

**Borough of Ho-Ho-Kus
Bergen County, New Jersey
Zoning Board Minutes
June 6, 2013**

Call to Order: Open Public Meetings Act Statement – In compliance with the Open Public Meetings Act of the State of New Jersey, notification of this meeting has been sent to the Ridgewood News, our official newspaper in the Borough of Ho-Ho-Kus and notice has been posted on the bulletin board at Town Hall. **Read Aloud by Acting Board Secretary.**

Roll Call: Messrs. Tarantino (absent), Cox, Forst, Ms. Metzger (absent), Messrs. Ianelli (absent), Pappas (absent), Rodger, Wahlberg, Chairman Barto

Also in Attendance: Board Attorney David Rutherford; Acting Board Secretary Laura Borchers

Resolution: Mr. & Mrs. Jeff Buckley, 747 E. Saddle River Road, Block 1206, Lot 7: approval for a variance needed to permit the construction of a master bathroom over an existing one-story portion of the home, maintaining the same side yard setback, but merely extending it vertically.

Mr. David Rutherford: reviewed the application and the resolution.

Motion to approve: Barto, Wahlberg

Roll Call Taken

Ayes: Wahlberg, Forst, Barto

Resolution: Bushra Shafiq and Shafiq Rahman, 8 Chestnut Place, Block 1107, Lot 1: approval for a variance relating to side yard and rear yard setbacks for detached accessory buildings so as to permit an existing shed to remain where it is located.

Mr. Rutherford: reviewed the application and the resolution.

Motion to approve: Forst, Wahlberg

Roll Call Taken

Ayes: Barto, Forst, Wahlberg

Mr. & Mrs. Thomas Melone, 9 Boiling Springs Road, Block 403, Lot 21: applicant seeks a variance to install solar panels.

Mr. Doug Bagwill, Pfister Engery: introduced himself to the Board and stated he was present on behalf of Mr. Melone.

Mr. Rutherford: stated no testimony would be heard this evening nor would the Board consider the merits of the application at all; appearance is solely for the Board to determine if what was filed is complete so a public hearing can be scheduled; if a public hearing is scheduled, it would take place on July 11, 2013; the applicant is responsible for serving notice of public hearing to all persons and entities on the applicant's 200' list; Board will take care of publishing notice in the newspaper which needs to be done 10 days before the public hearing; proof of service also needs to be provided to the Board Secretary.

Please Note: Ms. Abigail Metzger has arrived at the meeting at this point.

Chairman Barto: stated this application is for a solar array; asked how many feet high and long the array would be.

Mr. Bagwill: stated the array would be approximately 2,500 square feet.

Mr. Rutherford: stated the ordinance does regulate solar panels; will ensure the Board receives a copy of that ordinance prior to the next meeting.

Mr. Wahlberg: stated it was very hard to tell from the information shown whether or not there is impervious coverage; would be useful to have the applicant clarify the nature of the structure.

Chairman Barto: stated the application looks complete but would advise the applicant to explain to the Board, why on a lot this big, the applicant feels compelled to place the array within 10 feet of their neighbor.

Mr. Franklin Cox: asked how far away the adjacent properties are and would like to have information showing this.

Mr. & Mrs. Michael Sparago, 8 Riverview Lane, Block 305, Lot 3: applicants seek a front yard setback variance.

Mr. Robert Schlicht, Architect for the applicants: introduced himself to the Board.

Mr. Rutherford: stated the Board would only be addressing areas of completeness and any other issues the Board may want clarified; the notice prepared was acceptable; date would need to be changed to July 11 from July 4.

Chairman Barto: asked if the application was for steps and a portico.

Mr. Schlicht: responded “yes.”

Mr. Wahlberg: stated it was his understanding that the applicant was taking the existing garage and turning it into living space and then there would not be a garage on the property.

Mr. Schlicht: stated the two garages are staying and they will be adding a third; the variance is for a portico.

Mr. Wahlberg: stated he could not tell from the drawings what is happening to the garage structure; has a front elevation where there was an existing garage.

Mr. Schlicht: asked if Mr. Wahlberg would like to see full plans of the house.

Mr. Wahlberg: stated he would like to see plans that show what happened to the garage; the garage is shown as a structure adjacent to the end of the living structure and now it shows a front elevation that shows no garage.

Mr. Schlicht: stated the doors are around the side as they are today.

Mr. Wahlberg: stated there is no way to tell that from what was submitted.

Mr. Schlicht: stated he could bring pictures and a floor plan of the existing first floor; no second floor over the garage; can offer the full drawings of the full scope of work for next month’s meeting.

Mr. Wahlberg: stated full drawings would clarify what was previously submitted; Mr. Schlicht indicated a side yard variance was not needed but that determination cannot be made by the drawings submitted.

Mr. Schlicht: stated the side yard is 10-12 feet more than what is required; the lot coverage is not even half of what is allowed; will supplement the drawings to show what is being asked.

Chairman Barto: stated the application would be heard at next month’s meeting.

Mr. & Mrs. Robert Males, 147 Sheridan Avenue, Block 216, Lot 14: applicant seeks an improved lot coverage variance and required set back for patios.

Mr. Bainbridge, Mr. Robert Males and Mrs. Myndee Males were sworn in by Mr. Rutherford.

Mr. Rutherford: stated the required notice was published in the Ridgewood News on May 24th which is in time for this evening's meeting; applicants provided proof of notice to 200' list; jurisdictional requirements have been met.

Mr. Males: stated there is an old raised patio in his backyard; cuts off substantially a play area for his son; non-conforming lot; generous front yard but not a side yard or back yard which would be the desired location for a recreational area for his son; would like to increase the area for him to play on; would like to put in a large stone patio in the area which will then be flush with the ground; trees and shading; no grassy area.

Mr. Rutherford: stated the variances sought relate to improved lot coverage; plan filed by the applicant shows coverage of 27% proposed where 24.3% exists and the ordinance also requires a 4 ft. minimum setback for patios from the property line; 2.5 feet is proposed.

Chairman Barto: asked for clarification of coverage percentages; 27% proposed; asked for percentage at this time.

Mr. Rutherford: stated the lower left corner of the plan where existing improved lot it is 24.3%.

Chairman Barto: stated the stone patio would take up more space than the deck to be removed; asked why the applicants proposed a much larger patio than the existing deck to be removed.

Mr. Males: stated the grass footprint is not something than can be given up in that area; think there is great value in keeping the trees; without grass there it is a mess.

Chairman Barto: asked if there was a plan to improve drainage with the stone patio.

Mrs. Males: stated it is fairly simple; no seepage pit; pitched away to another portion of the yard but it will not go into the street.

Mr. Cox: asked what is between the existing deck and the sidewalk.

Mr. Males: stated there is a grass berm with trees.

Chairman Barto: asked if the arborvitaes would screen in the proposed patio.

Mrs. Males: responded “yes.”

Chairman Barto: asked if it was significantly screened in so no one walking by would see the patio.

Mrs. Males: stated there are tall arborvitaes all the way around.

Mr. Cox: asked how far off the ground is the deck at this time.

Mrs. Males: stated approximately 10 inches.

Chairman Barto: asked what type of stone would be used for the proposed patio.

Mr. Bainbridge: stated it would be a paving stone with a sand base.

Mr. Males: stated it is a non-conforming lot and they are just trying to make a good spot for a play area.

Motion to Approve: Metzger, Wahlberg

Roll Call Taken

All Board Members present approve application.

Mr. Rutherford: instructed applicants regarding procedure for receiving building permits.

Mr. & Mrs. Will Layfield, 75 Elmwood Avenue, Block 702, Lot 8: applicants seek variances relating to a side and rear yard setback for detached accessory building/garden shed.

Mr. Rutherford: stated the Layfield’s are clients of his and is recusing himself from their application; can state that the notice appeared in the Ridgewood News on May 24th which is timely and proofs of service were submitted to the Acting Board Secretary.

Mr. Will Layfield and Mrs. Carol Layfield were sworn in by Mr. Rutherford.

Please Note: Mr. Rutherford has left the dais.

Mrs. Layfield: stated her and her husband are seeking a variance for a garden shed that is less than 10 ft. from the property line; very narrow in the back; to put a shed 10 ft. from the back and 10 ft. from the side would mean the shed would be in the middle of the yard.

Chairman Barto: asked why this was an issue.

Mrs. Layfield: stated this decreases the use of the yard.

Chairman Barto: asked why 3 feet.

Mrs. Layfield: stated she hasn't gone to the shed company yet; there is a berm by where the shed would be placed; 10 ft. would be unreasonable.

Chairman Barto: stated the shed is 8 ft. wide, 14 feet deep so it is not insubstantial; has there been any discussions with neighbors and, if yes, who did you discuss it with.

Mrs. Layfield: stated her four neighbors on the corners.

Chairman Barto: asked for the names of the people she had spoken to.

Mrs. Layfield: stated she knew her neighbors by site, not necessarily by their name.

Chairman Barto: asked what type of screening there will be for the shed.

Mr. Layfield: stated the property is fenced; the fence is 6' in height; there are also arborvitae; stated it is not his area of expertise; on one side of property there is a drainage ditch; his wife spoke to the two neighbors that live the closest to them that might have any real interest in this project.

Chairman Barto: asked how high the proposed shed would be.

Mrs. Layfield: stated the shed would be approximately 9 ft.

Chairman Barto: stated that an exact measurement would be needed.

Mrs. Layfield: stated the shed would be less than 10 ft.

Chairman Barto: (after reviewing pictures submitted) stated the shed would be 10 ft. in height and would stand 4 ft. over the fence; asked how high are the arborvitae.

Mr. Cox: asked if what was shown was a rendering of the shed on her property.

Mrs. Layfield: stated the picture shown is what she would like to have in her yard.

Mr. Cox: asked if the shed shown in the picture is an 8' x 14' shed.

Mrs. Layfield: stated she did not know.

Mr. Cox: asked if there was going to be one door in the front of the shed and if there would be any windows.

Chairman Barto: wondered if anyone would want to be a neighbor with a shed this size in their yard.

Mr. Layfield: stated that he and his wife are on excellent terms with their neighbors.

Mrs. Layfield: stated there would be one door in the front and a window on the side; if it is wide enough in the front it will have a door and a window on either side; recited the names of the neighbors previously discussed.

Mr. Cox: asked what was to be stored in the shed.

Mrs. Layfield: stated they are DIYs and would store their tools and equipment in their proposed shed.

Mr. Cox: asked if the house had a basement.

Mrs. Layfield: stated there was no basement.

Chairman Barto: asked if there was a garage.

Mrs. Layfield: stated there is a one car garage which is very narrow.

Chairman Barto: stated the Board has been troubled with a number of applications for sheds and the problem is they are structural accessories to the building and the Board is required to basically look at them as being placed in the buildable envelope as opposed to on or near the property line; the ordinance is written as it is and the applicant's need to realize that the shed they are proposing is one of the biggest ones ever to come before the Board; it is like a small garage; he has some problems with this application.

Mrs. Layfield: asked how big the Board would like the shed to be.

Chairman Barto: stated that this was a fair question; the Board has had applications for sheds that were 5' x 6' and those are not nearly 10 ft. high; this could be built in the buildable envelope which means it would be 10 ft. off the property line both ways; he would almost be grateful if the applicant's would speak to their shed consultant about what would work for the applicant's in terms of size and placement.

Mrs. Layfield: discussed the items in the backyard and the placement of each.

Mr. Cox: stated that it seemed that the front of the shed would be 17 ft. off the back property line; if it was moved 10 ft. off you would only be moving it 7 ft. further forward; that would be 10 ft. off the back.

Mrs. Layfield: stated that part of the area has already been landscaped; smaller tree on the right hand side; explained where the shed would be on the property; didn't want the shed to be compromised by a possible overflow of the drainage ditch.

Mr. Wahlberg: asked if the applicant considered rotating the shed 90 degrees.

Mrs. Layfield: stated it is a possibility but it is not as nice of a look.

Mr. Forst: asked if this was the size the shed consultant recommended.

Mrs. Layfield: stated the shed consultant initially proposed a bigger shed; he wanted it to be wider.

Mr. Cox: stated the side yard setback to be 3 ft. vs. 10 ft. is a lot to ask of the Board.

Ms. Abigail Metzger: asked if there was a deck on the back property.

Mrs. Layfield: stated "yes."

Chairman Barto: asked who owned the white fence.

Mrs. Layfield: stated she and her husband were the owners of the white fence.

Mr. Cox: asked if the shed could be reduced to either 6 ft. by 10 ft. or 6 ft. by 12 ft.

Mrs. Layfield: stated it could be reduced to 8 ft. by 12 ft.

Ms. Metzger: believes the height is an issue because it is 4 ft. above the fence.

Chairman Barto: stated he is very bothered by the height and the location.

Mrs. Layfield: spoke regarding the ordinance and what is stated.

Chairman Barto: stated he did not have his code book with him nor was he anticipating the question asked; stated the application could be put to a vote or the applicant could confer with their consultant and perhaps explain the problem to them.

Mr. Layfield: asked what the specific problem was.

Chairman Barto: stated the shed was too big, too tall and too close to the property line.

Mrs. Layfield: asked if the variance they were seeking was in regards to the location or the size.

Chairman Barto: stated that if the shed were in the middle of the lot, then there would not be a problem.

Mrs. Metzger: stated the impact of asking for such a variance is, if it were smaller, the variance wouldn't be as imposing.

Mr. Forst: stated the problem is where it is and what it is.

Chairman Barto: stated that once an application goes outside of the buildable envelope then the Board can view the structure also in terms of its mass.

Mrs. Layfield: asked if the shed would be acceptable at a size of 8 ft. by 12 ft.

Chairman Barto: stated that he believed a member of the Board had already proposed a smaller size; the Board would also like to know the exact height of the shed once it is reduced in size.

Mrs. Layfield: stated she had a discussion with her shed consultant regarding the pitch; wondered why it was a permanent structure because the shed is placed on gravel and cinderblock.

Chairman Barto: stated that if Mrs. Layfield were to move, it would be unlikely that she would take the shed with her which effectively makes it permanent.

Mrs. Layfield: asked if an 8 ft. x 12 ft. shed which is 5 ft. off the property line would be acceptable.

Chairman Barto: asked how high the structure would be.

Mrs. Layfield: stated it would at least be 9.5 ft.; she will shrink it as much as she can.

Chairman Barto: advised the applicant to contact her shed company to receive dimensions of the shed; in addition, asked for pictures of the actual shed that she decides on, and then the Board will have to decide if 5 ft. is good enough and the applicant will have to find out how high the shed will be; believes the only outcome of a vote this evening would be a denial; asked the applicant if she would agree to let the Board carry this application for a month; in the meantime the applicant would have to send the revised plan to the Board Secretary at least ten days before the next meeting.

Ms. Metzger: asked if the shed would stand even taller because of what its base would be.

Mr. Forst: stated the shed would be on 4 inch blocks.

Chairman Barto: asked if it was acceptable to the applicant to return to next month's meeting.

Mrs. Layfield: agreed.

Chairman Barto: stated that none of the applicant's neighbors were in attendance this evening; thanked the applicant.

Motion to Adjourn: Cox, Wahlberg

All Board Members present approve Motion to Adjourn.

Respectfully submitted by:

JoAnn Carroll
Zoning Board Secretary
January 30, 2014