

**GLEN ROCK ZONING BOARD OF ADJUSTMENT**  
**Minutes of the October 9, 2014 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 and Robert Bourne. Also in attendance was Spencer Rothwell, Esq., Board Attorney and Mark Berninger, Zoning Official. Kay Tuite 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 September 3, 2014 work session and September 11, 2014 regular meeting. A motion was made by Mrs. Schineller and seconded by Mr. Mitchell and passed unanimously with Mrs. Chen abstaining from the September 11, 2014 regular meeting.

**Old Business**

**Block 28, Lot 5**

**474 Maple Avenue**

**Applicant: Mr. & Mrs. Brian Cassin**

Memorializing resolution approving variances for construction of a driveway which will, if constructed, exceed the permitted width beyond 16' of the front lot line.

A motion to approve the memorializing resolution of Mr. and Mrs. Brian Cassin, 474 Maple Avenue was made by Mrs. Schineller and seconded by Mr. Mitchell. The voice vote was as follows:

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

NAYS: None

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

**New Business**

**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.

Mr. Rothwell swore in Nitas Patthanakittikul and Arin Kornchankul, 34 High Street.

Mr. Beal began by stating this property is in the A-2 zone and slightly undersized at 10,110 square feet. The lot is long and narrow, averaging 67' wide and 150' deep, fairly flat with a grade heading toward High Street. The house is located in the left center of the property; 12' from the left neighbor, 25' from the neighbor on the right and 77' from the rear property line.

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The applicant is proposing to demolish the garage, which is located in the southwest corner of the property, and construct an addition on the east side of the house, as well as the rear of the house. The addition will be two stories in the front and one in the back. To the west of this addition is a proposed garage, with no change to the front of the house.

Mr. Patthanakittikul added they are trying to expand their house. They are proposing to move their garage to the front, for both safety and aesthetic reasons.

Mr. Beal asked Mr. Berninger to explain the floor area concern.

Mr. Berninger explained initially the application was 46' over the permitted amount. Mr. Berninger noted that decks do not count in square footage, though porches do. There are currently two small decks in the rear of the house. If these two decks are not included in the square footage, which they should not be, then the application is approximately 2' under the permitted square footage. Mr. Berninger added these numbers are approximate and would need to be verified.

Mr. Beal added that the proposed garage would be 3' from the property line, where it should be 8', equating to 5.2' to close to the property line.

Mr. Beal noted that there is a hardship with the shape of the property being long and narrow.

Mrs. Schineller commented the applicant already has a detached functioning garage so to build a new one which is in violation causes concern for her. Mrs. Schineller stated she cannot justify enough of a hardship to grant a garage variance.

Mrs. Herrlett commented she has a problem with the visual aspect of this application as the entire right side of the lot is being filled in with some type of structure and with the narrowness of the lot it is magnified even more. Mrs. Herrlett also agreed with Mrs. Schineller regarding the existence of a functioning garage.

Mr. Chew also expressed concern with the uncertainty of the floor area footage. Additionally, the structures block the visual and air flow.

Mr. Beal stated any measurements would need to be verified by a surveyor.

Mrs. Herrlett believes the issue with this application is the existence of a justifiable hardship.

Mr. Bourne commented an option might be to keep the garage behind the house and attach it by eliminating the decks.

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Lori Jezik, 3-7 Henry Street – Ms. Jezik is the abutting neighbor and is concerned with the closeness of the garage to the property line and believes the benefits do not outweigh detriments. Ms. Jezik believes there are other options for a garage location, without the need for a variance. The proposed location of the garage creates a land locked area. 135' of structure encroaches into the property line. Any activity that occurs in the proposed garage would be directly under her dining room windows, i.e. operation of a generator.

Mr. Rothwell swore in Arthur Kranich – Mr. Kranich is the contractor for the applicant. Mr. Kranich stated the wall of the garage closest to Ms. Jezik's property can be built fire rated, with no windows, allowing any fire to be contained within the garage. Mr. Kranich believes the old garage is closer to the property line than the proposed garage.

Mr. Patthanakittikul responded their generator is currently located in front of the existing garage. The proposed garage would have a door in the rear to access any equipment. The generator would be located pretty much in the same location it is today.

Mr. Kranich commented that the generator would only be run during emergencies.

Mr. Patthanakittikul stated the generator is actually run for 20 minutes every two week, for preventive maintenance/operating.

Mr. Rothwell swore in Ms. Jezik. Ms. Jezik commented that the existing garages are "grandfathered" due to their existence since the 1920's. Ms. Jezik noted she is not hearing of a hardship from the Board and believes a variance cannot be granted due to a personal hardship.

Mr. Beal stated there is a hardship in that the lot is narrow; however whether it is enough to grant a variance is yet to be seen.

Ms. Jezik noted with the existing narrow lot, there is an existing useable single car detached garage.

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

Mrs. Schineller asked if any other locations were considered for the garage.

Mr. Patthanakittikul replied several scenarios were considered; however various negatives appeared and the plan presented makes the most sense.

Mr. Beal questioned the proposed 13' width of the garage.

Mr. Berninger replied a normal width of a single car garage is 8', so this garage could be reduced by 2' and still be comfortable with putting a vehicle inside.

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Mr. Berninger noted that any structure within 5' of the property line requires a one-hour fire separation, which is building code. Mr. Berninger also noted if this application were to be approved he believes there would be a stipulated condition in that the driveway is presently over the property line and would need to be corrected.

Mr. Chew asked if the garage were move to the left side of the house would they need a variance.

The Board discussed various scenarios and possible options.

Mr. Beal informed the applicant that if the Board votes positively it's a done deal; however, if the Board votes negatively the applicant would need to re-notice the neighbors with any changes. If any of the options discussed seem feasible the applicant could request a continuation until next month.

Mr. Patthanakittikul agreed to continue this application until next month, which will be Thursday, November 13<sup>th</sup> with a work session Wednesday, November 5<sup>th</sup>.

As there were no further residents wishing to be heard, a motion to adjourn the meeting was made by Mrs. Schineller, seconded by Mr. Mitchell and passed unanimously. The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Nancy Spiller  
Board Secretary