner to the property, across the street on the west side; stated the hedges are not to scale on the drawings; they are much larger; the hedge goes from in front of where the house is all the way down; the first 10 ft. are good and thick; they would cover where the library is proposed; it is a long hedge.

Mr. Tarantino: asked if Ms. Atkinson knows where the hedge ends.

Ms. Atkinson: stated no; it is a good 20-30 ft. hedge; the thickness in the front is well passed into where the library is or at least half of the library; she also has an irregular lot; she faces the same issues; she has done additions in the past and has kept within the zoning ordinances; believes the current zoning requirements are at the very minimum what should be observed; protects the value of the neighborhood and neighbor relationships; property is in the front where the library is proposed; asking for a variance at the widest point; her family room looks out to exactly the area that has been discussed; she would see the second story addition where the hedge is.

Chairman Barto: stated the applicant now had the floor.

Mr. Callahan: spoke regarding the impervious coverage that is being requested; did discuss the possibility of reducing the size of the brick patio/pavers; they could easily shave it; could make it 12 x 14 or 12 x 12; shave 50/60 sq. ft. off of it; the new percentage would be 39%.

Chairman Barto: stated that based on the maximum improved lot coverage, the applicant is really talking about adding less than 300 sq. ft.

Mr. Callahan: stated that was correct.

Chairman Barto: stated that is not a large amount of an addition; particularly when you start off with 37.5%.

Mr. Callahan: stated it is a little over 2% coverage.

Mr. Tarantino: asked how many years the Moore's have been living at this location.

Ms. Moore: stated two years.

Mr. Tarantino: asked if the property had any history.

Chairman Barto: stated he did not believe so.

Mr. Rutherford: stated there had been no prior applications to his knowledge.

Mr. Tarantino: asked if the property had always been non-conforming.

Mr. Moore: stated the garage was added in the more recent past.

Mr. Rutherford: asked if the testimony earlier was that part of the existing home was originally the garage.

Mr. Moore: stated the previous homeowner turned the garage into part of the house then built a separate garage.

Mr. Rutherford: stated the family room was once the garage.

Mr. Rutherford: stated if that was done in the recent past it more than likely would have required a variance; we were at 20% lot coverage until very recently, not including the driveway; the ordinance was amended recently where you had to include everything and the coverage was increased to 35%; asked who the previous homeowner was.

Mr. Moore: stated the name was McCutcheon.

Mr. Tarantino: asked how many years the McCutcheon's lived at that location.

Ms. Atkinson: stated approximately 30-40 years.

Mr. Rutherford: stated he can't say that is determinative; would like to see if there were prior resolutions in respect to the property

Board Secretary: stated she will check with the Building Dept. regarding permits and also check the files for a history of the property.

Ms. Atkinson: stated the garage was built about 10 years ago; the previous garage was made into a bedroom.

Chairman Barto: stated he has a suggestion or an option for the applicant; his suggestion is that this application be adjourned until next month and that will give the Board time to check the record on the McCutcheon application and it will give the applicant some time to assimilate what was heard this evening and may revisit the plan and see what they can do to make their neighbors happy; it is not their job to do that, but he believes it is an option they might want to take.

Mr. Tarantino: stated he agrees; the neighbor's positions have significant weight in his mind; believes reducing the patio is a big step forward in making this a de minimus variance; next step is reconfiguring the library; wants to see the buffering concerns of the neighbors addressed.

Chairman Barto: stated that was the option; a vote can be taken tonight if the applicant wishes.

Ms. Moore: stated she wanted to refer to Mr. Callahan's previous testimony about the ridge line; they may not be able to stand in the closet; another issue is if they add the bedroom in the back they feel the library looked good aesthetically from the front; it looks odd without a dormer.

Mr. Tarantino: stated the dormer is needed from a curb appeal perspective; the ridge line is important.

Mr. Callahan: stated they will come back next month; will submit revised plans; will take into account the comments made this evening.

Mr. Rodger: stated Ms. Craig's comments should be taken into consideration regarding not needing a variance at all.

Mr. Callahan: stated that is where he usually starts; zoning analysis was done.

Mr. Rodger: stated he drove by the property; surprised it doesn't have a variance at this time; it looks crowded on the corner; it looks jammed and the house looks too far to the wrong side.

Chairman Barto: stated the applicant would come before the Board again next month.

Mr. Rutherford: stated this matter will be adjourned until August 7, 2014; for members of the public that were in attendance, the public hearing will be continued to August 7, 2014 at 8PM; the public will have an opportunity to speak again; there will be one other public hearing that evening.

Mr. Atkinson: stated she would like to know when she can view the revised plans and would like to see the elevations as well.

Mr. Rutherford: stated the plan set that was filed included sheets A1-A5 and sheets A4 and A5 show elevations; the plans need to be filed at least ten days in advance of the public hearing; Mr. Callahan will have to consult with his clients relatively quickly and make whatever changes they wish.

Mr. Tarantino: spoke regarding the distance and the fact the house looks "jammed up"; the architect has testified the distance from the branches jutting out to where the corner would be, would be approximately 5 ft.; wondering if an independent testimony from a town official as to what would actually be there would be helpful; concerned about the buffer and the impact on the Craig's property; what type of landscaping plan could be looked at.

Mr. Callahan: stated it was based on the loose line on the survey that said where the hedgerow was located.

Mr. Tarantino: asked if it might be less.

Mr. Callahan: stated it is possible; he will figure it out.

Mr. Rutherford: suggested the applicant speak with their surveyor; the surveyor can give a more accurate depiction of where the hedgerow is; where it is in relation to the line and how far it extends onto the applicant's property; photos might also be helpful; the Board or Mr. Rutherford cannot tell them what to submit, but it might assist the Board; the public will have the right to question or comment on it.

Mr. Tarantino: reiterated the percentages would be de minimus in his mind; believes the applicant needs to minimize the impact on the Craigs.

Approval of Minutes: Forst, Rodger

June 5, 2014

Ayes: Forst, Pappas, Rodger, Chairman Barto

Abstain: Tarantino

Motion to Adjourn: Rodger, Forst

Meeting Adjourned at 9:10PM

Respectfully submitted by:

JoAnn Carroll

Zoning Board Secretary

July 15, 2014