

GLEN ROCK ZONING BOARD OF ADJUSTMENT
Minutes of the March 10, 2016 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, Janet Chen, Barbara Schineller, Denley Chew, Robert Bourne and Al Tarleton. Also in attendance was Spencer Rothwell, Esq., Board Attorney and Mark Berning, Borough Zoning Official. Mr. Mitchell and Mrs. Tuite were absent. The Secretary called the roll and read the Sunshine Statement from the Open Public Meetings Act.

The Board reviewed the minutes of the February 11, 2016 regular meeting. A motion was made by Mrs. Schineller and seconded by Mrs. Herrlett and passed unanimously with Mrs. Chen and Mr. Bourne abstaining.

New Business:

Block 56, Lot 35

27 Concord Avenue

Applicant: Mr. and Mrs. Marlo Carrillo

Applicant proposes to construct second story addition, new front stairs and portico which will, if constructed, encroach into the required front and side yard setbacks. Applicant seeks relief from Borough Ordinance 230-54 (B) where 50' front yard is required, 40.0' (steps) and 44.6' (second story addition) are proposed, a difference of 10' and 5.4' respectively and 230-54 (C) where a side yard of 6' is required, 4.88' is proposed, a difference of 1.12' and any other variances or waivers that are required in connection with this application.

Mr. Rothwell swore in Roger Sthricht. Mr. Sthricht is a licensed architect in the State of New Jersey for 28 years. Mr. Sthricht has previously testified before numerous Boards.

Mr. Rothwell swore in Marlo and Amry Carrillo, 27 Concord Avenue.

Mr. Sthricht began by stating currently this home has three non-conforming conditions. The first being the front yard setback. The second being the side yard setback and thirdly, the lot is undersized at 8,750 square feet where 11,200 is required. Currently, the applicant has a home that is too close to the front and side property lines, sitting on a lot 20% deficient in size.

The applicant is proposing to reconstruct the front steps, which are in need of repair. They would be rebuilt in the existing location. Two columns and a roof would be added above the steps to provide protection from the elements. The second floor would be reconstructed to include four bedrooms and two baths, which would be built above the existing family room. A master bedroom, closet and bath would also be added above the existing garage. Essentially, a level would be added to the back of the house.

The lot coverage would be 17.8% where 25% is the maximum permitted. The EGFAR is 2,402 square feet where 2,669 square feet would be permitted. The building height would be 26' where 35' is permitted.

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Mr. Sthricht reiterated the applicant is seeking two variances. One for the front steps, which will be in the existing non-conforming location and have the addition of columns and a portico. Mr. Sthricht noted the neighboring home has a front porch which is closer to the street. The other front yard setback required is for the second floor addition. The second floor addition is slightly recessed and is no closer than the existing garage.

The front yard setback variances are the result of the hardship of the preexisting non-conformity of the steps. As stated, the applicant is simply replacing these steps as they are in need of repair.

The second variance is the left side yard setback. The master bedroom would be along this side of the house which would be aligned with the garage wall below. The variance is fairly diminimus at one foot on one side and 9" on the other.

The distance from the garage to the adjacent property foundation is 17'. This shows that there will be open space and light between the two properties.

Both variances are based on the hardship of the pre-existing nonconforming location of the house which does not exceed lot coverage or EGFAR. If the house were located properly on the lot the applicant would not need any variances. This hardship is not self-created.

Mr. Beal added that this home is also well below the allowed impervious coverage.

Mr. Beal confirmed that the porch would remain open and not enclosed.

Mr. Beal clarified that the addition would go straight up on the side of the house.

Mr. Sthricht confirmed, noting if the addition were inset 9" on the side it would look like a mistake.

Mr. Bourne asked how the bedroom on the second floor lines up with the neighboring home, does one window look into the other?

Mr. Sthricht replied he hadn't given that much thought, noting it could easily be changed.

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

Mr. Rothwell swore in Greg and Cindy Andrade, 31 Concord Avenue - The Andrade's live to the left of the applicant. Mr. Andrade asked for clarification if the house isn't coming any closer to them, why do they need a variance. Mr. Beal explained a variance is required essentially to continue the non-compliance since the addition is going straight up over the existing home. Mr. Andrade asked if this variance were not permitted what is the option. Mr. Beal replied the applicant would have to recess the wall one foot on the side or add on to the back to achieve the

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same square footage. Mrs. Andrade commented the view from their bedroom, which has just one window, will essentially be a wall. Mr. Beal noted if the variance weren't granted they would still be looking at a wall, simply one foot further away. Mrs. Andrade disagreed with the Board stating their light will be affected and the distance between the two homes will look like an alleyway. The Andrade's are concerned that their property value will also be affected. Regardless of the support for this project, they are the ones that are most negatively impacted.

Mr. Sthricht clarified that the majority of this addition does not require a variance. Mr. Sthricht noted that the Andrade's home is 2+ stories in height. Architecturally, if the existing setback isn't followed or if the second floor were on an angle it would not be aesthetically pleasing. Mr. Sthricht argued the applicant has a legal hardship here, it is not self-inflicted.

Mr. Sthricht commented that the applicant did lower the height from their first submission.

Mr. Rothwell swore in Chris Munshower, 49 Concord Avenue, Christian Cunningham, 23 Concord Avenue and Thomas Kreibich, 574 Doremus Avenue - Mr. Munshower believes this addition will be a nice improvement to the house and will aesthetically fit into the neighborhood. Mr. Cunningham also supports this addition and feels the 9" the applicant is requesting is a diminimus amount. Mr. Kreibich also supports this addition, believing it will add value to their home.

Mrs. Carrillo commented they are only asking to expand 498 square feet over the existing garage and family room, all while remaining in the permits of the EGFAR. As a homeowner, I have the right to build on my property. The house will be remodeled correctly and in keeping with the flavor of the neighboring properties. A neighboring home applied for the same variance and were granted approval.

Mr. Beal noted that Zoning Board decisions do not set precedents. If a variance is granted for a similar application, does not necessarily mean other applications will also be granted.

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

A motion to approve the application of Mr. and Mrs. Marlo Carrillo, 27 Concord Avenue was made by Mrs. Schniller and seconded by Mrs. Herrlett. The voice vote was as follows:

AYES: Mrs. Herrlett, Mrs. Chen, Mrs. Schineller, Mr. Bourne, Mr. Tarleton, Mr. Beal

NAYS: Mr. Chew

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

Block 243, Lot 16
144 Chadwick Place
Applicant: Mr. and Mrs. David Viscardi

Applicant proposes to construct second story addition and two story addition which will, if constructed, encroach into the required side yard setback and exceed the permitted total side yard. Applicant seeks relief from Borough Ordinance 230-54 (C), where a side yard of 9.7' is required, 5.6' is proposed, a difference of 4.1' and total side yard of 20.25' is permitted, 16.3' is proposed, a difference of 3.95 and any other variances or waivers that are required in connection with this application.

Mr. Chew recused himself from this application.

Mr. Rothwell swore in David Viscardi, 144 Chadwick Place. Mr. Viscardi stated they are requesting a modest renovation to their home which will require a side yard variance.

Mr. Rothwell swore in Raul Mederos, licensed New Jersey architect for this project. Mr. Mederos has appeared before this Board previously and has been accepted as an architect.

Mr. Mederos stated the lot size is conforming; however, it is irregular in shape. The lot is narrower in the front, due to a curve in the road, and wider in the back. The home is currently a two-story, split level home with a one car attached garage. The applicant is proposing a wraparound side porch, a one-story rear addition, a rear wood deck and a covered entry at the front door. These aspects are conforming and do not require any variance. The variance that is required is the result of a garage addition, which encroaches on the side yard setback.

Mr. Mederos noted that the home would still be under the permitted EGFAR and lot coverage. The majority of homes in the neighborhood do have two-car garages.

Mr. Beal asked if Mr. Mederos could estimate how much of the square footage is in violation.

Mr. Mederos replied it is approximately 50 square feet.

Mrs. Schineller noted with the lot shape irregularity there is plenty of space between the applicant and their neighbor on the right.

Mr. Tarleton asked if the applicant considered moving the revised mudroom further back.

Mr. Mederos replied that option was reviewed however it was determined it was not feasible.

Mr. Bourne confirmed that the porch would remain open.

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Mr. Viscardi replied yes.

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

A motion to approve the application of Mr. and Mrs. David Viscardi, 144 Chadwick Place was made by Mrs. Schniller and seconded by Mrs. Chen. The voice vote was as follows:

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

NAYS: Mr. Tarleton

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

Block 135, Lot 10

133 East Gramercy Place

Applicant: Mr. & Mrs. Joshua Bratspies

Applicant proposes to construct a two story addition and second story addition which will, if constructed, exceed the permitted building/structure coverage. Applicant seeks relief from Borough Ordinance 230-54 (G) where 25% is permitted, 26.4% is proposed, a difference of 1.4% and any other variances or waivers that are required in connection with this application.

Mr. Chew resumed his seat at the dais.

Mr. Rothwell swore in Joshua Bratspies, applicant and Michael Scro, architect. Mr. Scro has a Masters in Architecture and has been in practice for 16 years. The Board accepted Mr. Scro as an expert in architecture.

Mr. Bratspies stated their house is situated sideways on their narrow lot, there technically is no "front" of the house. Mr. Bratspies commented they are trying to accomplish the creation of a "front" of the house. Often their house is mistaken for the neighbor's garage. The project complies with all required setbacks, EGFAR and lot coverage; however due to the narrowness of the lot they are over the structure coverage by 145 square feet. If the lot were conforming in size no variance would be required.

Mr. Beal commented the lot is 15,000 square feet; however for building structure purposes, not impervious purposes, only the first 140' are counted.

Mr. Scro reiterated one of the goals is to more clearly define the front entrance to the house, in addition to adding a master bedroom space. A variety of ideas were discussed in determining a front porch. The width is determined by the stoop to the front door behind it. This area would remain open, simply cantilevered out.

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Mr. Scro commented they are proposing the addition of 675 square feet and believes this is not in excess and in proportion to the house.

Mr. Scro asked the Board to consider the undersize portion of the lot in addition to the peculiarity of the house. These two issues in tandem need to be considered.

Mr. Scro noted the side yard is required to be 18' and the applicant is at 34.8', even with a lot that is 8' narrower than it should be.

In terms of negative impact, Mr. Scro does not feel that there is any.

Mrs. Herrlett asked how many square feet is this application over.

Mr. Scro replied approximately 125 square feet.

Mrs. Herrlett asked if any consideration was given to shortening the master bedroom and bath to make it conforming.

Mr. Scro replied this area was already shortened.

Mrs. Herrlett commented from the plans it appears the bathroom is 12' x 12'.

Mr. Scro replied the intent was never to create anything grandiose. If this area were anything less than 12' wide architecturally it needs this mass to appear balanced.

Mrs. Spiller commented the applicant is requesting a building structure variance, which is not affected by the size of the second story.

Mr. Scro replied that is correct and in actuality the bathroom could have been larger.

Mrs. Spiller also commented on the safety factor of the location of the front door, eliminating the need for strangers to wander around the property looking for the entrance.

Mr. Scro replied this is correct, especially with a pool located in the backyard. Mr. Scro reiterated clarity needs to be brought to the location of the front entrance.

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

A motion to approve the application of Mr. and Mrs. Joshua Bratspies, 133 East Gramercy Place was made by Mr. Bourne and seconded by Mrs. Chen. The voice vote was as follows:

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

NAYS: None

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

Block 169, Lot 7

258 Gramercy Place

Applicant: Katja Andreo

Applicant proposes to construct two story addition and patio which will, if constructed, encroach into the required rear yard. Applicant seeks relief from Borough Ordinance 230-54(D) where a 30' rear yard is required, 22.7' (addition) and 17.32' (steps) are proposed, a difference of 7.3' and 12.68' respectively and Borough Ordinance 230-14 (A)(3) where a 6' rear yard for a patio is required, 4' is proposed, a difference of 2' and any other variances or waivers that are required in connection with this application.

Mr. Rothwell swore in Xiomara Paredes, architect, who has testified numerous time before this Board and has been accepted as an expert in her field.

The applicant is proposing a two-story addition requiring a rear yard setback. The property has three hardships: it is undersized by 3,601 square feet, the property shape is irregular, being substandard in length and thirdly, the rear property line is on an angle.

Ms. Paredes noted this is a modest addition attempting to bring up to today's standards. All other zoning requirements are in compliance. The architecture of the home will be in keeping with the neighboring homes. Ms. Paredes also noted that there is a right-of-way to the rear of the property so no neighbors would be adversely affected.

Mr. Beal added the existing house is almost totally out of the legal building envelope.

Ms. Paredes explained the various elevations of the home.

Ms. Paredes summarized that this is a modest rear addition which will not be perceived from the street. Ms. Paredes believes there is no detriment to the neighborhood and the proposed addition would enhance this home.

Mr. Beal asked what the appearance of the depth of the backyard is.

Ms. Paredes replied the backyard feels larger than it actually is because of the right-of-way.

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Mrs. Spiller commented there appears to be a notation in Mr. Berninger's handwriting on the application that a variance is required for the patio.

Ms. Andreo commented she would like to reduce the size of the patio reflected on the plans to eliminate the patio variance.

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

A motion to approve the amended application of Ms. Katja Andreo, 258 Gramercy Place was made by Mrs. Chen and seconded by Mr. Bourne. The voice vote was as follows:

AYES: Mrs. Chen, Mrs. Schineller, Mr. Chew, Mr. Bourne, Mr. Tarleton, Mr. Beal

NAYS: Mrs. Herrlett

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 Mrs. Herrlett and passed unanimously. The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary