

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
May 7, 2015**

Meeting Called to Order at 8:00PM by Chairman Barto

Open Public Meetings Statement: Read into the record by the Board Secretary.

Roll Call: Messrs. Tarantino, Cox (absent), Forst, Ms. Metzger (absent; arrived at 8:05pm), Messrs. Deegan (absent), Pappas (absent), Rodger, Chairman Barto

Also in attendance: David Rutherford Esq., Board Attorney; JoAnn Carroll, Board Secretary.

Aristel Emi Nan and Maria Olimpia, 82 Carlton Avenue, Block 607, Lot 20: applicants seek variances to construct a detached garage and expand the existing non-conforming driveway; noncompliance with Section 85-11(i)(4) and Section 85-32.3(G)

Chairman Barto: introduced the Nan application; asked the applicant and his expert to come forward.

Mr. Rutherford: confirmed with the Board Secretary that an Affidavit of Service and Publication for this application had been received and all was in order.

Mr. Aristel Nan, applicant and Mr. Joseph Bruno, applicant's architect, were sworn in by Mr. Rutherford. Mr. Bruno confirmed there had been no changes to his licensing and he is still in good standing in his field; accepted as an expert in the field of architecture.

Mr. Bruno: submitted photographs to the Board; 6 photos in all.

Exhibit A1: packet of 6 photographs taken by Mr. Bruno; photos 1-3 were taken in mid-February; photos 4-6 were taken on 5/6/15; all photographs accurately depict what they purport to portray.

For the record, please note Ms. Metzger has arrived at this time: 8:05PM. No testimony has been heard on this matter at this point of the meeting; Ms. Metzger would be able to participate in this matter.

Mr. Bruno: stated the project is for a detached 1-story, 2-car garage; relief sought for a side yard setback; requesting permission to build 5 ft. off property line instead of 10 ft. which is required; driveway setback; existing setback is less than 1 ft. from the property line; 5 ft. is required; most of the driveway is existing at that point; unable to move it; driveway is hard up against the house; building the garage 5 ft. off the property line to maximize the use of the backyard for recreational purposes; if the garage was to be built 10 ft. off the property line, it would be pushed further back into the property which would require more pavement surface; Mr. Bruno prepared another exhibit; rectangle in pink depicted the garage in the location compliant with the side yard setback.

Exhibit A2: purple/pink highlighted garage sheet showing the garage in a conforming location; dated May 7, 2015.

Mr. Taranatino: asked if exhibit A2 showed a zoning schedule with the revised calculations where that would be.

Mr. Bruno: stated it did not; it is important to note that if that was to be done the applicant would still be in compliance with the improved lot coverage.

Chairman Barto: asked where the proposed garage is in relation to where the applicant wants to put the garage; asked if it was 10 ft. further back.

Mr. Bruno: stated it is approximately 15 ft. further back and 5 ft. towards the north; in order to be compliant; outlined the adjacent house and the attached deck on the property to the south; there is no encroachment on the existing house; would eliminate a 10 ft. wide swath of land that becomes unusable; the location of the garage is consistent with the other structures in the neighborhood; referred the Board to photographs 4, 5, and 6; photos of houses in the immediate surrounding area.

Mr. Rutherford: asked if the home had a garage at this time.

Mr. Bruno: stated no; the applicant would be bringing the house into conformance by having a garage; the request to have the garage 5 ft. off the property line instead of 10 ft. is consistent with other structures in the neighborhood and will have the benefit of more green space and less impervious coverage.

Chairman Barto: stated the property is narrow and there is not a lot of space to work with.

Mr. Tarantino: confirmed there is 68 ft. in the front; asked the distance from the rear lot line to the "pink" garage that is compliant and then the hatched garage that is not compliant.

Mr. Bruno: stated the non-compliant structure is 116 ft. and to the compliant structure is 102 ft. to the rear lot line.

Chairman Barto: asked how the applicant arrived at a depth of 24' for the garage.

Mr. Bruno: answered to adequately park the car and still have storage in the back; shelving shown in back of garage on the rendering; there would be no need for a separate shed for lawn equipment.

Chairman Barto: stated the plan states the existing shed is to remain.

Mr. Bruno: asked Mr. Nan what the existing shed is used for.

Mr. Nan: stated it is for items that would normally be in a garage; he has a lot of items in the basement at this time; his shed is too small; the size of the shed is 8' x 10'.

Mr. Tarantino: asked what was in the shed at this time.

Mr. Nan: stated a lawn mower and winter tires; there is a shelf with some garden tools; arrived at 24' by accounting for the lack of space for any side shelves in the proposed garage.

Mr. Bruno: stated the design of the garage is compatible with the architecture of the house; complies with height.

Ms. Metzger: asked if the applicant had to back out of his driveway.

Mr. Bruno: stated "yes;" in order to be able to back out with sufficient clearance there needs to be at least 24' from the edge of the back porch to make the turn from the conforming location.

Mr. Rodger: asked if there would be any storage available above the cars.

Mr. Bruno: stated there would be a minimal attic; there would be a hatch in the ceiling for access to this area.

Mr. Tarantino: asked why the hatched area couldn't be moved over 5 ft. instead of extending it towards the rear.

Mr. Bruno: stated if it was moved over, the left hand side would be unusable for a car; wouldn't be able to back out without hitting the porch.

Chairman Barto: asked if a single car garage would conform with the zoning requirements.

Mr. Bruno: stated “yes;” the 10’ distance is a large amount to give to the space between the property line and the garage; trying to avoid unusable space.

Mr. Nan: stated with a one car garage, he would permanently have to park one car in his driveway.

Chairman Barto: stated that is what the applicant has to do at this time.

Mr. Bruno: stated the purpose for the application is the 10’ space becomes a no man’s land; trying to avoid this.

Chairman Barto: stated if the application were to be granted on that basis, the Board would basically be saying that the zoning code is off the mark; that is what the zoning code calls for in this zone; true for every property; the hardship is a narrow lot; it has been shown that a garage that is compliant can be placed on the property; there is plenty of green in the yard.

Mr. Bruno: stated this was a better planning alternative; maximizing green space; the space between the south wall of the garage and the property line is unusable; better than what the zoning ordinance anticipates.

Mr. Nan: stated there is a fence in the back; not all of the space in the backyard is usable; there is a drainage ditch in the middle of the yard; the backyard is a lot shorter than it appears.

Mr. Rodger: stated there should be a 20’ separation in the back corner, but now it will be only 10’.

Mr. Rutherford: confirmed with Mr. Bruno the 14.95 dimension runs from the deck on the property to the south to the edge of the proposed new garage; if the garage setback is 5 ft. then it is 9.95 ft. from the lot line to the deck to the property to the south.

Mr. Tarantino: asked if Mr. Nan had discussed his application with any of his neighbors.

Mr. Nan: stated “yes;” no one had an issue with his proposed garage.

Ms. Metzger: asked about backing the car out with a garage that was compliant.

Mr. Nan: stated he would have to go further back; it would be hard to back out.

Ms. Metzger: stated she did not like the look of a “floating” garage.

Chairman Barto: stated he believed it was a one-car garage site.

Mr. Forst: stated he believed an oversized one-car garage could be built on the site.

Mr. Tarantino: offered that the applicant could keep the garage in the same location but go into the setback of 10'; then the width would be 20'.

Mr. Rutherford: stated that would not require a variance; the other variance required is for a driveway setback.

Mr. Bruno: stated the existing driveway comes to the dashed line; all is existing; can be cut back and avoid the need for the variance by moving the garage; only increasing the amount of pavement about 4 ft. further back in the encroaching area.

Mr. Rutherford: stated the Board cannot fully evaluate the impact of moving the garage to a conforming location; the Board would either vote on the application as presented or the applicant can come back next month; solely up to the applicant; can't separate the two issues.

Mr. Bruno: asked what revision the Board was requesting; stated if the garage was moved 10' off the property line no variance would be needed for the setback.

Mr. Rutherford: stated the applicant may still need a variance for the driveway setback.

Mr. Bruno: stated they would not if the applicant kept the existing driveway where it is and then any new driveway would conform.

Mr. Chairman Barto: stated if the applicant decided to do that, he would not have to come back; may want the Board to rule on the application presented tonight.

Mr. Rutherford: stated the Board would deliberate and rule on the application as it has been presented.

Motion to approve application as presented: Metzger, (No second)
Motion dies for lack of a second

Motion to deny application: Tarantino, Forst

Ayes: Tarantino, Forst, Rodger, Chairman Barto

Nays: Metzger

Absent: Cox, Deegan, Pappas

Mr. Rutherford: stated the resolution he would prepare would focus on the C(2) arguments and basically say that the Board does not feel the proposed location with the variances is a better zoning alternative than a conforming location; would note that although the lot is narrow, it is indeed 8 ft. more; it is 68 ft.; the Board feels there is a good reason for the 10 ft. setback on the south and the proposed advantages with respect to lesser impervious area and preservation of the backyard do not outweigh the detriments that would be associated with the garage in a non-conforming location.

Ho-Ho-Kus Crossing, Jonathan L. Mechanic, 619 N. Maple Avenue, 217 First Street, 239 First Street, Block 1016, Lots 3, 5 & 11: mixed use project consisting of new residential units and retail.

(Please see transcript attached.)

Resolutions:

Approved: Sergio Martinez and Denise Ott, 317 Blauvelt Avenue, Block 211, Lot 5: applicants seek variances to construct two 2-story additions and a covered porch; noncompliance with provisions of Articles 85-11G(4) and 85-11F(1).

Motion to approve resolution: Tarantino, Metzger

Ayes: Tarantino, Forst, Metzger, Chairman Barto

Absent: Cox, Deegan, Pappas

Approved: Keith and Katherine Kanning, 37 Sutton Drive, Block 205, Lot 13: applicants seek a variance from provisions of Article 85-10G1 of the Zoning Ordinance; maximum building coverage required is 20%; applicant is proposing 22.61%

Motion to approve resolution: Forst, Metzger

Ayes: Tarantino, Forst, Metzger, Chairman Barto

Absent: Cox, Deegan, Pappas

Motion to adjourn: Rodger, Metzger

All in Favor

Meeting adjourned at 11:15PM.

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary
May 18, 2015
