

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
March 5, 2020
Regular Meeting**

Meeting Called to Order at 7:30PM by Chairman Tarantino

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

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

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

Mr. Rutherford administered the Oath of Office to:

Mr. John Deegan, Member, Term Expiration 12/31/2023

Mr. Stephen Madden, Member, Term Expiration 12/31/2023

Completeness Review:

Mr. & Mrs. Jason Suh, 11 Van Dyke Drive, Block 803, Lot 2, R2 Zone: applicants seek to construct 3 additions (2 require variances), a closed porch (no variance required) and 2 new patios (1 variance required) to the existing residence; non-compliance with Article IV, Section 85-10 F (1) front street yard depth, Article IV 85-10 I (3) detached accessory structure setbacks to side street.

Mr. Joseph Bruno, applicant's architect, was in attendance.

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 April 2, 2020.

Chairman Tarantino: stated he did not see any major issues with the application.

Application deemed complete.

Mr. & Mrs. Brian Finnegan, 57 Ardmore Road, Block 201, Lot 14; R2 Zone: applicants seek to add a new covered front porch and a 2nd story to the existing home; non-compliance with Article IV, Section 85-10 E (1) front yard setback.

Mr. Gary Irwin, applicant's architect, and Mr. & Mrs. Finnegan were sworn in by Mr. Rutherford; Mr. Irwin gave his educational and professional

background; his license is still in good standing; Mr. Irwin was accepted as an expert in the field of architecture.

Mr. Irwin: stated the variance sought was for the front yard setback; shape of the lot is irregular; curved front yard; applicants want to add a front porch and it needs to come over the front setback line; open porch which would never be improved; 44 sf over the setback; the zoning table identifies all the pertinent regulations; floor plans shown so the Board would have an idea as to the scale of the project; existing and proposed shown; second floor plan; updated look; increased footprint on the second floor; goal is to have a master suite over the living space; front elevations shown.

Chairman Tarantino: asked what the distance was to the top of the pitch of the proposed roof.

Mr. Irwin: stated all the way to the top is 28 ft.; rear elevations discussed; right side elevations discussed; going up 6-7 ft. from the existing ridge height; reframing the roof over the existing family room; leaking in this area; left side elevations shown; steeper roof pitch; kept 2 full stories in the rear of the house; saltbox style from side elevation; only variance sought is for the front yard setback.

Chairman Tarantino: asked how many feet to the left does it become conforming.

Mr. Irwin: stated approximately 20 ft.

Mr. Rutherford: confirmed the area proposed to be located in the front yard setback is 44 sf.

Mr. Irwin: stated yes; it falls in line with the front stoop coming over the front yard setback; not oversized for the lot; large sized lot; similar in scale to what is being done in the neighborhood; finds it to be reasonable.

Mr. Rutherford: stated the porch is not to be enclosed; would be made a condition of the resolution if the Board looks favorably on the application.

Mr. Rodger: asked if the basement access stairs were being removed.

Mr. Irwin: stated yes; the deck will be constructed over it.

Please note: no members of the public where in attendance.

Chairman Tarantino: asked if the applicants had spoken with their neighbors regarding their proposed project.

Mrs. Finnegan: stated yes; the two neighbors on either side of them; they did not mention any concerns; wants the area to be clean and safe for their children and the children in the area while the construction is taking place.

Motion to approve the application: Metzger

Seconded by: Rodger

Ayes: Deegan, Metzger, Rodger, Madden, Raschdorf, Chairman Tarantino

Nays: None

Chairman Tarantino: stated, as a condition of approval, the porch may not be enclosed; in addition, the resolution should reflect the fact there were no members of the public present; in his opinion, this is an excellent project and the variance is de minimis in nature.

Mr. Tadeusz Ziarko, 413 Warren Avenue, Block 701, Lot 12, R3 Zone: applicant seeks to demolish and construct a new 2-car garage; non-compliance with Article IV, Section 85-11 I (4) interior lot side line for accessory structures; Article IV, Section 85-11 G (5) lot coverage by accessory structures; Article IV, Section 85-11 H accessory structure height

Sophy Sedarat, Esq., applicant's attorney, in attendance.

Mr. Tadeusz Ziarko was sworn in by Mr. Rutherford.

Ms. Sedarat: stated the application is for a 2 car garage to replace the existing garage on the property; relief from lot coverage, height and side yard setback; property is located in the R3 zone; the existing garage is in disrepair; no footing; not architecturally sound; submitted photographs of the existing garage marked A1-A3; there have been no issues with the existing garage in regards to its location which is non-conforming; no objectors present; there was a request at the Completeness Review to identify the fence which is shown on the survey; confirmed there is no fence on that side of the property; the garage side of the property is easily maintained; the lawn will be mowed in between the garage and the property line; the existing garage is almost in the exact location but will be more conforming; the driveway is a straight shot into the garage; no other feasible place to move the garage; the driveway would not be able to be placed in another location; the driveway is immediately to the right of the house; the proposed height of the garage was designed to be in harmony with the dwelling; the pitch and design of the roof are in conformity with the dwelling; aesthetically pleasing view; garage is visible from the front; proposed garage is not egregious when compared to garages in the neighborhood; a lot of detached garages have added a second floor; nothing will be developed in the second floor of the applicant's proposed garage, such as an office.

Chairman Tarantino: asked if the only reason for the height to be increased 2 ft. above the maximum height allowed by ordinance is because it is a continuation of the existing structure.

Ms. Sedarat: stated the structure, as designed, is aesthetically pleasing.

Ms. Raschdorf: stated the architectural style of the existing residence doesn't match the proposed garage.

Ms. Sedarat: referred to Exhibits A1, A3 and A8; stated the idea was to buckle the roof as shown in A8; more conforming to the flatter roof of the principal structure.

Chairman Tarantino: asked how large the current garage was.

Ms. Sedarat: stated the existing and proposed are both 2 car garages.

Ms. Metzger: asked if there were any other reasons for the proposed height of the new garage.

Ms. Sedarat: stated no; other than it is visually pleasing and matches the owner's taste; has photographs of surrounding properties that deviate significantly from the requirements of the ordinance; marked as Exhibits A4-7; pictures taken approximately 14 days earlier.

Chairman Tarantino: asked if the proposed garage would be wider and where would it be located in the rear yard.

Ms. Sedarat: stated the garage would be 22 ft. wide which is 2 ft. wider than the existing garage and the new garage would be moved back 2 ft. closer to the center of the property; the last variance sought is for coverage by accessory structures; de minimis in nature; garage is not out of character with the surrounding properties; the benefits of the deviation outweigh the detriment; current garage is an eyesore and unsafe; Exhibits A1, A2 and A3 show the garage from different points on the property.

Chairman Tarantino: stated the architect was not in attendance; asked if the garage height would be the same if the width of the garage was lessened.

Mr. Ziarko: stated it could be; proposed leaving the width of the garage at 22 ft. and reducing the height to 16 ft.; will construct a gable roof.

Chairman Tarantino: stated it was an interesting proposal but would like to see the plan; would like the architect to be in attendance.

Ms. Sedarat: distributed the pictures of the garages in the surrounding area; addresses of the properties indicated on the photos.

Ms. Raschdorf: stated the properties in the pictures were not located in the area of the subject property.

Ms. Metzger: stated a variance had been granted for an oversized garage at 412 Hollywood Avenue.

Ms. Sedarat: stated the garages shown in the pictures are non-conforming; obviously an official measurement could not be taken; some are considerably larger; there can be design revisions made to make the garage conforming but it is not what the architect and builder designed; would like the Board to take into consideration other approvals which have been granted for more egregious designs.

Ms. Metzger: confirmed with Ms. Sedarat that the applicant would be willing to decrease the height of the garage by 1 ft.

Ms. Sedarat: stated yes; respectfully asked the Board to consider the application as presented.

Ms. Metzger: stated a pitched roof is nicer than a flat roof; much prettier and fits in with the older, quaint feel of the home.

Chairman Tarantino: stated the architect was needed to determine alternatives.

Ms. Raschdorf: stated the volume of the house to the neighbors on the side is big; adding a large volume garage; it appears bigger than what it actually is; asked why the garage was being increased to 22 ft. wide; stated the volume and the height make the garage look overwhelming.

Mr. Ziarko: stated he would like to have one big door; can change the style of the roof to a gabled roof if the Board preferred.

Mr. Deegan: stated the garage has been pushed back; mitigates the argument of the size of the house to the garage; tends to agree with Ms. Metzger; not opining on whether or not the design is good or not.

Mr. Rodger: stated he preferred the triangular roof.

Mr. Madden: stated he agreed; he lived on Warren for many years; would prefer to see a gable roof.

Ms. Sedarat: asked if the Board was taken exception to the design or the 2 ft. variance request.

Chairman Tarantino: stated the 2 ft.

Ms. Sedarat: stated the 2 ft. variance sought is de minimis and not out of character with the zone; if unacceptable, will go back to the architect to see if the garage can be designed to conform.

Ms. Metzger: stated the Board has given approvals on large garages in the past; doesn't have an issue with the 2 ft.; the applicant is willing to decrease it by a ft.; sounds as if what is really important for the applicant is the 22 ft. width of the garage for safety reasons.

Mr. Ziarko: stated he can change the roof.

A brief recess was held at this time for Ms. Sedarat to confer with her client: 8:22PM

Reconvened: 8:25PM

Please note: all Board Members present at time of recess were still present when the meeting reconvened.

Ms. Sedarat: stated if the Board did not have an issue with the 2 ft. variance request, the applicant would not have to change the style of the roof; if the Board did have an issue with the 2 ft. variance request, the application would have to be amended; would be glad to mitigate to 16 ft. and resubmit.

Brief discussion held at this point of the meeting regarding the 2 ft. variance request.

Mr. Rodger: stated the applicant is proposing a 3 ft. side yard setback; the driveway does not go straight into the garage; there is an angle; the garage can be moved over.

Ms. Sedarat: respectfully disagreed; the angle would be exacerbated if it were moved over; preferable to be as straightforward with the driveway as possible; never presented a problem in the past; if the garage was moved over, it would significantly decrease the backyard space.

Mr. Rodger: stated he had no sympathy for the turning area for the car, but he did have sympathy for the 22 ft. width; believes the garage can be shifted back 5 ft.; asked if the existing garage was being used.

Mr. Ziarko: stated the previous owners used it for storage.

Ms. Metzger: asked if the shape of the lot created a hardship because of its narrowness; moving the garage would place it in the middle of the backyard.

Ms. Sedarat: stated the lot is conforming but it is narrow.

Please note: no members of the public were in attendance.

Mr. Rutherford: summarized the application; the lot is conforming and already improved; recognizes the strict compliance with the 10 ft. setback on a 50 ft. wide lot; existing garage is being demolished; the existing garage was on site for many years; the basis here is to grant variance relief; homeowner requesting a 22 ft. wide garage and would reduce the height to 16 ft.; stated the expressions of the Board earlier were regarding height only and not the application as a whole.

Ms. Sedarat: stated the applicant would concede to a height of 16 ft., not 17 ft.

Motion to approve the application, as amended: Chairman Tarantino

Seconded by: Madden

Ayes: Deegan, Metzger, Madden, Raschdorf, Chairman Tarantino

Nays: Rodger

Motion to approve the February 6, 2020 minutes: Deegan

Seconded by: Madden

Ayes: Deegan, Metzger, Rodger, Madden, Raschdorf

Nays: None

A Board discussion was held at this time regarding requiring an Affidavit of No Change to the Board's application to ensure all surveys submitted with, and referenced in site plans, were the most current and reflected all improvements on the subject properties.

Motion to adjourn: Metzger

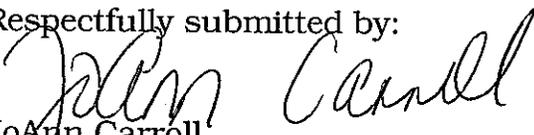
Seconded by: Madden

All in Favor

None Opposed

Meeting adjourned at 8:50PM

Respectfully submitted by:


JoAnn Carroll
Zoning Board Secretary
March 31, 2020