

GLEN ROCK ZONING BOARD OF ADJUSTMENT
Minutes of the November 13, 2014 Meeting

The regular meeting of the Zoning Board of Adjustment was called to order by Chairman Bruce Beal at 7:30 p.m. In attendance: Diane Herrlett, William Mitchell, Barbara Schineller, Denley Chew, Robert Bourne and Kay Tuite. Also in attendance was Spencer Rothwell, Esq., Board Attorney and Mark Berninger, Zoning Official. Janet Chen was absent. The Secretary called the roll and read the Sunshine Statement from the Open Public Meetings Act.

The Board reviewed the minutes of the October 1, 2014 work session and October 9, 2014 regular meeting. A motion was made by Mrs. Schineller and seconded by Mrs. Herrlett and passed unanimously.

Mayor van Keuren was present to swear in Al Tarleton, who is the newest member of the Zoning Board.

Mr. Tarleton joined the Board at the dais.

Old Business

Block 19, Lot 12

34 High Street

Applicant: Nitas Patthanakittikul and Arin Kornchankul

Applicant proposes to construct attached garage, which will, if constructed, encroach into the required side yard setback. Applicant seeks relief from Borough Ordinance 230-54(C), where 8.2' is required, 3' is proposed, a difference of 5.2' and any other waivers or variances that are required in relation to this application.

At the request of the applicant, this application will be postponed until December 11, 2014.

New Business

Block 204, Lot 7

98 Hazelhurst Avenue

Applicant: 98 Hazelhurst LLC

Applicant proposed to construct second story addition and rear deck, which will, if constructed, encroach into the required front, front side and rear yards. Applicant seeks relief from Borough Ordinance 230-54(B), where a 50' front yard is required, 46.25' is proposed, a difference of 3.75', 230-22(B), where a 37.5' front side yard is required, 24.35' is proposed, a difference of 13.15' and 230-54(D), where a 30' rear yard is required, 18.44' (2nd story addition) and 22.5' (rear deck) are proposed, a difference of 7.5' and any other waivers or variances that are required in relation to this application.

GLEN ROCK ZONING BOARD MINUTES

Meeting of November 13, 2014

Page 2 of 9

Mr. Rothwell swore in Jason Abromowicz, property owner. Additionally, Jacob Soloman, architect, was sworn in. Mr. Soloman has received degrees in architecture as well as required licenses. Mr. Soloman has appeared before numerous Boards throughout the State of New Jersey.

Mr. Rothwell noted if this application is being made by 98 Hazelhurst LLC, an attorney must represent them. Mr. Abromowicz commented he originally bought the property as an investment property; however is currently considering moving to this property. Mr. Abromowicz asked if the application could be change from 98 Hazelhurst LLC to Jason Abromowicz.

Mr. Abromowicz stated he is the property owner as well as the LLC.

Mr. Rothwell asked if he is the only person in the LLC or are there other partners.

Mr. Abromowicz stated there is one other partner, whom is present this evening.

Mr. Rothwell swore in Hale Abramson. Mr. Rothwell asked if it is Mr. Abramson's understanding that this application will be presented as an individual applicant and not an LLC. Mr. Abramson replied yes.

After further discussion it was determined that Mr. Abromowicz would indeed contact his attorney so this application could be represented by legal counsel later in the meeting.

Block 141, Lot 12

719 Ackerman Avenue

Applicant: Mr. Philip Cosimano

Applicant constructed a wood deck which exceeds the permitted building/structure coverage and exceeds the permitted impervious coverage. Applicant seeks relief from Borough Ordinance 230-54(G), where 25% building/structure coverage is permitted, 36.4% is provided, a difference of 11.4% and Borough Ordinance 230-33(J) where 50% impervious coverage is permitted, 70.6% is provided, a difference of 20.6% and any other waivers or variances that are required in relation to this application.

Mr. Rothwell swore in Philip Cosimano, 719 Ackerman Avenue.

William Monahan, Esq., 344 Lafayette Avenue, Hawthorne noted his representation for the applicant.

Mr. Monahan began by stating this property was purchased in 1987 and shortly thereafter did some renovations, including the construction of the deck. The issue of excessive coverage came to light when the applicant applied for a CCO for a rental of the property. It was at this time that

GLEN ROCK ZONING BOARD MINUTES

Meeting of November 13, 2014

Page 3 of 9

the Zoning Official noticed that the deck did not appear on the survey that was in the Building Department's files. Mr. Monahan noted that the applicant did not get a separate permit for the construction of the deck 27 years ago.

Mr. Cosimano testified he did purchase the property in 1987 and did, indeed, do some renovations. Mr. Cosimano stated they gutted the entire building and did a complete renovation. The footprint of the building was not changed. Permits were obtained for the work at the time, with the deck constructed at the same time as the renovation.

Mr. Monahan presented photographs which were marked as Exhibits A-1 through A-4. Mr. Cosimano stated the pictures depict documentation of the progress of the project. The photographs show the construction of the deck, as well as the impervious coverage under the deck, which was not changed when the deck was built.

Mr. Monahan presented a blueprint survey, dated February 12, 1987, which depicts paved areas on the property; however does not show the deck.

Mr. Monahan asked at the time of construction did the Building Inspector or Construction Official inspect the renovation and, if so, was it indicated that a separate permit was required for the deck.

Mr. Cosimano replied the project was inspected; however he was never informed that he needed a separate permit.

Mr. Monahan asked if any changes were required of the deck.

Mr. Cosimano replied the inspector commented on the footings and asked that they be put in 6" deeper, which was done.

Mr. Beal asked when the concrete block next to the house was paved, as the 1987 survey refers to a concrete walkway.

Mr. Berninger commented he is not sure what is under the deck at this point.

Mr. Cosimano replied there was never a concrete walkway.

Mr. Monahan asked Mr. Cosimano if he has ever had any problem or complaints concerning drainage on his property.

Mr. Cosimano replied he had not.

GLEN ROCK ZONING BOARD MINUTES

Meeting of November 13, 2014

Page 4 of 9

Mr. Monahan clarified that the first time Mr. Cosimano became aware of a problem with coverage is when he applied for a CCO for a tenant.

Mr. Cosimano replied that is correct.

Mr. Monahan surmised that Mr. Cosimano did not get a separate permit for the deck, nor was he aware he needed one, even though the inspector had visited the property and deck. Mr. Cosimano complied with obtaining all necessary permits and had he been aware one was needed for the deck one would have been obtained. Mr. Monahan noted even if the deck were removed today they would still be over in coverage.

Mr. Monahan respectfully requested the variances be granted as his client did everything he was told needed to be done 27 years ago.

Mrs. Herrlett commented when an application is considered the Board must look at it as if it were a new application.

Mr. Rothwell added the applicant must demonstrate a hardship or C-2 grounds for a variance.

Mr. Monahan argued that the applicant received a CO when the renovation was complete, which should have never been received if a permit had been required. Additionally, Mr. Monahan questioned what the maximum structure coverage was in 1987.

Mr. Berninger stated from 1977 a permit would have been required for the deck; however he is not sure about the concrete (impervious coverage).

Mr. Tarleton asked if any work has been done on the driveway since the purchase of the property.

Mr. Cosimano replied the only work done has been resealing of the driveway.

Mr. Tarleton clarified that Mr. Cosimano stated the survey was incorrect in that it shows a concrete walkway, which there is not.

Mr. Cosimano replied that is correct.

Mr. Tarleton asked if there are any other inaccuracies on the survey that Mr. Cosimano is aware of.

Mr. Cosimano replied everything else is correct.

GLEN ROCK ZONING BOARD MINUTES

Meeting of November 13, 2014

Page 5 of 9

Mr. Mitchell expressed concern over the calculation of variances and questioned what exactly the Board is being asked to approve; is the Board validating the CO that was granted for the paved area and garage that is causing this issue.

Mr. Beal referred to Mr. Rothwell because if the deck were removed the building and structure coverage would still be excessive.

Mr. Rothwell stated the application is for a variance of 20'.

Mr. Monahan asked if there is a way to not make a permanent variance; once the paving deteriorates it cannot be replaced.

Mr. Rothwell stated he does not believe a condition such as this can be part of the variance; however can research it.

Mr. Beal stated that in a letter from Mr. Berninger it was noted that the new owner would be receptive to removing the deck; would that also include the concrete?

Mr. Rothwell stated the new owner, Mr. Lombardi, is present this evening. Mr. Rothwell replied the new owner is aware of this.

Mrs. Herrlett asked if the new owner wants an entire backyard covered in asphalt.

Mr. Cosimano replied the asphalt is needed to access the third garage.

Mr. Mitchell asked if this application is denied does the homeowner have to go back to 50% and 25%.

Mr. Beal replied that would be a legal decision.

Mr. Rothwell argued his client is being penalized for something that happened 27 years ago, adding this condition may have been caused, certainly in part, by an inspector that did not thoroughly review the initial application.

Mr. Tarleton asked if they are in a position to ask the new prospective owner what they would be willing to do in terms of structure removal.

Mr. Rothwell, Mr. Berninger, and Mr. Lombardi discussed possible scenarios and/or solutions.

Mr. Berninger stated if the deck is totally removed and replaced with a small platform to exit the building, and the impervious coverage under the deck and the paved area to the left side of the

GLEN ROCK ZONING BOARD MINUTES

Meeting of November 13, 2014

Page 6 of 9

garage to the property line are removed, this would drop the impervious coverage by 600' from 70.6% to 59.8% and the coverage would be decreased by 230' from 36.4% to 32.3%.

Mr. Cosimano noted there are two doors exiting the back of the house.

Mr. Rothwell swore in Henry Lombardi, contracted purchaser.

Mr. Monahan asked if Mr. Lombardi would be receptive to the possible solution/conditions that Mr. Berninger described.

Mr. Lombardi replied he has already agreed to the removal of the deck and would be willing to "cut-away" some of the asphalt.

Mr. Lombardi stated the second door is not used as an exit from the house and questioned if a flower box could be installed there instead, possibly on a 45 degree angle.

Mr. Berninger replied that could be done; however we're concerned with square footage. Based on his calculations there is 57 square feet remaining out of the original 252 square feet.

Mrs. Herrlett questioned if Mr. Lombardi would be happy having a door that cannot be used as an exit.

Mrs. Schineller asked if this would be a safety concern.

Mr. Berninger replied from a safety code standpoint you only need one egress from the house. Mr. Berninger suggested dividing the 57' between the two doors.

Mr. Monahan summarized in looking at the building coverage issue, if the deck were removed leaving the concrete and garage, which have been there all along, it's a fait accompli and there is nothing to talk about. If this amendment were accepted the impervious coverage would be at 59%, instead of 50% permissible.

Mr. Beal confirmed with Mr. Lombardi that this would be acceptable to him.

Mr. Lombardi agreed.

Mr. Mitchell believes this variance has been misstated and questions how the Board judge actions that were taken before and from a legal standpoint how does it affect our variance.

Mr. Monahan noted his client has not come before the Board to do work on the property, but rather was requesting a CCO and is being told he needs to correct something that happened years ago. This is a very unique situation.

GLEN ROCK ZONING BOARD MINUTES

Meeting of November 13, 2014

Page 7 of 9

Mr. Rothwell noted that every application must be looked at under its own merits and does not believe the Board should be concerned with setting a precedent.

Mrs. Schineller asked that the changes be summarized.

Mr. Berninger stated the deck would be reduced from 252 square feet to 57 square feet, basically two landings and steps, which reduces the building coverage from 36.4% to 32.3%. The impervious coverage would be reduced by 600 square feet from 70.6% to 59.8% with the removal of asphalt under the deck, as well as the left side of the property to the back of the house.

There were no further questions from the Board or anyone in the audience.

A motion to approve the amended application, with a time limit of 120 days and changes noted, of Mr. Philip Cosimano, 719 Ackerman Avenue was made by Mrs. Herrlett and seconded by Mr. Bourne. The voice vote was as follows:

AYES: Mrs. Herrlett, Mrs. Schineller, Mr. Chew, Mr. Bourne, Mrs. Tuite, Mr. Beal

NAYS: Mr. Mitchell

The resolution will be memorialized at next month's meeting.

Block 234, Lot 14

72 Woodvale Road

Applicant: Mr. Jin Chung

Applicant proposes to construct roof overhang over existing front steps which will, if constructed, encroach into the required front side yard setback. Applicant seeks relief from Borough Ordinance 230-22 (B), where a 37.5' side yard setback is required, 20.24' is proposed, a difference of 17.26' and any other waivers or variances that are required in connection with this application.

Mr. Rothwell swore in Scott Bella, architect and Jin Chung, applicant. Mr. Bella has appeared before this Board numerous times and is accepted in his field.

Mr. Bella stated the applicant is requesting a front side yard variance to install a roof over an existing stoop and steps. The existing stoop is non-conforming so when the roof is installed it too will be non-conforming. The setback requirement is 37.5' to which the applicant is requesting a setback of 20.24'. The existing step is 19.1' so the roof will not come out over the entire set of steps with one step being left exposed. The applicant would like to cover the stoop for safety reasons as well as aesthetics.

GLEN ROCK ZONING BOARD MINUTES

Meeting of November 13, 2014

Page 8 of 9

There are two hardships with this application; one being an undersized corner lot at 11,477 square feet where 14,000 square feet is required. Secondly, the location of the building is outside the buildable area.

Mr. Beal stated the front yard faces Delmar noting the neighboring corner properties are set up the same way.

Mrs. Shineller commented this will be a nice improvement to the house.

There were no further comments or questions from the Board or anyone in the audience.

A motion to approve the application of Mr. Jin Chung, 72 Woodvale Road was made by Mrs. Schineller and seconded by Mr. Chew. The voice vote was as follows:

AYES: Mrs. Herrlett, Mr. Mitchell, Mrs. Schineller, Mr. Chew, Mr. Bourne, Mrs. Tuite,
Mr. Beal

NAYS: None

The resolution will be memorialized at next month's meeting.

Block 204, Lot 7

98 Hazelhurst Avenue

Applicant: 98 Hazelhurst LLC

Applicant proposed to construct second story addition and rear deck, which will, if constructed, encroach into the required front, front side and rear yards. Applicant seeks relief from Borough Ordinance 230-54(B), where a 50' front yard is required, 46.25' is proposed, a difference of 3.75', 230-22(B), where a 37.5' front side yard is required, 24.35' is proposed, a difference of 13.15' and 230-54(D), where a 30' rear yard is required, 18.44' (2nd story addition) and 22.5' (rear deck) are proposed, a difference of 7.5' and any other waivers or variances that are required in relation to this application.

Mr. Dan Perlman, Esq. noted his appearance on behalf of the applicant.

Mr. Perlman noted both owners of the LLC are present as well as the architect, Mr. Jacob Soloman, who was previously sworn in.

Mr. Perlman stated the applicant is requesting four variances for setbacks.

Mr. Soloman stated this property is an undersized corner lot at 10,552 square feet, where 14,000 is required. The applicant has chosen Hazelhurst as the front yard, where a 50' setback is required. The second front yard is Oaklynn Place.

GLEN ROCK ZONING BOARD MINUTES

Meeting of November 13, 2014

Page 9 of 9

The applicant would like to cantilever the second floor to align with an existing cantilever requiring a rear yard setback of 18.44'.

The building height and structure coverage are all compliant.

A hardship exists in that it is an undersized irregular corner lot requiring two front yards as well as the location of the structure on the lot.

Mr. Beal noted that the house is not parallel to any of the property lines, which affects all of the setbacks in some way.

The applicant is proposing to update the structure with a second floor, which will be built over the existing front porch, which will remain open.

No additional footprint is being added, nor any soil being disturbed. The complete renovation will be done over the existing footprint of the home.

Mr. Perlman noted the orientation of the house does create a hardship, adding anything that is done to the house will require a variance.

There were no further questions or comments from the Board or anyone in the audience.

A motion to approve the application of 98 Hazelhurst LLC was made by Mrs. Schineller and seconded by Mrs. Herrlett. The voice vote was as follows:

AYES: Mrs. Herrlett, Mrs. Schineller, Mr. Bourne, Mrs. Tuite, Mr. Beal

NAYS: Mr. Mitchell, Mr. Chew

The resolution will be memorialized at next month's meeting.

As there were no further residents wishing to be heard, a motion to adjourn the meeting was made by Mrs. Schineller, seconded by Mr. Chew and passed unanimously. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary