

Borough of Ho-Ho- Kus
County of Bergen
Buildings Dept.
300 Warren Avenue
Ho-Ho-Kus, NJ 07423

February 11, 2020

Attn: Ms. JoAnn Carroll

Re: Spinello Application/Request for Extension of Approval dated September 7, 2017
22 Gilbert Road
Ho-Ho-Kus, NJ

Dear Ms. Carroll,

Please accept this letter as our formal request to the Board of Adjustment to extend the above-referenced approval through and including September 7, 2020. Thank you in advance for your courtesies.

Very Truly Yours,

Alice Spinello



ZONING BOARD OF ADJUSTMENT

BOROUGH OF HO-HO-KUS

Resolution with respect to the application of John Spinello and Alice Spinello for variances from the Zoning Ordinance of the Borough of Ho-Ho-Kus

WHEREAS, John Spinello and Alice Spinello (hereinafter "the applicants") have made application to the Zoning Board of Adjustment of the Borough of Ho-Ho-Kus (hereinafter "the Board") for variances from those provisions of the Zoning Ordinance of the Borough of Ho-Ho-Kus (hereinafter "the Ordinance") relating to lot coverage and improved lot coverage for the property known as Lot 15 in Block 216 on the tax assessment map of the Borough of Ho-Ho-Kus, with a street address of 22 Gilbert Rd., Ho-Ho-Kus, New Jersey 07423 (hereinafter "the property"); and

WHEREAS, the application was heard by the Board at a public hearing held during a duly-constituted meeting of the Board held in compliance with the Open Public Meetings Act on August 3, 2017 at which time testimony was offered by Robert Murphy, the applicants' architect, and the applicants, and oral argument presented by James J. Delia, Esq., the applicants' attorney; and

WHEREAS, at the conclusion of the public hearing, the Board approved a motion granting the relief requested by the applicants, subject to certain conditions, and directing the Board attorney to prepare a memorializing resolution, pursuant to N.J.S.A. 40:55D-10(g)(2); and

WHEREAS, the Board makes the following findings of fact:

1. The record in this matter shall consist of:
 - a. the denial from the Zoning Officer dated April 13, 2017;
 - b. the application filed by the applicants including a survey prepared by GB Engineering, LLC dated November 3, 2015 and a six-page set of architectural drawings prepared by Mr. Murphy dated February 22, 2017, consisting of Sheets A1 (first floor plan), A2 (front elevation), A3 (left side elevation), A4 (sections) and A5 (site plan) and A6 (plumbing riser notes);
 - c. all testimony taken on August 3, 2017, and exhibits marked into evidence at that time.
2. On July 6, 2017, the application was deemed complete by the Board for the purpose of scheduling the public hearing.
3. The applicants are the owners of the property, which is located in the R-2 zone.
4. The real property taxes assessed against the property were current at the time of

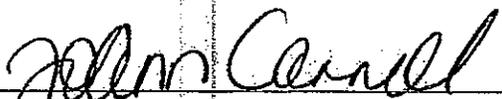
the hearing.

5. Notice of the application was published in the official newspaper of the Borough of Ho-Ho-Kus as called for in N.J.S.A. 40:55D-12(a), and the other notice requirements found in N.J.S.A. 40:55D-12 were complied with, and an affidavit of service was filed with the Board Secretary.
6. The property is an interior lot on the East side of Gilbert Rd.. It is a triangularly-shaped parcel, improved with a one and one-half story frame and brick dwelling, with a detached garage, a driveway and various walkways and patios. It has an area of 10,091 sq. ft., a bit more than the 10,000 sq. ft. which is required. Existing lot coverage is 20.29% of lot area, where 20% is permitted, and improved lot coverage is 45.43% of lot area, where only 35% is permitted. Both appear to be accepted by the Zoning Officer as "non-conforming" conditions, as the denial does not indicate the need for variances for those conditions to continue or that the property is in violation.
7. The interior layout of the home is a bit awkward, and features a bathroom located directly off of the kitchen, which is not desirable. The applicants wish to convert that bathroom into a storage area/pantry, and construct a new bathroom (a 36 sq. ft. addition). The bathroom will be placed into a corner between the rear wall of the home, and the rear entryway to the home.
8. The construction of the bathroom will increase lot coverage to 20.65% of lot area, and improved lot coverage to 45.79% of lot area. There is compliance with all other bulk requirements. The addition will not be visible from the street, and will be very unobtrusive.

WHEREAS, the Board makes the following conclusions of law:

1. N.J.S.A. 40:55D-70(c)(1)(c) authorizes the Board to grant a variance where "by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon" the strict application of the Ordinance would result in "peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon" the developer of such property. The interior design of this home, the style and shape of the home and its placement on the property are all existing conditions, which impose limitations upon what the applicants can do to improve the home, and make it more functional.
2. N.J.S.A. 40:55D-70 also provides that, regardless of the basis upon which a variance is granted, no variance can be granted unless the variance is not substantially detrimental to the public good, and will not substantially impair the purpose and intent of the zone plan and ordinance. The property already exceeds permitted lot coverage and improved lot coverage, and the proposed increase is extremely minor in nature. As noted above, the addition will not be readily

I hereby certify that on September 7, 2017, at an official public meeting of the Board, a quorum being present, this Resolution was duly adopted by a majority vote of those members of the Board who voted in favor of the action taken by the Board with respect to this application on August 3, 2017.



JoAnn Carroll
Secretary
Zoning Board of Adjustment

Vote taken on August 3, 2017: In favor: Members Barto, Metzger, Deegan, and Rodger;
Opposed: None; Absent: Members Tarantino, Cox, Forst and Loew (Alt. 1)

Members authorized to vote on resolution: Members Barto, Metzger, Deegan and Rodger.

Vote taken on Resolution:

<u>Member:</u>	<u>In Favor</u>	<u>Opposed</u>	<u>Absent</u>
Barto	✓		✓
Metzger	✓		
Deegan	✓		
Rodger	✓		

Note: At the time this matter was heard, the Board had only 8 members.