

February 26, 2014

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on February 26, 2014. The meeting was called to order at 8:03 PM by Ms. Tenghi 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 to roll call: Mr. Jones, Mr. Redling, Ms. Hart, Ms. Chamberlain, Ms. Tenghi, Mr. Manning, and Ms. Weidner.

On a motion from Ms. Tenghi, seconded by Mr. Jones, the minutes from January 22, 2014 were approved.

On a motion from Ms. Chamberlain, seconded by Mr. Manning, the Resolution of Memorialization for the Distaulo/Bertie variance application was approved. Mr. Redling abstained from voting as he was not present at the meeting.

The first variance application to be heard that evening was Raphael & Julie Cornacchia from 70 Arlton Road, Block 505, Lot 5. Mr. Cornacchia and Mr. Frank Grippi the architect were sworn in. Mr. Grippi is from R&G Architects and has been a licensed architect in the state of NJ for about two months. He has been licensed in New York and Connecticut for over twenty years and has testified before many Boards in the past. Mr. Grippi said they were before the Board because they needed two setback variances. There is an existing front-yard setback of 38.9 feet where it was supposed to be forty feet. There was an addition to the house in 1996 and apparently no one noticed the setback then. The front-yard setback has nothing to do with the application but it is a pre-existing nonconforming use. The second one is for a side-yard variance which is 31.3 feet presently where the existing is thirty-one feet which isn't a problem. But they are adding 448 square feet to the rear of the residence and that makes the house fifty-four feet on the right side and seventy feet on the left side. Since the Town has a formula which determines the setbacks, they would need setbacks on the sides of the house to be 34 feet which now makes the existing house nonconforming.

Mr. Grippi told the Board that they wanted to add a two story addition which would include a kitchen and deck on the first floor and a bedroom, bathroom, and laundry room to the second floor. Mr. Nestor asked which page of the plans he was referring to and Mr. Grippi said page four. Mr. Nestor asked whether he drew the plans and Mr. Grippi said yes. The plans A1-A8 were marked as A-1 February 26, 2014. Ms. Tenghi asked what was behind the property and Mr. Cornacchia answered houses from Cherokee Avenue. Ms. Tenghi asked how many feet the addition would be to the nearest structure and Mr. Grippi responded 288 feet. Ms. Tenghi asked if there was year round foliage and Mr. Cornacchia said yes. Mr. Grippi told Ms. Tenghi that she could see this on the photographs. Ms. Tenghi summarized that they were here before the Board because they have a pre-existing front-yard setback by 1.1 feet and for the side-yard three feet if you are facing the right of the property. This is due to the enhanced side-yard setback

requirement because of the addition and Mr. Grippi replied yes. Mr. Nestor marked the tax map as A-2 February 26, 2014 and the photos as A-3 February 26, 2014.

Ms. Tenghi opened the meeting to the public. Mr. James Thomas from 30 Arlton Avenue stepped forward. He lives two doors to west of the applicant. As a long time resident of Allendale and a neighbor he was in favor of the application. Mr. Thomas told the Board that this property has been to the Planning Board before when it came to building Harding Avenue and extending this property. A stoop variance was recognized at the time and was not an issue as it had been there for sixty-two years. Twelve or fifteen years ago the owner came in front of the Planning Board and the Town Council to have the second driveway approved. This was reviewed by the Board and deemed of no consequence. Mr. Thomas felt there would be no detriment to the property or nearby properties by allowing the addition. He also said that it would add value to the area. Ms. Tenghi and Mr. Nestor thanked him for his comments. Ms. Tenghi asked for any more comments from the public, and seeing none, she closed the meeting to the public and brought it back to the Board.

Mr. Manning asked how long they had been in the house and Mr. Cornacchia responded that his family moved in around September 2012. Mr. Manning concluded that the driveway variance was given before they moved in and Mr. Cornacchia agreed. Mr. Manning asked if he had a garage on each side of his house and Mr. Cornacchia said yes. Mr. Cornacchia explained that the previous owner had a 1966 Corvette stored in that two car garage under the family room. The floor to this garage slopes up dramatically and he can't get his own car in there. His family is using this garage for storage. Ms. Hart asked about the height of that garage and was told that it was twenty-eight feet. Mr. Manning asked what the hardship was Mr. Cornacchia said that he felt the hardship was that the kitchen was very small and to straighten out the floor plan and make it more of an open floor plan they would need to put on the size addition that they were requesting. He stated that he would need a variance no matter what he decided to do. Mr. Nestor said that they are adding 448 square feet to the gross building area and 326 square feet of coverage. He asked if the difference occurred between the two numbers because of building two stories and Mr. Grippi said yes. Mr. Nestor asked Mr. Cornacchia if he would be willing to have only one garage used as a garage on condition of approval of the application in front of the Board. Mr. Cornacchia said yes as he only uses the second garage for storage. There was some discussion about how the Zoning Code dictates that each property owner can have only one set of garages on a property. Mr. Jones asked if they would have to get rid of the second driveway and Mr. Nestor said no that two driveways were allowed per Code. Ms. Hart asked about the height of the garage being thirty-five feet and Mr. Grippi said it was pre-existing. Mr. Cornacchia said the addition is lower than the existing height of the house. Mr. Grippi said that it was 34.4 feet from the front property line to the stoop. Mr. Nestor asked if anything was being done to the front of the house and the answer was no. Mr. Nestor said that the height was from the lowest grade.

Ms. Tenghi stated that the addition would enhance the aesthetics of the community and be beneficial to the property owners. On a motion from Ms. Tenghi, seconded by Ms. Hart, the variance application was approved.

The next variance application to be heard was from Joseph Conte, 40 Donnybrook Drive, Block 1102, Lot 1. Mr. Joseph Conte was sworn in. Mr. Conte and his wife moved to Allendale about three years ago and since then have had two children and they are running out of space. They are tight with closet space and need to add a family room. Mr. Conte proposed adding a two story 26x20 foot addition to the rear of the property. He would increase the size of the existing bedroom; add a family room, and an additional bathroom and sauna. The total square footage would be 942 square feet per floor and he needed a variance because the side yard setback is 25.25 feet and according to the formula he needed 32.33 feet. Mr. Conte explained that the addition would go straight back and would not encroach on the existing side-yard so it is a nonconforming variance. He explained that the height of the roof would be the same as their existing roof at 23.7 feet. Mr. Conte said he forgot to bring pictures in of the property, but his house is right next to the back road to Hillside School. His property is twenty-five feet from the adjoining property with a bed of trees between them.

Mr. Nestor asked if he had thought of any alternatives or would he be coming before the Board anyway and Mr. Conte felt he would still have to come before the Board with a variance. Ms. Hart asked about the first floor being a basement and the second floor being a first floor. He has no basement so he meant the ground floor. Ms. Hart said it is a bi-level and it was difficult to see without the pictures. Mr. Conte said the windows on the first floor are just above the ground level and they are below grade. Ms. Hart asked if he had thought about moving everything to the other side but Mr. Conte said the main purpose is to add footage to the master bedroom so putting it on the other side would defeat the purpose. Mr. Nestor marked the first floor plan labeled A1 and A2 with a date of 5-17-13 as exhibit A-1 February 26, 2014. Ms. Hart asked about whether windows would be on the left side of the home and Mr. Conte said no. He continued with the fact that they wanted a TV on that wall so he was going to add bigger doors and windows on the side facing the pool. Mr. Conte said he could put a frame on the outside to make it more pleasing to the neighbors so it didn't look like a bare wall. He could also put some shrubbery on that side of the house. Ms. Weidner recommended putting the family room back about eighteen inches and putting in a new roof line so that the addition wasn't so plain and large on that side of the property. Ms. Weidner asked where the neighbor's driveway was located in relation to Mr. Conte's home but the driveway is in front of the neighbor's house. Ms. Hart agreed about bringing the addition in a bit but Mr. Conte said that if he moves the addition over too much it would encroach on the kitchen windows. Mr. Nestor marked the Z-0 bulk requirement plans dated 5-17-13 as A-2 February 26, 2014.

Ms. Tenghi opened the meeting to the public, but no one approached, so she closed the meeting to the public and brought the meeting back to the Board. Mr. Conte said he could put in fake windows or he could go in a foot if that was what the Board wanted. Ms. Hart asked about

putting windows in the existing room but Mr. Conte said that wouldn't work but he could put two windows on either side of the fireplace if needed. Ms. Chamberlain asked if there were windows in the current bedroom and there is one but it is not on the drawings. Ms. Weidner was worried about the long plane or the flatness of that side of the house. She was still in favor of stepping it back and Ms. Hart agreed. Mr. Conte said he could come in a foot and move an interior wall in the family room and cut down on the powder room and sauna. Ms. Tengi suggested that he check with an architect about doing that first and carry the application over to next month. Mr. Conte didn't think that was necessary, but Mr. Nestor said that sometimes an architect will say that a wall being moved can't be done. There was some discussion on whether to carry the meeting over to next month or not and get an architectural opinion before making the final decisions and voting. Ms. Weidner advised having new plans to show the revisions that were discussed. Mr. Nestor stated that the Resolution would show that it would be one foot less and that he didn't feel new plans were needed. Ms. Chamberlain felt that they should vote when things were made clearer to the Board as to what was being done, suggested pushing the vote off to next month, and that Mr. Conte should provide new plans at that time. Ms. Tengi recommended visiting the tax assessor and getting an estimate on how much more his taxes would be raised because of the addition. Ms. Hart proposed talking to his architect to see if they had to take things down a foot or just slide things over. Ms. Chamberlain said that the measurement on that side is the main concern. Ms. Weidner said it was forty-six feet. Mr. Jones asked about Z-0 A-2 and if the new addition touches the deck or not. Mr. Conte said that it would and Mr. Nestor questioned why that wasn't reflected in the plans. Ms. Chamberlain commented that the details on the drawings were not quite accurate and suggested that he revise the plans and come in for next month's meeting. Mr. Conte agreed to bring in new plans and pictures for the next meeting scheduled on March 26<sup>th</sup>.

On a motion from Mr. Jones, seconded by Mr. Redling, the meeting was adjourned at 9:05PM.

Respectfully submitted,

Diane Knispel