



# **Zoning Board of Adjustment**

June 16, 2010

***Hearing***  
***(Minutes)***

Prepared by:

**Paul Demarest**

Vice Chairman Sonenshine called the Regular Monthly Hearing of the Zoning Board of Adjustment for the Borough of Closter, New Jersey being held Wednesday, June 16, 2010 in the Council Chambers of the Borough Hall to order at 8:04pm. He stated the meeting was being held in accordance with the provisions in the Open Public Meetings Act of the State of New Jersey and had been advertised in the Borough's officially-designed newspaper as required by statute. He advised that the Board adheres to an 11:00pm adjournment and no new matters would be considered after such time.

He invited all those present to join in reciting the Pledge of Allegiance.



The following Board members and/or professionals were present at the meeting:

- Lorin Sonenshine, RA/PP- Vice Chairman
- Joseph Bianco, RA/PP
- Mitchell Monaco
- Jennifer Rothschild, Esq.
- Thomas Hennessey- Alternate #1
- Marie Hartwell- Alternate #4
- Arthur Dolson- Council Liaison
- Leonard Sinowitz- Zoning Officer
- Alysia Smickley, Esq. (*in lieu of Joel Ellis, Esq.- Board Attorney*)
- Paul Demarest- Board Coordinator

The following Board members and/or professionals were absent from the meeting:

- Robert Knee- Chairman
- Steven Freesman, Esq.- Secretary
- Theodore West, DDS
- Mark Crisafulli- Alternate #2
- VACANT- Alternate #3
- Kevin Tichacek, PE- Board Engineer



*Due to Chairman Knee's absence, Vice Chairman Sonenshine chaired the meeting.*



Prior to the meeting, the Board received copies of mail correspondence received by the Land Use Department on its behalf. In light of Secretary Freesman's absence, Vice Chairman Sonenshine read said mailings into the record.



Mr. Demarest informed the Board that the minutes for the following meetings would be completed in time for the Board's review at the July 21, 2010 Hearing: May 3, 2010 (Special) Hearing, May 19, 2010 Hearing and June 16, 2010 Hearing.

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Vice Chairman Sonenshine requested that 3 Board members serve on the Subcommittee for the June 23, 2010 Work Session. The following were assigned: Vice Chairman Sonenshine, Mr. Monaco and Mr. Hennessey.

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Vice Chairman Sonenshine opened the meeting to the public for anyone wishing to comment on matters not related to a case on the Board's agenda. No one wished to be heard.

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Mr. Bianco initiated a Board discussion regarding his concern about when applicants are required to re-notice the public if they are constantly being carried from hearing to hearing either through no fault of their own or because of them not being ready to present their case. Ms. Smickley stated she would research the issue and report her findings to the Board at the July 21, 2010 Hearing.

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**Item #1**

Case #Z-2010-06	Applicant(s):	Michael & Debbie Bergman
161 Columbus Avenue	Representation:	Selves
(Block 1006/Lot 1)		

The applicants are seeking Bulk Variance Relief for the construction of an addition, front porch and 2 decks to their residence.

Michael and Debbie Bergman, applicants and owners in fee of the subject property, were sworn in as Witness #'s 1 and 2. Mr. Bergman stated his property was located on the corner of Columbus Avenue and Ryerson Place and that he was seeking a variance for a small addition to the existing sunroom. He pointed out he and his family have resided in the subject house for 31 years and informed that he specifically retained Douglas Radick, RA, to design his "vision" for the extension because he knew the character of the home would be maintained; he testified the residence was a dormered Cape Cod-style house built in the late 1930's having characteristically small-sized rooms. He wished to expand the kitchen into what is now the dining room and open the enlarged space to the existing living room; he believed the only logical place to relocate the dining room is adjacent to the sunroom. Mr. Bergman said the existing sunroom is too narrow and only has a 6.5' ceiling height at the exterior wall so it would need to be expanded to accommodate for the desired depth and height of the new dining room. Mr. Bergman stated the addition would allow for a modest 10'x12' dining room and the outside wall to go to a height of 8'. He continued that he hoped to enlarge the existing entry to produce a full foyer and closet when entering the home from the driveway (the most utilized entrance). The witness stated the lot is undersized and was formed via subdivision in 1909. He stated the corner lot property has the house situated on it so that it is shifted towards the northern side of the property and is 37.57' from the border shared with the Borough of Demarest while being 20.4' from the Ryerson Place right-of-way. He said the construction project does not meet the average front yard

setback requirement of 30.5'. He pointed out the existing sunroom is already 10.1' deficient in the front yard but that the addition would bring it 1.0' more towards compliance. He didn't feel the addition would adversely affect the neighbors' quality of life in terms of visibility and/or light; in fact, he said, the neighbor's house closest to theirs was now 58' away and with the 6' addition, there would still be 52' of separation along with dense vegetation to serve as screening. Mr. Bergman mentioned that the same neighbor is only 4.4' less deficient into the front yard on Ryerson Place than the subject house. Mr. Sinowitz clarified that the only variance being sought by the applicants is for the front yard setback facing Ryerson Place and not Columbus Avenue where nearly all of the would-be relevant lots fall under the jurisdiction of the Borough of Demarest. Vice Chairman Sonenshine said his only concern with the design is that the proposed roof overhang facing Ryerson Place would project greater than the extra 18" allowed by the Zoning Code. Mr. Bergman said he would bring it into compliance. Mr. Bianco informed that the proposal includes the reconstruction of the home's top floor as well as rebuilding an existing deck and constructing a 2<sup>nd</sup>, none of which requires approval from the Board. Vice Chairman Sonenshine asked the applicants what their hardship was. Mr. Bergman answered that if they were to make the addition conform to the front yard setback requirement, the dining room would only be 9'x10', making it very narrow. Mr. Bianco disagreed with Vice Chairman Sonenshine regarding the proposed roof overhang; he saw no problem with the 2.75' projection because it would protect the landing underneath during inclement weather and, in addition, it is attractive. Because of those reasons, Mr. Bianco felt the overhang should be allowed to extend 3'. Vice Chairman Sonenshine said he only wished to minimize the setback deficiency, which was already at 9.1'. Exhibit #A-1, pages SP-1 and A-1 of the drawings by Douglas Radick, RA dated 4-15-2010 and last revised 5-18-2010, was presented. Vice Chairman Sonenshine noted that said exhibit depicted the roof overhang on the elevations page (pictorial) only and not on the site plan. Exhibit #A-2, pages SP-1 and A-1 through A-5 of the drawings by Douglas Radick, RA dated 4-15-2010 and last revised 5-5-2010, was presented. Mr. Bianco informed that the applicants would not have to obtain a storm water runoff permit from the Borough Engineer since the existing roof area is not going to be increased by at least 1/3. Mr. Monaco asked if any trees would be removed; Mr. Bergman answered no. Mr. Monaco asked if they would be installing a sidewalk along Columbus Avenue for aesthetic as well as safety reasons; Mr. Bergman said no and informed that the Borough of Demarest opted not to install new sidewalks when they recently paved the road and installed curbing. Mrs. Bergman believed putting in a sidewalk there could compromise the pin oak tree that she adores.

Vice Chairman Sonenshine opened the meeting to the public for both questioning of the witnesses and general comments.

Christy Vinson, 20 Ryerson Place, expressed her support for the applicants and their proposal.

### **Outcome**

A motion was made by Mr. Bianco and seconded by Ms. Rothschild, to approve the application for a front yard setback of 21.40' facing Ryerson Place as well as to allow for a 36" of the roof overhang without conditions. The motion passed (**6-0: YES-** Hartwell/ Hennessey/ Rothschild/ Monaco/ Bianco/ Sonenshine).



There being no further items to discuss, a motion to adjourn the meeting was made by Mr. Bianco and seconded by Ms. Rothschild. All members present voted in favor. The hearing adjourned at 8:38pm.