

GLEN ROCK ZONING BOARD OF ADJUSTMENT
Minutes of the February 12, 2015 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, Kay Tuite and Al Tarleton. 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 January 7th work session and January 15th regular meeting. A motion was made by Mrs. Herrlett and seconded by Mr. Mitchell and passed unanimously with Mrs. Schineller abstaining from the January 15th meeting.

Old Business

Block 181, Lot 4

976 Maple Avenue

Applicant: Ms. Jennifer Wong and Mr. Ranjan Khan

Memorializing resolution granting a variance for an expanded driveway which exceeds the permitted width past 16' of the curb.

A motion to approve the memorializing resolution of Jennifer Wong and Ranjan Khan, 976 Maple Avenue was made by Mr. Mitchell and seconded by Mr. Chew. The voice vote was as follows:

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

Mrs. Schineller abstained from voting.

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At the request of the applicant, this application has been withdrawn.

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 Richard Buchard, who was previously sworn in as an expert in his field. Mr. Buchard reiterated that the applicant was requesting five variances to conduct the proposed construction. One variance is existing for the front yard; an existing side yard variance; two variances concerning the driveways and the fifth concerns the EGFAR.

Mr. Buchard noted that the EGFAR has been reduced as they are no longer building a full second floor over the family room space. Mr. Buchard stated the new EGFAR is 41% or 202 square feet over.

Mr. Buchard believes there is a hardship with this application due to the narrowness of the lot at 50' and the shared driveway. Additionally, the EGFAR where only the first 140' is considered creates a hardship.

Mr. Bourne questioned if this application should be bifurcated, the EGFAR variance being one vote and the remaining variances as another vote.

Mrs. Schineller asked if the application were bifurcated and the EGFAR was denied; however the remaining variances were approved, would the applicant still continue with the application.

Mr. Rothwell swore in Scott D'Elia, 475 Prospect Street.

Mr. D'Elia replied one of the primary objectives of this application was to move the driveway and have a separate driveway. Additionally, if the driveway were moved the garage would need to be rotated 90°. Mr. D'Elia replied if he is not approved for both variances it isn't worth the money to renovate a house where the second floor still couldn't be used.

Mr. Beal questioned if there were any other small areas that could be cut to reduce the excessive 202 square feet regarding the EGFAR.

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Mr. Buchard suggested the closet space could be cut down but after further discussion with the Board it was determined this would not eliminate any space.

The Board continued with various discussion wherein it was determined the need to bifurcate this application was not necessary.

Mr. Beal asked how much room there is between the new driveway and the property line.

Mr. Rothwell replied there is 2 feet.

Mrs. Schineller noted that the plans have been reduced significantly to reduce from the original EGFAR number.

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

A motion to approve the application of Mr. Scott D'Elia, 475 Prospect Street 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, Mrs. Tuite, Mr. Beal
NAYS: Mr. Mitchell

The resolution will be approved at the next meeting.

New Business:

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 (EGFAR) 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.

Mrs. Herrlett recused herself from this application and left the dais.

Mr. Andy DelVecchio noted his appearance on behalf of the applicant.

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Mr. DeVecchio stated 245 Hamilton Avenue is located in the A-2 zone and is approximately 13,000 square feet. The applicant is proposing to construct a small two-story addition to the rear of their home. The variance required is for EGFAR where the proposed addition will exceed the allowable square footage by 418 square feet.

Mr. DeVecchio believes there is a hardship with this application in that the property is triangular in shape and narrows down almost immediately, which is greatly affected by the 140'. Immediately to the right of the home is a 25' right of way, which is maintained by this applicant. Effectively, due to this right of way no one would suspect the EGFAR has been exceeded.

Mr. Rothwell swore in Albert DeTolli. Mr. DeTolli is a registered, licensed architect in the State of New Jersey since 1980. His license is currently in good standing. The Board accepted Mr. DeTolli as an expert in his field.

Mr. DeTolli has visited the property and met with the homeowners to try and ascertain an appropriate addition for the house. Mr. DeTolli noted that the house is approximately 100 years old and classified as an English County Cottage, so the home has some very distinct architectural qualities to it.

Mr. DeTolli noted that the owners want to maintain the same features and character of the house with any addition they do. Mr. DeTolli commented in trying to achieve this they are limited in where any addition could go. The best location for an addition would be the rear corner which is currently occupied by a back patio and kitchen area. This area also works best with the interior floor plan.

Mr. DeTolli stated the applicant would like to add a modest family room on the first floor as well as a 13 x 18' second floor master bedroom, closet space and a bath. Presently, the majority of the closet space on the second floor is occupied with duct work, this coupled with a sloped roof does not leave much living area.

Mr. DeTolli showed various elevation views of the house showing that the front elevation would not be disturbed and the renovation would occur in the back. Additionally, elevations were shown of the side and rear of the home.

Mr. DeVecchio asked if other alternatives were considered to avoid the need for any variances.

Mr. DeTolli replied they looked at the option of moving the garage back beyond the 140' line; however that would place their garage in their neighbor's front yard, which is located at a 90° angle from the applicant's property. This would in fact, create a scenario that is more intrusive to the neighbors.

Mr. DeVecchio noted that this neighbor has submitted a letter to the Board requesting that the garage not be moved back beyond the 140'.

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Mr. DeTolli believes the proposed plan is the best one for the neighborhood and works the most efficiently and effectively for the applicant.

Mr. DeTolli confirmed that the lot is irregular in shape from 85' wide at the street and 59' at the rear of the property. Mr. DeTolli also agreed from the street this addition will not appear intrusive and with the benefit of the 25' easement next to the property will be in keeping with the neighborhood.

Mr. DeVecchio asked Mr. DeTolli if this lot were more rectangular in shape does he believe the addition would be in compliance with the EGAR.

Mr. DeTolli believes this addition could have complied.

Mr. DeVecchio asked if Mr. DeTolli believes there would be any negative impact on the neighborhood or the adjoining properties with this addition.

Mr. DeTolli replied he does not believe there would be any negative repercussions.

Mr. Beal commented that the property that this house is on is theoretically on an island, as there is no privately owned abutting property.

Mrs. Schineller also noted the neighbor to the back sits forward from this addition and would not be impacted.

Mrs. Schineller asked if they considered other options, particularly reducing the size of the family room or master bedroom.

Mr. DeTolli replied the proposed bedroom is 13' x 18', which by today's standards is not a large room. The master bedroom is the "driver" for the size of the family room, which is below the bedroom. Mr. DeTolli replied we would have like a larger room, however feels this room is a compromise.

Mr. Chew asked if they considered moving the garage.

Mr. DeVecchio replied the decision not to move the garage was made with the neighboring property in mind. The applicant felt if the garage were moved it would be more intrusive to their neighbor. Mr. DeTolli added, if the garage were moved, it would also mean there would be an additional 30' of impervious coverage, or 600 square feet of coverage.

Mr. Rothwell swore in Raymond and Judy Carli, 245 Hamilton Avenue.

Mrs. Tuite asked if there has been drainage issues with this property.

Mr. Carli replied the easement has drainage from Carol Ct. into the sewer drain. Occasionally, the easement will flood with 6-8" of water. Mr. Carli commented they have built a retaining wall as well as a ground swell in an attempt to keep the water from flooding their property.

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Mrs. Carli noted if the garage were moved further back it would become increasingly difficult to back up the entire distance of the drive. Additionally, the cost to remove the retaining wall and rebuild it would be prohibitive.

Mrs. Tuite asked what the elevation difference is between the rear property on Carol Court and the applicant's property.

Mr. DelVecchio replied both houses are elevated approximately 3-4'.

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

A motion to approve the application of Mr. and Mrs. Raymond Carli, 245 Hamilton Avenue was made by Mrs. Schineller and seconded by Mr. Bourne. The voice vote was as follows:

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

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. Bourne and passed unanimously. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary