

GLEN ROCK ZONING BOARD OF ADJUSTMENT
Minutes of the June 9, 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, 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 Officer. 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 May 4, 2016 work session. A motion was made by Mrs. Schineller and seconded by Mrs. Herrlett and passed unanimously with Mrs. Chen and Mr. Bourne abstaining.

Old Business:

Block 115, Lot 15
216-220 Rock Road

Applicant: New York SMSA Limited Partnership d/b/a/ Verizon Wireless

Applicant seeks site plan approval and use variance for installation of a network wireless communications facility atop the Glen Rock Inn.

At the request of the applicant, this application is being postponed until further notice.

Block 62, Lot 10
77 Greenway Road

Applicant: Mr. Bradley Buchmann

Memorializing resolution for variances to construct new one family dwelling on existing foundation and additional two story addition, one story addition and one story open porch addition which will, if constructed, encroach into the required rear yard setbacks.

A motion to approve the memorializing resolution of Mr. Bradley Buchmann, 77 Greenway Road was made by Mrs. Herrlett and seconded by Mrs. Schineller. The voice vote was as follows:

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

Mrs. Chen and Mr. Bourne abstained. The resolution is attached to these minutes.

Block 180, Lot 7
35 Somerset Court
Applicant Mr. Seth Schwartz

Memorializing resolution for variances to construct a front canopy of existing front steps which will, if constructed, encroach into the required front yard setback.

A motion to approve the memorializing resolution of Mr. Seth Schwartz, 35 Somerset Court 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, Mrs. Tuite, Mr. Beal
NAYS: None

Mrs. Chen and Mr. Bourne abstained. The resolution is attached to these minutes.

Block 195, Lot 4
348 Boulevard
Applicant: Ms. Valentina Ramos

Memorializing resolution approving variances for constructed wood frame deck without a building permit which encroaches into the required front side setback.

A motion to approve the memorializing resolution of Ms. Valentina Ramos, 348 Boulevard was made by Mrs. Schineller and seconded by Mrs. Tuite. The voice vote was as follows:

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

Mrs. Chen and Mr. Bourne abstained. The resolution is attached to these minutes.

New Business:

Block 195, Lot 15
384 Boulevard
Applicant: Ms. Debra Varney

Applicant proposes to construct second story addition which will, if constructed, encroach into the required front and side yard setbacks, exceed the permitted total side yard and exceed the permitted stair width. Applicant seeks relief from Borough Ordinance 230-54 (B) where a front yard setback of 41.63' and 36.63' (average setback study) is required, 40.2' (stoop) and 35.2' (2nd story) are proposed, a difference of 1.43, 230-54 (C) where a side yard of 8.27' is required, 3.3' is proposed, a difference of 4.97', 230-54(C) where a total side yard of 14.5' is required,

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14.2' is proposed, a difference of .3' and 230-20(D) where a 7' wide step is permitted, 7.5' is proposed, a difference of .5' and any other variances and waivers that are required in connection with this application.

Mr. Rothwell swore in Debra Varney, 384 Boulevard, homeowner. Xiomara Parades also noted her appearance as the architect for this project. Ms. Parades has appeared previously before this Board on numerous occasions.

Ms. Parades stated the applicant is seeking five variances for a second story addition where the existing setbacks are non-conforming. The variances include the front setback, canopy front setback, side setback, the sum of both side yard setbacks and finally the canopy width.

Ms. Parades believes there are four hardships for this property. First, the non-conformance of the existing house; secondly, the lot is irregular in shape; third, the rear corner of the house encroaches into the side yard; and fourth, the property is substantially undersized at 8,330 square feet instead of the required 11,200 square feet.

The proposed home addition will be 2,496 square feet which is not too large for the neighborhood. The maximum GFA is 36.4% where the proposed is 29.96%. The maximum allowed square footage is 3,304 with the proposed square footage to be 2,493, 541 square feet under the allowable amount.

Ms. Parades noted the encroachment is only in the rear corner of the house. An aerial view of the property shows even with the encroachment it is approximately 35' to the neighboring house.

Ms. Parades commented that a canopy is being proposed simply for protection of the elements.

Ms. Parades noted that the homeowner will be removing the rear patio to create open space.

The second floor will consist of three bedrooms and a bath. The rooms are functional, yet compact and modest.

The building height will be 27.9' with the height being 26.1' on the right side of the house.

Ms. Parades believes this addition does not propose a detriment to the neighborhood.

Mr. Beal clarified that the addition would be going directly up over the existing home and footprint.

Mrs. Schineller agreed that the property is odd shaped with the house to the right a good distance away.

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

Mr. Rothwell swore in Melanie Mike-Mayer, 400 Boulevard - Ms. Mike-Mayer expressed concern over the 3.3' proposed side yard. Additionally, she expressed concern over a large maple tree being damaged or removed and the natural buffer it provides.

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

A motion to approve the application of Ms. Debra Varney, 384 Boulevard was made by Mrs. Schineller and seconded by Mrs. Herrlett. The voice vote was as follows:

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

NAYS: None

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

Block 135, Lot 1

739 Harristown Road

Applicant: Mr. David Lindley

Applicant proposes to construct a driveway which, if constructed, would exceed the permitted width and convert an unfinished attic to habitable space which causes the Effective Gross Floor Area to exceed the permitted square footage. Applicant seeks relief from Borough Ordinance 230-33 (B), where a driveway width of 25' is permitted 16' past the curb, 41' is proposed, a difference of 16' and 230-54 (J) where 4,112.5 square feet is permitted, 4,428' square feet is proposed, a difference of 316' square feet and any other variances and waivers that are required in connection with this application.

Mr. Rothwell swore in David Lindley, 739 Harristown Road and Robert Diamo, ES Design Studio. Mr. Diamo is a licensed architect in the State of New Jersey and has been accepted as an expert in his field.

Mr. Diamo stated the applicant is requesting additional space on their driveway in an attempt to not have to park on Harristown Road. Additionally there would be more space to back out of the garage in order to pull out onto Harristown Road head first. This additional space also gives the applicant more parking for guests, keeping parking onsite instead of on Harristown Road.

The applicant is also requesting the use of attic space, which is currently unfinished, to convert it into habitable space. Unfortunately this would exceed the permitted EGFAR by 316 square feet. The house is not being enlarged, it is simply space that is already there that is currently unusable. There would be no changes to the space or windows added.

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Mrs. Herrlett questioned the hardship for the EGFAR variance.

Mr. Diamo commented it would benefit this large family, adding there is no hardship per se but rather no negative detriment to using this space.

The Board noted that a hardship needs to go with the property and that the size of the family cannot be considered a hardship.

Mrs. Schineller commented the decision to add living space in an area that was originally designed as storage is self-imposed. Mrs. Schineller also believes that the design and placement of the garages creates a safety concern with the driveway.

Mr. Diamo believes that there exists a safety hardship with the driveway.

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

Mr. Lindley reiterated his concern in backing out onto Harristown as the line of sight is also difficult.

Mr. Beal noted he can understand the safety concern with the driveway; however has difficulty granting a variance for the EGFAR.

Mr. Lindley noted that the garage space is simply extra, wasted space that they would like to use efficiently.

Mrs. Schineller asked why these variances weren't applied for earlier.

Mr. Diamo commented the homeowner was not aware of this additional space initially and once they became aware it was then realized this could be usable space if heating/ac, insulation and flooring were added.

After some discussion, Mr. Diamo requested the Board to bifurcate this application.

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

A motion to approve the application of Mr. David Lindley, 739 Harristown Road for the driveway width was made by Mrs. Schineller and seconded by Mrs. Herrlett. The voice vote was as follows:

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

NAYS: None

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

A motion to deny the EGFAR portion of this application of Mr. David Lindley, 739 Harristown Road was made by Mrs. Schineller and seconded by Mrs. Herrlett. The voice vote was as follows:

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

NAYS: None

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

Block 188, Lot 2

161 Harristown Road

BSREP II Simply Storage Acquisitions, LLC

Applicant requests a Zoning interpretation of §230-70 of the Glen Rock Zoning Ordinance (Permitted Uses - D Industrial Zone) for a self-storage facility in the D Industrial Zone.

The representative (inaudible) for this application (Mr. X) stated this application is an interpretation of the permitted uses in the Industrial Zone.

The proposal is to construct a self-storage facility on this two-acre plus property. The applicant spent quite a bit of time with Zoning Officer Berninger and Mayor Packer, yet the use interpretation was still unclear. It was suggested to appear before the Board for an interpretation.

The Borough's General Code states limited industrial manufacturing uses are permitted; however, it is not clear what those limited industrial uses are. The applicant feels given a broad interpretation a self-storage facility should be permitted. Historically, self-storage facilities have been located in industrial areas; however, they have evolved over the years and many of them are quite attractive. In fact, many industrial buildings consist of warehouse storage space. Mr. X noted that in the Code there is a specific parking requirement for self-storage; however, it is not listed as a permitted use. Mr. X also noted that there is confusion with parking requirements for self-storage versus warehouse facilities.

The applicant has conducted a market analysis and established there is a need for this type of facility. There are no neighbors nearby to disturb, though if there were this is one of the least impactful uses around. There is little traffic, no outdoor activity nor children involved.

Mr. Rothwell swore in Dan Bolger who is the primary developer for this property. Mr. Bolger is a certified professional planner and licensed architect in the State of New Jersey. Additionally, Mr. Bolger has experience specifically designing self-storage facilities.

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Mr. Bolger stated BSREP is a company made up of numerous subsidiaries.

Mrs. Schineller asked if they had any facilities in our area.

Mr. Bolger replied the closest facility is in Bloomfield, NJ.

Mr. Bolger added that the Borough's code requires various performance standards, including no hazardous or radioactive material, vibration noise, solid waste or outdoor storage. Mr. Bolger assured the Board they would comply with these standards.

Mr. Bolger stated that the facility would cater to the residential or small business owner. Most of the units are 10' x 10' in size.

Mr. Beal questioned why Mr. Bolger felt it necessary to appear before the Board for an interpretation.

Mr. Bolger replied in the majority of towns specific uses are listed in their zones. Glen Rock's zoning book simply gave a narrative or general description. Mr. Bolger's obligation is to his client to insure this use is a permitted one prior to investing any money on development.

Mr. Berninger read the definition for a self-storage facility. It seems that the Borough's ordinance was written when only "warehouses" were in existence and self-storage facilities, as we know them, were not.

Mr. Rothwell swore in Christine Cofone, licensed Planner. Ms. Cofone was the previous Borough Planner. Ms. Cofone noted that whatever action the Board takes this evening does not require amendment of the ordinance but rather it is simply an interpretation of what currently exists.

Ms. Cofone added she was part of the review of the Master Plan and noted that the only uses prohibited in this zone are the ones that violate the performance standards, which are not even applicable to this application. Ms. Cofone believes this action would be consistent with what the Borough intended for this zone.

Mr. Beal clarified that the applicant is simply asking the Board to state that self-storage facilities are a permitted use in the D industrial zone. All agreed.

Mr. Berninger asked if contractors would be permitted to store construction equipment.

Mr. Bolger replied that is not the type of equipment that is encouraged, adding with the minimal size of the units (10' x 10') is a deterrent for construction equipment.

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Mr. Bolger added there is 24-hour security and they have the right to inspect the units at any time if there is cause.

Mrs. Spiller clarified this application is not necessarily for Mr. Bolger's company to develop 161 Harristown. Theoretically, any self-storage company could come in and build.

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

A motion to deem self-storage facilities a permitted use in the Borough's D Zone was made by Mrs. Herrlett and seconded by Mrs. Schineller. The voice vote was as follows:

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

NAYS: None

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

Block 175, Lot 1.03

5 Romary Court

Applicant: Mr. & Mrs. Tedd Kochman

Applicant proposes to construct two additions which will, if constructed, cause the dwelling to exceed the permitted effective gross floor area (EGFA). Applicant seeks relief from Borough Ordinance 230-54(J), where 3,689 square feet is permitted (32.83%), 3,927 square feet (34.95%) is proposed, a difference of 238 square feet (2.12%) and any other variances and waivers that are required in connection with this application.

Mr. Bourne recused himself from this application as he missed the first meeting concerning this application. Mrs. Chen who also was not present listened to the audio tapes of the first meeting and has been brought up to speed.

Mr. Rothwell swore in Mr. Caras who is the architect for the homeowner. Mr. Caras commented that the applicant has taken 54 square feet off of their proposed addition bringing the EGFAR overage to 194 square feet or 1.64%.

Mr. Caras believes this addition does not negatively affect the neighbors to the side or front of the property. The homeowner has also proposed to remove the elevated deck which creates a much more open feeling.

Mr. Rothwell swore in Mrs. Kochmann, homeowner. Mrs. Kochmann commented how the removal of the deck will be a large benefit to the neighborhood.

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Mrs. Schineller thanked the applicant for the changes they have made and agrees that the removal of the deck will be a benefit.

Mrs. Tuite agreed, adding this is an unusual piece of property and the deck is more of an eyesore than benefit.

A motion to approve the modified application of Mr. and Mrs. Tedd Kochman, 5 Romary Court was made by Mrs. Schineller and seconded by Mrs. Herrlett. The voice vote was as follows:

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

NAYS: Mr. Mitchell

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