

March 23, 2011

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on March 23, 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. Hart, Ms. Chamberlain, Ms. Weidner, Mr. Jones, Mr. Manning and Mr. Redling. Also present was Mr. Nestor, Board Attorney.

On a motion by Ms. Teng, seconded by Mr. Jones, the minutes of the meeting of January 26, 2011 were approved as submitted. On roll call, all Board members voted in favor.

Laurent and Elizabeth Junod variance application – 25 Walnut Place, Block 1602, Lot 1
Ms. Chamberlain recused herself from participation because she is a neighbor within 200 ft.

Laurent and Elizabeth Junod were sworn. Ms. Junod said they are applying for a very small addition, approximately 15 x 6, for the purpose of creating a mud room and powder room at the back of their existing living space. There is a detached garage on the property with a breezeway between the house and the garage. They are effectively squaring off a covered stairway on one side to the edge of the house.

Mr. Nestor commented that the Construction Official has indicated that the lot is deficient by a couple of thousand square feet. Also, the width is deficient by about 20-30 square feet and the front yard setback is deficient by 5 ft. but they are all pre-existing and will not be affected in any way by what is being proposed. Ms. Teng commented that the nonconforming condition is not being increased and she does not believe the addition will be seen from the street.

Mrs. Junod said the house is on a double corner because Walnut Place curves around. Mr. Nestor said under the ordinance they would be deficient on two front yards. Mrs. Junod said she is pretty sure that all of the homes in that development are on nonconforming lots.

Mr. Nestor said the addition is not even going to impact that front yard which is actually the side. Mrs. Hart said it looks like they are at 29.82 and it is supposed to be 35.

Mr. Nestor marked plans submitted by Edwin P. Sherman, architect and planner with date of August 28, 2011 and last revision date of January 19, 2011 as A-1 in evidence.

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

Mr. Manning moved to approve the variance as submitted. He does not see any conflict with the master plan or zoning code. He does not see that it is impeding on the setbacks at all and it enhances the existing house. Mr. Jones seconded the motion. He said by reason of the pre-existing nonconforming structure on a pre-existing nonconforming lot, a deviation from the

Borough ordinance in this case would advance the intent and purpose of the master plan. On roll call Ms. Tengi, Ms. Hart, Ms. Weidner, Mr. Manning, Mr. Jones and Mr. Redling voted in favor.

Lynelle Tedesco and Nelson Yu variance application – 58 Farley Place, Block 301, Lot 41
Lynelle Tedesco, Nelson Yu and Mary Scro, their architect, were sworn. Ms. Scro was accepted as an expert witness since she has appeared before the Board many times.

Ms. Scro said the applicants are expanding the kitchen, relocating the family room, adding a laundry room and mudroom on the first floor. The original family room on the first floor is going to become a guest suite for an elderly parent who is disabled. On the second floor there is a minor addition where they are enlarging the master bedroom, master closet and there is also an existing office off the master bedroom that will be enlarged. As a result of the additional square footage, the side yard setbacks have increased. All of the new structures that are proposed do conform to the new side yard setback requirements. However, the existing residence does not conform. On one side there is a 22 ft. setback and on the other side it is 36 ft.

Ms. Scro said there is an existing deck on the same side yard that has the 22 ft. setback. They are removing that deck and therefore everything along that side that is new will be in keeping with the requirements of the new setback which is 36.8 ft. They will not be over the floor area ratio. They are allowed 21.7% and are at 20%. Ms. Scro said she believes the addition out the back will enhance the beauty of the area and the neighborhood. The impervious coverage is also within the allowable coverage. The proposed impervious coverage is 26.2 and they are allowed 33.9.

Ms. Tengi asked if there are woods in the back of the property between the two blocks. Ms. Scro replied affirmatively. Mr. Nestor commented that if the house where it is currently situated was pushed further back into the lot there would not be any problem with the front yard setback.

Mr. Nestor said their side lines are not impacted at all by the addition except that the side yard setbacks will be enhanced. Ms. Scro added that they will be meeting the new requirement of 36.8.

Mr. Jones asked if they are removing the current chimney and fireplace and moving over and going an additional 15 ft. back and then adding a chimney and new family room. Ms. Scro replied affirmatively and added that all of the decks will be removed and they will be putting in a patio. She said it will be much more efficient than the decking at different levels that exists now.

Ms. Tengi opened the meeting to the public.

Rob Yevchak, 38 Farley Place, was sworn. He said he is enthusiastic about the renovation and the addition that is proposed. He feels that anything that goes on in the neighborhood that is of this high caliber and quality is an enhancement not only to the neighborhood but to the community as a whole. He added that we have all gone through a pretty bad economy in the past few years and he is enthusiastic about something like this that is going to be done right. From his perspective as a resident in the neighborhood as well as in the town, he is in support of the

application. Mr. Yevchak said he also owns a house on Crescent Place which is behind their house and the area between the streets is wooded. He added that it is basically buffered all over by woods.

There being no further comments, the meeting was closed to the public.

Ms. Tengi said she drove by the property this morning. She said it is a beautiful home and there are some beautiful homes in that block. They are on large pieces of property and deep in the back. It is quite evident that the area in the back of the homes on Farley Place is wooded.

Mr. Manning asked about the height of the house. Ms. Scro said the height of the house is 29 ft. and it is not impacted at all by the addition. Everything they are building is going to be lower than the existing ridge.

Plans were marked Exhibit A-1 and photographs were marked A-2.

Ms. Chamberlain moved to approve the application as submitted. She said the addition is being built well within the existing building footprint and there is no further encroachment on the side yard or the front yard where the pre-existing conditions are located. She believes that the construction of this addition in the manner presented will enhance the neighborhood and advance the objectives of the zoning ordinance. Motion was seconded by Ms. Weidner. On roll call, all Board members voted in favor.

John and Carol Handy variance application – 269 Park Ave., Block 2204, Lot 7

John and Carol Handy and Brian Callahan, licensed architect, were sworn.

Mr. Nestor said under the ordinance and State statute, notice had to be given 10 days in advance of this application. Notice was actually given 9 days in advance which does not really give the Board jurisdiction. However, it is somewhat of a minor application and the applicants should be aware that if they wish to proceed tonight someone may come forward in the future and say they did not receive the requisite 10 days notice and whatever the Board does tonight will be null and void. The applicants have two choices. They can take the risk that no one will ever come forward and say anything or they can adjourn the matter. The applicant will not have to advertise again and can come back next month. Mr. and Mrs. Handy agreed to proceed.

Mr. Callahan said applicants are proposing a one story addition to their existing house and an attached breezeway and 2 car garage. The reason they are before the Board tonight is that there are two pre-existing nonconforming setbacks with respect to the existing house. According to information from Mr. Handy, the main portion of the house dates back as far as 1860 so we know that the main house existed before the Allendale zoning ordinance. There is a front yard setback of 33.2 ft. whereas 35 ft. is required. The side yard setback on the north or left side is 8.7 ft. whereas 20.7 ft. is required. All of the new work will conform to the required side, front and rear setbacks. They conform to the FAR and all of the coverage requirements of the ordinance. It is about a 250 sq. ft. footprint addition that will provide a stairway from the driveway/garage area up to the main living first floor. Part of the plan is to convert an existing one car garage to a finished basement/playroom type space. Because of the requirement to have

at least a one-car garage, they are proposing a two-car garage to fulfill the requirement for garage space.

Mr. Nestor pointed out that applicants cannot have two garages on the property.

Ms. Weidner asked if the space above the garage is for storage. Applicant replied affirmatively. Mr. Manning asked if there is going to be electrical or plumbing in the garage. Applicant said there will be electrical but no plumbing.

Ms. Tengi asked applicant to tell the Board about the property in general, including the vegetation and topography. Mr. Handy said the lot is slightly oversized. In the A zone 20,000 sq. ft. is required and applicants have 22,342 sq. ft. The property is higher at the rear where the pool area is located and it slopes down towards Park Ave. Mr. Handy said the property to the right of the house slopes down to the neighbor's property which has trees and vegetation. On the left side of the property where it is 8.5 ft., there are about 4-5 trees or bushes. Ms. Hart pointed out that is actually the rear of the neighbor's property.

Mr. Manning commented that the proposed addition will not be infringing on the left side setback which is less than 9 ft. Mr. Callahan said that is correct. They are 29 ft. from the left side to any of the new work and 24 ft. on the right side.

Ms. Hart asked if they presently do not have stairs to the basement and garage. Mr. Callahan said that is correct. The garage door is the only access to the basement. There is no interior access.

Mr. Nestor asked for more information about the space above the garage. He asked for the dimensions of that space. Mr. Callahan said there is approximately 12 ft. of habitable space that would be 6 ft. or higher ceiling height left to right as you are looking at the front of the garage. The 6 ft. area would be by the eaves and it could slope up to 8 ft. by the ridge. Mr. Nestor pointed out that this space cannot be used for living quarters. It is purely storage space. Mr. Nestor said the Board may want to include that as a condition if the variance is granted. Mr. Callahan pointed out there will be no plumbing up there, only electrical.

Mr. Manning asked if the existing driveway will be ripped up. It looks on the plans as though there will be a new driveway going towards the garage. Mr. Handy said they will save most of it. What they are trying to do is make it a K turn so they can back out of the garage and then pull forward out onto the street.

Ms. Tengi said she believes that the topography and the vegetation make this a unique situation, really concealing any form of addition there. She also believes it is sometimes difficult to pull out of that driveway because it is hard to see the traffic coming down from Park Ave.

Architect's plan dated March 4, 2011 was marked Exhibit A-1. Survey with the addition superimposed was marked A-2.

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

Ms. Tengi moved to approve the variance request. She said the applicant has demonstrated that between the uniqueness of the topography of this land and the buffer and the fact these are previous non-conformities are not being increased in any way that this addition will not be detrimental to the community or to the zoning ordinance. This will enhance the applicants' use of the property and also the aesthetic value to the community. She proposed the condition that the second story over the garage will never be used as living space. Ms. Hart seconded the motion and noted that the existing garage needs to be closed up. All Board members present voted in favor.

Mr. Nestor reminded the Board members that the April meeting is scheduled for Tuesday, April 26.

On a motion by Ms. Hart, seconded by Mr. Weidner, the meeting adjourned at 8:51 p.m.

Respectfully submitted,

Barbara Knapp