

August 27, 2014

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on August 27, 2014. The meeting was called to order at 8:05PM by Ms. Tenggi who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following Board members answered to roll call: Mr. Jones, Ms. Hart, Ms. Chamberlain, Ms. Tenggi, Mr. Manning, and Ms. Weidner. Mr. Redling was absent.

On a motion from Mr. Jones, seconded by Ms. Tenggi, the minutes from July 23, 2014 were approved. Ms. Hart and Ms. Chamberlain abstained from voting as they were not present at that meeting.

On a motion from Mr. Manning, seconded by Mr. Jones, the Resolution of Memorialization for Javed and Nasima Sarwar variance application was approved. Ms. Hart and Ms. Chamberlain abstained from voting as they were not present at that meeting.

On a motion from Mr. Jones, seconded by Ms. Tenggi, the Resolution of Memorialization for Abraham and Patricia Haliczzer variance application was approved. Ms. Hart and Ms. Chamberlain abstained from voting as they were not present at that meeting.

The first variance application to be heard that evening was for Sasa Trajkovic from 6 East Elbrook Drive, Block 104, Lot 30. This application was carried over from the May 28th meeting. Sasa and Christine Trajkovic were sworn in to testify. Their architect was not able to appear before the Board that evening due to personal reasons. Mr. Nestor said that he would synopsise what happened at the last meeting and what needs to be noted about the plans before the Board this evening. When the architect presented the plans to the Board in May, the applicants wanted to increase the home from 2,400 square feet to 5,299 square feet. The Board felt it was too much and asked the applicants to revise the plans. The plans that Mr. and Mrs. Trajkovic have now submitted have roughly 4,896 square feet. Mr. Nestor said he wanted to know where their architect got the number of 4,971 square feet and thought it might have to do with the shed on the property. Mr. Trajkovic asked where Mr. Nestor got the numbers and he said from the old plans, the new plans, and the minutes from the last meeting. Mr. Nestor stated that they are still looking to double the size of the home but reduced the house size from the last set of plans by over four hundred feet. Mr. Nestor continued with the fact that the applicants moved the garage from the left side of the home back to where the garage is now on the right side of the home. Mr. Trajkovic said that the reason they moved it was because the Board felt it was an issue having the driveway across from the access road of Northern Highlands High School. Mr. Nestor marked the site plans as A-1 August 27, 2014. Mr. Nestor said the site plans show the present structure and the new proposed structure. There are no sideline problems but they will need variances for the lot area, front yard setback, and rear yard setback. There is a porch in the rear of the house that is not enclosed. Mr. Nestor asked if Mr. and Mrs. Trajkovic

would agree in keeping the porch open as a condition of approval for the application and they said yes. Mr. Nestor stated that at the last meeting in May the applicants agreed that the dormers on the attic are there for cosmetic purposes only and that there will be no plumbing or living space on that floor and the Trajkovics agreed. Mr. Nestor asked them if the Board approves the application would they agree with that being a condition of the approval and Mr. and Mrs. Trajkovic said yes. The question for the Board would be the size of the house and the front and rear yard setbacks.

Ms. Hart asked what the front yard setback in the zone would be and Mr. Nestor said fifty feet. The house is currently 49.6 according to Mr. Nestor and 49.4 according to Mr. Trajkovic. Mr. Manning asked what the existing rear yard setback was and Ms. Trajkovic said fifty feet. Mr. Nestor said the current structure is not in violation of the rear yard setback but the new structure will be moving into the left corner. Ms. Hart said the rear yard is not typical as it is really another side yard. Mr. Nestor marked the architectural plans consisting of pages A-1 through A-4 as A-2 August 27, 2014 and marked the tax map which showed the distances between the proposed dwelling and the neighboring homes as A-3 August 27, 2014. Ms. Hart asked if they were originally going to build on the existing foundation and changed these plans to tear down the house and build a new one. Mr. Trajkovic responded that was the challenge they faced. Mrs. Trajkovic said that there were challenges with the lot size and shape and trying to keep the foundation but adding to the structure. She continued with the house then became too big and this seemed like a better solution. Ms. Chamberlain asked if it was a full basement now and Mr. and Mrs. Trajkovic said yes and the new house will have a full basement too. Ms. Chamberlain asked about the height of the ridge on the garage of the house and Mr. Trajkovic said eighteen feet. There was some discussion as to whether the architect meant eighteen feet for that particular peak. Mr. Trajkovic said the peak would be lower than the roof. The height of the home will be 32.8 feet in total. Ms. Tengi said that the measurement of height has to be from the lowest point of grade and the total height has to be under thirty-five feet. Mr. Trajkovic said that the survey says 32.8 feet and he thought the height was from the ridge to the stairs. Mr. Nestor said that would be an incorrect measurement of the height according to the Board's specifications. Mr. Nestor said that since the architect wasn't there and couldn't testify to where he took the measurement from and the Board may approve the application but the architect will be held to the thirty-five foot maximum.

Mr. Jones asked Mr. Nestor if the Code Official reviewed the new plans as he thought a condition should not only be put in for the height but for the Code Official to review the plans to make sure the Board didn't miss something. Mr. Nestor explained to the Trajkovics that typically when the Board asks for revisions they are usually minor and do not need to go back to the Code Official. These plans are brand new and did not go to the Code Official. Mrs. Trajkovic said that they did not know they needed to send them to the Code Official and Mr. Nestor said the Board didn't realize that there were going to be completely changed. He continued that there would probably be a condition of approval for making sure the Code

Official sees the plans before the Resolution is written. Mr. Nestor said he would try to speak with the Code Official about trying to get his approval before the next meeting when the Resolution would be approved.

Mr. Jones asked Mr. Nestor to review the variances being requested. Mr. Nestor stated that they are deficient on the lot area which is a pre-existing condition. They are deficient in the front yard where fifty is required and from the closest point they are 40.2 feet from the property line. If you look at the diagram marked A-1 that deficiency is only for a limited amount of the front exposure on this building. They are deficient on the rear yard which is the southwest corner which is not the entire back of the house. It is the triangle on A-1. Ms. Tengi asked for the hardship and Mr. Trajkovic said the shape of the lot was the big problem. In the Triple A Zone and they don't have what the Zone requires. The house was built in 1962 or 1963 and no renovations have ever been done besides a bump out in the back of the home. Another hardship is the easements that surround three quarters of the property. They are also across the street from the access road for Northern Highlands High School which is used more as a road than just as an access road. The southwest part of the property is completely unusable.

Ms. Tengi opened the meeting to the public, but since no one approached, she closed the meeting to the public and brought the meeting back to the Board. Mr. Jones said that the applicant had made the burden of proof for the hardship of a uniquely shaped corner lot. The applicant had amended the plans from the last meeting and the home is some 300 square feet smaller than the original one submitted. Mr. Jones suggested that the Board grant the variances for the front yard, rear yard, and previous existing nonconforming lot. He moved to approve the application with two stipulations including a condition of height and review of the plans by the new Code Official.

Ms. Tengi stated that although she felt the house was large with the garage on the right side of the property it will not appear as massive as the proposed home fits better on the property. The closest property adjacent to their home is almost 124 feet away. The nearest is exactly 123.9 feet, and another neighbor is 141.11 feet, and the others are 133.9 feet and 221.11 feet which are significantly away from the applicant with a good buffer area. Ms. Tengi wanted two more conditions added including the third floor is attic space and the porch will not be enclosed in the back. Ms. Hart asked if it would be better to push the whole home back but the Board decided they liked where the proposed house would be.

On a motion from Mr. Jones, seconded by Ms. Tengi, the Trajkovic variance application was approved.

The next variance application was for Gary and Anna Guglielmi from 33 Farley Place, Block 909, Lot 4. Ms. Tengi said that looking at the survey they have a uniquely shaped lot and Mr. Guglielmi agreed and stated that was their hardship. Mr. Guglielmi said they are proposing an addition to the back of the house. They are extending the kitchen, family room, and

reconfiguring the existing mud room and laundry room. They are looking to put entry stairs on the side of the house into the mud room which is one of the variances that they will need. It would be on the side of the house that has a 12.2 foot setback. This setback area is right behind their neighbor's detached garage. Their house is about 100 plus feet from the detached garage. Mr. Guglielmi said our driveway is cattycorner to their garage. There are trees planted between the properties. Ms. Tengi noted that the neighbor would not be able to see the stairs and Mr. Guglielmi said they can't even see the house today. Mr. Manning said the only relief they are looking for today is not for the structure but for the stairs and Mr. and Mrs. Guglielmi agreed. Ms. Tengi disagreed saying they needed relief on both side yards and but the home was pre-existing. Mr. Manning said he visited the house and said he saw the neighbor's garage in relation to the property and Ms. Tengi said she also visited the house and saw the foliage separating the properties.

Mr. Nestor said that as the house presently exists they need 21.46 feet of relief on each side. They have 15.6 on one side and 16.4 on the other side. With the new addition they will now need 25.96 on each side with sixteen on one side and 12.2 on the other side. They are thirteen feet over on one side and nine feet over on the other side. But presently their house is in violation of the code so there should have been a variance as per 270.37A as a pre-existing nonconforming structure. It was not on the Code Official's list but it will be part of the Resolution if the Board approves the application. Mr. Nestor also noted that the height has to be taken from the lowest grade and the front is twenty-nine feet high but he was concerned about the height from the back of the home. Mr. Guglielmi said that the property slopes down. Mr. Nestor had the Board look at the pictures SK6 and Mr. Manning agreed that the back slopes down considerably. The Board members discussed that it may be another five or six feet. Ms. Hart commented that the steps in the garage may make the house look different from the one side. Mr. Guglielmi said they have three steps in the garage. Mr. Nestor asked if they were only adding 750 square feet and they said yes. Ms. Weidner asked if the stairs were just a convenience and Mr. and Mrs. Guglielmi said yes as they would like to enter through the mud room. Ms. Tengi said the buffer of trees between the properties makes a difference with this application.

Mr. Nestor marked the plans from Z+ Architects SK1-SK6 as A-1 August 27, 2014; the property survey as A-2 August 27, 2014; and the proposed site plans as A-3 August 27, 2014. Mr. Manning asked about the future patio and Mr. Guglielmi said they are taking out the deck and would like to put a brick or paver patio in later. Ms. Hart commented that on the right hand side of the property they have the trolley tracks, which are part of an easement, and it was about sixty feet and Mr. Guglielmi said it is part of the Rockland Electric site. Ms. Tengi opened the meeting to the public. Mr. Robert Yevchak from 38 Farley Place approached and was sworn in and said he lives diagonal from the applicants and was in favor of the application as it adds to the neighborhood. Ms. Tengi said that public comments are always welcome. Ms. Tengi brought the meeting back to the Board.

Mr. Jones said the lot is a unique and exceptional shaped lot with a sixty foot easement. Since the variances are not in violation of the Land Use Law or the Town Ordinances the impact would be minor and he felt the applicant has met the burden of proof. Ms. Tengi stated for the record that besides the side yard setbacks that are in violation they also have a pre-existing nonconforming structure as it currently exists.

On a motion from Mr. Jones, seconded by Ms. Hart, the Guglielmi variance application was approved.

On a motion from Ms. Tengi, seconded by Ms. Weidner, the meeting was adjourned at 8:55PM.

Respectfully submitted,

Diane Knispel