

GLEN ROCK ZONING BOARD OF ADJUSTMENT
Minutes of the May 9, 2013 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 were Diane Herrlett, William Mitchell, Janet Chen, Barbara Schineller, Marion Driscoll, Denley Chew, Michael Peters and Robert Bourne. Also in attendance was Andrew Kohut, Esq., Board Attorney. The Secretary called the roll and read the Sunshine Statement from the Open Public Meetings Act.

The Board reviewed the minutes of the April 3rd work session and April 11th regular meeting. A motion was made by Mrs. Schineller and seconded by Mrs. Driscoll and passed unanimously with Mrs. Chen abstaining from both meetings.

Old Business:

Block 71, Lot 5
3 Marinus Place

Applicant: Mr. & Mrs. Gurbir Grewal

Memorializing resolution approving variance to construct second story addition, which will, if constructed, encroach into the required front side yard setback.

A motion to approve the memorializing resolution of Mr. and Mrs. Gurbir Grewal, 3 Marinus Place was made by Mrs. Driscoll and seconded by Mr. Mitchell. The voice vote was as follows:

AYES: Mr. Mitchell, Mrs. Driscoll, Mr. Chew, Mr. Peters, Mr. Bourne, Mr. Beal
NAYS: None

Mrs. Herrlett, Mrs. Chen and Mrs. Schineller abstained from voting. The resolution is attached to these minutes.

New Business:

Block 143, Lot 17
21 Delmar Avenue

Applicant: Mr. & Mrs. Sean Croake

Applicant proposes to construct a one story addition and two second story additions which will, if constructed, encroach into the required rear yard setback. Applicant seeks relief from Borough Ordinance 230-54(D), where 30' is required, 10.7' (one story addition), 13.9' (second story addition) and 12.7' (second story addition) are proposed, a difference of 19.3', 16.1' and 17.3' respectively and any other variances and waivers that may be required in connection with this application.

GLEN ROCK ZONING BOARD MINUTES

Meeting of May 9, 2013

Page 2 of 9

Mr. Kohut swore in Scott Bellig, 65 Glen Avenue, Glen Rock. Mr. Bellig has appeared before the Board on numerous occasions and has been accepted as an expert in the field of architecture.

Mr. Bella stated the applicant is requesting three separate additions, all of which require rear yard variances due to the hardship caused by the awkward triangular shaped of the lot.

Mr. Bella referred to the plot plan which shows where a structure once existed. This is where a two-story addition is proposed over that existing footprint (the only part of the original structure that is left is the foundation). There is also an existing garage (on the left side of the dwelling) which the applicant is proposing a dormer addition within the roof structure of the garage. Lastly, the applicant is proposing a mudroom off the main dwelling, which is the only addition that would expand the footprint and encroach into the setback.

Mr. Bella stated the proposed second story den addition setback would remain at 12.7' (which is what currently exists) even though a 30' setback is required. The new mudroom one-story addition will have a 10.7' setback to the property line and the existing garage is currently at 13.04' which will be increased to 13.9', which consequently the applicant will not encroach any closer to the property line.

Mr. Bella stated the dwelling currently has three bedrooms on the second floor which will be increased in size though three bedrooms will be maintained. The master suite will be expanded under the existing roofline. On the first floor the mudroom addition will be 4.9' which will grant access to the backyard as well as the garage.

Mrs. Herrlett questioned the bonus room on the second floor.

Mr. Bella responded it is a small sitting area that is off of the master suite which was required for the creation of the dormer.

Mr. Beal commented that the lot is triangular in shape and is 14,288 square feet. Mr. Beal added that even though 11,200 square feet is required much of the lot is unusable, which is usually the case with a triangular shaped lot.

Mr. Bella noted the building coverage is only 9% and impervious coverage is 17%.

Mr. Chew asked if the applicant looked at the possibility of going out the side of the house, instead of the back.

Mr. Bella stated the side of the house is 26' from the property line, which is the required setback. Mr. Bella added they decided to add onto the back of the house as there previously existed a structure.

GLEN ROCK ZONING BOARD MINUTES

Meeting of May 9, 2013

Page 3 of 9

Mrs. Herrlett expressed concern with the “tightness” of the backyard especially with the second story.

Mr. Bella agreed though noted the neighboring setback is quite large.

Mrs. Schineller expressed concern with the lack of open space, even with the irregularity of the lot shape.

Mr. Bella commented an option would be to slide the addition over though only a small amount of space would be achieved. Again, Mr. Bella stated with the large setback of the neighboring home there is a significant amount of open space between the two dwellings.

Mrs. Herrlett asked what if the neighbor decided to add on to their home. Mrs. Herrlett asked the dimension of the existing third bedroom.

Mr. Bella replied it was 8.5’ x 11’ with a closet.

Mrs. Herrlett asked if a one-structure story was built where there once existed a building would a variance be required.

Mr. Bella replied not for a one-story addition, only if it were two stories.

Mr. Mitchell commented the use characteristics of the backyard are not changing.

Mr. Bella agreed.

Mrs. Schineller asked if options were discussed, given the fact that variances are needed.

Mr. Bella replied, as stated earlier, they discussed going out the side of the house instead of the rear though believed because they were building over an existing foundation it would make more sense.

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

Ms. Innes Grinn was sworn in. Ms. Grinn stated she is the neighbor to the right of the applicant. Ms. Grinn commented as the neighboring property they have no objections to the addition as there will be no changes from their perspective.

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

Mrs. Herrlett requested that this application be bifurcated into three separate variances.

GLEN ROCK ZONING BOARD MINUTES

Meeting of May 9, 2013

Page 4 of 9

Mr. Kohut replied that is for the applicant to decide.

Mr. Bella discussed this option with his client and they decided to keep the application whole.

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

A motion to deny the application of Mr. and Mrs. Sean Croake, 21 Delmar Avenue was made by Mrs. Driscoll and seconded by Mrs. Herrlett. The voice vote was as follows:

AYES: Mrs. Herrlett, Mrs. Driscoll, Mr. Chew

NAYS: Mr. Mitchell, Mrs. Chen, Mrs. Schineller, Mr. Beal

The motion did not pass.

A motion to approve the application of Mr. and Mrs. Sean Croake, 21 Delmar Avenue was made by Mrs. Chen and seconded by Mr. Mitchell. The voice vote was as follows:

AYES: Mr. Mitchell, Mrs. Chen, Mrs. Schineller, Mr. Beal

NAYS: Mrs. Herrlett, Mrs. Driscoll, Mr. Chew

The motion was approved and will be memorialized at next month's meeting.

Block 226, Lot 18

101 Hillman Avenue

Applicant: Mr. Michael Kelly and Ms. Alison Chang

Applicant constructed pool patio which encroaches into the required side and rear yard setbacks. Applicant seeks relief from Borough Ordinance 230-112 (C), which requires a 10' side yard and rear yard setback for a patio surrounding a swimming pool, 2.2' (side yard) and 8.34' (rear yard) are provided, a difference of 7.8' and 1.66' respectively and any other variances and waivers that may be required in connection with this application.

Charles Collins Esq. noted his appearance on behalf of the applicant.

Mr. Collins requested all of the witnesses to be sworn in at the same time.

Mr. Kohut swore in Robert Wiseman, 686 Godwin Avenue, Midland Park. Mr. Wiseman is a licensed engineer and land surveyor in the State of New Jersey with a Bachelor's in Civil Engineering. Mr. Wiseman has been practicing for over 30 years and has testified before many Boards in the State of New Jersey. Mr. Wiseman was accepted as an expert in his field.

GLEN ROCK ZONING BOARD MINUTES
Meeting of May 9, 2013
Page 5 of 9

Mr. Kohut swore in Michael Kelly and Allison Chang, 101 Hillman Avenue.

Mr. Kohut swore in Liz Hayek, 95 Hillman Avenue.

Mr. Kohut swore in Rick Lazev, 3 Yardley Court.

Mr. Kohut swore in John Commerford, JC Landscape Contractors, Woodcliff Lake, NJ.

Mr. Collins asked Mr. Wiseman if he was responsible for the preparation of the plan for this application and, if so, asked the size of the lot.

Mr. Wiseman replied he was; adding the property is undersized at 8,634 square feet where 11,200 square feet is required. Mr. Wiseman added that the property slopes from front to rear or west to east.

Mr. Wiseman noted since the lot is undersized there is little room for the pool. The pool is fairly centered within the lot with the logical place for a patio would be on the north side.

Mr. Collins asked if the property were level would there have been another location for the patio.

Mr. Wiseman replied the only possible location would be where the current stairs are located, which are required to maneuver the elevation of the backyard.

Mr. Collins clarified that the topography doesn't permit this area for the patio.

Mr. Collins asked for clarification of the variances.

Mr. Wiseman stated one variance is for the rear yard setback for an accessory structure where 10' is required and 2.2' is present. A second variance is necessary for the south side of the patio which encroaches into the side yard setback.

Mr. Collins noted that the side yard violation is next to Ms. Hayek's property and the rear yard setback abuts Mr. Lazev's property.

Mr. Wiseman added this patio is "submerged" behind a wall and privacy fence, which will shield it from the neighboring properties.

Mr. Collins noted the applicant is seeking approval for a condition that was erected in the past.

Mr. Beal questioned the area on the south side of the property that is indicated as a retention area.

Mr. Wiseman replied that area is where a seepage pit is housed.

Mr. Beal asked if the pool location could be moved further to the north.

Mr. Wiseman replied no, adding that the pool is centrally located within the property and with the narrowness of the lot it would be not be feasible to move.

Mrs. Herrlett asked the dimensions of the patio.

Mr. Wiseman replied the patio on the north side of the pool, which is the area in violation, is approximately 14-15' x 19'.

Mr. Chew commented on his visits to the property he does not see any other location where the patio could be (re)located.

Mrs. Driscoll asked if the patio could have located in the landscaped area in the rear of the property.

Mr. Wiseman replied if the patio were there it would also encroach into the rear yard setback.

There were no further questions from the Board for Mr. Wiseman.

Mr. Collins commented that due to the orientation of the lot the sun exposure does not reach the interior north portion of the lot. Obviously, the sun is an integral part of having a swimming pool. To support this argument, Ms. Chang presented photographs to the Board which were marked Exhibit A-1. Mr. Collins also took some photographs from Google Earth which showed the sun orientation.

Mrs. Schineller clarified that the pictures show the amount of and lack of sun on the patio area.

Ms. Chang replied she took the pictures to show the most logical area to build the patio.

Mrs. Schineller commented that the table and chairs could go in another location of the patio.

Ms. Chang replied a different location would be primarily in the shade as well as very tight in space.

Mrs. Spiller asked when the pictures were taken.

Ms. Chang replied they were taken in the past week.

GLEN ROCK ZONING BOARD MINUTES

Meeting of May 9, 2013

Page 7 of 9

Mrs. Spiller commented when the pool is in use the sun pattern would be different and there would be more sun later in the year.

Mrs. Herrlett commented most people purchase an umbrella to create shade for their seating area.

Mr. Wiseman added it isn't just the shade aspect of the table location; there is a concern with the distance between where the table is located and the close proximity to the pool.

Mrs. Schineller questioned what was built is not what was initially approved.

Mr. Collins stated Mr. Kelly would address this question.

Mr. Collins asked Mr. Kelly to explain the history of this application and how this scenario came to be.

Mr. Kelly replied they like the initial plans; however it wasn't until they were under construction and saw exactly how much space the steps took up and how little the patio would be did they realize the predicament. At that time, the applicant spoke with the engineer and pool designer to which they told them to get final inspection and then they would expand. Mr. Kelly stated they would only have a problem if they were to sell the house, which they have no intention to do. Mr. Kelly admits they made a mistake and should have come for a variance.

Mr. Collins asked what Mr. Kelly did once it was discovered they would need a variance.

Mr. Kelly replied he immediately called the town and asked if they should pull up the patio. He was told to go through the variance process to determine the outcome before removing the patio. Mr. Kelly added they were willing to pull up the patio and do have an alternate plan.

Mr. Collins noted the applicant was not "trying to get away with anything".

Mrs. Schineller asked what the initial size of the patio was.

Mr. Kelly replied initially he was told by their engineer the setback was 6', not 10'. Mr. Kelly does not recall the exact dimensions of the initial patio; however it would be smaller and not very useable.

Mrs. Spiller noted the building permit was for a 10' setback.

Mr. Commerford commented that the pavers of the patio are set in sand so there is permeability.

Mrs. Driscoll asked if the patio could be reduced 2-3' and still have room for a table and chairs.

GLEN ROCK ZONING BOARD MINUTES

Meeting of May 9, 2013

Page 8 of 9

Mr. Kelly replied yes it could be reduced; however that is not his preference.

Mr. Collins called upon Ms. Hayek. Ms. Hayek is on the left side of the house and has no objections to this application.

Ms. Hayek asked if there are any privacy issues in the back yard, to which she replied there are no issues.

Mr. Lazev also testified that he has no objections to this application and there are no privacy issues.

Mrs. Driscoll asked if he has noticed any water run-off issues.

Mr. Lazev replied there have been no water issues, even with all of the rain we have received.

Mrs. Schineller clarified since the pavers are set in sand and would be easy to reconfigure, could the table be located on a grassy area.

Mr. Commerford agreed that the pavers are not a permanent structure and it would be easy to reconfigure; however the table could not be located on the grass due to the location of the retaining wall and distance between the back of the house and the pool.

Mr. Kohut reminded all parties that although the applicant has no intention of moving, the variance stays with the property.

Mr. Collins closed by requesting the Board to grant the variance due to the hardship caused by the lot size. The width of the property constrains the location of an adequately sized patio for a pool that is properly located. The topography of the lot also creates a hardship. Mr. Kelly has been forthright in this unfortunate situation.

Mr. Collins believes there is sufficient evidence to support the granting of this application.

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

A motion to approve the application of Mr. Kelly and Mrs. Chang, 101 Hillman Avenue was made by Mrs. Herrlett and seconded by Mrs. Driscoll. The voice vote was as follows:

AYES: Mrs. Herrlett, Mrs. Schineller, Mrs. Driscoll, Mr. Chew, Mr. Beal

NAYS: Mr. Mitchell, Mrs. Chen

The motion was approved and will be memorialized at next month's meeting.

Block 251, Lot 1
59 Andover Terrace
Applicant: Mr. Rag Lulla

Applicant proposes to construct second story addition, 2- two story additions and new front steps which will, if constructed, encroach into the required front yard and rear yard setbacks. Applicant seeks relief from Borough Ordinance 230-54(B), where a 50' front yard setback is required, 41.63' (steps) are proposed, a difference of 8.37', and 230-54 (D), where a 30' rear yard is required, 15.9' (2nd story addition) and 27.5' (2 story rear addition) are proposed, a difference of 14.1' and 2.5' respectively and any other variances and waivers that may be required in connection with this application.

At the request of the applicant, this application has been postponed until the June 5th work session and June 13th regular 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. Driscoll and passed unanimously. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary