

GLEN ROCK ZONING BOARD OF ADJUSTMENT
Minutes of the February 14, 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: Diane Herrlett, William Mitchell, Janet Chen, Barbara Schineller, Marion Driscoll, Michael Peters and Robert Bourne. Denley Chew was absent. 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.

Mr. Beal welcome new Board member Robert Bourne.

The Board reviewed the minutes of the January 2nd work session and January 10th regular meeting. A motion was made by Mrs. Schineller and seconded by Mrs. Driscoll and passed unanimously.

Old Business:

Block 180, Lot 12

55 Thornbury Avenue

Applicant: Mr. and Mrs. Michael Forshay

Memorializing resolution approving variances to construct second story addition which will, if constructed, encroach into the required side yard setback and be deficient in the minimum total side yard requirement.

A motion to approve the memorializing resolution of Mr. and Mrs. Michael Forshay, 55 Thornbury Avenue was made by Mrs. Driscoll and seconded by Mr. Mitchell. The voice vote was as follows:

AYES: Mrs. Herrlett, Mr. Mitchell, Mrs. Chen, Mrs. Schineller, Mrs. Driscoll, Mr. Peters,
Mr. Beal

NAYS: None

The resolution is attached to these minutes.

New Business:

Block 162, Lot 2

6 Thurston Terrace

Applicant: Mr. & Mrs. Thomas Moore

Applicant proposes to construct second story addition which will, if constructed, encroach into the required front side yard setback, side yard setback and rear yard setback and exceed permitted stair width and stairs into setback. Applicant seeks relief from Borough Ordinance 230-22 (B), where 35' front side yard setback is required, 33' is proposed, a difference of 2', 230-54 (C) where 6' side yard is required, 4.97' is proposed, a difference of 1.03', 230-54 (D),

GLEN ROCK ZONING BOARD MINUTES

Meeting of February 14, 2013

Page 2 of 9

where 30' rear yard is required, 25.1' is proposed, a difference of 4.9', 230-20 (D), where a stair width of 7' is permitted, 9' is proposed, a difference of 2' and a stair encroachment of 5' into the required front yard setback is permitted, 5.4' is proposed, a difference of .4' and any other variances and waivers that might be required in connection with this application.

Mr. Kohut swore in Thomas Moore and Julianne Moore, 6 Thurston Terrace.

Mr. Beal stated the applicant resides at the southwest corner of Thurston Terrace and Harristown Road. A corner lot should be 14,000 square feet; however this lot is 10,578 square feet. Currently the house is slightly deficient in the front side yard setback (facing Harristown) where 35' is required, 33' is reality. Additionally, the side yard is deficient by approximately 1'. The front yard setback is in compliance and the rear yard setback is 35'.

The applicant is proposing a second story over the house, a two-story addition in the rear, a rear yard open deck, new front steps which will encroach approximately .4' and the proposed width is 9' wide where 7' is permitted.

Mr. Beal commented there isn't much that can be done about the side yard variance as this is where the home was originally built.

Mr. Moore agreed stating there are several existing non-conformities. Mr. Moore added the majority of the addition is over the existing footprint, with the exception of the front steps and rear deck.

Mr. Beal noted the deck creates a rear yard variance where the setback should be 30' and the applicant is proposing 25.1'.

Mr. Beal inquired what will be in the second story addition.

Mr. Moore replied the first floor will consist of a dining room, family room, breakfast area, kitchen, two-car garage, mud room and a powder room.

Mrs. Herrlett clarified that is currently what exists on the first floor.

Mr. Moore replied with the exception of the mudroom and powder room, which will be built off the back corner of the house. The upstairs will consist of four bedrooms, a master bedroom, two full bathrooms, a laundry room and closets.

Mr. Beal asked why the steps are proposed to be wider.

GLEN ROCK ZONING BOARD MINUTES

Meeting of February 14, 2013

Page 3 of 9

Mr. Moore replied it is for aesthetic purposes. Currently the steps are 5' wide and would be disproportionate to the 9' door opening and width of the house.

Mrs. Herrlett noted that the Middle School parking lot is the rear neighbor so the 5' rear yard encroachment is not affecting another resident.

Mrs. Schineller commented that the way the property slopes and curves along the road she believes the larger steps will be appealing and doesn't see a problem with them.

Mr. Peters asked if this neighborhood has gone through a lot of change and, if so, how would the proposed changes fit into the neighborhood.

Mr. Moore replied this proposal will be in keeping with construction that has occurred over the years. Mr. Moore added he believes the whole neighborhood benefits when a house gets a facelift.

Mrs. Moore mentioned when she approached her neighbors regarding the renovation many of them thanked her for their proposed improvements.

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

A motion to approve the application of Mr. and Mrs. Thomas Moore, 6 Thurston Terrace was made by Mrs. Schineller and seconded by Mrs. Herrlett. The voice vote was as follows:

AYES: Mrs. Herrlett, Mrs. Chen, Mrs. Schineller, Mrs. Driscoll, Mr. Peters, Mr. Beal

NAYS: Mr. Mitchell

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

Block 71, Lot 5

3 Marinus Place

Applicant: Gurbir Grewal and Amrit Grewal

Applicant proposed to construct one story and second story addition, which will, if constructed, encroach into the required front side yard setback and exceed the permitted Effective Gross Floor Area. Applicant seeks relief from Borough Ordinance 230-22 (B), where a front side yard setback of 37.5' is permitted, 13.5' is proposed, a difference of 24' and 230-54 (I) where an EGFAR of 33.63% (3563.23 sq. ft.) is permitted, 35.92% (3806 sq. ft.) is proposed, a difference of 2.29% (242.77 sq. ft.) and any other variances and waivers that might be required in connection with this application.

GLEN ROCK ZONING BOARD MINUTES

Meeting of February 14, 2013

Page 4 of 9

David L. Rutherford, Esq. noted his appearance on behalf of the applicant. Mr. Rutherford stated the subject property is a corner lot seeking a side street corner yard setback variance as well as an EGFAR variance. The home is oriented towards Marinus Place. The permissible building area is 3,563 square feet where 3,806 square feet is proposed, making a difference of 243 square feet. Regarding the side street corner yard setback 37.5' is required, 19.4' presently exists and 13.5' is being proposed by the owner.

Mr. Rutherford noted this corner lot is deficient in size at 10,595 square feet, where 14,000 square feet is required. Additionally, the property is narrow at 75'. All of these factors affect both variances requested.

Another factor to consider is the manner in which the property has already been approved; i.e. the interior layout and design of the home. The home has some functional and design inadequacies, particularly the second bedroom on the second floor. The applicant is proposing all sleeping areas on the same floor in addition to modernizing the home.

Mr. Rutherford believes what is being proposed is reasonable in scope and not excessive. The primary reasons these variances are being sought are due to factors related to the property, area width and corner location.

Mr. Beal clarified the property is average in size for an internal lot, noting there are very few corner properties that are 14,000 square feet.

Mr. Kohut swore in Monica Arjani, 13-27 Edward St., Fair Lawn, NJ. Ms. Arjani is a licensed architect in the State of New Jersey and has been since 2009. Ms. Arjani has previously appeared before the Fair Lawn Zoning Board. Mr. Arjani was accepted as an expert in architecture.

Mr. Rutherford presented Exhibit A-1 architectural exhibit, which depicted a portion of the site plan. Ms. Arjani described in detail the information on this exhibit.

Mr. Rutherford reiterated that this property is located at the corner of Marinus Place and West Main, south of Rock Road. It is a corner lot with the NJ Transit right-of-way is located on the other side of West Main with no houses in between.

Ms. Arjani stated the property is 75.68' along Marinus and 150' along West Main Street. The square footage of the property is 11,346, which the ordinance requires 14,000. There is 10,595 square feet within the first 140' of the front property line. Ms. Arjani reviewed the setbacks for the existing property, which were noted earlier by Mr. Rutherford. Ms. Arjani noted there is also an open patio with an approximate setback of 15' to the corner of the property.

GLEN ROCK ZONING BOARD MINUTES

Meeting of February 14, 2013

Page 5 of 9

Ms. Arjani noted the permitted building envelope on Exhibit A-1, showing approximately 40% of the existing house encroaching into the setbacks.

Mr. Rutherford asked Ms. Arjani to describe the existing home by way of its architectural style and floor layout.

Ms. Arjani referred to Exhibit A-2 which is the existing and proposed first floor plans. Ms. Arjani stated the main problem with this house is there is no clear demarcation of the public and private area. The applicant is proposing a 12'x12' playroom accessible through the kitchen.

Mrs. Herrlett commented the plans indicate an enlargement to a room that hasn't been added to.

Ms. Arjani commented the interior walls were moved to enlarge the room.

Mr. Rutherford commented the new playroom is in the location of the existing patio, extending slightly toward the street.

Mr. Rutherford added the setback for the dining room expansion matches the setback for the existing garage.

Ms. Arjani agreed.

Ms. Arjani continued stating the playroom was kept on the small side so the setback is not decreased, giving the house the appearance of being even larger.

Mr. Peters commented there is no formal living room on the first floor.

Ms. Arjani replied the applicant plans to primarily use their family room for guests.

Mr. Peters also commented there will still be a bedroom on the first floor.

Ms. Arjani stated that will be used as a guest room for visiting family members.

Mr. Rutherford presented Exhibit A-3, the existing and proposed second floor plan.

Ms. Arjani stated the existing floor plan will remain; however there will be the addition of a master suite, bathroom and closet.

Mr. Rutherford asked if it is common practice for all the bedrooms to be located on one floor.

Ms. Arjani replied yes, this is a common design practice resulting in the addition of three bedrooms on the second floor.

GLEN ROCK ZONING BOARD MINUTES

Meeting of February 14, 2013

Page 6 of 9

Ms. Arjani stated the existing hallway was extended on the second floor with the new bedrooms in close proximity to the master suite. The new rooms are minimal in size at 10' x 12' with a closet. There will also be two bathrooms added on the second floor.

Mrs. Schineller asked why the addition is not extended over the garage.

Ms. Arjani replied that option was considered however the applicant does not need that much room and they wanted to keep the bedrooms in close proximity.

Mrs. Schineller commented that a design could have been considered that would have been built over the garage and possibly eliminate the EGFAR (or reduced it) variance.

Ms. Arjani replied regardless of the location the size is the same for the bedrooms.

Mrs. Schineller noted that the addition of the playroom causes the need for an EGFAR variance. Mrs. Schineller questioned if the playroom was eliminated and the bedroom put over the garage would the applicant still exceed the EGFAR.

Mrs. Herrlett commented a common scenario in two-story colonials would be to put the master bedroom downstairs and the children upstairs.

Ms. Arjani commented the addition of the playroom was a requirement for the applicant.

Mr. Mitchell asked if the garage is used for storage or vehicles.

Ms. Arjani replied it is used for their vehicles.

Mr. Peters asked why rooms are not built over the family room.

Ms. Arjani replied the design of the family room prohibits building above it.

Mr. Peters noted if the applicant worked over the existing family room and solved the bedroom proximity issue, eliminated the playroom the applicant could possibly eliminate the EGFAR variance. Additionally, the applicant would be working within the footprint of the existing house and thus eliminate the side yard variance as well.

Mr. Rutherford argued the applicant is trying to work within the confines of the house and preserve some of the desirable features of the house.

Ms. Arjani commented if this lot were 14,000 square feet the permissible building area would be 4,112 square feet where the applicant is requesting 3,810 square feet.

GLEN ROCK ZONING BOARD MINUTES

Meeting of February 14, 2013

Page 7 of 9

Mr. Rutherford referred to Exhibit A-4 which showed an aerial photograph as well as six photographs of the neighboring properties, which were taken by Ms. Arjani.

Ms. Arjani commented there are three houses which abut West Main Street, two of them are corner lots with only the middle house directly facing West Main. Ms. Arjani indicated on one of the photographs which show the proposed addition would not be visible from Marinus Place. Ms. Arjani described the other photographs showing the visibility from various angles.

Mr. Beal asked what the setback is of the house that fronts Oxford.

Ms. Arjani replied she doesn't have the exact dimensions however the house appears to be in alignment with the neighboring house.

Mr. Rutherford presented Exhibit A-5, which shows the various elevations.

Ms. Arjani commented the roofline will remain the same and keep many of the same features of the original home. Ms. Arjani noted different materials will be used which will give the house a different dimension and make the house more interesting.

Mr. Rutherford asked Ms. Arjani if the additional 243 feet will impact the house or will it be visible to anyone driving down Marinus Place or appear excessively large.

Ms. Arjani does not believe there will be any impact; if anything it will improve the looks of the house.

Mr. Kohut asked what the current square footage footprint is of the house and what the proposed amount is.

Ms. Arjani replied the current size is 2,334 square feet with the proposed being 2,604.

Mr. Kohut asked how the proposed amount relates to the neighboring properties.

Ms. Arjani replied the house will be larger than the immediate neighboring house.

Mr. Kohut asked if the proposed addition will make the house the largest in the neighborhood.

Ms. Arjani does not believe so, though has not done a complete analysis of the other homes.

The Board reviewed the photographs taken of the neighborhood.

Mr. Beal expressed concern with the EGFAR variance being requested.

GLEN ROCK ZONING BOARD MINUTES

Meeting of February 14, 2013

Page 8 of 9

Mr. Beal also noted it appears that the house is slightly askew on the property.

Mrs. Schineller agrees that Ms. Arjani has described the room locations very well; however, she too has a problem with the EGFAR variance being requested especially since the applicant does have other options, which were discussed earlier (the playroom elimination).

Mrs. Driscoll agreed adding the middle house, which faces West Main, will appear even more dwarfed if either house on either side were to encroach further on the property line.

Ms. Arjani commented if a room were built over the garage the applicant's home would actually be closer to the middle house.

Mrs. Driscoll noted with EGFAR it would not allow a room to be built over the entire garage.

Mr. Rutherford believes that since the building envelope is so tight on this property regardless of a room over the garage or not the EGFAR variance would still be requested.

Mr. Rutherford believes the issue is what is it about this property that makes it unreasonable to strictly apply EGFAR and setback variances that are designed for much larger lots.

Mrs. Herrlett commented the applicant has stated the reason for the variance requests is that it is their preference to have everyone on one floor where there are other options.

Mr. Beal believes the proposed addition is being pushed very close to West Main Street.

Mr. Rutherford agrees there is some personal preference here; however it is not unusual to have all bedrooms on one floor.

Mr. Beal understands; however this is not a large piece of property and concessions need to be made. EGFAR was designed for the average size house/lot in Glen Rock.

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

Mr. Rutherford conferred with his clients and Ms. Arjani to which they would like to present a modified plan which eliminates the EGFAR variance; however the existing side yard variance remains.

Mr. Rutherford presented Exhibit A-6 showing the modified plan showing the setback on West Main non-conforming.

Mr. Kohut noted the modified plan shows a reduction in the variance amounts therefore no public notice is required.

GLEN ROCK ZONING BOARD MINUTES

Meeting of February 14, 2013

Page 9 of 9

Ms. Arjani explained the modified plan where the playroom is eliminated. The applicant is proposing to extend the dining room and eliminate the playroom, which negates the EGFAR variance. 243 square feet of space was removed.

Mr. Rutherford stated the setback toward West Main remains the same with the exception of the bay window encroachment. The second floor has the addition of a 2' cantilever which allows for a 10' room and proper hallway width. The EGFAR variance disappears and the side yard setback is essentially what exists with the addition of a second floor cantilever and the second floor extension.

Ms. Arjani noted the only reason a variance is being requested is for an existing non-conformity.

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

A motion to approve the modified application, subject to the Zoning Official's review, of Mr. and Mrs. Gurbir Grewal, 3 Marinus Place was made by Mrs. Herrlett and seconded by Mrs. Driscoll. The voice vote was as follows:

The Board thanked the applicant for understanding the EGFAR guidelines and modifying their application.

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

NAYS: None

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. Chen and passed unanimously. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary