

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
February 1, 2018
Regular Meeting**

(Immediately followed Reorganization Meeting which began at 8:00PM)

Meeting Called to Order at 8:10PM by Chairman Barto

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

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

Also in attendance: David L. Rutherford, Esq., Board Attorney; JoAnn Carroll, Board Secretary

Mr. Nayden Kambouchev, 130 Ross Place, Block 1003, Lot 19: applicant seeks variances to construct a 2-story addition to the rear of residence; non-compliance with Section 85-10 E (2) side yard setback; Section 85-10 K second story setback; Section 85-10 G (3) improved lot coverage (existing improved lot coverage 43.46%; applicant is covering existing improved surface)

Matthew Rogers, Esq., applicant's attorney: asked for Ms. Benson and Mr. Kambouchev to be sworn in.

Ms. Cathy Benson, applicant's architect: gave her educational and professional background; license in good standing; accepted as an expert in the field of architecture; sworn in by Mr. Rutherford.

Mr. Nayden Kambouchev, applicant: sworn in by Mr. Rutherford.

Mr. Rogers: stated two variances are needed; three per the code; improved lot coverage variance; existing improvements remain the same; the lots are small in this area; most houses exceed the lot coverage; side yard variance sought on the westerly side of the property; existing side yard is closer than what is proposed; proposing an addition in the rear that brings the side yard setback to 6.7 ft. where 10 ft. is required; variances are needed for the first and second floors; hardship based upon the shape of the lot and the location of the house on the lot; house not placed squarely on property.

Ms. Benson: described the existing conditions; house and garage are situated straight back and the side yard is at an angle which causes a problem; proposing an opening from the kitchen to the first floor family room; adding master bedroom on the second floor; bump out being removed as part of this project; nothing to be built where the bump out is being removed; rear of the house is being extended; extending rear of the family room to the rear of the

garage; not increasing the improved lot coverage; coverage will be even at the completion of the project; described first floor layout; brick and windows will match the rest of the house; no room to move the garage; second floor layout described; family expanding in size; width of the garage is pretty close to the width of the house; wont' see ridge from the front; reviewed constraints; brick needs to be on a masonry wall; natural flow of the house is to square it out; significant slope; driveway is on easterly side; existing house does not meet the zoning codes; pie shaped lot; **Exhibit A1: plan prepared by Cathy Benson, RA, last revised 10/22/17, consisting of 3 pages; marked 2/1/18;** elevations shown; no negative impact on area; not adding to the coverage; client wanted to assure the additional fit the house; explained the cricket roof reference on the plan.

Exhibit A2; photographs taken by Ms. Benson; showed the existing family room and the bump off which will be removed; marked 2/1/18.

Ms. Carlin Stratton, 112 Ross Place: stated she lives next door to the applicant; asked questions of the architect.

Mr. Colin Sherlow, 112 Ross Place: asked questions of the architect.

Ms. Carlin Stratton, 112 Ross Place: sworn in by Mr. Rutherford; stated she was against the application; has lived in Ho-Ho-Kus for 20 years; has been served with notices regarding variances in the past; first time she has felt compelled to attend a meeting; the proposed addition will substantially and detrimentally affect the light and space in her home; doesn't see the bump out from her home; her home sits above the applicant's home; the light and openness of her home was very important when she purchased it; living room is flooded with light; easterly and southerly windows show only sky; understands lot coverage doesn't take into effect air space but the footprint of the house; the bulkiness and mass of the addition will affect the light entering her home; enjoys the outdoor area of her home; view of sky and trees will be blocked by the addition.

Chairman Barto: asked if the addition would also affect Ms. Stratton's patio area.

Ms. Stratton: stated yes; it will affect her sense of privacy and open space.

Chairman Barto: asked how close the applicant's house was to Mr. Stratton's property line.

Ms. Stratton: stated it is close; couldn't give a definitive number; had pictures to show the Board.

Exhibit O1, photograph taken from Ms. Stratton's living room looking to the applicant's property; superimposed "x" intended to represent the ridge line of the proposed addition, marked 2/1/18.

Exhibit O2, second photograph taken looking out of Ms. Stratton's living room into the area where the proposed addition is to be built, marked 2/1/18.

Exhibit O3, photograph looking down Ms. Stratton's driveway; applicant's and objector's home shown, marked 2/1/18.

Exhibit O4, photograph showing view from patio with proposed addition superimposed with magic marker, marked 2/1/18.

Exhibit O5, photograph looking from objector's backyard to applicant's rear yard, marked 2/1/18.

Ms. Stratton: stated she understood the applicant needed more space; doesn't feel an expanding family is a justification for a variance; feels the applicant needs to explore alternatives.

Mr. Rogers: asked Ms. Stratton if the second floor of her home looked above the existing roof line of the applicant's house.

Ms. Stratton: stated no; her second floor is in the front of the house.

Mr. Rogers: asked Ms. Stratton about the photographs where she x'd out the area where the addition was proposed.

Ms. Stratton: stated the photos were not marked to scale; viewed the plans; saw the way the addition is going straight back with the existing ridge line of the house; slate is sloping toward her property.

Cory Coleman, 90 N. Franklin Turnpike: sworn in by Mr. Rutherford; stated his driveway is located on Ross Place; feels the proposed addition will affect the aesthetics of the neighborhood.

Mr. Deegan: asked to view the picture Ms. Benson put into evidence; (viewed with Ms. Benson.)

Mr. Rogers: asked Mr. Coleman how far off of Ross Place was his rear property line.

Mr. Coleman: stated maybe 50 ft.; wasn't sure.

Mr. Rogers: asked if Mr. Coleman believed the addition would affect his light and space.

Mr. Coleman: stated no.

Ms. Kathryn Aldinger, 92 N. Franklin Turnpike: sworn in by Mr. Rutherford; stated she believed the proposed addition would affect the quaintness of the area; is against the application.

Mr. Rogers: asked Ms. Aldinger if the proposed addition would affect her light and space.

Ms. Aldinger: stated no; it would affect the aesthetics.

Mr. Colin Sherlow, 112 Ross Place: sworn in by Mr. Rutherford; against the application; feels the addition can be built in another direction using steel.

Chairman Barto: asked if that would still involve building the structure on the second floor.

Mr. Sherlow: stated yes but it would not affect his property.

Mr. Rodger: stated he also believed the project could be done using steel; (Mr. Rodger is a licensed PE.)

Mr. Roger: stated the Board understood what the applicant was seeking; Mr. Sherlow's suggestion does not fit into the architectural scheme of the home; C1 variance; irregular shape of the lot; hardship for conformity; intrusion is less than what is found in other variance applications; coverage not changing; moving the ridge line does not make sense; can't move the garage; property is uphill; no negative impact; better use of property; need to utilize property appropriately; asked for the granting of both variances.

Chairman Barto: asked if Mr. Roger had an objection to him asking a question of Ms. Benson.

Mr. Roger: stated no.

Chairman Barto: asked Ms. Benson if there was any way to "soften" the addition; what is proposed will present a wall of house that wasn't there before and will, in fact, affect the view of the people next door, as well as up the street.

Ms. Benson: stated she reviewed the alternatives with her client previously; the addition was set back but it did not give enough space inside the home; what is proposed will fit the character of the existing house.

Chairman Barto: asked Mr. Rogers to review the variances sought.

Mr. Rogers: stated three variances are sought; improved lot coverage, 1st story side yard variance, and 2nd story minimum graduated side yard setback.

Mr. Rutherford: confirmed the 2nd story side yard setback numbers; in addition, the reason why Mr. Berninger noted the variance for the improved lot

coverage is because the applicant was previously over and will still be over, but is basically “swapping” out the areas covered.

Ms. Loew: asked if the roof could be sloped downward to allow for more light and still give the house charm; or possibly cut off the corner.

Ms. Benson: stated both configurations would not work.

Mr. Forst: stated Ms. Benson did not fully answer the Chairman’s question; asked if there were any alternative designs.

Ms. Benson: stated in order for the applicant to get the space they desire it is better to turn the roof the way it is proposed.

Mr. Forst: asked for Ms. Benson to describe the look of the addition if steel was used with lally columns.

Ms. Benson: stated she did not understand the concept.

Mr. Forst: asked if the project could work by going in the other direction the way Mr. Sherlow described.

Ms. Benson: stated the addition would be off center with the garage; weight coming down on the garage; materials would change.

Chairman Barto: stated he understood the owner’s position and problems; appreciative of the neighbor’s issues as well; some houses do not lend themselves to additions; believes this is one of them; his motion would be to deny the variance; asked for a second.

Mr. Rodger: seconded the motion to deny the variance.

Mr. Rutherford: stated it is a motion to deny; an “aye” vote is to deny the application.

Mr. Kambouchev: asked if he could come back at the next meeting after reviewing possible changes.

Chairman Barto: stated the application can be tabled.

Mr. Forst: stated he understood preserving the charm of the house but it can’t be done at the detriment of the neighbors.

Mr. Rutherford: stated, for the record, this matter will be carried to the March 1, 2018 meeting of the Board at 8:00PM in the Council Chambers of the Ho-Ho-Kus Borough Hall; no further notice required; if the applicant chooses to revise the plan, the law requires the revised plan to be filed at least 10 days in advance of the hearing.

Chairman Barto: stated he hoped, in the meantime, the neighbors could talk to each other and try to work it out.

Albino & Mary Tarabocchia, 15 Spruce Place, Block 1104, Lot 14: applicants seek a variance to construct a one story garage addition to the north side of the existing building; non-compliance with Section 85-10 G (5) lot coverage by accessory buildings. (application deemed administratively complete on 1/4/18)

Mr. Albino Tarabocchia and Ms. Mary Tarabocchia: both sworn in by Mr. Rutherford.

Mr. Rutherford: stated the variance is for maximum lot coverage; plan prepared by William G. Brown; consists of a cover sheet and sheets A1 and A1; dated 12/14/17; asked the applicant's to present their application.

Mr. Tarabocchia: stated he is looking to build an additional garage; have three cars; needs more room.

Chairman Barto: stated the lot is relatively small; asked the proposed width of the garage.

Mr. Tarabocchia: stated the garage itself is 120 sf; one car garage and one story; adding to existing garage.

Chairman Barto: stated the application made a lot of sense.

Mr. Deegan: asked if any driveway surface was being added.

Mr. Tarabocchia: stated no; the concrete patio in the rear is being removed.

Mr. Rutherford: stated the impervious coverage is currently at 33.05%; reducing to 32.4%; notwithstanding the addition of the garage; relates to the removal of the concrete patio; it balances itself out; the building coverage variance sought is 22.37% where 20% is permitted and 19.25% exists; which is all garage.

Mr. Venkat Kurra, 19 Spruce Place: asked what the distance would be from the fence to the garage once it is built; had no objection to the application.

Mr. Tarabocchia: stated 10.4 ft.

Motion to approve the application: Rodger

Seconded by: Forst

Ayes: Forst, Deegan, Rodger, Loew, Chairman Barto

Resolutions:

APPROVED: Mr. & Mrs. E. Bacalzo, 115 Ackerman Avenue, Block 105, Lot 8: applicants seek a variance to construct a second story addition to their existing residence; non-compliance with Section 85-10 K; second story setback.

Mr. Rutherford: reviewed the application and the resolution.

Motion to approve resolution: Chairman Barto

Seconded by: Forst

Ayes: Forst, Deegan, Rodger, Loew, Chairman Barto

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APPROVED: Mr. & Mrs. C. O'Neill, 991 E. Saddle River Road, Block 402, Lot 6.01: applicants seek a variance to construct 2 1-story additions to their existing residence; non-compliance with Section 85-9 E (1); front yard depth (for each proposed addition); in addition, applicants seek a variance to extend an existing masonry patio at the rear of the family room; non-compliance with Section 85-9 G (3); improved lot coverage.

Mr. Rutherford: reviewed the application and the resolution.

Motion to approve resolution: Forst

Seconded by: Rodger

Ayes: Forst, Deegan, Rodger, Chairman Barto

Approval of Minutes:

November 2, 2017: **Motion:** Chairman Barto

Seconded by: Forst

Ayes: Forst, Deegan, Rodger, Loew, Chairman Barto

December 7, 2017: **Motion:** Forst

Seconded by: Rodger

Ayes: Forst, Deegan, Rodger, Chairman Barto

Motion to Adjourn: Forst

Seconded by: Rodger

All in Favor

Meeting adjourned at 9:40PM.

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary