

GLEN ROCK ZONING BOARD OF ADJUSTMENT
Minutes of the December 11, 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, Janet Chen, Barbara Schineller, Denley Chew, Robert Bourne and Kay Tuite. Also in attendance was Spencer Rothwell, Esq., Board Attorney and Mark Berninger, Zoning Official. Al Tarleton 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 November 5, 2014 work session and November 13, 2014 regular meeting. A motion was made by Mrs. Schineller and seconded by Mr. Mitchell and passed unanimously with Mrs. Chen abstaining from the November 13th meeting and Mr. Bourne abstaining from the November 5th meeting.

Old Business

Block 204, Lot 7
98 Hazelhurst Avenue
Applicant: 98 Hazelhurst LLC

Memorializing resolution approving variances to construct second story addition and rear deck, which will, if constructed, encroach into the required front, front side and rear yards.

A motion to approve the memorializing resolution of 98 Hazelhurst LLC, 98 Hazelhurst Avenue 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: None

Mr. Mitchell, Mrs. Chen and Mr. Chew abstained from voting. The resolution is attached to these minutes.

Block 141, Lot 12
719 Ackerman Avenue
Applicant: Mr. Philip Cosimano

Memorializing resolution approving variances in connection with a wood deck which exceeds the permitted building/structure coverage and exceeds the permitted impervious coverage.

A motion to approve the memorializing resolution of Philip Cosimano, 719 Ackerman Avenue was made by Mrs. Schineller and seconded by Mrs. Herrlett. The voice vote was as follows:

AYES: Mrs. Herrlett, Mrs. Schineller, Mr. Chew, Mr. Bourne, Mr. Beal
NAYS: None

Mr. Mitchell and Mrs. Chen abstained from voting. The resolution is attached to these minutes

Block 234, Lot 14
72 Woodvale Road
Applicant: Mr. Jin Chung

Memorializing resolution approving variance to construct roof overhang over existing front steps which will, if constructed, encroach into the required front side yard setback.

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

AYES: Mrs. Herrlett, Mr. Mitchell, Mrs. Schineller, Mr. Chew, Mr. Bourne, Mr. Beal
NAYS: None

Mrs. Chen abstained from voting. The resolution is attached to these minutes

New Business

Block 182, Lot 13
51 Robinson Avenue
Applicant: Mr. Eugenios Athanasatos and Ms. Ourania Ziotas

Applicant proposes to convert an existing sunroom into a family room with new landing and steps and raise the roof of an existing attic for additional living space which will, if constructed, encroach into the required rear yard setback and exceed the permitted Effective Gross Floor Area (EGFA). Applicant seeks relief from Borough Ordinance 230-54(D) where a 30' rear yard is required, 25.3' (2nd floor) and 20.3' (steps) are proposed, a difference of 4.7' and 9.7' respectively and 230-54(J) where a EGFA of 2,362.5 square feet (39.38%) is permitted, 2,562 square feet (42.7%) is proposed, a difference of 199.5 square feet and any other waivers or variances that are required in connection with this application.

Mr. Rothwell swore in Mr. Athanasatos, 51 Robinson Avenue and Richard Bouchard. Mr. Bouchard is a registered architect since 1979 and has appeared before numerous zoning boards throughout the State of New Jersey. Mr. Bouchard's license is current.

Mr. Beal stated the lot is undersized at 6,000 square feet, 60' x 100' and somewhat square in shape. The applicant is requesting to construct a second story rear yard addition.

Mr. Bouchard referred to page 2 of the site plan showing the first and second floors. On the first floor, adjacent to the kitchen is a seasonal porch which the applicant would like to remove the wall and make it into living space with egress into the rear yard. The second floor has attic space that is not useable. The applicant is proposing to raise the roof line to be in line with the rest of the second floor and incorporate a master bath and bedroom.

GLEN ROCK ZONING BOARD MINUTES

Meeting of December 11, 2014

Page 3 of 7

Mr. Bouchard noted that both proposed renovations are within the existing footprint of the house. The only portion that is outside of the existing footprint would be the steps and landing from the first floor.

The house is currently non-compliant with the rear yard setback, which should be 30' and is only 25.3'. Including the steps and landing would decrease this amount to 20.3' as five feet are required for the steps and landing. A variance would be required simply to enclose the porch and create the dormer above this area.

Mr. Beal interjected that this is how the house was built.

Mr. Bouchard added the gross floor area ratio is compounded by the small size of the lot. The applicant exceeds the allotted amount by approximately 195', which is nearly the same amount being added to the second floor.

Mr. Bouchard believes there is a hardship with the small size of the lot, which is approximately half the size it should be for this zone.

Mr. Bouchard added that the house directly to the right of the applicant is identical to which they did the same addition. Consequently, the applicant's renovation will be in keeping with the neighborhood. The view from the front or left side will not change at all. The renovation will only increase the value of the home, as well as the functionality.

Mr. Beal noted the view of the house from the right will be slightly higher and other than that the addition will not be noticeable from the front.

A Board Member clarified that the house is in compliance with the EGFAR as it stands today, with no room whatsoever for growth.

Mr. Beal replied that is correct.

Mrs. Tuite noted from the rear the addition would not block or affect any of the neighboring properties.

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

A motion to approve the application of Mr. Eugenios Athanasatos and Ms. Ourania Ziotas, 51 Robinson Avenue was made by Mrs. Herrlett and seconded by Mrs. Chen. The voice vote was as follows:

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

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

Block 181, Lot 4
976 Maple Avenue
Applicant: Ms. Jennifer Wong and Mr. Ranjan Khan

Applicant expanded an existing driveway which now exceeds the permitted width past 16' of the curb. Applicant seeks relief from Borough Ordinance 230-33(B), where a 25' width driveway past 16' of the curb is permitted, 34' is existing, a difference of 9' and any other waivers or variances that may be required in connection with this application.

At the request of the applicant, this application has been postponed until January 15, 2015.

Block 152, Lot 24
245 Hamilton Avenue
Applicant: Mr. Raymond Carli

Applicant proposes to construct two story addition which will, if constructed, cause the Effective Gross Floor Area (EGFA) to exceed the permitted amount. Applicant seeks relief from Borough Ordinance 230-54(I) where 3,499.89 square feet is permitted, 3,918.7 square feet is proposed, a difference of 418 square feet and any other waivers or variances that are required in connection with this application.

At the request of the applicant, this application has been postponed until January 15, 2015.

Block 129, Lot 8
475 Prospect Street
Applicant: Mr. Scott D'Elia

Applicant proposes to construct one story addition and second story addition which will, if constructed, encroach into the required front yard and side yard setback and exceed the permitted Effective Gross Floor Area Ratio. Applicant seeks relief from Borough Ordinance 230-54(B), where a 50' front yard setback is required, 27.5' (steps) and 33.7' (second story) are proposed, a difference of 22.5' and 16.3' respectively, Borough Ordinance 230-54(C) where a 6' side yard is required, 4.97' is proposed, a difference of 1.03' and Borough Ordinance 230-54(J), where a EGFAR of 38.13% (2,669 square feet) is permitted, 47.16% (3,301 square feet) is proposed, a difference of 9.03% (632 square feet) and any other waivers or variances that are required in connection with this application.

Mr. Rothwell swore in Scott D'Elia, 475 Prospect Street. Mr. Richard Bouchard, architect, who was previously qualified as an expert in his field was also sworn in (again).

GLEN ROCK ZONING BOARD MINUTES

Meeting of December 11, 2014

Page 5 of 7

Mr. Bouchard stated the existing house is a one-story ranch style older structure. The applicant is proposing to put an addition on the side and rear as well as a full second story. Currently there is a shared driveway with the neighbor, which the applicant would like to install a second driveway for solely their purpose. The applicant would also like to build a new two-car garage.

Variances that are requested would be the side yard where 6' is required and 4.97' is proposed. The rear addition will comply with the side yard variances. Additionally, as the house currently exists it is too close to the road, consequently the second floor and front porch would also be in violation.

Mr. Beal noted the violations Mr. Bouchard mentioned are all existing conditions.

Mrs. Herrlett asked if the new garage would be located in the same location.

Mr. Bouchard replied it would be close to the same location with a few slight changes; however it is beyond the 140' line so it does not impact any of the setbacks.

Mr. Bouchard noted that by doing the second floor the EGFAR is exceeded. One of the problems is the narrowness of the lot at 50'. If the applicant were able to use their entire lot or if the lot were a full size lot a variance would not be necessary.

Mr. Beal noted for the record the lot is in the A-2 zone and is 11,095 square feet total with only 6,930 square feet in the first 140'. The lot is approximately 4-1/2 times longer than it is wide.

Mr. Bouchard presented Exhibit A-1, which shows the streetscape of the houses along Prospect Street. If the applicant's house were set back to where it should be it would appear out of line with the neighbors. Additionally, many of the houses already have second stories on them.

Mr. Beal noted that the rear wall of the applicant's house is parallel with the front wall of the two new homes being built on Prospect.

Mr. Berninger commented that in reviewing this application two new variances were identified. Last year when the Planning Board subdivided the neighboring property into two lots it was not indicated where the two driveways would be located. In filing the applicant's site plan it shows that the neighbor's driveway will be 20' from the property line; however his driveway is only 2' from the property line requiring him to get a variance to move his driveway 3' to the required 5' setback from the property line. This is also necessary in order for the applicant to eliminate the shared driveway.

The other problem is there can only be one curb cut on a property. Approximately 90% of the driveway is on the neighbor's property; however a portion of the curb cut is split on the property line.

GLEN ROCK ZONING BOARD MINUTES

Meeting of December 11, 2014

Page 6 of 7

Mrs. Herrlett clarified that another variance would be required for the applicant's driveway as his curb cut will only be 22' from the neighboring driveway. A new driveway would be preferred to a shared driveway.

Mrs. Schineller commented this is a very complex situation; however the addition that is being proposed is huge.

Mr. D'Elia disagreed stating it is simply a bungalow that is getting a second story, just like all the surrounding homes.

Mr. Beal noted the number of square feet is nearly being tripled.

Mrs. Schineller asked if any other designs were considered or perhaps scaling the project back a bit.

Mr. D'Elia replied he has not discussed options with his architect as the framing and labor for the second floor would cost essentially the same, even if the addition were scaled back.

Mr. D'Elia questioned why he is being forced to scale back when the neighboring homes have been permitted to enlarge and renovate.

Mrs. Schineller agreed it is difficult for Mr. D'Elia; however unfortunately it is where his house is situated.

Mrs. Herrlett noted that the applicant does have four bedrooms upstairs.

Mr. Beal asked if there were any questions or comments from anyone in the audience.

Mr. Rothwell swore in Felix Arcede, 471 Prospect Street. Mr. Arcede stated he likes the plan for the driveway as it is very difficult to share a driveway. Mr. Arcede commented he has no problem with the proposed house renovations.

Mrs. Herrlett stated concern with the EGFAR variance, as it is over 9% the permitted amount.

Mr. Bourne asked how much of the second floor is existing today.

Mr. Bouchard replied nothing.

Mr. Bourne agreed with the excessive EGFAR variance; however has no problem with the other variances.

GLEN ROCK ZONING BOARD MINUTES

Meeting of December 11, 2014

Page 7 of 7

Mrs. Schineller agreed with Mr. Bourne, adding she has no problem with the variances necessary for the driveway placement.

Mr. Beal explained if the Board takes a vote and it is not in the applicant's favor he would need to begin the process over again.

Mr. Bouchard commented if the applicant were to build a second floor without building over the back corner of the house the EGFAR would be considerably reduced.

Mr. D'Elia agreed to revisit his plans and continue this application until the January meeting.

After considerable discussion, Mr. Rothwell suggested the applicant re-notice the public for the two additional variances for the driveway.

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

As there were no further residents wishing to be heard, a motion to adjourn the meeting was made by Mr. Mitchell, seconded by Mr. Chew and passed unanimously. The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary