

January 28, 2015

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on January 28, 2015. The meeting was called to order at 8:12PM 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 Board 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. Manning, the minutes from December 17, 2014 were approved. Mr. Jones, Mr. Redling, Ms. Hart, Ms. Chamberlain, and Ms. Weidner abstained from voting as they were not present at the meeting.

On a motion from Ms. Tenghi, seconded by Mr. Jones, the appointment of Mr. Nestor as Board Attorney was approved. Mr. Nestor has been the Board attorney since 2008.

On a motion from Ms. Chamberlain, seconded by Mr. Manning, Ms. Tenghi was appointed as Chairwoman and Ms. Hart was appointed as Vice Chair for the year 2015. Both appointments were approved by the Board. Ms. Tenghi said that they could use an alternate member on the Board and will discuss that issue with Mayor White in the future.

The only variance application before the Board was for Craig and Jennifer Barnet from 51 Stone Fence Road, Block 1405, Lot 20. Mr. Redling recused himself as he was noticed due to living within 200 feet of the applicant. Mr. and Mrs. Barnet were sworn in to testify. They have been the owners of the home since April 2013. Mr. Barnet said that they have two young children and had been looking for years to find the right home in Allendale. They loved Stone Fence Road and lost two bidding wars on the street. This house came back on the market and they bought it. Mr. Barnet knew the layout and the size of the home would not work for their growing family as they might want a couple more children and his parents may come to live with them in the future. Before they closed on the house they had a local architect visit to see if they added on to the home in the future if the architect foresaw any major problems and the architect felt what they wanted to do would be feasible. Mr. Barnet said they have done multiple versions of the plans. The architect they worked with told them they would have to get a variance so they reworked the plans and shrunk the plans. They tried to keep the existing footprint. Staying with the existing footprint and putting a second floor addition meant that the side yard setback violation was as small as it could be.

Mr. Nestor marked the six pages A-1-A-6 of the architectural plans designed by Mark Braithwaite and revised 12/4/14 as A-1 January 28, 2015; the survey as A-2 January 28, 2015; and the aerial photo as A-3 January 28, 2015. Mr. Barnet said that if Board members went to the second floor plan on A-3 it would show that the bedrooms are skewed to the right of the home because the house is not centered on the property as it is skewed to the left of the lot. They are at

fifty-five feet on the right hand side of the property and have plenty of room on that side. Mr. Barnet stated that they wanted to stay away from the left side where the existing side yard setback is already but that would place the bedrooms on top of the garage which is not where they wanted the bedrooms located. He stated that no matter what they did to house with any significance added to the square footage they would ultimately create this side yard setback violation because of the floor area ratio. Mr. Barnet asked the architect if there was any other layout that they could do to avoid the whole process and the answer was no. Ms. Barnet said that the existing corner of the foundation is causing the setback problem and that they are not adding to that particular corner as they are just adding the second floor.

Mr. Manning stated their left side setback is 25.2 feet and they are fine on the right side and Mr. Barnet agreed. Ms. Tengi said that there was no pre-existing nonconformity with the house as it conforms without the addition. Mr. Nestor asked about the garage and Mr. Barnet said it is a two car garage and being kept that way. They had originally wanted to add on to the back of the house and thought about adding a third garage but Ms. Barnet said they decided to stay over the existing footprint and go up instead. Ms. Tengi asked about the land hardship and Mr. Barnet said that the property is baseball diamond shaped and Ms. Barnet said the house is cattycorner and not centered on the lot. Ms. Tengi asked if they received a list of residences within 200 feet from the tax assessor and they said yes and they sent a certified mailing to everyone on list. Ms. Hart said the difference from 30.89 to 25.2 was 5.69 feet which is the relief that the Barnet family needed. Ms. Barnet said it is the corner just a couple feet down on the left side of the property. Ms. Tengi 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. Jones asked why the Code Official said it was nonconforming and Mr. Nestor said the proposal was nonconforming. Mr. Jones asked about the plans on A-3 and the seasonal storage area and Mr. Barnet responded that it is just storage space for his family. Mr. Jones then asked how that impacted the great room and the Ms. Barnet replied that it would have a ten foot flat ceiling. Mr. Jones was told there is a dormer window there. Mr. Jones asked about the height of the roof on A-4 and why the left side of the roof was higher than the right side roof of the property. Mr. Jones noted that the ridge lines are different heights and wanted to know why.

Mr. Charles Castronovo from Complete Construction located at 758 Hollybrook Road in Paramus was sworn in to testify. Mr. Castronovo is the Construction Manager. Mr. Castronovo stated that the ridgeline goes higher because that portion of house is wider than the garage and to keep the roof pitch the same for the symmetry the ridgeline would need to be higher. Mr. Jones asked if it would not be feasible to make it lower but Mr. Castronova said that it would give the roof two different roof pitches. Mr. Jones asked about the storage space above the bedrooms and Mr. Castronova said it would be an attic with pull-down stairs and that the window in front of the house is in the attic. The height of the attic is eight to nine feet and it slopes downward. Ms. Tengi explained that there is an Ordinance in Allendale that prohibits third story living for safety purposes. Mr. Manning asked if there would be electric or plumbing in the attic and Mr.

Castronova said electric only and added that the HVAC unit will be up there too. Mr. Jones asked about the property that is fifty-three feet away from them and what kind of buffer they have between the properties. Mr. Barnet said there are plenty of trees. The height of the home will be thirty-one or thirty-two feet.

Mr. Jones said that the property is a pentagon shape and the house is not centered on the property. He felt the applicant had met the burden of proof and moved to approve the application as it was a minimal six foot side yard variance. Ms. Tengi agreed that the applicant lived on a uniquely shaped piece of property and a small corner of the structure is causing the encroachment of the side yard setback. She added that there is plenty of foliage between the neighboring properties.

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

On a motion from Mr. Jones, seconded by Ms. Tengi, the meeting was adjourned at 8:45PM.

Respectfully submitted,

Diane Knispel