

July 27, 2011

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on July 27, 2011. 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. Chamberlain, Ms. Hart, Mr. Jones, Mr. Manning, Mr. Redling and Ms. Weidner. Also present was Kevin O'Connor, acting as Board Attorney in Mr. Nestor's absence.

On a motion by Mr. Jones, seconded by Ms. Teng, the minutes of the meeting of June 22, 2011 were approved as submitted. On roll call, Mr. Redling and Ms. Chamberlain abstained. All other Board members voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Concrete Construction Corp. variance application. Ms. Teng moved, seconded by Mr. Manning to approve the resolution as submitted. On roll call, Ms. Chamberlain and Mr. Redling abstained. All other Board members voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Charles Massie variance application. Mr. Manning moved, seconded by Ms. Weidner, to approve the resolution as submitted. On roll call, Ms. Chamberlain and Mr. Redling abstained. All other Board members voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Artur Nowak variance application. Ms. Teng moved, seconded by Ms. Hart, to approve the resolution as submitted. On roll call, Ms. Chamberlain and Mr. Redling abstained. All other Board members voted in favor.

Continuation of the Nebil Kazancioglu variance application

Ms. Chamberlain said she listened to a taped recording of the last meeting. Mr. Redling said he did not get a chance to do so.

Ms. Teng said applicant was before the Board at the June 22 meeting requesting a variance to construct a garage on his property. The Board needed additional plans and information in order to act on the matter. The applicant is now before the Board with revised plans.

Mr. Kazancioglu said he believes the denial from the Building Inspector was based on the lot size and width and the distance of the garage from the dwelling. The Board requested additional information and a professionally prepared plan. They requested the garage to be pushed back and the size, width and length to be changed. He said he has done all that and submitted a new plan.

Mr. Kazancioglu said the width of garage is reduced to 24 ft., the length is reduced to 30 ft. and the garage has been pushed back an additional 4 ft. The distance from the dwelling is increased to 6 ft.

Mr. Jones asked if a new site plan was submitted. He is looking for the location of the garage on the proposal. Mr. Kazancioglu said he has submitted a picture. Ms. Hart said the Board still does not have a plan. Mr. Kazancioglu said he submitted a photo and the garage is going to be located in the area where the cars are shown.

Mr. Manning said the Board needs to have site plans submitted in an architectural form. The photo does not show where the garage is going to be located in relation to the house. Ms. Hart asked how will the Building Inspector know that the garage is built according to an approved plan if there is no plan. Mr. Jones suggested that Mr. Kazancioglu redraw the location of the garage on the plan. Mr. Kazancioglu said he can do that right now. He added that his neighbor is present to tell the Board that he has no problem with what he proposes to do.

Ms. Tengi said that in the meantime, the Board will hear the next application.

Selim and Elizabeth Arcasoy variance application – 404 Brookside Ave., Block 1407, Lot 6. Applicants and Mary Scro, their architect were sworn. Ms. Scro said she is a licensed architect in New Jersey, New York and Pennsylvania. She has been accepted as an expert in her field on many occasions.

Ms. Scro said applicants are proposing to enclose their front porch and rebuild the stairs. The enclosure of the porch will add 224 sq. ft. to their house. Presently when you enter the house you walk right into the living room/dining room. With this proposal there will be a small vestibule. There will be an open area look that will be aesthetically pleasing to the eye in keeping with some of the other adjacent homes. It will enhance the existing curb appeal of the house. The stairs will be made wider with railings on either side. They will not be going any closer to the street and they will not be changing the footprint of the house nor the nonconformity in any way. The porch is already roofed so technically that mass is already there. They just want to enclose with glass and a light looking structure that will become more useful. The front yard setback will not be impacted at all. They would like to make the steps a little wider but they are not getting any closer to the street than what is existing now. The front yard setback will remain at 27 ft. The homes on either side are not at 50 ft. which is the required setback.

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

Ms. Tengi said she visited the property. There is a stream in the back and they cannot do much in the back of the house to accommodate what they are attempting to do. Looking at both the front and back of the property as well as the adjacent properties, this is a pre-existing nonconformity and there will be no further encroachments. They will be enclosing a porch that is currently open. It will not further impact the current deficiencies with this property. It is an irregular shaped property creating a hardship on whatever they do. They are very limited in what

they can do based on the size and topography of the property, especially with the brook in the back. She feels it is a very minimal application. It does not further encroach on any current nonconformities and enhances the neighborhood aesthetically and will further enhance their use of the house. Consequently she moved to approve the variance.

Ms. Hart commented that the widening of the steps does further encroach. Ms. Scro said it is increasing the coverage within the front yard setback by widening the stairs but they are not increasing the front yard setback. Motion seconded by Ms. Hart.

On roll call, Mr. Jones abstained. All other Board members voted in favor.

Continuation of Nebil Kazancioglu variance application

Ms. Chamberlain said she listened to the tape of the last meeting. She feels there is room in the rear of the property to move the garage back. She is happy applicant is building a garage because that will be a huge improvement but she sees no real reason why the garage could not be built further back on the property.

Mrs. Kazancioglu said she has a medical condition and if the garage is moved back that means she will have to walk to the car so far that it will expose her to the elements and defeat the purpose of getting the garage because at that location she would not even park the car there. She would park it by the door to the house. The whole purpose of having the garage is to accommodate her car so she can get in a warm car in the winter and not get wet. She said it does not suit her needs to move the garage back.

Mr. Kazancioglu said in addition his mother is going to move in with them and they will need easy access with the handicap chair. As suggested, they can put the garage all of the way back and can have a 30 ft. wide and 30 ft. deep garage, but he does not want to cover half of the property with additional pavement. Pushing the garage back so he is not subject to the 10 ft. setback is going to make him cover half of the backyard with concrete. He would like to have the maximum green area. Ms. Chamberlain asked if he is planning on putting in a ramp. Mr. Kazancioglu said he is and he wanted to attach it with a breezeway but the Building Inspector suggested not to do it because he would be subject to more variances. It will be part of the structure of the house and it will be more efficient. Ms. Tengi pointed out that our ordinance has the 10 ft. requirement between structures.

The meeting was opened to the public for comments.

Mark Braun, 250 Brookside Ave. was sworn. He said he has no problem with the proposed garage. Mr. Kazancioglu is putting it in the side setback which is 6 ft. off his property line. He understands the variance is needed because he wants to build his garage 4 ft. away from his deck rather than the 10 ft. that is required. He has been told that the 10 ft. is to allow a fire truck to get back there. He said the elevations are such that a fire truck cannot get back through his property so he does not understand the reasoning for the 10 ft. He agrees with Mr. Kazancioglu that if he pushes the garage back so it is 10 ft. from his deck he would be in the very rear of his property. He would lose his whole lawn in the back and would have more asphalt which he feels is unnecessary.

Susan Braun, 250 Brookside was sworn. She said having the garage creates a buffer from the road and putting it where they want it saves their yard and they do not lose all of their greenery. It also provides a buffer from all of the noise on Brookside Ave. She added that it would definitely enhance the property.

Ms. Tengi commented that the Brauns are the most affected by the application and asked if they are in favor of the application. They replied that they are in favor.

Ms. Weidner said at the last meeting they talked about clipping the deck and angling it so they could capture the 4 extra feet. Mr. Kazancioglu said they discussed this with many people. In order to do that he would have to get rid of the entire deck. The supporting beams would have to be cut and the only way they could be removed would be to remove the whole deck which cost them \$20-25,000. He added that the deck is the best part of the house and he and his wife use the deck on a daily basis.

The Board asked whether this will be a prefabricated modular garage. Mr. Kazancioglu said it will not. It will be built on site.

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

Mr. Jones said the applicant has revised his plan to shrink the size and mass of the detached garage. He believes the benefits of the installation of a garage on a property that currently does not have one would substantially outweigh any detriments. He said the 6 ft. is a concern but he thinks the applicant has shown that he has moved it to the best of his ability to the best location. He believes that aesthetically it will improve the intent and purposes of the municipal land use laws and our ordinances and he therefore moved to approve the application. Mr. Redling said for clarification he would like to put into the record that the garage will be 24 ft. wide by 30 ft. long and it will be 81-1/2 ft. from the front yard setback. It will be 6 ft. from the main house and 6 ft. from the property line.

Ms. Hart asked if they are allowed to have two driveways. Mr. Manning said he checked the code last month with Mr. Nestor and you can have two separate driveways. Mr. Kazancioglu said he also checked before he bought the house. Ms. Chamberlain said she agrees with Mr. Jones that the strength of having the garage outweighs any detriment of allowing the 6 ft. variance so she will second the motion.

On roll call Mr. Redling abstained. Mr. Manning voted no. All other Board members voted in favor.

On a motion by Mr. Jones, seconded by Mr. Redling, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Barbara Knapp