

BOROUGH OF RIVER EDGE

LAND USE BOARD

MEETING MINUTES

COUNCIL CHAMBERS

August 21, 2019

MEMBERS PRESENT: Chairman, James Arakelian  
Lou Grasso  
Thomas Papaleo  
Ryan Gibbons  
  
Brian Chewcaskie, Attorney

MEMBERS ABSENT: Vice Chairman, Merhman  
Eileen Bolan  
Alphonse Bartelomi  
Chris Caslin  
Michael Krey

ALSO PRESENT: Thomas Behrens, Planner

Pledge of Allegiance.

Chairman Arakelian- Adequate notice of this meeting is provided by posting on the bulletin board at Borough Hall to the news, the record into submissions by all parts of the town, the same as provided by law scheduling, including the date and time of this meeting. I would like to remind all members of the public that we have three fire exits, one here behind me, over there and one behind you. In addition, we're being recorded both audio and video for purposes of creating a record during the public portion, any member of the public wishing to speak, all they need to do is identify themselves for the record and give their name and address and you can make a formal statement.

Roll call please: James Arakelian, Chairman - here  
Mr. Grasso - here  
Mr. Gibbons - here  
Mr. Papaleo - here

Mr. Chewcaskie ó Roll call. You have a quorum Mr. Chairman for two out of the three.

Chairman Arakelian ó Next we have two sets of minutes in front of us ó are there any corrections or anything on the June 19<sup>th</sup> minutes ó if not I'll take a motion to approve ó Mr. Gibbons so moved ó Mr. Grasso ó second ó all in favor ó aye ó any opposed any abstained?

Chairman Arakelian ó next we have a Resolution for Michael Derosa, 264 Berkley Road, Block 902, Lot 27 that was a two story addition. You should have gotten them in the emails so we had an opportunity to look at that ó any comments any questions? Good ó a motion to approve that Resolution ó Mr. Papaleoso moved, second ó Mr. Gibbons ó roll call on that. Councilman Papaleo ó yes, Mr. Grasso, yes, Chairman Arakleian, yes, Mr. Gibbons, yes. Chairman Arakelian okay that passes.

Chairman Arakelian ó Next up is the Resolution for 915 Poplar Avenue, Block 106, Lot 8 this was for the carport ó I looked through this I didn't see anything in there ó its not a requirement to tear it down if she moves ó Correct. Mr. Gibbons ó we did put in requirements not to tear down but there was some stipulation not to turn it into anything else. Chairman Arakelian ó we good? Do we have a motion to accept this ó Mr. Grasso ó so moved, Second ó Mr. Gibbons ó roll call ó Councilman Papaleo ó yes, Mr, Grasso, yes; Mr. Arakelian, yes and Mr. Mr. Gibbons, Yes. Chairman Arakelian ó motion passed.

Chairman Arakelian ó okay next up is for the Bergen County Historical Society ó I was notified by our engineer that there were some late changes that needed to be done by the County so I'm going to ask for a motion that we table this review until the first meeting in September. So Moved- Mr. Gibbons, Second- Mr. Papaleo- roll call Councilman Papleo, yes; Mr. Grasso, yes, Mr. Arakelin, Yes, Mr. Gibbons, Yes. Chairman Arakleinó okay we're moving right along.

Chairman Arakelian- okay Mr. Han come forward please. This is the completeness review for 382 Windsor Road, Block 809, Lot 38 proposed driveway expansion. Needs a variance for maximum coverage Right now all we are going to do is to make sure your application is complete. That's all we are going to talk about right now. We will go to Mr, Behrens who is our Code Enforcement Officer and Zoning Officer.

Mr. Behrens ó so the application for the expansion of the driveway ó we have the proposed driveway delineated on the survey, calculation of impervious coverage has been provided, there's enough information to proceed, Chairman Arakelian ó a motion for completeness ó Mr. Chewcaskie ó notice was fine Mr. Chairman ó I'll take a motion of the completion ó Mr. Gibbons ó so moved. Mr. Grasso -second. Chairman Arakelianó roll call- Councilman Papaleo, yes; Mr. Grasso, yes; Mr. Arakelian, yes and Mr. Gibbons.

Chairman Arakelian- next is Brian and Ann Connor, 501 The Fenway, Block 813, Lot 4 ó proposed renovation of existing dwelling ó several variances are required.

Chairman Arakelian ó okay so tell us who you are. I am Ann Connor, I am Brian Connor and I am Roger Schlicht an architect with RDS Architects. Chairman Arakelian okay so right now all we are doing is deeming that your application is complete and ready for a hearing. Mr. Behrens ó I have a site survey of existing conditions and plans for the proposed conditions and everything seems to be accurate. Mr. Chewcaskie ó I reviewed the notice earlier today and the notice is appropriate for the Board to review the case ó you do have jurisdiction. Chairman Arakelian ó any questions? Do I have a motion to approve this for completeness? Mr. Gibbons ó so moved, Mr. Grasso -second. Roll call please ó Councilman Papaleo, yes; Mr. Grasso, yes; Mr. Arakelian, yes and Mr Gibbons, yes.

Chairman Arakelian ó Mr. Barrett if we had a quorum I would be calling you up for completeness ó so I have not heard back from Mr. Krey he was the only one we were waiting for.

Chairman Arakelian ó okay Mr. Han come on back up. Again this is the application for Yong Ki Han 382 Windsor Road, Block 809, Lot 38 for a driveway expansion. Good evening sir how are you? Mr. Chewcaskie ó Mr. Han ó will you be the only one testifying on behalf of your application? Mr. Chewcaskie ó why don't we start with you and then we will decide if we need the contractor. Can you raise your right hand for me please. Do you swear that the testimony you are about the give is the truth, the whole truth and nothing but the truth? Thank you, so if you could state your name again for the record. Mr. Han ó okay I am Yong Ki Han, I am a resident of 382 Windsor Road. Mr. Chewcaskie ó so why don't you tell the Board what you are looking to do. Mr. Han ó he is explaining that he cannot park his car so he needs to expand his driveway as it is very inconvenient to find parking on his street. I want to expand my driveway 18 feet.

Mr. Behrens ó Okay so the situation is such like Mr. Han said he is looking to expand his driveway approximately 18 feet is as narrow as you are going to get in such a situation ó he mentioned he has some type of hardship as to the street parking requirements. So basically the lot area he has is 6,000 square feet which is considered undersized because zoning calls for 7,500 feet so a driveway on a conforming lot would likely not need a variance. He has coverage now of approximately 2,655 square feet and he's looking for an additional 240 square feet to accommodate the expansion so he's going from 35% to 39% lot coverage. So in order for the Board to grant a variance in this case there would have to be some sort of hardship and he would have to explain to the Board related to the property why you need this and/or the public benefit which could be in this case for impervious coverage there may be a way to offset any additional runoff in the form of a seepage pit or otherwise the hardship itself could be reason enough to possibly grant the variance but those are two possible reasons. Mr. Han ó I have one question (very hard to understand him) something about pavers ó Mr. Behrens ó its still looked at as impervious coverage in realty it might absorb a little more but because its compacted it still is considered the same thing per the ordinance. Its a good idea if you have another way to collect more rain water before it runs down the driveway it could be a benefit. Chairman Arakelian - I have two questions ó one you said about the parking on the street is that because there's signage there directing people not to park there or is it because people just park there and just take up the space. Mr. Han ó yes a lot of commuters and they just

park the car ó there are signs on Windsor Road and the residents cannot park their car ó Chairman Arakelian ó my question is ó can you park in front of your house between 9:00 and 11:00. Ms. Han ó sometimes. Mr. Grasso ó what the sign says does the sign say no parking from 9 to 11 in front of your house.? Mr. Han ó yes. Chairman Arakelian ó so the sign says you can't so if you were to park in front of your house between 9 and 11 there is a good possibility you'll get a summons from the police- is that correct? Mr. Han ó yes ó I have had some problems. Mr. Behrens - If I can add one more tidbit I'm looking at the dimensions of the driveway, it looks like you have a garage and the driveway is about 29 feet long ó that would be pretty tough to even get two cars back to back, so there's a questions as to how many cars could you even fit on the site given the existing conditions ó you might only be able to fit two at the moment without hanging over the sidewalk or out in the street so all these things considered. Chairman Arakelian ó do you feel there would be any negative if were to approve this on water run off? Mr. Behrens ó ideally you would try to mitigate it but at the same time I think there are some hardships that are warranting his request. I think an 18 foot wide driveway is probably consistent with that area of the Borough to in terms of having wider driveway, so I don't think its an uncommon condition. If the Board is able to entertain conditions if that's something they want to deliberate again he's over like 200 square there's the percentage and then there's the actual amount. Chairman Arakelian ó Mr. Han is there anything else you would like to say? No sir that's it ó I just want to expand my driveway. Chairman Arakelian ó Board members any questions? Mr. Chewcaskie? Mr. Chewcaskie ó nothing to add Mr. Chairman but for the Board's edification I don't believe the increase in coverage based upon the size that's being requested would require any real mitigation here based upon the characteristics of the area. Chairman Arakelian ó I would like to entertain a motion to open to the public ó Mr. Papaleo so moved ó Mr. Grasso ó second. All in favor ó aye, any opposed any abstained? ó this is just on Mr. Han's application ó anybody in the audience that would like to speak- not hearing that I would like to entertain a motion to close to the public ó Mr. Gibbons so moved, Mr. Grasso, second. All in favor ó aye ó any opposed any abstained? Okay ó so at this point I will entertain a motion on this application. Mr. Gibbons ó I would proposed that we grant the variance for Mr. Han and propose we vote on that. Mr. Arakelian ó okay so if we approve tonight you will still have to go for a building permit ó it will be reviewed by the Borough Engineer ó if the Borough Engineer decides that you need some mitigation because of water you'll have to comply with whatever he tells you ó do you understand that? Mr. Han so I should (inaudible) the Building Department right? Chairman Arakelian ó correct. Mr. Chewcaskie ó we need a second on the motion ó Mr. Grasso, second. Roll call. Councilman, Papaleo ó yes, Mr. Arakelian ó yes, Mr. Grasso ó yes and Mr. Gibbons. Yes. Chairman Arakelian ó congratulations sir. Mr. Han ó Thank you.

Mr. Barrett will return September 4<sup>th</sup> -no further notice. So next up is Brian and Ann Connor ó 501 The Fenway. I believe they also have their architect with them.

Chairman Arakelian ó just for the record this is Brian and Ann Connor, 501 The Fenway, Block 813, Lot 4 - proposed renovation and addition to existing dwelling. Several variances required. Mr. Chewcaskie - okay who is going to be speaking predominantly? So raise your right hand ó do you swear the testimony you are about to give is the truth, the whole truth and nothing but the truth? Mr. Arakelian ó why don't we do them all. Mr. Chewcaskie ó I'll do them together - do you swear the testimony you are about to give before this Board shall be the truth? Okay and sir can

you state your name and address for the record and also give the Board your qualifications. Roger Schlicht, RDS Architects 56 Walthrey Avenue, Ridgewood, New Jersey, a registered New Jersey architect for 33 years. Mr. Chewcaskie ó Mr. Chairman as I indicated the notice was appropriate earlier during the completeness review and I believe we have a set of drawings from Mr. Schlicht which is dated May 17, 2019 with the last revision date of July 18, 2019 ó there are no further revisions to those drawings? Mr. Schlicht ó No. Mr. Chewcaskie ó we will mark these drawings as A1. Chairman Arakelian ó okay so why don't you tell us what you are trying to accomplish here.

Mr. Schlicht ó I would first like to hand out two sets of photographs ó I would like to walk you through the existing conditions of the site. Mr. Chewcaskie ó before you do that Mr. Schlicht we'll mark the photographs, its a series of eight photographs on two pages, we'll mark that as A2 and who took those photographs. Mr. Schlicht ó I did. Mr. Chewcaskie ó and when did you take them? Mr. Schlicht ó some today and some in the spring. Chairman Arakelian ó so why don't you walk us through the photographs. Mr. Schlicht ó the first set of photographs numbered 1 through 4 are of the subject property, the upper left is the front of the house- number 1. Number 2 is the rear of the house, number 3 is a mudroom entry steps that we want to modify they are not conforming as you can see and then number 4 is the front door of the home. The second page photographs 5 through 8, photograph 5 shows the subject property in the left and then the adjoining property on the other side of the arborvitaes that's were we're requesting side yard setback, I'll speak to that photograph when I go through that variance. Photograph number 6 is from our property looking down and it shows that the adjacent house to the left and their portico is closer to the street then ours ó I'll be speaking to that we we talk about the front yard setback variance. Photographs 7 and 8 are just to show other homes in the adjacent properties that are of larger size then what we are proposing, so its just a visual. So photograph 7 is about 3 or 4 houses down the road to the left and photograph 8 is right next door to our property.

So I'd like to take you through the existing zoning and I'll walk you through the proposed architectural improvements and I'll go through each variance and try to put some hardship on testimony. So we have a single family residence in an R1 zone, it has six non-conforming site conditions presently today. The lot is undersized. It is 6,964 while 7,500 is required, the lot width is 60 feet wide- while 75 feet is required and those two will have an impact on all the variances. So we're 15 feet deficient in width. Right now the coverage is 25.1 while 25% is the max and the improved lot coverage presently today is at 39.6 while 35% is the max. Both of those are over the maximum coverage. The front yard setback to the steps today is 23.4 feet while 30 is required and we're going to be very similar to that within a tenth of an inch and then to the house itself presently its 26.43 feet versus 30 feet. And lastly if you look at the site plan and the survey we issued the left side yard setback presently today where the house is located is 5 feet while 6 feet is required because its a 60 foot wide lot. So you can see on the site plan how the house was built closer to the left on the right ó the right actually has an enhanced setback today its like 13 feet while the left is 5 feet. So they placed the house not in the center. So we have an existing lot which is deficient in area and width with the structure being built to far to the left. So if we go to the floor plans on V2. The first floor plan basically ó the first proposal is to rebuild the front steps. If you look at photograph number 4 which is the existing landing and then the steps are not as wide as the landing so we would like to ó see you can see how the railing kind of pops out to the left outside of the roof so when we go through the elevations I show you the new roof that we're proposing but we

are also asking to rebuild the steps as wide as the existing landing. Essentially the front yard setback will be the same as it is today- its just a wider set of steps that's all. The main thrust of the project is in the rear of the house ó you can see the dining room, kitchen and the family room, we're trying to recycle as much space as we can ó in the middle of the house but the proposal is to build an addition off of the back of the house that is equal to the width of the house. Other than the fireplace enclosure we're not any wider or closer to right or left side yard setback and beyond that you can see in photograph 2 presently there's two sets of decks and then a walk down to a patio. What we're proposing is just a single deck to get out of the house because it is five or six feet off of the backyard, have some outdoor activity area and then step down to the backyard. We're not going to have two decks- we're not going to have a patio. Chairman Arakelian ó so the patio's are going. Mr. Schlicht ó yes ó the upper deck is actually becoming what we're proposing the house and beyond that the lower deck will be removed but we want to rebuild it at the height of the first floor and then the patio would be gone. The last element that we are proposing is on the right hand side just a little covered entry and I'll show you in the elevation in a minute. But if you look at photograph 3 the steps that exist today are not compliant there's no landing when you step out the door for safety reasons the code requires you to have a three foot landing. So we'd like to rebuild the steps instead of protruding ó having the steps go closer to the neighbor we turned them and faced them to the street so our landing and steps didn't get closer to the right side yard setback but we don't need a side yard setback for there its compliant ó it has an impact on the coverages. But we are trying to remedy a non-conforming shown in photograph 3. So that's the first floor.

If you look at the second floor plan again primarily its equal to the width of the second floor ó presently its a two bedroom one bathroom house on the second floor and we are proposing to build on top of the proposed rear addition an equal width the existing second floor ó there really aren't any variances required for the second floor ó the height is compliant, the setbacks are more than sufficient both sides, rear and front but I just wanted to show you ó Chairman Arakelian ó is that original piece coming off or just being added to the second floor? Mr. Schlicht ó no we would leave it ó behind on and on top of the garage ó Chairman Arakelian ó are you going to canalever the second floor or no? Mr. Schlicht ó No its actually set in ó in order to diminish just to kind of shape the house instead of a big box I'll go over that with the elevations on a minute. So you can see the dash line to the left of the second floor to the rear where it says roof below ó those are all one story structures. Other than the right side the left side is set in and the rear is set in. Chairman Arakelian ó so you're not adding to the side at all you're just going to the back Mr. Schlicht ó except for that mudroom step and the the fireplace on the left on the first floor.

Mr. Schlicht ó as we go to drawing (?) 3 ó I'll walk you through the elevations- if we look at the front elevation with photograph number 1 the main change to the existing structure is to build on top of the garage and that does have a compliant front yard set back and a right yard set back so there are no variances for that particular addition that we are showing in the front elevation on top of the garage. The variances that we seek tonight is to build that new portico with the little gable roof over the front door and on the right hand side you can see the open covered steps and the landing that would be entering into the mudroom. So the house to the lay person is going to look similar ó its going to be renovated ó new siding ó new roofing, but the brick and the stone and the bay window and that upper gable is staying and the left hand side is staying we're not building on

that that side. That's the side that's too close to the property line. If you look at the right hand side elevation, the only element we need a variance for is that mudroom entry that has that low peaked roof with the door and steps so its an open structure which I think minimizes impact and then the left hand side is the side that we are requiring variances and its a one story structure and you can see the low roof that happens at the mid point up. The second floor that's set back is complaint that has compliant dimensions ó I'll go over those in a minute. What we really need is from the fireplace enclosure back just that one section of 10 foot 9 that has the square and rectangular window requires the variance. To the right of the fireplace enclosure -is existing and then when it steps in to the back its compliant ó so its not the whole side- its just a small portion of the side. And then the rear elevation just shows the gable roofs, the stepping of the (inaudible) we like to break it up and have low roofs to diminish tall walls with the proposed second floor which is compliant in setbacks and height and you can see on the right hand side the fireplace enclosure ó its not a chimney and its one story so its pretty diminimus in size but that does require a variance. Do you have any questions on the plans or elevations.

Mr. Beherens ó I just have one question ó you mentioned that some of the surrounding homes ó that the homes are larger. Do you happened to have those images as in terms of coverages in comparison? Mr. Schlicht ó no I spoke to the Building Department for the house that's being built ó I forget the address ó the one that's in photograph 7 ó I'm just doing it from a visual standpoint and I'm just trying to exhibit that ó you can see based on the photography that those buildings are going to extend further back then ours so its just a matter of standing in plane and looking to see the other home protrude further to the backyard than ours. I don't have any technical numbers on it. Nicole said it was permitted and it didn't need any variances but it still goes back further than what we are proposing. And the neighbors house which is photograph 8 that's to the left of our property ó we're not going to go back as far as that addition goes. Mr. Gibbons ó so just on that picture ó I'm actually not on that picture ó are you going back as about as far as the current low deck ó Mr. Schlicht ó yeah if you go to the first floor ó Mr. Gibbons ó I'm just looking at this picture to kind of get a visual about how far back you're going. And then one other question on the current mudroom steps ó so that is paver patio of some sort now? Mr. Schlicht ó yeah we're ripping that up if you look at the site plan ó Mr. Gibbons ó right but what's currently covering that space you're not stepping on grass, your stepping on pavers right now. That's already covered to some extent. Mr. Schlicht ó right it goes from the the driveway to the back yard and we are just going to take it from the driveway to the proposed steps and rip it up from the steps back to the backyard ó Mr. Gibbons that is covered surface ó Mr. Schlicht ó yes we are going to reduce that. Mr. Gibbons ó that's it for me right now.

Mr. Schlicht ó okay so I would like to go through the variances - the first variance we seek this evening is a front yard set back of 23.3 feet while 30 is required. As I said we're essentially the same. The existing is at 23.4 we're proposing 23.3 just because we're trying to make the treads safer 1 foot deep instead of 10 inches deep. So essentially what's there today ó its an open structure, its not a wall, it wouldn't extend any closer then the neighbors as I mentioned in photograph number 6. The neighbors house is actually closer to the street and then they have a portico that sticks in front of their house, so we wouldn't be even as close as they are to the font of the street. The hardship here is the existing condition of the location of the house, its a legal residence but it was built too close to the property so we really don't have an alternative here, we want to create a

safe set of steps that has coverage ó I think curb appeal as well, so I don't think there will be any negative impact from what we are proposing and then all other aspects of the proposal has proper setbacks. So the second floor addition over the garage does not require a variance so its simply that open portico. So that's the first variance. The second variance is the side yard set back on the left side ó we're proposing five feet which is a continuation of a pre-existing nonconforming condition, while six feet is required. As I mentioned in reviewing the drawings its a one-story structure so its not two-story the second floor is set in quite a bit so I think that mitigates any impact that may be seen from the neighboring property. The enclosure requires a three foot setback ó again that's a one-story structure. There are some arborvitaes that buffer the property you can see it in photograph 5- those are on the neighbors property but the seem to be pretty healthy and mature so that would mitigate any impact as well. The Connors did ó I do believe they reviewed these drawings with the neighbors, they are on vacation but they can speak to that in a moment. So that's the second variance we require- side yard set back. The hardship here is that the pre-existing location of the legal structure and also the lot is 15 feet narrower than it should be. If the lot was the proper size we would not be require a variance so those are the two hardships with regard to this particular variance. The combined set yard setback is the third variance and that is at 12 feet while 18 feet is required and I would like to point out that those two dimensions that create the 12 feet is to the fireplace which is 3 and the open mudroom steps which is 9. So that's 12. But if you took the left dimension to the house the first floor wall and the right dimension to the house it would be 18.9 feet. So the structure itself actually has proper combined side yard effects ó if that small chimney or fireplace box and open steps. So I think the massing is correct its just those two appendages on the left and the right that require the variance. I think that has a big on not having a negative impact to the neighbors. Again the hardship here is the narrow lot which is 15 feet deficient. If it were the proper size we wouldn't require that variance either, The fourth variance is the lot coverage of 33.5% while 25% is allowed. If you just took the house itself without the front steps, back steps, the deck and the side steps we're at 25% for building coverage. What causes the variance is the front steps, the mudroom steps, the deck and the existing sheds in the back. To me I look at that as kind of breaking down the components and looking at what people see as the house the main box is compliant all these appendages, these play sheds in the back that create the variance. Its a small lot so 100 square feet is a quick multiplier. The percentage goes up very fast because its only a 6,900 square foot lot. So the hardship here is the undersized lot - I think there will be minimal impact because of that reasoning. The smaller components caused the variance and I think the front facade the street scape isn't going to change much, is really in the back and I think its very consistent with other homes in the neighborhood. Its not as wide as other homes. So I think from the street its going to look close as it does today. Its not a knockdown and most of the bulk we're adding is on the back. And last is the improved lot coverage of 44.1% while 35% is allowed. And basically those are all existing elements that are staying. Its the driveway, and a walk from the driveway to the front steps, and then a walk from the driveway to the mudroom steps. We've ripped up the pavers and we are proposing to rip up the pavers from the driveway to the back yard which was 248. So those are existing conditions which we are actually reducing and they do need the double wide driveway because they have two cars in the family and its not a very deep driveway, similar to the last case. We've ripped up what we could and its helped but those are existing conditions there that are just going to remain. So that's how that variance is created. So there's the five variances and I think a lot of them have hardships based



on the lot width, the lot area and the existing location of the structure itself and now I'll be happy to answer any questions.

Chairman Arakelian ó I have a quick question, you mentioned two sheds I didn't see them on the plans. Were they approved or were they just put up. Mr. Connor - the first one the larger one was approved, the smaller one a kids playhouse that I built for my children nine years ago that they have outgrown. So if you want it down we'll take I down. I think its 6 x 6. Chairman Arakelian ó how high is the other shed? I want to say 10 x 10. Chairman Arakelian ó and did you get a variance for that? Mr. Connor ó there was one there when we brought the house and then we got a permit to replace it. Just if I can say one thing. The reason we added a double driveway is because there is a fire hydrant in or front yard and that prevents us from parking in front of our house. Again, we do have two cars, so that's the reason why. Mrs. Connor ó we've lived in the house for thirteen years, we love the house, we love River Edge and we really want to keep the house in character with our neighbors who we like so much and we have two kids that are seven and eleven, a boy and a girl and we really need to get them their own rooms soon and we really need a bathroom on the main floor for when we have holidays with all of the relatives so they don't have to go up an down the stairs.

Chairman Arakelian ó So before I go to the Board I'd like to go to our Planner. Mr. Behrens ó So we got an overview of the variances so I'm going to run through those real quick. There's a front yard variance which has to do with really with the front steps and the portico. As Mr. Schlicht mentioned they are more or less remaining in the same position they are jut going to be covered. The covered area the top platform is basically (inaudible) with the existing garage protrusion and is set back further than the adjoining property. I don't really have an issue with this they are just covering the porch and replacing what they have and it would seem to be an aesthetic enhancement in that particular location and again consistent with the neighborhood. With regard to the side yard set back just to add a little more information to this. One is the aspect of the fireplace. So a 6 foot setback is required, the existing house is at 5 feet. And again, part of the addition is at 5 feet. So you have the addition extending 5 feet and then the fireplace is going to three feet. The ordinance does allow for fireplaces to extend two feet into a side yard. So the difference between six and two and four, again there are three with the fireplace. With regard to the side yard setback it is the function of the distance between the fireplace and side steps. If you took those side steps out of the equation it would be conforming with regard to the combined side yard setback requirement. And then we get to the various coverages. Mr. Schlicht do you happen to have the square footages of how much they are over by for both the lot coverage and improved lot coverage? Mr. Schlicht ó well the actual diagrams are on the drawings ó Mr. Behrens ó so with the building coverage and correct me if I'm wrong your allowed about 1,749 square feet give or take and your proposing ó Mr. Schlicht ó 2,329 ó Mr. Behrens ó so that's a difference of what 600 ó Mr. Schlicht ó 588 that's what I have ó Mr. Behrens ó so that's building coverage. Mr. Schlicht ó yes. Mr. Behrens ó can we do the same for improved lot coverage? Mr. Schlicht ó So you're allowed 2,437 and we're at 3,069, so its 631 and the driveway is 538 so its basically the driveway plus the front walk. Mr. Chewcaskie - Tom on improved lot coverage the existing lot coverage is 2,757, you propose 3,069 so the difference is about 300 square feet for the combined lot coverage from what's existing. Mr. Chewcaskie ó and the testimony was that pavers and other the rear deck and lower deck

however it was on the drawings is going to be removed. Mr. Schlicht ó yes the patio and the sidewalk would be removed.

Mr. Behrens ó So for these two variances you go back to the tests. The tests are (1) hardship and (2) public benefit versus any detriments. So we've heard a little bit about the hardships about the undersized lot and we heard some bit about the proposed development consistent with some of the existing houses in the neighborhood. I don't know if there is a way to try to ask for any mitigating factors again for something like this we typically would require or ask for a seepage pit I think, subject to the review of the engineer. I say subject to because some properties the sub soil conditions ó Chairman Arakelian ó the first thing on my mind . Mr. Behrens ó so that would be number 1. I think if you found ways like removing the playhouse, would be a good start to come closer to conformance. Mr. Schlicht ó the shed is 45 square feet that's a lot that's like 25%. Mr. Behrens ó looking at your one neighbor who has the extension into the back. It's not quite the width of the whole house. Mr. Schlicht ó no its not. Mr. Behrens ó and you didn't approximate how much the coverage was? Mr. Connor ó we will get rid of the shed and seepage pit ó our neighbor did add one themselves. Mr. Behrens ó its a balance test do the hardships and public benefits outweigh any detriments this may case in terms of ó Mr. Arakelian ó so Tom if they put a seepage pit in and get rid of that shed would that mitigate the addition they are putting on the house? Mr. Behrens ó I understand that some neighbors have some larger houses I don't know where they are at per say. Would it help, certainly to offset the. Chairman Arakelian ó would it mitigate it? Mr. Behrens ó entirely? Chairman Arakelian ó let me use the word mostly. Mr. Behrens ó I'm looking here to see if there's any opportunity to save some space here. What do you have for deck dimensions? 18 feet by its 12 feet and then it jogs into the kitchen another 2 foot. 18 x 12 and then its 18 x 14. Mr. Arakelian ó 18 x 14 is the deck size correct? Mr. Schlicht - yeah were it hits the kitchen ó the kitchen's set in from the dining room, so starting at the left the deck is 12 feet deep which we consider kind of minimal and then because the kitchen jogs in, the deck gets deeper by going into the house. Mr. Behrens ó you can get rid of one of the stairways. Mr. Schlicht ó that's 35 square feet. Mr. Grasso ó how many feet approximately are you over for the lot coverage? Mr. Schlicht ó the impervious or the lot? Mr. Grasso ó impervious. Mr. Schlicht ó we've increased it by 312 from what it is today to our proposal if you just subtract 2,757 but then we just removed the shed which was 45 and then 35 so that's 80. How wide is the driveway? Mr. Schlicht ó its not straight its 20 at the house and at the road ó Chairman Arakelian ó so back to my original question Tom. If we approve this with the migrations that they are going to do for the water is it going to ó is there a possibility it may impact the neighbors. Let me just say ó this is a common issue we deal with, with just about very applicant that comes up here. Water runoff is a major issue in River Edge. The water table is very high to begin with, we all know that, the lot sizes are all small, we know that too, so its not like we want to make you unhappy but we want to make sure that whatever you are going to do is not going to impact your neighbors. Mr. Schlicht ó so I would suggest with those concessions that we made if there is 250 square feet of new impervious we'll put in a 250 gallon seepage pit, so that will mitigate any additional impervious it would just neutralize it. Even if the engineer doesn't require it we would put it in just wash out the number.

Mr. Behrens -one I think would require (inaudible) I don't want to speak for him and don't know if it would just be covering the distance I'm looking for a little more in terms of seepage. Mr. Schlicht ó yeah once you go and put it in between 250 and 500 its pretty much the same effort for

the contractor so Chairman Arakelian so Tom 3 350 pick a number. Mr. Behrens again the setback issues are what they are, the coverages are I just want to be sure that they're consistent with what is there. Chairman Arakelian I guess the questions that pops up on the back of my head is how important is that second shed? Mr. Connor we have a single car garage and when it was built it doesn't like you can put a car in there Chairman Arakelian my garage looks like its full Mr. Connor its already full. The shed we use it for lawn care. We put everything for the wintertime in the shed from the patio because we have a room in the garage, so could we do it yes, but I would rather reduce the deck if that's needed. Mr. Behrens its a question of the deck versus the shed. I don't I mean Chairman Arakelian so it sounds like the shed is more important than the deck but the deck is going to really be a full displacement because you have the fall through. What are using Treks? Mr. Schlicht yeah the water is going to go through anyway. Chairman Arakelian are we happy with the let's say we do a 350 gallon seepage Mr. Behrens subject to whatever the engineer Chairman Arakelian the minimum was 350 so lets just do a minimum of 30 so this way if the engineer misses it, we caught it. Is that good with you Mr. Behrens yes Mr. Schlicht yes. Chairman Arakelian Board members? All right so think we have the water figured out. And you can keep your shed.

Chairman Arakelian where else are we Tom? I know we have that side yard that's kind of shrunk down to almost nothing. Mr. Behrens its 3 feet I mean there's a separate provision that talks about it and it has to do with light air, open space and fire safety and it talks about houses on undersized lots have to be at least 12 feet away from each other. I don't know what that measurement is here. Chairman Arakelian one other concern I have your HVHC is going to be on that side of the house? Mr. Schlicht yeah we eliminated that variance. We moved them from the Building Department denial submission, we moved to a compliant location. You can see them on the site plan. They are more than whats required. It's more than 5 feet. Chairman Arakelian I don't want that waking anyone up during the middle of the night. Chairman Arakelian okay so we're good with the HVHC so give the Board some input on this fireplace now. Mr. Behrens again the the require side yard setback is feet and the ordinance allows for an extra 2 feet they can have it up to 4 feet and they're asking for 3 1 more foot in the existing side yard spot. Chairman Arakelian what does the Board feel about that? Mr. Gibbons the way I look at it's only a foot I don't know how wide that actually is - I guess by 3 feet its not like its running the entire length of the fence line. Chairman Arakelian Tom do you see any danger with a gas fireplace? Councilman Papaleo when it's a gas fireplace is there a vent that's going to be feeding out like 6, 7 8 feet like sometimes happens with the gas and then would that vent be heating the arborvitaes and therefore drying them and out and setting them on fire? Mr. Schlicht well you have a choice depending on what model you use. You vent horizontally or vertically. We haven't selected a fireplace but each one comes with a different configuration. Chairman Arakelian so if we required a vertical vent would that be an issue? Mr. Schlicht Tom would that be even better? (Bantering amongst them all about the fire issue) Mr. Behrens the front yard no problem, the side yard again we just went over that issue Chairman Arakelian - we have coverage taken care of we have the fireplace taken care of. Mr. Behrens those were the five variances.

Chairman Arakelian Any questions from the Board? So I should open it to the public since you have nothing to say. Motion to open it to the public Mr. Gibbons so moved, second Mr. Grasso. All in favor aye. Any opposed any abstained? Okay I will entertain a motion to lose to the public

Mr. Gibbons- so moved, second ó Mr. Grasso. All in favor ó aye. Any opposed and abstained? Tom do you have anything to add? Sir no you have anything to add? Mr. Schlicht ó No I think you heard me testify to the hardship ó ya know there's a lot of hardships, trying to keep the house in the character of the neighborhood, we're not doing a knockdown with a big box and try to make it architecturally interesting. But I think there's benefits there and I think the hardships are there to allow approval. Chairman Arakelian ó we're all your neighbors, we want you to be happy and I think with some of the tweaks that we did I think everybody will be happy in the long run. I would like to entertain a motion on this application. Councilman Papaleo ó I would like to move the application with the two conditions ó Chairman Arakelian ó 350 on the pit and the vertical fireplace vent. Mr. Chewcaskie ó you have four conditions, you have the 350 gallon seepage pit or larger if required by the engineer, removing the playhouse, eliminate one or two stairways on the deck and fireplace vent. Motion ó Councilman, second ó Mr. Grasso. Chairman Arakelian ó I'll take a roll call on that. Mr. Chewcaskie ó Councilman Papaleo ó yes, Mr. Arakelian ó yes, Mr. Grasso ó yes and Mr. Gibbons - yes. Chairman Arakelian ó Mr. and Mrs. Connor congratulations. Enjoy it.

Chairman Arakelian ó just a few housekeeping notes. Number 1 ó it goes without saying which is obvious today - if you can't make it to a meeting just shoot me an email so I know and secondly if you get an opportunity you can drive behind where the Asian Market was and you will see a big beautiful new fence back there and its a great improvement that is a testament to this Board looking out for the neighbors so I'm very happy and they also mitigated where the lift was as well so they took care of those two things we required during that last application with the pizzeria and its a much improved area back there ó so with that I'll entertain a motion to close. Mr. Gibbons ó so moved, second ó Mr. Grasso. All in favor ó aye. Any opposed any abstained? Beautiful ó adjourned.