

April 25, 2012

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on April 25, 2012. The meeting was called to order at 8:08 p.m. by Ms. Teng, Chairperson, who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following members answered roll call: Ms. Teng, Ms. Chamberlain, Ms. Hart, Mr. Jones and Mr. Redling. Mr. Manning and Ms. Weidner were absent. Also present was Mr. Nestor, Board Attorney.

Mr. Jones moved, seconded by Ms. Chamberlain, to approve the minutes of the meeting of March 28, 2012. On roll call, Mr. Redling abstained. All other Board members present voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Mark and Mary McAuliffe variance application. Mr. Jones moved, seconded by Ms. Teng, to approve the application as submitted. On roll call, Mr. Redling abstained. All other Board members present voted in favor.

Robert and Linda Squillante variance application – 30 Rozmus Court, Block 2004, Lot 20.04

Robert and Linda Squillante were sworn.

Mr. Nestor said three drawings were submitted. One drawing depicts the lot as it currently exists with a wood deck on the back of the house which is 51 ft. away from the lot line. He marked that as Exhibit A-1 with today's date. A second drawing that looks almost identical with what appears to be a new deck on the back which is 30.1 ft. from the property line was marked Exhibit A-2. The third drawing is a topographical map that shows the deck at 35 ft. from the property line (marked Exhibit A-3). Mr. Nestor said the last item which has been submitted this evening is a deck detail from Montoro Architectural Group with a date of March 1, 2012 (marked A-4).

Ms. Hart noted that the applicants' address is 30 Rozmus Court and not Sawyer Court as indicated on the plans.

Mr. Squillante said according to the Construction Code Official his property has a 35 ft. rear yard and 50 ft. is required and 17 ft. on the side line whereas 26.41 is

required. He said that on the block itself most if not all of his adjoining neighbors have had decks constructed and several have had variances granted.

Mr. Nestor asked applicant why he needs a new deck . Mr. Squillante said the existing deck is so narrow that he can't even put a piece of furniture on it. He said it is more like a walkway than a deck.

Mr. Nestor said the non-conformity is the side yard setback. Due to the bulk of the house the enhanced side yard goes to 26.41 instead of 15 ft. He asked if the deck is going to be 30.1 ft. off the property line or 35 ft. off the property line.

Mr. Nestor said the board has two plans in front of it – one showing the deck being 35 ft. off the property line and the other one showing the deck being 30.1 ft. off the property line. Laury Pensa, 27 Rozmus Court was sworn. Mr. Pensa said 35 ft. is the correct number. He added that he will be representing Mr. and Mrs. Squillante.

Mr. Jones said the document marked A-4 shows the steps going down the east side of the deck. In another document it shows the deck centered in the back of the rear wall of the house. Mr. Pensa said the 30.1 dimension is not correct. Mr. Nestor said looking at A-2 it shows 30.1 ft. from the property line. That appears to be different in configuration from the one that is 35 ft. shown on the topo map. He does not see any side stairs on that map.

Mr. Pensa said they were asked to show distances from the deck to the side yard and that is what that drawing represents. Mr. Nestor asked where is the deck going to start in the rear of the house and what is that dimension. Mr. Pensa said he would have to scale it.

Mr. Jones said on the site plan of the street it shows a 37 ft. side yard and that is what is on the application; however, on this map it is showing 73 ft. to the deck.

Mr. Nestor said if this application is approved tonight and goes to the Building Department they want to know the exact dimensions of the deck. Mr. Jones said the actual size of the deck would be helpful and not just how far it is from each side yard but the linear footage of the deck including the bump out and also the steps in the rear. Mr. Jones said the drawing of the existing deck shows it almost goes the width of the house. Mr. Nestor said if the application is approved he has to prepare a resolution which must indicate the depth and width of the deck . Ms. Chamberlain added that the lot size and the width of the property should tie into all

of the other dimensions and with this application the Board is dealing with some missing square footage.

Ms. Tengi said the Board will allow the applicants time to resolve some of the issues and will hear the next application.

Robert Gramegna and Gail Lahm variance application – 90 Midwood Ave., Block 2007, Lot 8

Robert Gramegna, Gail Lahm and Chris Greimel, their architect, were sworn. Mr. Greimel was accepted as an expert witness.

Mr. Greimel said the existing lot is undersized for the A zone. It is undersized in lot width, lot area and lot depth. The existing front yard setback is deficient. It is 34 ft. versus 35 ft. required. The side yard on the east side is 13.9 ft. vs. 15 ft. required and the rear yard setback is 40.3 ft. and it should be 50 ft. They are proposing to add 4 ft to the sunroom in the rear. The existing patio is going to be replaced with a deck at the same level as the house with stairs down to a new patio in the rear yard. The setback to the leading edge of the first riser out of the deck stairs will be 36.3 ft. vs. 50 ft. required. They are also adding to the front portion of the garage to allow for the installation of a new walk-in closet for the master bedroom in the rear of the existing garage. They will be adding to the front of the garage in order to still have a usable garage. It is wider than the existing garage so they can provide steps to get up to a new front porch. There will be a new brick walk which comes in on a sweeping curve. They are trying to bring a gradual walk up to one step to the new porch to make it an easier access to get into the house.

Ms. Tengi asked how many square feet are actually being added to the house. Mr. Greimel said to the sunroom they are adding 4 x 12 ft. or about 48 sq. ft. To the garage they are adding 10 x 15.8 or about 157 sq. ft. The open porch is about 9 x 20 ft.

Ms. Tengi asked how many pre-existing nonconformities exist. Mr. Greimel said as far as the lot is concerned it is non-conforming for lot width. There is a front yard nonconformity which stays the same, but the addition for the garage will be conforming. It will be 36 ½ ft. versus 35 ft. There is a side yard nonconformity on the front corner of the existing garage of 13.9 ft. The new front corner of the garage will be 13.8 ft. Mr. Greimel said had the house been placed where it should have been we would not have a side yard nonconformity but they are almost 2 ft. over what is needed on the west side and a little over a foot on the east side. Mr. Greimel said the hardship has to do with the placement of the house on

the property. Another problem is the depth of the lot which is only 120 ft. Ms. Tengi asked if this is a typical scenario for the street. Mr. Greimel said it is typical of most of the other homes. If you look at where the houses are placed on the area location map the side yards are pretty similar.

Mr. Nestor marked the 6 pg. set of drawings dated March 28, 2012 as Exhibit A-1. The 16 photos were marked A-2. Mr. Nestor noted that the proposed open front porch is not coming any closer to the front yard setback and it is actually set in a little more. Mr. Greimel said the dimension will be about 38 ft.

Ms. Tengi opened the meeting to the public for comments and there being none, the meeting was closed to the public.

Ms. Chamberlain asked if the sunroom is now a year round room or is it going to be made into a year round room. Mr. Greimel said it is a year round room now but it is a little difficult to use during the winter. They will be reducing the square footage of windows and increasing the insulation value on the floors, windows and ceiling. Ms. Chamberlain commented that the hardship is how the house is located on the property.

Ms. Hart commented that the fact that the rear setback is going to 36 ft. from 40 ft. is really just for the steps and lot 9, the lot to the east has a house with a garage that is also pushed forward.

Ms. Tengi said that based on the application submitted and the testimony of Mr. Greimel, applicant's expert, she moved to approve this application as submitted. No matter what the applicant wants to do to improve the property they have to come before this Board because of the pre-existing nonconformity and the irregularity of the positioning of the house on the property. She said this is a very modest proposal in keeping with the community and the surrounding neighborhood. Motion was seconded by Ms. Hart. On roll call, all Board members present voted in favor.

#### Continuation of Squillante application

Mr. Nestor said looking at the corrections to Exhibit A-2 it appears that we now have a side yard setback of 61.625 ft. and it is 12 ft. from the right side of the rear of the house to the stairway of the deck. He asked if it will be 12 ft. from the other side of the house as well. Mr. Pensa said it will not.

Mr. Pensa said the deck as it is now is completely unusable. Mr. Nestor asked him to explain why the deck has to be 20 ft. Mr. Pensa said the other homes on the block have similar size decks or larger. The applicants have a very large house with an undersized deck. The neighbor to the right has no objection and also has a very large deck.

Mr. Nestor said with revised A-2 the deck is going to be placed at the rear of the house 12 ft. off the right rear corner and 8.49 off the left rear corner as you are looking from the back of the home. The closest it is going to come to the rear property line is 35 ft. It is going to be 25.84 ft. from the left property line looking from the rear of the house and it will be 73.625 from the right side rear property line if you are looking from the rear of the house. The applicant has placed on the record the reasons for his need for a deck of this size.

The meeting was opened to the public for comments and there being none, the meeting was closed to the public.

Mr. Nestor said what the Board is going to vote on is minimum rear yard setback. It should be 50 ft. and with the new deck it is going to be 35 ft. He has 17 ft. on one side and needs 26.41 and on the other side he has 61 ft.

Mr. Nestor said according to the plans the height of the deck to the top of the rails is 5 ft. and from the ground to the face of the deck it is 42 inches. Applicant stated the railing is only 4 ft. Mr. Nestor said the plan shows 5 ft. but we can put in the resolution that it has to abide by the proper code.

Mr. Nestor marked the 5 photos that were presented as Exhibit A-5.

Ms. Hart said she is not feeling very comfortable with voting on this application at this time. She doesn't know that she has a problem with the deck on the back of the home but she does not feel confident in all of the measurements. She does not believe she can vote affirmatively on this tonight the way it is being presented. Mr. Jones said he is also concerned about the measurements being inaccurate. He would also like to make sure that the height of the deck is accurate.

Ms. Tengi recommended that the Board carry this to the next meeting. She said applicant does not have to re-notice but must come back with all of the correct dimensions. She announced that the application will be carried to the May 23 meeting.

On a motion by Ms. Hart, seconded by Ms. Tengi, the meeting adjourned at 9:30 p.m

Respectfully submitted,

Barbara Knapp