

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
March 7, 2019
Regular Meeting**

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

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

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

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

New Business:

Mr. John Montoro, 119 Blauvelt Avenue, Block 102, Lot 12: applicant seeks to build additions to the left and right sides of existing home; non-compliance with Section 85-10 E (2) side yard width, for both proposed additions.

William Strasser, Esq., applicant's attorney: stated his applicant was before the Board for 2 minor variances; both for setbacks; existing structure is non-conforming; right hand side is in conformance with the setback; left side is not; proposing to renovate the existing garage; not a 2 car garage from the front; currently tandem; object of application is to expand the garage to create a 2 car garage side by side; client is an architect; kept the proposal downsized as much as possible; an aesthetic wall is to be constructed on the left hand side; this results in a side yard setback variance; steep slope on the site; not a lot of choices to aesthetically build up the site; the lot is narrow but deep; proposed construction will not cause any detriment to the neighbors; keeping in line with the homes in the neighborhood.

Mr. John Montoro, sworn in by Mr. Rutherford: stated he is an architect; testifying at this time as the homeowner; searched for a home in Ho-Ho-Kus for some time; wants one floor living; existing house is a ranch style; it is an older home which needs work; can make the house blend into the neighborhood; tandem garage would be a safety problem on Blauvelt; second floor addition not proposed; described left hand side of the house; very small, low garage; ridge of garage is at the first floor window of the house next door which towers over his house; there is no living space on the first floor; trying to design it to have a kitchen, living area and a dining area.

No Board members or members of the public had questions for the applicant.

Mr. Thomas Donohue, applicant's acting engineer, sworn in by Mr.

Rutherford: (Mr. Robert Weissman is the applicant's engineer but was not available for this meeting) gave his educational and professional background; license in good standing; accepted as an expert in the field of engineering; Mr. Donohue worked with Mr. Weissman on this project and was familiar with it.

Exhibit A1 marked: plot plan, Block 103, Lot 12; prepared by Weissman Engineering; dated 12/6/2018; no revision dates

Mr. Donohue (continued): described the existing conditions on the site; property located in the R2 zone; contains an existing single family dwelling; asphalt driveway on the left hand side; walkways and patio areas and a shed in the rear; the existing garage has a tandem configuration; property has a steep slope across the property from left to right; roadway has a slope of 11%; property to the left is approximately 8 ft. higher than the subject property; property to the right is about 5-6 ft. lower than the subject property; roadway itself has a slope condition from left to right; existing house is not parallel with property lines; driveway would be widened to provide an entrance into the garage; new paver area sidewalk from driveway to front entrance; walkway constructed from paver walkway through the wall which will be constructed on the right hand side of the house; extension of the roof line which comes down and turns into a wall on the right hand side would be constructed 3 ft. to the side property line; the Zoning Officer determined the extension is a part of the dwelling itself so a variance would be needed.

Chairman Tarantino: asked how big the wall would be.

Mr. Donohue: stated about 1 ft. in width, approximately 13 ft. in length and 5ft. in height at the end; the wall is decorative; described the slope on the right hand side of the structure; 2 retaining walls 2 ft. in height proposed; the gate in the wall will have access to the rear yard.

Chairman Tarantino: asked if the slope continued north.

Mr. Donohue: stated there is a slope along the entire property; elevations given; retaining walls will provide stable conditions in the area they are proposed; proposed 1,000 gallon seepage pit for any run off from the additional roof surface; no neighboring property would receive any additional run off based on the drainage system designed; house to the left slopes to the subject property; property to the right is an existing condition; in the front there is no additional impervious area; everything slopes towards the street.

Chairman Tarantino: asked if there was a retaining wall west of the house; either on the subject property or neighboring property.

Mr. Donohue: stated he did not believe there was a wall on either property; the front porch area and the side of the adjacent house to the left are steep.

Exhibit A2 marked: photo of house to the left of the subject property; taken by Mr. Donohue on March 4, 2019.

Exhibit A3 marked: photo of right hand side of subject property/front right corner; taken by Mr. Donohue on March 4, 2019.

Chairman Tarantino: stated the house to the left is significant and towering over the property; concerned about the massive nature of that structure and being close to the property line; asked if there were any measures to protect the subject property.

Mr. Donohue: stated it would be the foundation which is supporting the structure which is below grade.

Chairman Tarantino: asked what the slope was on the other side of the property.

Mr. Donohue: stated about a foot and a half on the west side of the property; finished floor of the structure to the left is even with the roof line of the subject property; there is no detriment to neighboring property owners from an engineering standpoint; no additional drainage will go onto adjacent properties; proposed additional driveway widening to the left hand side; curb cut will stay as is.

No members of the public had questions for Mr. Donohue.

Mr. Montoro: previously sworn in; gave his educational and professional background; license in good standing; accepted as an expert in the field of architecture.

Exhibit A4 marked: photograph of perspective of height of structure to the west; taken by Mr. Montoro on March 3, 2019.

Mr. Montoro (continued): top of the roof is at the middle of the windows of the first floor; can see the foundation; the whole foundation up to the finished floor is 8.6 ft. high; not worried about the house falling down; has a problem with trying to make his house blend in with the neighborhood.

Chairman Tarantino: confirmed with Mr. Montoro that the proposed ridge is 10 ft. higher.

Mr. Montoro: described the conditions of the structure from the left hand side of the garage; issued supplemental drawing, A3.5; shows the house height being 24 ft. 10 in.; the garage plates were rotted out; raised up the family room two steps so it comes out of the grade so dirt is away from the existing house; water issue caused by the slope and run off; hoping the water issue will be solved with the pitch away from the house and pitched to the seepage pit; will rebuild correctly; discussed A3.5.

Exhibit A5 marked: photo of rot at base of house due to water pitch towards the house; taken by Mr. Montoro.

Exhibit A6 marked: supplemental drawing; document A3.5; prepared by Mr. Montoro; dated 2/15/19

Exhibit A7 marked: series of photographs taken by Mr. Montoro; photos with snow on property taken on 3/3/19; photos w/o snow on property taken a few months earlier.

Mr. Montoro (continued): the ridge comes up two steps; wanted to show adjacent house; trying to create a nice looking house which blends in with the Cheel Croft section; picked up cues from other houses; creating a new house to look “old”; showed where the house ends and addition of sloping wall begins; changing the window and the dormer; wants to create a look like the addition was always there; the sole purpose of the structure with the gate is for aesthetic value and to allow landscapers to access the rear of the property with their machinery; terraced retaining walls; decorative wall; referred to the 223 Blauvelt application which was recently approved.

Chairman Tarantino: stated that application has no bearing on this case; every application is heard on its own merits.

Mr. Montoro: stated he will have 17.4 ft. from wall to wall in the garage; there will be no room for any items on either side of the car, e.g. trash can; at 16 ft. it gets tight; that is why the setback is at 4.1 and not 5 ft.; foundation exists that bumps out with the door; existing garage shown on plan; it jogs back to the front door; lined up with the corner of the house; did not want the foundation to stick into the garage; trying to blend in with the neighborhood; no detriment to adjacent properties from an architectural standpoint; does not want to over develop the lot; wants to make it attractive.

Chairman Tarantino: stated his issue is what alternatives did Mr. Montoro consider which would have conformed to the Borough’s code; can understand why the setback was not maintained; it would have affected the pitch of the roof which would not have matched the other gable; asked what impact the 4 windows on the westerly side of the house would have.

Mr. Montoro: stated he had a conversation with the owner of the house to the left; the owner had no problem with what Mr. Montoro was proposing; will not go ahead with placing windows in his master bedroom which look out onto his neighbor’s deck.

Mr. Rutherford: asked how far the east wall of the home was from the east property line.

Mr. Montoro: stated it is about 11.8 at the jog; an addition was added on in 2001; it jogs back about 4 ft. or so to the front corner of the house; total 15.8 ft.

Mr. Rutherford: stated for clarification, the main structure of the house, without the architectural wall feature, the main wall of the house on the east side is about 15 ft. from the lot line where 10 ft. is required.

Mr. Montoro: stated that was correct.

Mr. Rutherford: confirmed the reason a variance is needed because the decorative wall with the doorway, comes to within 3 ft. of the lot line, but the main structure of the house complies.

Mr. Montoro: stated that was correct.

Mr. Deegan: asked if the gate proposed in the decorative wall would be wrought iron.

Mr. Montoro: stated yes.

Mr. Deegan: stated he wanted to establish that the applicant's property doesn't line up evenly with the house to the left; items which are further back do appear to be smaller; not quite accurate to draw a line; not disputing the house is a massive structure to the left.

No members of the public had questions for Mr. Montoro.

Mr. Strasser: stated there is a topographical hardship; A5 shows the water problem on the lot; a tandem garage is outdated; sees no detriment to surrounding properties; tremendous aesthetic improvement to the structure and the neighborhood.

Chairman Tarantino: stated he does not normally approve an application with a setback of 3 or 4 ft.; the applicant has convinced him otherwise; alternatives were very difficult; the topography and the slope really affect his property; appreciates the gables which give a more gradual declination on Blauvelt; the neighbor would have been present if 4.1 ft. was an issue; the benefits outweigh the detriments.

Mr. Forst: stated it is a very nice plan; there were many challenges on the existing site.

Brief discussion had at this time regarding retaining walls vs. decorative walls; retaining walls are allowed in the front yard; decorative walls are not due to their classification as an accessory structure, which are not allowed in the front yard; Mr. Rutherford will include a variance for the decorative walls.

Chairman Tarantino: stated another hardship is the odd angle of the home; it is not parallel to the lot lines; this should be included in the resolution as well.

Motion to approve application: Forst

Seconded by: Madden

Ayes: Deegan, Forst, Madden, Chairman Tarantino

Nays: None

Approval of Minutes:

Motion to Approve January 3, 2019 Reorganization Minutes: Forst

Seconded by: Madden

Ayes: Forst, Deegan, Madden

Nays: None

Motion to Approve January 3, 2019 Regular Meeting Minutes: Forst

Seconded by: Madden

Ayes: Deegan, Forst, Madden

Nays: None

Motion to Approve February 7, 2019 Minutes: Forst

Seconded by: Madden

Ayes: Deegan, Forst, Madden, Chairman Tarantino

Nays: None

Motion to Adjourn: Chairman Tarantino

Seconded by: Forst

All in Favor

Meeting adjourned at 9:00PM

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary
March 12, 2019