

June 25, 2014

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on June 25, 2014. The meeting was called to order at 8:05PM by Ms. Hart 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, Mr. Manning, and Ms. Weidner. Mr. Redling arrived at 8:06PM. Ms. Teng was absent.

On a motion from Ms. Chamberlain, seconded by Mr. Jones, the minutes from May 28, 2014 were approved.

On a motion from Ms. Weidner, seconded by Mr. Manning, the Resolution of Memorialization for Andrew Stravitz variance application was approved.

The Sasa Trajkovic application from 6 East Elbrook Drive, Block 104, Lot 30 was continued to the next meeting on July 23, 2014.

The first variance application before the Board was for Frances Lang from 5 Michelle Court, Block 406, Lot 27. Ms. Lang and Mr. Joseph Bruno were sworn in to testify. Mr. Bruno is the architect and his business is located at 29 Pascack Road in Park Ridge. He has been a licensed architect in New Jersey since 1988 and received a Bachelor of Architecture Degree from the New Jersey Institute of Technology in 1983. He has testified before numerous Boards in New Jersey and New York. Mr. Bruno was also on the East Rutherford Board of Adjustment and was Vice-Chair for four years. Mr. Nestor asked if he had testified before this Board of Adjustment before and Mr. Bruno stated that he had not. Mr. Nestor remarked that he had seen Mr. Bruno's plans in the past, but Mr. Bruno responded that his plans may have been used but he didn't testify.

Ms. Lang told the Board that she moved to Allendale in 1986 with her husband who passed away over two years ago. She would like to remain in the town of Allendale but in the last five years she has been through four surgeries most of which were for her back. Ms. Lang is concerned about using the stairs in her home and she is trying to plan for the future by building a first floor bedroom so she won't be forced to move out of her home.

Mr. Bruno said the home is an existing Dutch colonial two story home and they are proposing to add a Master suite comprised of a bedroom, sitting area, walk-in closet, bathroom, and a laundry all accessible from the current living room. They comply with all of the requirements except the side yard setback. Based on the total square footage of the home they are required to have a side yard setback of 29.3 feet and they are requesting 25.5 feet. Mr. Bruno said that the first aerial photograph from Google shows the existing setbacks. One neighbor is ninety-four feet from the home and the other neighbor is eighty feet away which would be most affected by the proposed

addition. Mr. Nestor marked the Google overview as A-1 June 25, 2014 and the setback photos as A-2 June 25, 2014. With the proposed addition the setback at ninety-four feet would be reduced to seventy-five feet and the property at eighty feet would be reduced to seventy-five feet. The distances would alleviate any hardship on the neighboring homeowners' properties. Mr. Bruno said that there is heavy vegetation on either side of the property. The maximum height of the addition is 21.8 feet. There is a flat roof area so the addition won't seem so imposing to the neighbors. They will use clapboard style siding on the home to match what is already there and stone veneer at the base. The addition will be well landscaped.

Mr. Nestor marked the revised plans of May 20, 2014 as A-3 June 25, 2014. Ms. Hart asked about the cul-de-sac and how the measurement of the front and side yard setbacks would be affected. Mr. Nestor replied that they didn't seem to have two side yards and that it seemed more like a side yard and a corner lot. Mr. Nestor asked for the front yard measurement and Mr. Bruno responded that it was 39.6 feet but he wasn't sure that it should be considered a front yard. Mr. Manning commented that he visited the property and that the home is quite secluded. Mr. Manning asked what the physical hardship would be and Mr. Bruno replied that it is because the house is located on a cul-de-sac, it is a pie-shaped piece of property, and the house is on an angle. He added that it wouldn't be a problem if it was a rectangular lot. Mr. Bruno remarked that they looked into other areas and that placing the addition off the family room or off the garage would not work. Ms. Hart asked if the garage was lower than the rest of the house and Mr. Bruno answered yes by a couple of steps.

Mr. Nestor marked the property survey as A-4 June 25, 2014. Mr. Jones asked if the property would require a primary setback variance due to the steps. Mr. Nestor replied that a variance would be necessary and explained to Mr. Bruno about the setback going from the steps to the property line which would render it at 38.1 feet which would be pre-existing and nonconforming because the steps are already on the property. Mr. Nestor said that variance would be added to the application. Ms. Hart inquired about the windows and Mr. Bruno said that he wanted to keep the scale of the house down so it isn't imposing. Ms. Hart 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. Ms. Weidner commented that there seemed to be a lot of vegetation around the property and Mr. Bruno responded that it is mostly deciduous. Mr. Nestor declared that if the home had been shifted somewhat on the lot Ms. Lang wouldn't need to come before the Board and Mr. Bruno agreed. Mr. Bruno added that the southerly line is at 41.8 feet. Mr. Manning added that the hardship is the uniqueness of the lot. Mr. Jones said that he didn't understand the hardship and asked why they didn't put the addition behind the garage. Mr. Bruno answered that placing the addition behind the garage would occupy the most usable part of the backyard so they put it on the least usable side. If they placed the addition in the back of the house they would destroy the patio and the access from the kitchen and the dining room to the outside of the property. Mr. Nestor questioned if they could take off three feet so they wouldn't be in violation of the setback. Mr. Bruno replied that they did look at that when making the plans but found that

they would either have to shrink the laundry room or make the addition longer on the other side. Mr. Bruno said that where they suggested placing the addition would have less impact on the neighbors. He reminded the Board that it is only a one floor addition.

Ms. Hart stated that she thought they did a good job with the one story addition by not making it too grand and she appreciated the creative roofline. Ms. Chamberlain asked if they would reside the whole house and Mr. Bruno responded that they would match what was there already. Mr. Bruno was asked what the square footage of the addition was and he responded that the addition was 728 square feet and that the existing first floor was 2347 square feet. Mr. Nestor questioned why the addition was at a different angle than the rest of the building. Mr. Bruno stated that they would still need a side yard variance not to mention a front yard variance and that encroachment would be far more noticeable. He said that it is not a monolithic block and that the floor area is spread out over the existing appendages. The total square footage of the home is 5692 square feet. Ms. Weidner asked if the laundry was upstairs and Mr. Bruno said that it is currently in a second floor closet.

Mr. Manning said that the uniqueness of the lot and location of the cul-de-sac is the hardship in this application. There is plenty of foliage on the side of the house to block the addition from the neighbors. Ms. Lang is only looking for a 3.5 feet on the side yard and a foot in the front. The house is pre-existing nonconforming for the front yard variance.

On a motion from Mr. Manning, seconded by Ms. Weidner, the variance application for Lang was approved. Mr. Jones voted no for approval of the application.

The next variance application was for Kari Lloyd from 511 Brookside Avenue Block 1304, Lot 24.01. Kari and John Lloyd were sworn in to testify. Mr. Lloyd explained that the application was for a fence. The application was denied because they proposed to have a six foot fence in a side yard setting that is not in compliance with the fifteen foot requirement. The house is pre-existing nonconforming as the home is offset on the yard more to the left-hand side if looking at it from the street. This puts them within the fifteen feet from the side yard of the home next door. The Lloyds want to put up a fence for privacy issues and because they just acquired a new puppy. Most of the fence would be four foot but the part by the neighbors would be six foot. The four foot section is not the issue. The issue is the run of the fence is approximately eighty-five feet and only begins about one hundred feet up from Brookside Avenue. They are trying to enclose the whole yard. The desire for the fence to be six foot rather than four foot is because of the way the lots were constructed. The backyards are very close to each other and they have discussed the plans with the neighbors who approved them. The neighbors have a trampoline, a swing set, a storage area, and a garden all of which are near the property line. Mr. Lloyd said it is more a visual blockage than anything else. He added that along the driveway they had some sick trees that they had to take down and now both properties are exposed. Mrs. Lloyd added that their neighbor's have four air conditioning units and a generator all on that side of the

property which not only do they see but hear because the equipment is noisy. Mr. Lloyd stated that the distance from the side of the garage is 12.4 feet.

Mr. Nestor asked if the eighty-five foot fence will be on the property line and Mr. Lloyd said yes. Mr. Nestor commented that if he put in a four foot fence the Lloyds would not have to be in front of the Board and Mr. Lloyd said he understood. Mr. Nestor asked what the hardship was and why they couldn't move the fence back fifteen feet. Mr. Lloyd responded that the hardship was the closeness to the neighbor and the lack of privacy. Mr. Nestor said that Mr. Lloyd didn't understand his question as he can't move the six foot fence fifteen feet in as it would hit the garage. Mr. Redling questioned whether he could accomplish this with a four foot fence and some landscaping. Mrs. Lloyd replied that the property drops down and the six foot fence wouldn't look like a six foot fence. Mr. Redling reiterated that landscaping would help but Mr. and Mrs. Lloyd disagreed saying that this would block the driveway and the walkway. They felt a fence would be less intrusive and give the cover that was needed. Mr. Manning asked how far the fence was from the driveway and Mr. Lloyd answered 1.5 feet. Mr. Manning inquired whether a berm would be appropriate but Mr. Lloyd felt it would be more prominent and dominate than a fence would be. Mr. Manning questioned what type of fence would be placed on the property and Mr. and Mrs. Lloyd said that the fence is vinyl with interlocking slats that look solid.

Mr. Manning said that he has been on the Board for years and that he couldn't ever remember having a six foot fence up for approval except for industrial parks. Ms. Hart suggested that they pull back the driveway and put in more plantings. Mrs. Lloyd said they only have a one car garage and they don't have the room to back one car out of the garage if the other is in front of it and if they got rid of some of the asphalt there wouldn't be enough space for the cars. Mr. Lloyd added that the space on the side is an egress to the backyard. Mr. Nestor marked the zoning map as A-1 June 25, 2014 and the photos as A-2 June 25, 2014. Mr. Nestor explained to the Board the difference between a fence hardship and a regular hardship. Mr. Jones inquired about whether the six foot fence was coming up the driveway on the site survey. Mr. Lloyd said that it was supposed to be a post and Mrs. Lloyd added that it is not a six foot fence there. It is supposed to be forty-five degrees not ninety degrees like it is on the survey because they wanted to soften the look. Mr. Jones said he understood how people might want a six foot fence but he thought by staggering trees there may be a way to accomplish the privacy issue without violating the zoning and impacting the property next door. Mr. Manning offered some landscaping suggestions. Ms. Chamberlain asked if the neighbors' house sat lower than theirs and the answer was yes. Ms. Lloyd said she didn't feel a four foot fence would help with the noise from the generator and the air conditioners.

Ms. Hart said their options were to leave the plans the way they are now, change the six foot fence to a four foot fence, or remove the fence altogether and do plantings instead. Mr. Nestor said procedurally the Board could vote on the application or they could carry the application to next month. If the Lloyds went with a four foot fence they would probably not need to come

back to the Board. Mr. Jones suggested redrawing A-1 if they came back to the Board so it was more clear as to what was being proposed by the fence post in front of the home. Mr. and Mrs. Lloyd decided to think about their options and carry their application to the next meeting.

On a motion from Mr. Jones, seconded by Mr. Redling, the meeting was adjourned at 9:15PM.

Respectfully submitted,

Diane Knispel