

GLEN ROCK ZONING BOARD OF ADJUSTMENT
Minutes of the July 9, 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, Janet Chen, Barbara Schineller, Robert Bourne, Kay Tuite and Al Tarleton. Also in attendance were Spencer Rothwell, Esq., Board Attorney. Denley Chew 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 June 3rd work session and June 11th regular meeting. A motion was made by Mrs. Schineller and seconded by Mrs. Herrlett and passed unanimously with Mr. Mitchell abstaining from the June 3rd work session and Mr. Tarleton abstaining from the May 14th meeting.

Old Business

Block 63, Lot 4

102 Greenway Road

Applicant: Mark and Katarzyna Ura

Memorializing resolution to construct second story addition, two story addition and front porch which will, if constructed encroach into the required front yard, side yard rear yard and total side yards.

A motion to approve the memorializing resolution of Mark and Katarzyna Ura, 102 Greenway Road was made by Mrs. Schineller and seconded by Mrs. Herrlett. The voice vote was as follows:

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

NAYS: None

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

New Business:

Block 127, Lots 22 and 23

432 Grove Street

Applicant: 432 Grove Sreet LLC

Zoning Officer made a determination that a proposed use of the property does not fall under the use variance granted by a previous owner. Applicant requests relief from that determination.

At the request of the applicant this application will be carried until the September meeting.

Block 220, Lot 12
19 George Road
Applicant: Sang and Sun Yim

Applicant proposes to construct one story addition and deck, which will, if constructed, encroach into the required rear yard setback. Applicant requests relief from borough ordinance 230-54(D), where 30' is required, 22.9' (addition), 27.68' (deck) and 24.83' (deck stairs) are proposed, a difference of 7.1', 2.32' and 5.17' respectively.

Mr. Rothwell swore in Xiomara Paredes, architect. Ms. Paredes has appeared before this Board numerous times in the past and has been accepted as an expert in her field.

Ms. Paredes stated the applicant is proposing to construct an addition to the rear of the house which would put the setback for the addition at 22.9' and the deck at 27.68'. The proposed addition will bring the home up to today's standards.

The applicant is currently facing three hardships. The first hardship is that the property is substandard in size and depth. The minimum required sized lot is 11,200 square feet, which this property is 11,126.5. The width is generous at 94'; however the depth is 125' on one side and 109' on the other. To comply with the front setback of 50' it only leaves 50' for the house and rear yard, which is rather short.

The second hardship is the irregular shape of the property. The rear property line is at an angle. The right side is 125' in length where the left side is 108'.

The third hardship is the location of the house sitting in the middle of the property. This makes it difficult to add a room on to any side of the house.

In order to minimize the encroachment into the rear yard, the addition was "pushed" to the right as much as possible, as this is where there is the most room.

The proposed addition blends with the style of the house and the neighborhood. Additionally, the applicant is proposing to add a storm drainage system (seepage pit) so the adjacent neighbors are not affected by rainwater. A seepage pit of at least 1,000 gallon capacity will be installed which will alleviate any water flow created by the addition of the family room and patio.

Mr. Tarleton commented that the fact that the rear property line is angled actually helps as it gives more room on the right side versus if it were straight across. If the property line were straight across there would be less of a setback.

Ms. Paredes commented she doesn't necessarily see the angled property line as an asset but rather a situation she is simply using to her advantage.

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Mrs. Schineller asked if the seepage pit size is in keeping with what engineering is requesting.

Ms. Paredes replied it is in keeping based on her calculations; however, it will be reviewed by engineering before approval. Glen Rock's requirements are more restrictive than surrounding towns. Based on her calculations a 927 gallon seepage pit will be required, where they are proposing a 1,000 gallon pit.

Ms. Paredes referred to the main level floor plan. In order to minimize the addition, the living room is being converted into the dining room. This allows the existing dining room to become part of the kitchen.

The exterior family room addition size is 22' x 16'.

Ms. Paredes summarized that the proposed addition will bring the home into today's standards. The property has several hardships ... the irregular shape, the house sitting in the middle of the property and the undersize in depth. The applicant has been sensitive to the neighbor's by minimizing the rear yard encroachment and maximizing the location of the addition to the right side of the house.

The proposed addition represents no substantial detriment to the neighbor's and will support the goal of maintaining and updating homes in this area. Ms. Paredes believes the benefits of the deviation will substantially outweigh any detriment.

Mr. Bourne asked what the intention is with the existing trees on the property, where the seepage pit will be located and if there has ever been a drainage problem.

Ms. Paredes replied the intention is to keep all of the existing trees, the seepage pit will be located on the left side and she is unaware of any drainage issues in the past.

Mr. Mitchell asked for clarification on the usage of an existing area.

Mr. Rothwell swore in Sun Yim, 19 George. Mrs. Yim explained the usage of the area Mr. Mitchell inquired about.

Mr. Tarleton asked if consideration was ever given to make the patio irregular in shape to comply with the setbacks.

Ms. Paredes replied yes this was considered; however it made the structure more complicated from a structural standpoint. Additionally, the flow it was very awkward and lacked efficiency.

There were no further questions from the Board. Mr. Beal asked if there were any questions from anyone in the audience.

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Richard Easson, 22 Gordon Place - Mr. Easson lives directly behind the applicant. Mr. Easson stated the applicant's property is approximately 3' higher than his and previously there have been numerous occasions where there is severe runoff. Mr. Easson commented he has no problem with the addition; however, would like to see all runoff go to the front of the house rather than the rear of the house, as it currently does. Mr. Easson stated if the downspouts simply go to the seepage pit there will be spillage and flooding will occur. Mr. Easson commented his neighbors on both sides are also affected.

Mr. Beal stated this issue will be mentioned to Engineering.

Ms. Paredes replied the State requires the seepage pit to be located at the lowest elevation on the property. If the property slopes in the rear then that is where the tank must be located, obviously working with gravity.

Mr. Bourne asked how the Board should address the drainage issue.

Mr. Beal replied he is not an engineer and is not comfortable in addressing engineering matters.

Mrs. Spiller noted that drainage is reviewed with engineering with permits.

Ms. Paredes noted that the engineering requirements are to alleviate or, at least, improve drainage and if an application passes engineering inspection it must be achieving this goal.

Mr. Bourne expressed concern that the neighbor's testimony is not part of the engineering review.

Mr. Easson commented the backyard is very short and if the seepage pit is located in the rear yard any spillage will head straight for his property. Mr. Easson asked if not the front yard, why couldn't the seepage pit be put on the right side of the house.

Mr. Beal hesitated to make any conditions on this application as they are not engineers.

Mrs. Schineller commented as long as the seepage pit takes care of the new addition the applicant cannot be expected to mediate any existing problems.

Ms. Paredes again noted that Glen Rock's seepage pit requirements are stricter than the State Code, which may be a result of the poor soil conditions in Glen Rock.

Mr. Beal assured Mr. Easson that the Engineer is aware that there is a drainage problem now and that the new addition will not exacerbate this condition.

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

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A motion to approve the application of Sang and Sun Yim, 19 George Road was made by Mrs. Schiller and seconded by Mrs. Herrlett. The Engineer's recommendation for the size and location of the seepage pit will be taken into consideration, noting it may need to exceed the recommended guidelines. The voice vote was as follows: The size and location of the seepage pit may

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

NAYS: Mr. Mitchell

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

Block 30, Lot 16

412 Ackerman Avenue

Applicant: David and Victoria Robinson

Applicant proposes to expand an existing single family home which does not have a garage, as required by Borough Ordinance §230-18.

At the request of the applicant this application is being carried until the August 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 8:20 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary