

January 25, 2012

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on January 25, 2012. The meeting was called to order at 8:10 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. Hart, Mr. Manning, Ms. Chamberlain, Mr. Jones and Ms. Weidner. Mr. Redling was absent. Also present was Mr. Nestor, Board Attorney.

Mr. Manning moved, seconded by Ms. Chamberlain, to approve the minutes of the meeting of December 21, 2011 as submitted. On roll call, all members present voted in favor.

#### Election of Officers

Ms. Teng moved that Mr. Nestor continue to serve as Board Attorney. Motion seconded by Ms. Chamberlain. Approval was unanimous.

Mr. Jones would like to put on record that Mr. Nestor has served on this board faithfully for the past year and has done an outstanding job in everything he has done.

Ms. Chamberlain moved that Ms. Teng serve as Chairperson. Motion seconded by Ms. Weidner. There being no further nominations, all Board members present voted in favor.

Ms. Chamberlain moved to appoint Ms. Hart to continue to serve as Vice Chairperson. Motion seconded by Ms. Weidner. There being no further nominations, all Board members present voted in favor.

Ms. Teng stated that the Board is always looking for alternates. So if anyone in the public is interested in volunteering to contact the Mayor or any Council members.

Mr. Jones would also like to thank Gwen for her year of service with the Board. She did a great job.

Resolution of memorialization was submitted by the Board Attorney with regard to the Richard and Patricia Gatto variance application. Ms. Chamberlain moved, seconded by Mr. Manning to approve the resolution as submitted. On roll call, all members present voted in favor.

#### Vincent and Roseann Barra variance application, 7 Ceely Court, Block 2203 Lot 20

Mary Scro from Z+ Architects was sworn in to testify on behalf of Mr. and Mrs. Barra. They are proposing a second floor master bedroom suite addition to the existing ranch style house along with reconfiguring some of the walls and a 102 square foot addition out the back of the first floor. The total addition will be 830 square feet.

Ms. Scro stated that the addition will be keeping within the floor area ratio. We will still be well under the allowable FAR of 7.5%. The reason that they are here in front of the board is because

of the side yard setback. When they add the additional square footage, the side yard setback requirement jumps up to 22.23 feet. The proposed addition is within the 22.23 foot requirement. However the existing front corner of the house does exist beyond that at 21.03 feet.

Ms. Scro stated that there will be elevations to the house but it will still have a colonial style look to it. It will be updating the house as a whole.

Mr. Manning asked if they will be going out to the left or right side. Ms. Scro stated that everything will be within the existing footprint except for a little bump out from the rear of the house where the existing breakfast area is. The bump out will only be about two feet. This is not on the side of where the variance is needed. They will also be moving the front door and adding a little addition where the existing front door is to give a little more bedroom space. Mr. Manning asked if they will be building out toward the street. Ms. Scro stated that they will not be building toward the street or any of the side yards. Mr. Manning was also wondering about the steps. Ms. Scro said that the steps will be located in the same 13 feet that the addition is in.

Ms. Tengi asked Ms. Scro to describe what is located on the left hand side of the house that encroaches the neighbor to buffer these two properties. Ms. Scro handed out some photographs to show that there are some trees located between the two properties.

Ms. Tengi stated that she went by the house to observe it. Ceely Court is a cul-de-sac located off Dale Avenue. She stated that the house looked like it was situated on an angle on the property. Ms. Tengi noticed the line of trees that are a buffer between these two properties. Also observed was a garage or shed on the neighbor's property along with the driveway.

Ms. Scro stated that if you look at their drawing SK-3, it will show that they did step in the addition so it will not be overpowering on the side that the variance is needed.

Mr. Jones asked for confirmation that the addition will be pulled back in that corner. Ms. Scro did confirm this. She also stated that the addition will have a sloping roof so it does not look big and bulky.

Ms. Tengi asked what was located in the back of the house. Ms. Scro stated that there is a stream back there. There is a stream encroachment line on the property which does not allow them to build in that area. This also adds another hardship because they will not be able to build out the back of house.

Ms. Weidner was wondering if the addition will be following the existing roofline or will there be something else. The roofline will stay the same except for where the addition will be.

Mr. Manning asked about the windows on the second floor facing the neighbor. There will be casement type windows that will be facing the neighbor. There will be three on top and three on the bottom. The bigger egress windows will be located on the back the house facing the backyard.

Mr. Nestor went on to mark the six pages of drawing as A-1 01/25/2012. The two pages of photographs will be marked A-2 1/25/12.

Mr. Nestor asked if the addition that is shown on SK-5 is what is located above the lower windows on the left hand side. This was confirmed by Ms. Scro. Also on the first page of photographs, the addition will be located above the current door that will be moved to the right. Ms. Scro also confirmed this.

Mr. Nestor asked if the house is within the boundary of the side yard setbacks without the addition. The house does conform to the current side yard setback but the additional square footage is in need of the variance.

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

Ms. Hart asked was the existing side yard setback would be. The minimum side yard setback for the AA zone in which this property is located is 20 feet.

Mr. Jones made a motion to approve the variance as submitted. He stated that they have a hardship with the stream encroachment in the rear and the shape of the property. The applicant is asking for such a small 1.2 foot variance. Ms. Hart would like to also add that the corner is the issue and the addition will have no impact on this since it is pushed in. Ms. Weidner seconded the motion. On roll call, all Board members present voted in favor.

Ms. Tengi would like to let the Board members that she will be meeting with Councilman Strauch and Mr. Wittekind to discuss pre-existing non-conforming structures to possibly change the ordinance.

Sanjeeve and Tamseel Khanna – 63 Heather Court, Block 701, Lot 29

Tamseel Khanna along with their architect Thomas Ashbahian were sworn in. Ms. Khanna stated that they are in need of a variance for a small 25 square foot addition to the kitchen. Mr. Ashbahian stated that they are here for five different variances. The variances that are needed are for minimum lot area, minimum width, minimum side yard, front yard and corner lot. He also stated that he believes that this is also a pre-existing non-conforming structure.

Mr. Ashbahian stated that the proposed addition will have zero impact on these areas in which the variance is needed. This is a pre-existing lot due to the subdivision that was done in either the late 70's or early 80's.

Mr. Ashbahian said that the 25 square foot addition will be connect to the existing kitchen in the rear of the house. This addition is to give some more room and storage to the existing kitchen.

Ms. Weidner asked if there was a deck there now. Mr. Ashbahian stated that there is a masonry patio there now. The addition will be built over this existing patio.

Mr. Ashbahian stated that even though the lot is undersized, they still maintained the coverage requirement and the FAR. Even with the addition the house will not be out of proportion to the lot.

Mr. Manning asked if the 25 foot addition was just to give the applicant more cabinet space in the kitchen. Ms. Khanna agreed with Mr. Manning and also stated that it was to give a little more width to the kitchen.

Mr. Nestor asked if the addition will be flush with the side of the house. Mr. Ashbahian stated that is correct.

Ms. Tengi stated that for reasons like this application that the ordinance change is needed. It is such a minor addition with no encroachment on the problem areas.

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

Mr. Jones asked if they are over the sliding scale for the side yard setbacks with this minor addition. Mr. Ashbahian stated they are not in conformance with the side yard setback. Ms. Tengi also asked if there were any issues with the FAR. Mr. Ashbahian stated that there was none.

Ms. Tengi wanted to know what the buffer to the rear of this property is. Ms. Khanna stated there is a line of trees along with a fence. There is also the neighbor's driveway.

Ms. Tengi would like to make a motion to approve the application as submitted. The 25 square foot addition is very minimal and does not impact any of the areas that the variance was needed. There are plenty of buffers between the applicant and their neighbor behind them. The property is a corner lot. They also cannot build out the front of the house due to there being slop to the front of the property. Mr. Jones seconded the motion but would also like to list all the variance needed. They are as follows: minimum side yards, lot width, lot area, front yard setbacks and a pre-existing non-conforming structure. On roll call, all Board members present voted in favor.

#### Charles Massie variance application – 200 Franklin Turnpike, Block 2006, Lot 14

Charles Massie and his contractor were sworn in. Mr. Nestor would like to mark into evidence four pages of pictures as A-1 through A-4. Also he would like to mark into evidence a site plan from Tudor Architects with a date of 1/23/12 as A-5 1/25/12. Mr. Nestor asked if there were any other submittals for today. Mr. Massie answered no. Mr. Nestor also made sure that the board will be looking at the plans dated 8/24/11 that were submitted and marked as A-1 12/21/11.

Mr. Nestor wanted to clarify where the current garage is located. Mr. Massie said that garage is currently located to the right of the house when you are looking at the house from Franklin Turnpike. Mr. Nestor was wondering if the garage was in any of the pictures that were submitted. Mr. Massie explained to the Board as to where the garage is located in the pictures.

Mr. Jones wanted to clarify that the garage will be moved. Mr. Massie agreed that the garage will be moved and will be part of the addition. The applicant would like to square this part of the house.

Mr. Nestor wanted to just make sure that they gotten the proper approval from the town engineer with regard to the pool. Mr. Massie replied by saying that they got all the proper approvals and the permit was issued to them. The applicant also stated that where they are putting the new garage does not affect any of the space between the new garage and the pool. The garage will be located in front of the fence that is on the plans. There will be 40 feet between the garage and the new pool.

There was an issue from the last meeting with regard to the property line on Elmwood Avenue. Mr. Nestor would like to know if that issue has been resolved. Mr. Massie stated that he has to get a new survey because it seems that there is an issue of the ten feet from the curb line. The question is whose property is it from the applicant's fence to the street. Mr. Jones explained to the applicant that every street has a right of way that belongs to the town. This is so that if the town decides to, they can enlarge the street. Mr. Nestor went on to explain to the applicant that the reason that the property line is so important to this application is because they have two front yard setback issues. If the property line is different then what the board sees at this time, it would require another variance.

Ms. Tengi stated that she did go out and observe the property. She stated that the driveway should be moved to the Elmwood side of the property. With Franklin Turnpike being such a busy road it is a true safety hazard trying to get out onto that street. She observed that the house seems to be on an angle on the property away from Franklin Turnpike. This property is very unique.

Mr. Nestor would like to inform everyone what the applicant is looking for. The applicant is looking to add a new driveway, a new garage, a new deck area, new right front corner and new left covered front porch. Mr. Massie added that the deck of 237 square feet will be coming out and they will be going up to add a second bedroom on the right side of the structure. Mr. Nestor wanted to confirm that the new addition will not be any greater than 25.33 at its closest point. Mr. Massie agreed.

Ms. Hart just would like to have clarification from Mr. Nestor that the proposed work will add a total square footage of 3,489. Ms. Nestor agreed. Ms. Hart also stated that the side yard increased from 15 feet to 20.93 feet. Mr. Nestor did clarify this by saying that it is just the right hand side since the applicant has two front yards.

Mr. Nestor explained to the applicant that the Board is here to make sure that nothing encroaches on any of the setback. This application does increase the encroachment on Franklin Turnpike. Mr. Nestor asked the applicant to explain the need for the increase of the setback from 33 feet to 25 feet. Mr. Massie stated that he would like to give the house a colonial look so it will be a straight house across the front. Also with the bump out it will allow you to walk straight into the family room instead of walking all the way into the back of the house to go to the family room in the front. Mr. Nestor asked if the proposed addition on the second floor was shown in the picture

marked A-2. The house is presently a one story as pointed out by Ms. Hart. The roof line will stay the same as it is.

Mr. Massie wanted to put on record that there have been other additions done to this house. The current garage is one of those additions that included the front porch area and powder room. The layout of the house is very strange.

Ms. Hart is very concerned that there is a lot of bulk on the one corner where you are not actually allowed to build. The angle of the house does come closer to Franklin Turnpike than most houses. Mr. Massie stated that the police station is only about six feet from Franklin Turnpike. Mr. Jones stated that each application is different. Mr. Massie stated that there are at least six or seven houses very close to Franklin Turnpike heading toward Ramsey.

Mr. Jones would like to know the purpose of the bay window in the front of the house instead of a flat window. The applicant's contractor stated that the bay window is just added for aesthetics. They stated that if it will make a difference, they would be happy to change the window.

Ms. Weidner made a suggestion of maybe stepping the upstairs addition back a little bit so it won't look so bulky when you are driving down Franklin Turnpike. There are a lot of trees there to cover the house but it will still look very top heavy. Mr. Manning went on to say that there is a lot of house for such a little property. He is agreeing with Ms. Weidner about limiting the whole visual mass. Mr. Massie stated that once his landscaper is done with doing the work you will not really see the house from the street. The applicant is trying to make the house look as private as possible.

Ms. Tengi would like clarification that everything is up to code for the pool. Mr. Nestor stated that the Board did approve the pool for that location. He also stated that Mr. Massie did say that they were already issued their permit.

The applicant's contractor stated that if they push the bump out back they would still have to go into the back of the house to enter the family room through the kitchen and that is not what they are looking to do. Ms. Hart asked about removing the powder room. If the powder room was removed they would be walking into a dead end. Mr. Manning just wanted to clarify that they were talking about pushing back the second floor addition. Ms. Tengi stated that if you do push back the second floor it does give a little more room to play with. The applicant's contractor stated that the reason they are looking to do the addition is to make the master bedroom bigger.

Two of the board members made a suggestion of instead of using the outside wall of the powder room as a starting point to use the inside wall. So instead of coming out seven feet come out just three feet.

Ms. Chamberlain stated that there is too much bulk for this lot. Mr. Massie said that he will go back to the architect to see how they can make the plans little less bulky.

Ms. Tengi stated that they will carry this to next month's meeting on February 15<sup>th</sup>. Mr. Nestor went over what the violations are and what the Board has suggested.

Mr. Massie asked the Board to tell him what to do. Mr. Nestor stated that the Board cannot tell the applicant what to do.

On a motion by Ms. Hart, seconded by Mr. Manning, the meeting adjourned at 9:24 p.m.

Respectfully submitted,

Gwen Gordon