

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
May 5, 2016
Regular Meeting**

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, Messrs. Deegan (absent), Pappas, Rodger, Chairman Barto

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

Mr. Adam Sasso, 35 Academy Road, Block 502, Lot 21: applicant seeks a variance for his driveway which has been constructed and exceeds the maximum permitted width of 35ft. (Chapter 85-32.3 B)

Mr. Rutherford: stated for both the Sasso and Ash application, 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 2, 2016; Mr. Whitaker is aware of the notice provisions; for Mr. & Mrs. Ash's benefit, their architect has provided a notice; the Board Secretary can help the applicant with the procedure for sending the notice by certified mail upon all person and entities appearing on their 200' list at least ten days prior to the hearing; the notice will also be published in the newspaper and the Board Secretary attends to that; for the record, Mr. & Mrs. Ash was represented by Mr. Rutherford approximately two years prior; believes it is best if Mr. Rutherford recuses himself on their matter; will arrange for another attorney to cover the Ash hearing.

Application to be carried to the June 2, 2016 meeting; letter of extension received: Paul & Suzanne Ferraioli, 25 Lloyd Road, Block 704, Lot 20: applicants seek variances to construct a two story addition to the right side of their home; non-compliance with Section 85-11 (F)3 side yard setback and Section 85-11 (K) 2nd story setback.

Mr. Rutherford: stated for the record that the Ferraioli application has been carried to the June 2, 2016 meeting at 8PM in the Council Chambers of Borough Hall; no further notice is required.

Chairman Barto: asked in respect to the Sasso application for the applicant to provide a comparison, possibly by overlay, of the as built with the plan that

was actually provided to the Code Official because they seem to be different and he would like to eyeball them together; it would be better for the Board if we knew the differences and could get a better perspective of the width of the driveway; asked if the driveway was already built.

Bruce Whitaker, Esq., applicant's attorney: stated the driveway has been installed; can have the information requested submitted to the Board.

Chairman Barto: stated, otherwise, he understands the problem; very satisfied with both the mini-brief and the plans received.

Mr. Tarantino: stated the information submitted gives a very accurate description of the situation; no further elaboration is needed.

Application deemed complete.

Mr. Whitaker: stated he has a commitment in another town on June 2, 2016 for a hearing which has been scheduled since March/April; will notice for June 2, 2016; if he finds the other hearing is adjourned, he will be here; if he finds out the other hearing is taking place, will let the Board Secretary know so it can be announced and the application can be carried to the next month.

Raymond & Sheri Ash, 18 Beechwood Road, Block 1103, Lot 4: applicants seek a variance for maximum improved lot coverage of 52.5% (existing condition) where 35% is permitted; non-compliance with Section 85-10 G (3).

Mr. & Mrs. Ash were present.

Chairman Barto: confirmed the plans were prepared by Mr. Roger Schlicht; there is a lot coverage problem which already exists; requested pictures of the property to be submitted at least ten days in advance of the June 2, 2016 hearing; pictures can be emailed to the Board Secretary for distribution to the Board but a hard copy of the photographs will be needed for the file.

Mr. Tarantino: asked if this application was the continuation of a non-confirming use.

Chairman Barto: stated yes; the real problem is the applicant's lot coverage is at 52% and has been at 52% and the changes the applicant is making actually resolves to conserve that percentage so they are not going above or beyond what they already have; looks as if they are making real efforts to try and balance it; continuation of the same percentage.

Application deemed complete.

Donald & Melinda Forlenza, 96 Lakewood Avenue, Block 704, Lot 2: applicants seek variances to construct a new front porch and a partial 2nd story addition; non-compliance with Section 85-11, E(1) front yard depth; J projections into front yard; K second story setback.

Mr. Gary Irwin, applicant's architect, Mr. Donald Forlenza and Mrs. Melinda Forlenza all sworn in by Mr. Rutherford.

Mr. Irwin: stated there were no changes to his architectural licenses.

Mr. Irwin was qualified as an expert in the field of architecture.

Chairman Barto: asked Mr. Irwin to outline the variances which are required for this project.

Mr. Irwin: stated the application was for a proposed addition on an existing residence; one is for front yard setback and projections in the front yard and a third is related to the graduated side yard setback; the property currently has a non-conformity related to front yard setback; slightly over the setback line; proposing to add on, over the existing footprint, which creates a problem with the graduated side yard setback and results in a non-conformity of a small distance; requirement is 40% we are at 36.97%; 30 ft. is required and we are asking for 27.7, over by 2.3 ft.; doing this to maintain the side of the existing house; the only alternative would be to step in one of the sides of the house which results in an undesirable look; creates a problem with the masonry fireplace that is located on the side of the house; if we were to step in on the side we are adding, we would still have to extend the chimney out to be clear of the roof of the new addition.

Chairman Barto: asked for Mr. Irwin to show the Board on the survey which side of the house he is referring to.

Mr. Irwin: stated the addition is on the left side of the house, which is 14.1 ft. from the side yard property line; taking that half and putting a second floor directly above it; one argument for not stepping in the 2.7 ft. is because of the fireplace; they would either have to step in 10 ft. to eliminate any need to raise the chimney up or they would have to raise the chimney up and it would be a free standing chimney; would not look good; the neighboring lot is a corner lot and the structure next to the house is a detached garage; neighboring house is 50-60 feet away from his client's house; side yard setback not severe on this property.

Chairman Barto: asked how close the house was to the garage.

Mr. Irwin: stated it is 18 ft. away from his client's house.

Chairman Barto: asked how close it would be once the addition is put on.

Mr. Irwin: stated it would be the same distance.

Mr. Tarantino: asked Mr. Irwin to describe the house he was referring to on the survey; which lot.

Mr. Irwin: stated on his drawing, it is the lot above the subject property.

Mr. Rodger: asked if the garage was roughly 4 ft. from the setback line.

Mr. Irwin: stated yes.

Mr. Tarantino: asked the proposed height of the addition to the ridge.

Mr. Irwin: stated the building height is 26.6 ft.; probably 31 ft. to the ridge; under 35 ft.; with that space we needed that footprint; pushing it aside compromises the plan he was trying to achieve.

Mr. Rutherford: confirmed the side yard setback more than complies, not including the 2nd story setback.

Mr. Irwin: stated yes; the side yards comply; his client in the recent years purchased property behind them to make it conforming; they purchased 30 ft. of land from their neighbor; this purchase brought their lot into conformance; land purchased from lot 30 located on Lloyd.

Mr. Irwin: stated another variance related to the front porch or at least a covered stoop; right now it is 3 ft. 6 inches; want to make it 4 ft.; this creates a non-conformity which is why a variance is being requested for the front yard setback.

Chairman Barto: asked if the roof over the porch matched the roofs on the rest of the property.

Mr. Irwin: stated yes.

Chairman Barto: stated putting side by side what is proposed with what is existing made it very easy to visualize the project; would have been hard to see without it; asked for confirmation that the front yard variance was for 4.4 ft.

Mr. Irwin: stated yes, it is for 4.4 ft.

Chairman Barto: asked if there was any way to mitigate so that the 4.4 ft. was not required.

Mr. Irwin: stated he could not do the front porch and not replace the stoop and not put a roof over the stoop; his client wants the covered stoop; they could forgo the front porch extension; the stoop is in poor condition and needs to be rebuilt; the extra six inches makes it easier to get in and out of the house.

Chairman Barto: asking, looking at the zoning table on the plans, 85-11 J, projections into the front yard, the first entry where you are proposing a 9.4 ft. projection, asked what that related to.

Mr. Irwin: stated that relates to the front stoop also; believes they both apply so both were indicated; the other variance relates to the graduated side yard setback; sq. footage of the encroachment; the projection is limited to 35 sq. ft.; the regulation allows you to project 8 ft. into the front yard; the existing condition is 53.5 sq. ft. and if we do the full front porch we are going up to 112.4 sq. ft.

Chairman Barto: stated, in regards to the second floor, based on the chimney, you don't have much choice in the way Mr. Irwin has handled that aspect of our code.

Mr. Rutherford: asked if there were a couple of steps down to grade and asked for confirmation that the 20.6 is measured to the base of the lowest step.

Mr. Irwin: stated yes.

Please note: there is no public in attendance at this point of the meeting.

Mr. Irwin: stated he had a picture of the neighboring house to show what the garage looked like.

Exhibit A1: photograph of the garage on the right and the house on the corner of Lakewood and Hollywood on the left; marked 5/5/16

Exhibit A2: photograph of the subject property and the garage to the left, marked 5/5/16

Mr. Forst: asked if the pine trees in the picture belonged to the neighbor.

Mr. Forlenza: stated they are probably more on the neighbor's side.

Chairman Barto: asked if the Board felt screening was needed between the garage and the addition.

Ms. Metzger and Mr. Rodger: stated they both felt screening wouldn't make a difference.

Mr. Tarantino: stated he didn't think screening was required because of the distance and elevation and the existing woods that are there.

Chairman Barto: stated, based on the second photograph, he would agree.

Motion to approve application: Rodger, Metzger
Ayes: Tarantino, Forst, Metzger, Pappas, Rodger, Chairman Barto

Resolution: Stanchions (application bifurcated): David and Lisa Massaro, 146 Ardmore, Block 206, Lot 16: applicants seek a variance for light stanchions which have been erected in the Borough right-of way to be removed and erected on the applicant's property; the zoning ordinance does not permit light stanchions as accessory structures; approved.

Mr. Rutherford: reviewed application and resolution; stated a copy of the photograph provided by the applicant showing the new location of the stanchions has been attached to the resolution.

Motion to approve resolution: Chairman Barto, Forst
Ayes: Forst, Pappas, Rodger, Chairman Barto
Absent: Deegan

Resolution: Sean and Agnieszka Tynan, 52 Fairlawn Street, Block 218, Lot, 1: applicants seek variances to construct three additions to their house which is located on a corner lot; non-compliance with Section 85-11 (F)1 front street yard depth and Section 85-11 (J) projections into front yard; approved.

Mr. Rutherford: reviewed application and resolution.

Motion to approve resolution: Forst, Rodger
Ayes: Forst, Rodger, Chairman Barto
Absent: Deegan

Approval of Minutes

February 4, 2016: carried to the June 2, 2016 meeting.

March 3, 2016: Chairman Barto, Forst
Ayes: Forst, Pappas, Rodger, Chairman Barto

Motion to adjourn: Tarantino, Rodger
All in Favor

Meeting adjourned at 8:30PM.

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary