

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
May 4, 2017
Regular Meeting**

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

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

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

Also in attendance: David Rutherford Esq., Board Attorney; Laura Borchers, Acting Board Secretary

Completeness Review:

Mr. & Mrs. Shannon & Kevin Brophy, 206 Elmwood Avenue, Block 219, Lot 5: applicants seek variances to construct a new garage slightly larger than the existing garage; non-compliance with Section 85-11 I (4) (5) rear yard and side yard setback; revised plans submitted dated 4/21/17.

Please note: the applicant was not in attendance.

Mr. Rutherford: stated he had prepared a notice and will send to the applicant; if the Board had any issues he would communicate them to the applicant and will advise them of the public hearing date.

Please note: Mr. Forst lives within 200' of the applicant's property and will not be participating in the completeness review or public hearing.

Chairman Barto: asked if the distance between the current garage and the property line was known; asked Mr. Rutherford to obtain this information.

Mr. Rutherford: stated he would advise the applicant to have this information at the public hearing and that they are scheduled for a public hearing on June 1, 2017.

Application deemed complete; public hearing scheduled for June 1, 2017.

Completeness Review:

Mr. & Mrs. Lindsay & Damian Wall, 841 West Saddle River Road, Block 306, Lot 25: applicants seek a variance to widen their driveway to 43.8 ft. where 35 ft. is permitted; non-compliance with Section 85-32.3 B

Bruce Whitaker, Esq., applicant's attorney: placed his attendance on the record.

Mr. Rutherford: stated this is just a Completeness Review; no testimony will be taken or witnesses heard or any exhibits received this evening; the matter will not be discussed on its merits in anyway; the sole purpose of the applicant's appearance this evening is for the Board to determine if the application is complete, and if so, to schedule a public hearing which would be held on June 1, 2017.

Mr. Whitaker: stated he would publish the notice of hearing in the newspaper; stated this application does not involve construction as far as structures are concerned; it is a request for an expansion of the driveway; the application consists of a set of plans that have been prepared by an engineer with all the dimensional requirements of the zoning schedule; will submit, as an exhibit, at the hearing photographs of the area in question; the issue is with the width of the driveway; it is gravel at this time; it will all be re-done if approved; proposing to expand only a portion of an area of the driveway to permit the area to be 43.8 ft. where 35 ft. is the maximum; it is not at the roadway, but interior; shown on plan.

Mr. Rodger: asked for clarification as to whether the driveway was gravel at this time or if it had been paved.

Mr. Whitaker: stated there is gravel; nothing has been paved; will address during the public hearing.

Application deemed complete; public hearing scheduled for June 1, 2017.

New Business:

Mr. & Mrs. Darrell & Diane Whiteley, 620 Sherwood Road, Block 1012, Lot 8: applicants seek variances for two additions to their existing residence; non-compliance with Section 85-10 K second story setback and Section 85-10 G (3) improved lot coverage.

Mr. Rutherford recused himself from this application and left the dais.

Mr. Roger Schlicht, applicant's architect: distributed handouts to the Board; sworn in by Vice Chairman Tarantino; gave his educational and professional background; accepted as an expert in the field of architecture; there was a revision on the plan; the plan he will be reviewing this evening has the latest revision date of April 21, 2017; handed out the Borough of Ho-Ho-Kus code and definition of lot width and a photograph of the subject property; one page with 4 photographs and sketch 1, 2 and 3 also dated 4/21/17 with the revised exterior elevations that reflect the revised plan.

Chairman Barto: confirmed that Mr. Schlicht's request for an interpretation was agreed to by the Zoning Officer, Mark Berninger.

Mr. Schlicht: stated the applicant is seeking two variances; existing single family residence on the property with an existing in-ground pool and shed which was there when the Whiteley's purchased the property; the project encompasses three different areas of the home; the first is the introduction of the covered open porch at the existing front façade of the house; photos show the front door which is recessed back alongside the existing garage; wanted to bring more prominence to the entry point of the house and create some curb appeal; the setbacks exceed both the front and the side yard; there is a DEP requirement to be away from a dry brook; it is not on the applicant's property; the property is a flood hazard property; otherwise setbacks on the front porch are well over the 30' required; second area is in the back of the house; the kitchen presently is not an eat-in kitchen; the proposed design is to create a breakfast room off the back of the house where presently there is a deck; the idea is to push out the house to allow for a table and then have a working kitchen; due to the fact that the deck is being displaced, a covered open porch is proposed off the breakfast room; an open deck is also proposed to the right and then a covered porch off the back of the mudroom to the right of the deck; this is to take advantage of outdoor dining and living right off of the house; the third portion of the project deals with the second floor; presently the house has four bedrooms and two bathrooms; it will still remain a four bedroom house with two bathrooms but more of a master suite is proposed; the vast majority of the development occurs on top of the one story garage; reviewed the elevations and the photos; the idea is to give the whole house a face lift and a more dynamic architectural elevation; referred to SK-1 which shows the master bathroom with the larger gable which protrudes towards the street; it is set in on the right hand side 2 ft. 10 in.; the idea was to keep the roof line down and keep some breaks on the side of the wall instead of just having a 2-story flat wall; sketch 2 is the side of the house; the front gable faces the street and the gable that is shown facing forward on the sketch is a continuation of the existing ridge; is not raising the house height; to the right side of the sketch the covered porch and beyond is shown; those roof lines are set into the property; there is a low roof that breaks the wall from the first floor to the second floor; SK-3 shows the rear elevation; starting at the left is the proposed second floor addition; repeat of the gable roof which is proposed in the front; includes a lot of glass and patio doors; to the right on the second floor is the existing house and on the first floor the gable roof on the lower right is the breakfast room coming out that eventually becomes a covered porch; the gable roof is extruded out to become a covered porch; all the porches and the breakfast room have to be built on piers; the DEP is requiring that water needs to flow underneath; they will be masonry piers and they will be elevated like a typical porch.

Mrs. Whiteley: stated she has never had a flood in the house; no flooding has ever happened beyond the pool; the house is not located in the hazard area.

Mr. Schlicht: stated Mr. Robert Weissman, the applicant's engineer, advised him of the DEP issues and it has been reviewed with Mr. Hals' office as well; in a way this situation helps as it relates to improved lot coverage; water is still able to be absorbed.

Mr. Tarantino: referred to SK-1; asked why the jag was proposed and not a straight line.

Mr. Schlicht: stated he tried to keep the gable roof to a scale that didn't take over; if the master bath was as wide as the two car garage, it would be a very big gable facing the street; almost too big; interior wise additional space was not needed; did not want to have the proposed roof higher than the existing roof; the master bath and master bedroom are both 16 ft. wide; believes it helps exterior wise rather than having a flat two story wall; breaking up what is currently a horizontal box; seeking two variances; one is the combined second floor side yard setback; noticed for Mr. Berninger's interpretation but the drawing has Mr. Schlicht's variance calculation; asking for a 1.88 ft. variance; the difference between Mr. Schlicht's interpretation and Mr. Berninger's interpretation was almost 2 ½ ft.; at the first wall that is fronting the street, there is a 17 ft. side yard setback vs. the master bathroom at 14.9; the requirement is 33.53; at the gable roof it is conforming; the variance is for the master bedroom wall, not the master bathroom wall; it helps when you step it in that the part that faces the street is conforming; it is further set in that is what required; the first floor setback needs to be 10 ft., the applicant has 15 ft. and 14 ft.; benefit from the extra 4-5 ft.; they are not raising the roof; not a tall structure at 27 ft.; the maximum is 35 ft.; trying to break up the façade so visually the wall is diminished; doesn't feel 1.8 ft. is a huge encroachment especially when there is an enhanced first floor setback; the second variance sought is for improved lot coverage; presently the site is over at 35.6% where 35% is the maximum allowed; mainly due to the in-ground pool and shed in the back which was on site when the applicant's purchased the property; the application before the Board would result in improved lot coverage of 37.4%; over by 411 sq. ft.; if all the structures that are raised from the ground were discounted, the applicant would be at 33.5%; the Borough does give up to a 700 sq. ft. exemption in improved lot coverage if a seepage pit is installed with an in ground pool; the Board Secretary searched for the in-ground pool permit but could not find any indication of a seepage pit installation; there are drains on the property that have a direct drain pipe to daylight to a drainage stream to the left; if the pool was taken out of the equation then the applicant is well below the improved lot coverage maximum; there are unique situations with this property where the building itself is below the lot coverage but the improved lot coverage is being aggravated by the pool that was built.

Mr. Tarantino: asked about the size of the patio.

Mr. Schlicht: stated the patio is in the calculation as well; if the patio is left in and take the pool out the calculation is still below the 35%; the patio actually has the trench drains in it; all the concrete is being removed; the patio is being removed.

Mr. Deegan: asked if the open deck would be made of wood.

Mr. Whiteley: stated he was considering the wood you do not have to stain; a synthetic wood; it would be elevated.

Chairman Barto: stated he does not see any issues; the amount of 1.88 ft. for the second floor is almost de minimis; weighing the 37.4% coverage issue as against the plan for the house, does not have a problem with that either; the proposed construction will make the home something special.

Mr. Tarantino: stated he agreed with the 1.88 ft. as being de minimis; loves the plan.

Ms. Loew: asked if a seepage pit was going to be installed for drainage.

Mr. Schlicht: stated Mr. Hals will require a seepage pit to be installed with the new development; doesn't know how a pit is installed in a flood plain, though the area is never flooded; will abide by the Borough Engineer's request.

Ms. Loew: stated it would make sense for one to be installed especially since the property is located in a flood plain.

Mr. Schlicht: stated a seepage pit would need to be installed for the porches but not toward the rear of the property.

Chairman Barto: stated he is intrigued by the trench drain.

Mr. Tarantino: asked about the age of the trench drain system.

Mr. Whiteley: stated there was an existing system when they moved in in 1998; they did improve the system; the purpose was to handle any water splashing out of the pool so it did not just sit on the pool deck.

Mr. Tarantino: asked if the applicants had spoken to their neighbors.

Ms. Valerie Florstedt, 630 Sherwood Road: in favor of the application.

Mr. Rodger: asked for clarification of the DEP rule.

Mr. Schlicht: stated it is a specific rule where you have to be located a certain distance away; a buffer zone or riparian buffer zone; that is one of the many rules they need to abide by; the existing structure is in that area.

Chairman Barto: stated he believed that would be a grandfathered condition.

Mr. Rodger: asked, if the new decks being constructed are outside that zone, why was the applicant being required to elevate the decks.

Mr. Schlicht: stated that is a flood hazard zone; different rule; the buffer zone to the left of the line and the whole property is considered in a flood hazard

zone; that is the rule; front and back porches are both on piers; the rules were adopted after the construction of the house; the rules are changing again next year.

Mr. Cox: stated he believed the plan is fine and complete and is in support of the plan.

Motion to approve application: Cox, Forst

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

Approval of Minutes:

April 6, 2017

Carried to the June 1, 2017 meeting

Motion to adjourn: Rodger, Tarantino

All in Favor

Meeting adjourned at

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary
May 22, 2017