

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
May 3, 2018
Regular Meeting
8:00PM**

Meeting Called to Order at 8:00PM 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 (absent), Chairman Barto

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

Resolution:

Mr. Pat Pianelli, Ardmore Road LLC, 311 Ardmore Road, Block 202, Lot 1.02: applicant previously received zoning and building approval for a 2-story single family home on this lot; an update to the plan for a partial second story has been submitted and reviewed by the Zoning Officer; partial second story is non-compliant with Section 85-10 K second story setback; approved.

Please note: Chairman Barto is recused from this application.

Mr. Rutherford: reviewed the application and the resolution.

Adopted and approved by one member vote: Rodger

Approval of Minutes:

March 1, 2018: **Motion to approve:** Deegan; **Seconded by:** Forst

Ayes: Forst, Deegan

Nays: None

April 5, 2018: **approved by one member vote:** Rodger

Jody & Beatriz Chesnov, 461 Birch Lane, Block 902, Lot 6: applicants seek 16 variances for the construction of an in-ground pool, related patios, cabana, pool equipment, walkways, driveway, new detached garage, three stanchions and bocce court; non-compliance with Section 85-15.1 C no accessory structure may be located in the front yard; 85-32.3 B driveway width; 85-9 G (3) improved lot coverage; 85-9 G (5) lot coverage by accessory structures/buildings; 85-9 I (3) detached accessory structures/buildings-side street

setback; 85-9 I (2) detached accessory structures/buildings-front street setback. (**Application to be carried to the June 7, 2018 meeting of the Board; letter received**)

Mr. Rutherford: stated the 461 Birch Lane application is carried to the June 7, 2018 meeting of the Board; the meeting will begin at 8:00PM in the Council Chambers of the Borough Hall of Ho-Ho-Kus; no further notice is required.

Mr. Nayden Kambouchev, 130 Ross Place, Block 1003, Lot 19: applicant submitted revised plans to construct a 2-story addition; updated Zoning Official review finds all bulk variances have been eliminated; improved lot coverage remains at the existing 43.46% after reconfiguration of building and structures on property; non-compliance with Section 85-10 G (3) improved lot coverage (**Application carried to the May 3, 2018 meeting of the Board at the request of the applicant; letter received**)

Matthew Rogers, Esq., applicant's attorney: stated at the previous hearing there was neighbor concern regarding the addition being too close to the west side; sight issues; addition has been moved; the side yard setback requirements of the zone are met with the redesign; no new variances before the Board; the Zoning Officer confirmed the improved lot coverage is not being increased, but the areas of improved lot coverage have changed.

Chairman Barto: confirmed with Mr. Rogers that no new variances were being sought and the only item before the Board was the improved lot coverage, which was still non-compliant, but was not being increased.

Ms. Cathy Benson, applicant's architect: previously sworn in by Mr. Rutherford; continued under oath; stated an updated plan with the latest revision date of 3/12/18 was filed with the Board; 3 page plan; 10 ft. clear side yard for the new addition; not putting anything on top of the garage; basically moved the addition over so that it doesn't sit directly on the garage; closest point is at the southwest corner where the two stories are; the glass enclosed area is being removed; leaving the garage with a roof on it and the new 2nd story addition will be clear; moving the addition over the asphalt; coverage does not change; moving the garage wall out to be underneath the addition.

Chairman Barto: asked if the intent was to keep the addition 10 ft. off the side property line.

Ms. Benson: stated yes; the total side yard meets the zone requirements for the addition.

Mr. Rogers: stated the addition was moved to comply with the side yard setback requirements; not changing the improved lot coverage of the property; took away part of the area on the side of the house; part of the first floor; stairway in the rear will be changed; will be more landscape friendly and better looking.

Ms. Benson: stated the coverage is the same, it is just being rearranged.

Mr. Colin Sherlow, 112 Ross Place: asked how far the furthest most point of the addition was to the property line.

Ms. Benson: stated 10 ft.

Mr. Sherlow: asked if the roofline had changed.

Ms. Benson: stated there was a slight change to the roofline; the pitch is different; it slopes the way it does because it goes into the existing roof.

Mr. Forst: asked if it was at 28 ft.

Ms. Benson: stated yes, more or less.

Mr. Colin Sherlow, 110 Ross Place, sworn in by Mr. Rutherford: against the application; stated he will be staring at a wall instead of open space when the neighbor's addition is built.

Chairman Barto: stated the code provides for a 10 ft. setback which is now being met; the addition has been moved over to accommodate the setback; the only variance being sought is consistent with the pre-existing improved lot coverage; this places the Board in a position where there is not a lot of room to deny the application; asked if screening would help.

Mr. Sherlow: stated he did not want to stare at a brick wall; only hope is screening.

Chairman Barto: asked Mr. Rogers if his client was willing to plant trees to block the addition from the neighbor's view.

Mr. Rogers: stated he would speak with his client; (moment taken for Mr. Rogers to speak with Mr. Kambouchev) agreed to plant trees as a buffer; whatever would grow to 10 ft.

Ms. Benson: stated she was concerned about the roots of the trees going into the garage wall; will plant what will not interfere with the structure.

Chairman Barto: stated the applicant may have to plant and replant; not concerned with the structure.

Ms. Kathryn Aldinger, 92 N. Franklin Turnpike, sworn in by Mr. Rutherford: stated she was against the application.

Please note: no further members of the public came forward to give a statement regarding this application; the public portion of the hearing was closed.

Chairman Barto: stated he did not feel the Board had any leeway; the applicant was asked to make changes which they did; they addressed the need the Board saw; the building was too close to the western side; a variance is no longer needed for the addition; the only variance is for a pre-existing condition.

Mr. Forst: stated he agreed; a lot of effort was made to change what was seen as a problem with the location of the addition; understands the neighbor's concerns; believes the provision for greenery should help.

Mr. Deegan: stated he was sympathetic to the neighbor's concerns but felt the Board has no basis to rule any other way but to approve.

Motion to approve the application with the proviso that arborvitaes be planted at least 10 ft. in height across the entire western side of the new addition, with the idea it would soften the building's view for the

neighbor(s): Chairman Barto

Seconded by: Forst

Ayes: Forst, Deegan, Rodger, Chairman Barto

Nays: None

Motion to adjourn: Rodger

Seconded by: Deegan

All in Favor

None Opposed

Meeting adjourned at 8:30PM.

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary
May 9, 2018