

March 27, 2013

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on March 27, 2013. The meeting was called to order at 8:07 p.m. by Ms. Hart, Vice 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 Mr. Jones, Mr. Manning, Ms. Chamberlain, Ms. Weidner and Ms. Hart. Ms. Teng and Mr. Redling were absent. Also present was Mr. Nester, Board Attorney.

Mr. Manning moved, seconded by Ms. Chamberlain, to approve the minutes of the February 27, 2013 meeting as submitted. On roll call, all members present voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Jason and Tracey Sammarco variance application. Ms. Chamberlain moved, seconded by Ms. Hart to approve the resolution as submitted. On roll call, all members present voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Kevin and Anne Marie Woessner variance application. Mr. Jones moved, seconded by Ms. Weidner to approve the resolution as submitted. On roll call, all members present voted in favor.

Janet Keanee variance application, 474 West Crescent Avenue, Block 1604, Lot 16

Janet Keanee along with her contractor Ray Vetterlein was sworn in. Mr. Nestor explained that the applicant has pre-existing non-conforming conditions involving the front yard setback, minimum width, minimum area, side yard setbacks and the floor area ratio. Mr. Nestor went on to explain that with a floor area ratio application they need five affirmative votes to be approved. The Board usually has seven people but there are only five present. Mr. Vetterlein asked that if they do not get approved tonight can they come back next month. Mr. Nestor answered no. Ms. Hart also stated that you can start the process now and be carried on to next month. The applicant chose to have the application heard.

Mr. Vetterlein went on to explain the current layout of the house which totals less than 1200 square feet. He also stated that the house is located on an undersized lot. The applicant is looking to put on a small addition on the back of the house that is located just off the master bedroom. They will be putting in a bathroom and closet.

Mr. Vetterlein stated that the house is currently 1.6 feet off of the property line which also abuts the Borough parking lot. As you can see in the pictures there is already a buffer of pines between the applicant's house and the Borough's property. The addition will be set in two feet off the property line so that will not encroach any further on the side yard. As for the rear yard, it will still be within the fifty foot setback. In fact it will be fifty-one feet off the rear property line. The house is currently over the floor area ratio without the addition. However the addition will bring the house up to a two bathroom house.

Mr. Nestor asked if there were any other applications before this board for this property. Mr. Vetterlein stated that either he or the homeowner has any recollection of being before the board before.

Mr. Nester asked if they knew when the house was built. Mr. Vetterlein stated that since it has a fieldstone foundation, he is saying it is about 100 years old.

Ms. Hart asked if there was a garage on the property. Ms. Keane stated that there is no garage on the property. Mr. Manning then asked if there was a shed and Ms. Keane stated that there was. Mr. Manning then asked what the size of the shed. Mr. Vetterlein stated that the shed is approximately 8x12.

Mr. Manning asked if they were planning on taking anything down on the property. Mr. Vetterlein stated that they just moved the deck over by the kitchen. The addition is going to be going in the same location as were the old deck use to be.

Mr. Nester went on to mark into evidence the large drawing that was submitted undated as A-1 with today's date. He also marked into evidence the group of photos the consisted of four pages with two pictures on a pages as A-2 with today's date. Mr. Nester asked if these pictures adequately show the property and if so when were the pictures taken. Mr. Vetterlein stated that the pictures do adequately show the property and they were taken about ten days prior to the meeting.

Mr. Vetterlein stated that the first picture on the first page shows were the addition will be going. He also stated that the addition will not come out as far as the kitchen as you can see in the same picture. The top picture on page two shows the view from West Crescent looking at the property showing the buffer of trees. This buffer will help hide the addition from the Borough parking lot which happens to be the only lot that will have an impact.

Mr. Manning asked what the proposed height of the addition will be. Mr. Vetterlein stated that it will be a one story addition that will be about 12 feet high. Ms. Hart went on to say that the addition looks like it is stepped down. The addition is also only going out a little shorter then what the kitchen is now.

Ms. Hart asked if it was going to have a crawl space. Mr. Vetterlein stated that no it will be a slab since the master bedroom was the original garage that was already on a slab.

Ms. Hart asked if there were any plans to put a garage on the property. Ms. Keane stated that there are no plans.

Ms. Weidner asked if this addition was just taking the place square footage wise of the old deck. Mr. Vetterlein stated that it will not be taking the place of the old deck. They have already taken down and replaced the old deck in a different location. The original deck was only 1.6 feet off the side yard were the addition will be in two feet.

Mr. Nester marked the elevations as A-3 with today's date. The elevations consist of three pages showing the front, rear and the side elevations. Mr. Nestor also marked into evidence the two surveys together as A-4 with today's date.

Mr. Vetterlein stated that the first page of A-4 shows what the existing deck looked like and the second page of A-4 shows what the proposed addition and deck will look like.

Mr. Jones brought up that the rear yard setback in a single A zone is fifty feet. We will have to add that to the variances since the deck is 34.3 feet from the back yard. The deck will be included in the variance. Mr. Nester explained that the board usually goes from the deck to the rear yard line.

Mr. Nester asked if the measurement in the front is from the front steps or the house itself. From the steps to the property line looks to be just under ten feet. Mr. Vetterlein stated that from the bay window to the property line it is 14 feet.

Mr. Nester stated that the applicant is here for both a C and D variance. The C variance is for rear setback, front yard setback, minimum lot area, minimum width, side yard setback and pre-existing non-conforming structure. The D variance is an exception rather than the rule. The applicant needs to prove that the structure can accommodate the mass that is being put on. The applicant also has to show that there is no detriment to the master plan or zoning ordinance.

The house as is currently stands is in violation of the floor area ratio. The planned addition is only a 10 by 10.

Mr. Manning asked if there will be any impact because of it backing up to municipal property. Mr. Nester stated that it would only come into play on your decision. You will not have to worry about fire safety and stuff since you are adjacent to a property that will most likely not be developed.

Ms. Hart also added that there is a 15 foot sewer easement that will also act as a buffer.

Mr. Vetterlein stated that he talked with the applicant with regard to making the addition larger. For a master bathroom and closet the addition is really not that big. They tried to keep it ideal for the property and not to add any detriment to the surrounding properties.

Mr. Manning asked how large the current bathroom on the second floor is. Mr. Vetterlein stated that bathroom is nine foot by seven foot with a closet inside.

Ms. Chamberlain asked how tall the ceilings on the second floor are. Ms. Keane answered that they are seven feet tall. The ceilings on the first floor are just a little higher.

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

Mr. Manning asked how far they were from the two structures on Hillside Avenue. Mr. Vetterlein stated that they 80 feet from the deck of the Merchant's house next door and the garage from Mrs. Morley's house is only about a foot or two off the property line. Ms. Hart pointed out that the applicant is basically surrounded by garages. Ms. Chamberlain also pointed out that there seems to be an easement or something that abuts her property. Ms. Keane stated that it is actually her neighbor's property.

Mr. Manning would like to know what the hardship is for the property since it seems that the addition will be adding to the hardship. Mr. Vetterlein stated that hardship was that it is a one bedroom house and the only bathroom is located on the second floor. Mr. Manning stated that the hardship they are looking for is with the property not the bathroom. Mr. Vetterlein stated that the current house is only 1.6 feet from the property line now. There is really no other spot to add onto the house without blocking the entrances to the basement and kitchen. Also if the applicant does plan to do anything else outside the house they would need to come for a variance for floor area ratio and lot area.

Mr. Manning asked what was here before the Borough Hall. Ms. Hart answered that the current building use to be a church. Mr. Manning then asked what was here first the house or the church and Ms. Hart answered the house. The building that is currently Borough Hall is relatively new.

The applicant and her contractor are trying to be considerate for the zone that they are in but stepping the addition back two feet off of the property line.

The pre-existing nonconformities have been allowed in the past to form part of the hardship. In this case the pre-existing nonconformities almost would prevent them from doing anything to the house. A point was also well made that there is really no other place to put the addition given the configurations of the house.

Mr. Jones stated that the town has just recently changed the application process for additions under 200 square feet. If the property was in compliance currently the small 100 square feet would most likely not have to come to the board. Mr. Nestor stated that the problem was they are enhancing the floor area ratio which would automatically come before the board. If the property was in compliance with a standard lot in this zone, the applicant would most likely not be in front of the board for a 100 square foot addition.

By having the addition off the master bedroom makes it a little lower. If the addition was located on the other side of the house it would be much high and seen more according to Ms. Hart.

According to Mr. Manning the addition will not have an impact on the other residence since you cannot see the addition. Also the addition is below the current roof line so it cannot be seen from the front.

Mr. Nestor asked the applicant if they would like the board to vote on this application tonight or be carried to next month after hearing all the testimony of the board. The applicant agrees to finish up tonight.

Mr. Jones would like to make a motion approve as submitted. He stated that the applicant is here before the board for five different variances plus a floor area ratio variance. The applicant has shown that the impact of this 10 by 10 addition will be a very minor deviation. It only increases the FAR by 3%. Mr. Nestor would like to add that the house is currently over the floor area ratio and the addition would only bring the floor area ratio to roughly 1% over the allowed amount not 3%. Ms. Chamberlain seconded the motion. On roll call, all Board members present voted in favor.

On a motion by Ms. Hart, seconded by Ms. Chamberlain, the meeting adjourned at 8:48 p.m.

Respectfully submitted,

Gwen Gordon