

March 28, 2012

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on March 28, 2012. The meeting was called to order at 8:07 p.m. by Ms. Chamberlain, 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. Tengi, Ms. Hart, Mr. Jones, Mr. Manning, Ms. Chamberlain and Ms. Weidner. Mr. Redling was absent. Also present was Mr. O'Connor as Board Attorney in Mr. Nestor's absence.

On a motion by Mr. Jones, seconded by Mr. Manning, the minutes of the meeting of February 15, 2012 were approved as submitted. On roll call, Ms. Weidner abstained. All other Board members present voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Charles Massie variance application. Mr. Jones moved, seconded by Ms. Chamberlain, to approve the resolution as submitted. On roll call, all Board members present voted in favor.

Mark and Mary McAuliffe variance application – 700 Franklin Tpk., Block 801, Lot 26
Mary Scro with Z+ Architects was sworn. Mr. Tengi commented that Ms. Scro has been accepted as an expert witness before this Board on many occasions. She also pointed out that the property in question is located on Franklin Turnpike and the backyard is adjacent to the Celery Farm.

Ms. Scro said she has submitted a site plan as well as floor plans and elevations for the residence. She has also handed out the Borough of Allendale zoning review data sheet tables which indicate existing conditions, allowed conditions and proposed conditions as well as a 3D rendering of the house .

Ms. Scro said the existing house dates back to 1739 and obviously its placement on the lot was pre-existing any of the zoning ordinances that are in place today. The front yard setback is 5 ½ ft. and the front door actually sits perpendicular to the road. They are constrained in terms of the placement of the existing house on the lot which is both forward and off to the side. At one point it was probably on a couple of lots which were probably divided over the years. The house now sits off to the left or northern part of the property. Applicant is proposing to remove the most recent addition onto the house because of low ceiling heights. The proposal is to replace the family room area with a new kitchen and family room as well as a rear entry porch and mudroom area. On the second floor above there will be a new master suite. They are reconfiguring the existing stair case and also adding an office on the second floor. They have attempted to minimize the impact on the side yard setback; however, they would like to maintain the existing foundation line of the side bump out on the house and go straight back from that foundation line.

Ms. Scro said the house does not sit directly parallel to the side yard setback. Presently they are at 31.1 ft. and will be at 30 ft. with this proposal. They are trying to keep the whole addition

towards the back of the house instead of imposing on the front yard setback because they are so close to that front yard. Also, when you are driving down the street, building it in this area of the property keeps it hidden and it will look more aesthetically pleasing. The design of the house will match the existing aesthetics of this old farm house.

Ms. Scro said the existing zoning table shows that they are allowed 27 ½% coverage or 11,000 square feet and with the pool, the garage, the driveway and the addition they are at 23.3% lot coverage. On the first floor area they are allowed 19%. Existing is 10% and proposed is at 13.06. With regard to the front yard setback there is an existing nonconformity of 5.5 ft. whereas 35 ft. is required. However, they are not touching that and are not building anything new within that 35 ft. On the side yard setback to the right they will have 59 ft. and to the left they will have 30 ft. where they are required to have 31.7 ft. They are asking that the Board grant this small variance on this side because of the pre-existing location of the house. They have ample side yard setbacks and she does not feel that the 1.7 ft. is detrimental to the overall aesthetics and intent of the zoning ordinance for this area and will be in keeping with the adjacent homes. It will not appear that they are getting closer to the property line because the property line is not perpendicular to that front road.

Ms. Scro said that looking at SK-7 you can see that there is a single story covered porch in the back corner. It is just a covered porch so that when they come into the house they have a covered area for entry.

Mr. Manning asked if the house has been established as a historical landmark. Ms. Scro said it has not. Mr. Manning asked if there are any wetlands areas since the property abuts the Celery Farm. Ms. Scro said there is nothing delineated on the survey saying there are wetlands. They have a 226 ft. setback to the addition so they are over 200 ft. from the back property line. At the front corner they are probably at 31.7 ft. but the survey does call for 31.1 at the existing back corner. Ms. Hart said at that back corner there is a porch which is single story. Ms. Scro said there are pictures to show that there are shrubs on that side of the property providing privacy to both neighbors.

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

Ms. Hart asked if it will be possible to keep some of the evergreens. Ms. Scro said the intention is to maintain all of them.

Mr. Jones said he has been driving by this property for many years not realizing it was such a deep property. He said the drawings and renderings help the Board to see the impact and the unique shape of this property and the other physical features associated with this property creates a situation where the applicant is really improving the property with little to no impact on either property owner or the intent of the zoning ordinances and the Municipal Land Use Law. He finds that the size of the property can definitely handle an addition of this type. He believes that the location of the structure on the property creates a hardship for this applicant. The minimum front yard setback obviously is pre-existing non-conforming. The minimum lot width is 85 ft. and you really cannot tell that it is a more narrow lot in the front although the lot area is

tremendous. The minimum side yard setback that the applicant is requesting is 1.7 ft. to the north side of the structure and it appears that applicant is actually improving the nonconformity and making it less of an impact. He finds that there is little to no impact with this addition and he moved to approve the application. Motion was seconded by Ms. Weidner.

On roll call all Board members present voted in favor.

The exhibits as follows were marked into evidence:

Exhibit A – zoning table

Exhibit B – 3 dimensional plan submitted by Z+ Architects

Exhibit C - the full package presented to the Board.

On a motion by Mr. Jones, seconded by Ms. Tengi, the meeting adjourned at 8:23 p.m.

Respectfully submitted,

Barbara Knapp