

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
November 1, 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, Cox (absent), Forst, Ms. Metzger (absent), Messrs. Deegan, Rodger, Chairman Barto

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

Mr. James Suessmann & Ms. Anna Newman, 223 Blauvelt Avenue, Block 210, Lot 18: applicants seek variances to add a one story garage and mudroom to the existing residence; non-compliance with Section 85-10 E (2) side yard setback and 85-10 G (3) improved lot coverage; (a second story addition over an existing patio is indicated on the plan, but is not part of the variance application)

Applicant was not present when application was called.

John A. Acunto, 140 Ackerman Avenue, Block 104, Lot 19: applicant seeks variances to add a new single car garage to the existing residence; non-compliance with Section 85-10 G (1) building coverage and 85-10 G (3) improved lot coverage.

Chairman Barto: stated two Board Members are recused from this application due to proximity; with their recusal, there isn't a quorum; the application will be carried to the December 6, 2018 meeting of the Board.

Mr. Rutherford: stated, for the record, the application would be heard on Thursday, December 6, 2018 at 8:00PM in the Council Chambers of Borough Hall; no further notice was required.

Mr. James Suessmann & Ms. Anna Newman, 223 Blauvelt Avenue, Block 210, Lot 18: applicants seek variances to add a one story garage and mudroom to the existing residence; non-compliance with Section 85-10 E (2) side yard setback and 85-10 G (3) improved lot coverage; (a second story

addition over an existing patio is indicated on the plan, but is not part of the variance application)

Applicant was present at this point of the meeting.

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 December 6, 2018.

Chairman Barto: stated he had a small issue with the application; asked Mr. Irwin to be prepared to explain the zoning table in depth; other than that item, the application was complete.

Application deemed complete by the Board.

Mr. & Mrs. P. Gambhir, 125 Ackerman Avenue, Block 105, Lot 7: applicants seek variances to construct a front porch to the existing residence; non-compliance with Section 85-10 G (1) building coverage and 85-10 G (3) improved lot coverage; both building and improved lot coverages are pre-existing non-conforming conditions; (applicant is also changing the location of the front steps which will add 18 sf to the coverage; the encroachment of the steps into the front yard are permitted per 85-10 J and do not require a variance.)

Mr. Rutherford: stated, for the record, a new set of plans were submitted along with a revised denial from the Zoning Officer dated 10/8/18; also submitted were a revised boundary survey and coverage calculations.

Mr. Pankar Gambhir and Mr. William Gorgon (applicant's contractor) were sworn in by Mr. Rutherford.

Mr. Pankar: distributed pictures to the Board; project proposed is an aesthetic change; extending porch.

Exhibits A1, A2, A3 and A4 marked; photographs of 125 Ackerman existing and 140 Ackerman (style the applicant would like to duplicate).

Chairman Barto: confirmed 6 ft. was being added to the porch and the total would be 20' x 6'.

Mr. Gambhir: stated the porch is existing; application is for an extension of the porch across the front of the house.

Mr. Rutherford: stated the application is for improved lot coverage; the application is already over on the maximum allowed improved lot coverage and is increasing it by another 138 sf; 18 sf. by the expansion of the front steps and 120 sf. for the porch; the steps do not require a variance.

Mr. Gambhir: stated when the property was purchased it was already over on improved lot coverage.

Mr. Gorgon: stated the lot is an odd shape.

Mr. Deegan: asked how many steps were being added.

Mr. Gambhir: stated 2 steps were being added towards Ackerman.

Chairman Barto: asked what the porch would look like once completed.

Mr. Gorgon: stated the porch will look like the porch at 140 Ackerman but without the addition on top and with fewer steps.

Chairman Barto: asked if the roof over the porch would exceed the width of the porch.

Mr. Gorgon: stated no; it is only about 7 ft. wide.

Please note: no members of the public came forward to ask questions or comment on this application.

Motion to approve application: Tarantino

Seconded by: Deegan

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

Nays: None

Mr. & Mrs. M. Fazio, 319 Ackerman Avenue, Block 209, Lot 27: applicants seek variances to construct a two story addition to the left side of the existing residence; non-compliance with Section 85-10 E (3) rear yard setback; 85-10 G (1) building (lot) coverage; 85-10 G (3) improved lot coverage; 85-10 K second story setback.

Mr. Gary Irwin, applicant's architect, and Mr. & Mrs. Fazio were sworn in by Mr. Rutherford; Mr. Irwin's license is still in good standing; accepted as an expert in the field of architecture.

Mr. Irwin: reviewed application and variances sought; existing and proposed conditions shown; irregular shape of the lot; non-conforming lot in regards to

lot area; proposing to build a 2-car garage with living space above it; only possible location for the garage is to the left side of the lot; overall view shown.

Chairman Barto: asked, from the point where the 11.22 ft. length is indicated to the rear yard, how far it was to the house/structure.

Mr. Irwin: stated 12 ft. to the garage of the other house; the property to the left has a residence and detached garage which separates the Fazio property with that property; the structure is far away from living space; conforming is impossible; the house already encroaches in the rear yard setback; there is no way to construct a conforming garage on the property.

Chairman Barto: asked if there was an existing garage.

Mr. Irwin: stated it was in the back; shown on the third drawing; small garage; proposing a larger garage; eliminating a shed that is in a non-conforming location; modifying the driveway; will eliminate how close the driveway is to the property line.

Chairman Barto: asked if a 1-car garage had been considered.

Mr. Irwin: stated the proportions would not work well for a one car garage; the living space above the garage is needed; the existing garage will be converted to living space; in regards to the maximum building coverage, the hardship is the smaller size of the lot; no other solution that would result in the decrease of the number unless a one car garage was proposed.

Chairman Barto: confirmed the house would be 60 ft. long on Ackerman Avenue.

Mr. Irwin: stated yes; it would be approximately 67 ft. on a 90 ft. wide lot.

Chairman Barto: stated, in terms of the coverage issue, the only way to make the coverage smaller is by decreasing the garage; asked Mr. Irwin to review the depth of the garage at 24.17 ft.

Mr. Irwin: stated depth was added to the garage because the storage shed on the property was being eliminated; if the garage was closer to the front it would be made shallower; would cut through the den.

Chairman Barto: stated it was an especially deep garage to afford a mud room.

Mr. Irwin: stated it may be able to be scaled back if the Board thought it was excessive; the improved lot coverage was being slightly reduced from 37.96% to 37.72%; some of the walking stones, portion of the patio and/or part of the driveway could be removed.

Chairman Barto: stated he was satisfied the applicant was going down on coverage instead of increasing it.

Mr. Irwin: discussed the graduated side yard setback; adding second floor space over the garage; showed living space being created; might appear large but the entire house has an abbreviated second floor; sloping ceilings in the front of the house; lower space.

Chairman Barto: stated the Mayor & Council have been asked to revisit the second story setback variance; they have chosen not to change it; it is now in its third year; it is more difficult to receive a second story setback variance.

Mr. Irwin: stated the information offered is the actual height of the house; described adjoining properties with structures.

Mr. Deegan: asked if a garage on the property in the rear was the closest structure.

Mr. Irwin: stated the garage portion of the house is the closest structure on the property in the back; there is no living space over that garage; provided a photo of the back of the house for the Board to view.

Exhibit A1 marked: photograph taken by Mr. Irwin a few months prior showing a 1.5 story garage behind the applicant's property.

Mr. Irwin (continued): there is a tremendous amount of area on the other side of the house on the adjoining lot.

Chairman Barto: asked Mr. Irwin to review page 6 of 7; elevations; asked if the intention was to add the garage with living space above it and also to add a full second floor over what is now the den.

Mr. Irwin: stated the sunroom, garage and closet space have very low ceiling heights; the new construction is bigger with more height; there will still be a closet and bathroom in that space; construction proposed stays under the height of the existing house for the garage; upgrading front windows of existing house; not part of the variance, but will tie into the garage.

Chairman Barto: stated he was still troubled by the width of the house on the small lot; would like to see the garage pushed back towards the rear, or the front lobbed off.

Mr. Irwin: stated he could take 2 ft. off the garage.

Chairman Barto: stated it would still be a good sized garage; asked if the width could be altered.

Mr. Irwin: stated the width proposed is the narrowest he makes garages when the doors are 9 ft. wide; two single garage doors are proposed; more charming appeal; unless his client was acceptable to a smaller width.

Mr. Rodger: stated a single car garage could also be constructed.

Mr. Irwin: stated his clients would like a two car garage and would like to stay with the proportions proposed; referred to sheet 5.

Mr. Tarantino: asked if the applicants had any conversations with their neighbors regarding their proposed construction.

Ms. Fazio: stated no; the only communication was the mailing of the notice to their 200 ft. list.

Meeting opened to members of the public.

Ms. Susan Atkinson, 27 Pinecrest Road: sworn in by Mr. Rutherford; gave a statement.

Chairman Barto: stated, in response to Ms. Atkinson's remarks, the Zoning Board exists to give relief to ordinances; typically that relief is where there is an oddly shaped lot, which is the case with the Fazio application.

Please note: no additional members of the public came forward to comment or ask questions on this application.

Chairman Barto: asked if the applicant would be interested in shrinking the size of the garage.

Mr. Irwin: asked if making the garage 2 ft. shallower in depth would be enough of a concession.

Chairman Barto: stated it would help; possibly consider a 1.5 car garage instead of a 2 car garage; that would bring the garage in from the lot line 5 or 6 ft.

Mr. Irwin: stated that would possibly start to make the proposed use of the space above it not large enough.

Chairman Barto: stated the house will be 67 ft. long on a relatively small frontage; asked for an adjournment of the matter to give Mr. Irwin an opportunity to speak with his clients.

Mr. Rutherford: stating the matter is adjourned and will be heard later in the evening.

Ms. Janine Haspel, 250 Sheridan Avenue, Block 207, Lot 4: applicant seeks variances to construct a 2-story addition and a new 2nd addition to the right side of the existing residence; non-compliance with Section 85-10 G improved lot coverage; 85-10 K second story setback.

Mr. Roger Schlicht, applicant's architect, and Ms. Haspel were sworn in by Mr. Rutherford; Mr. Schlicht's license is still in good standing; accepted as an expert in the field of architecture.

Exhibit A1 marked: 1st page: 4 photographs taken by Mr. Schlicht on October 31, 2018 of the subject property and property to the south; 2nd page: house and proposed addition

Mr. Schlicht: stated there is a correction to the zoning table; the existing graduated side yard setback should read 23.52%.

Mr. Rutherford: confirmed the existing and proposed are the same.

Mr. Schlicht: stated variances sought are pre-existing and they will be maintained; the improved lot coverage and the graduated side yard setback; described the lot; single family home in the R2 zone; east side of Sheridan Avenue; undersized lot in both area and width; described first and second floor; removing screened porch and expanding the dining room; is adjacent to the raised patio which will not be disturbed; constructing a covered open portico on front door; master bedroom is on the right hand side of the second floor; developing a modest master bedroom suite; building on top of the proposed dining room expansion in the rear; upgrading windows; elevations shown; the setback is the proposed extension of the roof line which would contain walk in closets; larger gable is existing; there will be a small peak in the rear.

Chairman Barto: confirmed, with the exception of the portico, the house was staying within the existing footprint.

Mr. Schlicht: stated yes; the steps are already existing, just putting a roof over them; neighbors' house showed in lower right picture of exhibit; mature evergreens buffer the property along with a driveway; not getting closer to the neighbor; purpose of picture was to show the buffer; new construction will have varied elevations; it will not resemble a big long block that magnifies the build of the second floor; additions are smaller than the existing gable roof; maintaining both setbacks on the left and right; hardship is the substandard lot width and where the house is located on the lot; existing non-conforming location; not increasing the improved lot coverage; swapping out the covered

porch for a dining room and putting a roof over the current masonry steps; recycling covered space.

Meeting opened to members of the public.

Ms. Susan Atkinson, 27 Pinecrest Road: sworn in by Mr. Rutherford; gave a statement.

Please note: no additional members of the public came forward to comment or ask questions on this application.

Chairman Barto: stated the application falls within what the Board is glad to see; doesn't go beyond what is already non-conforming.

Motion to approve application: Rodger

Seconded by: Forst

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

Nays: None

Approval of Minutes: Chairman Barto

September 6, 2018

Seconded by: Deegan

Ayes: Tarantino, Deegan, Rodger, Chairman Barto

Nays: None

Mr. & Mrs. M. Fazio, 319 Ackerman Avenue, Block 209, Lot 27: applicants seek variances to construct a two story addition to the left side of the existing residence; non-compliance with Section 85-10 E (3) rear yard setback; 85-10 G (1) building (lot) coverage; 85-10 G (3) improved lot coverage; 85-10 K second story setback.

Reappeared before the Board.

Mr. Irwin: stated he spoke with his client; they are willing to take 2 ft. off of the front of the garage to reduce the size and 1 ft. off the side; they want to keep the 2 garage doors instead of 1 door; a reduction to a one or one and a half car garage would not work for them.

Mr. Tarantino: stated he was satisfied with the reduction.

Mr. Deegan: agreed.

Mr. Rodger: stated he felt it should be a one car garage.

Chairman Barto: asked if more than 1 ft. could be taken off the width; it is a very wide house on a very small lot.

Mr. Irwin: stated the lot is wider than most lots.

Chairman Barto: stated the problem is the house is so much bigger; confirmed the width of the garage would be 20.83 ft. and the depth of the garage would be 22.17 ft.

Mr. Rutherford: stated the front yard setback would increase by 2 ft.

Mr. Irwin: stated a foot is all they can offer.

Chairman Barto: asked what that would do to the 11.22 ft. setback.

Mr. Irwin: stated it would go up half a foot; not much; likes the proportions the way they are; not interested in a one car garage.

Mr. Tarantino: stated the 9 ft. doors look better aesthetically.

Mr. Forst: agreed.

Mr. Deegan: agreed.

Chairman Barto: stated he would accept a motion on the application.

Motion to approve the application, as presented, but with an amendment to move the garage back 2 ft. which would result in a minimal change to the lot coverage: Tarantino

Seconded by: Deegan

Ayes: Tarantino, Forst, Deegan

Nays: Rodger, Chairman Barto

Motion to adjourn: Rodger

Seconded by: Forst

All in Favor

None Opposed

Meeting adjourned at 9:25PM.

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary
November 7, 2018