

May 23, 2012

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on May 23, 2012. 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 Mr. Nestor, Board Attorney.

Mr. Redling moved, seconded by Mr. Jones, to approve the minutes of the meeting of April 25, 2012. On roll call, Mr. Manning and Ms. Weidner abstained. All other Board members voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Robert Gramegna and Gail Lahm variance application. On roll call, Mr. Manning and Ms. Weidner abstained. All other Board members voted in favor.

Continuation of Squillante variance application

Robert Squillante was sworn.

Mr. Nestor said last month the Board had concerns about some of the measurements on the plans. Mr. Pensa had given some testimony with regard to the plans. Mr. Squillante said he contacted the architect who came back and measured everything. He said the measurements on the plans are now correct.

Mr. Nestor said the new plans are dated May 21, 2012 consisting of three pages. He marked them A-1 in evidence with today's date and added that the Board is withdrawing A-1, A-2 and revised A-2 from last month. He asked Mr. Squillante to summarize the application.

Mr. Squillante said the existing deck is inadequate for the premises. It is only 4 ft. deep. The new deck is going to be the same width as the house and going out further. 50 ft. setback is required and the proposed is 35 ft. On the right side 26 ft. is required and the proposed is 17 ft. The application is for those two variances.

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

Ms. Chamberlain asked applicant to describe the foliage behind the house. Mr. Squillante said there are 3-4 large trees. He is going to plant grass and additional shrubs. The neighbor behind him currently has a lot of foliage against the fence.

Mr. Nestor said it looks like on the left side it is 17.35 plus 3.11 or 20.46. Because of the bulk of the house applicant is supposed to have 26.41 on the left and right side of the house but as he looks at the drawing he is not expanding out either way to the left or right so it is a pre-existing non-conformity and they are not invading the front yard in any way. It is only the back yard that

is impacted by the deck. Applicant has testified that the deck is only 4 ft. wide and runs the length of the house and now the drawings submitted position the deck so it is not going to run the full length of the house. It is going to come out at its furthest point 34.5 ft. from the rear property line so it is encroaching 15.5 ft. into the rear yard.

Ms. Tengi asked where are the stairs now. Mr. Squillante said they are on the two sides. Mr. Jones commented that the property going away from the culdesac is 62 ft. away from the side walk in front of the house and the property on the culdesac is 120 ft. deep. Mr. Squillante said the height of the deck is 4.2 ft. and the rail line is down to 3 ft.

Ms. Tengi moved to approve the application. She said the hardship is the positioning of the house on the property. Based on the testimony and the photos submitted there is adequate foliage in the back to offset any visual detriment to the neighbor and she moved to approve the application as submitted. Motion seconded by Ms. Chamberlain. On roll call, Ms. Hart, Ms. Chamberlain and Ms. Tengi voted in favor. Mr. Jones and Mr. Redling were not in favor. Mr. Manning and Ms. Weidner abstained. Mr. Nestor said the motion passed with three in favor.

Michael Guarnaccia variance application – 140 Elmwood Ave., Block 2008, Lots 10 and 11
Michael and Regina Guarnaccia and Mary Scro, their architect were sworn. Ms. Scro was accepted as an expert witness.

Ms. Scro said the applicants wish to add a family room, master suite and 2 car garage to their existing home. They are also adding a new deck. Lot 10 is deficient in size. They have 16,000 sq. ft. and 20,000 is required. The garage will be on lot 11 which is 8800 sq. ft. so they are actually encroaching on their own side yard setback. The two lots were never formally merged into one lot. Mr. Guarnaccia said they receive two separate tax bills. A Board member commented that the proximity to the wetlands would preclude them from developing lot 11.

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

Mr. Jones said there are unique features of this property and its shape and it is interesting that the two adjacent lots have not been merged. The features of the second lot with its topography and wetlands make it almost undevelopable. He believes a deviation from the zoning plan and the Municipal Land Use Law is applicable in this case and he moved to approve the application as submitted. Mr. Manning said it is an unusual situation because applicant is encroaching on his own property which is obviously not going to be an issue because of the wetlands on the other side. The plans as submitted will obviously enhance the house. He seconded the motion.

On roll call, all Board members voted in favor.

Patrick Stanley/Complete Game LLC Use Variance Application, 260 W. Crescent Ave., Block 1005, Lot 1

Mr. Nestor said that Mr. Jones is within the 200 ft. radius of the property so he has to excuse himself from participation in this application.

Patrick Stanley and Richard Van Houten were sworn. Mr. Van Houten said he has been involved with the properties at 240 and 260 W. Crescent Ave. for the past 5 years. He was retained by the owner of 260 W. Crescent to lease out the 27,000 sq. ft. building some of which was occupied by the owner. He took it upon himself to look at similar properties in surrounding communities with properties in comparable industrial zones who might be interested. He said the Board approved the application for the Karate Studio and the Planning Board has come up with a new set of permitted uses to be allowed in that zone. The only reason they are here tonight is because they know how long it takes to get through this process and change the ordinance. The proposed use is very low intensity and Good Energy is the adjacent tenant. He respectfully asked that the Board consider this application because they do not want to wait for the approval process to go through for the new ordinance. He said this is a one person operation and it is one on one in the cage. Traffic will be minimal.

Ms. Tengi said some of the Board members have gone to some of the Planning Board meetings concerning the proposed changes to this particular zone. The D zone had some archaic uses such as a cobbler and it was time to modernize the uses for that space to bring them up to the demands of current lifestyles. She was on the Board when it approved Good Energy and Mr. Ohnegian's application for personal training sessions. She said she assumes that the cages for the batting practice are going to be placed towards the railroad so it will not be seen from W. Crescent Ave. Mr. Van Houten replied affirmatively. Ms. Tengi pointed out that this property is contiguous to the railroad property and the dump.

Mr. Nestor marked site plan dated 9/6/01 as exhibit A-1.

Mr. Manning asked if this is going to be for batting and pitching. Mr. Stanley said it is only going to be pitching. Mr. Manning asked if he plans on having two separate pitching cages. Applicant stated there is space for two but he will be the only employee and he works with children one on one.

Photos of the property were submitted and marked A-2. Depictions of the interior space with dimensions were marked A-3. Mr. Stanley said in 2010 he ended his baseball career and opened his pitching instruction business. He works with children from the local area and is looking to move his operation locally because this is where he grew up. He is currently working in Park Ridge. The hours of operation will be from 3 p.m. to 9 p.m. and he occasionally works on Saturdays. Mr. Nestor asked if this business will be year round or seasonal. Mr. Stanley said it will be year round and he anticipates he will be working with about 8 clients per day.

Mr. Nestor said he believes the applicant is here for two reasons. One is for an interpretation of whether or not this application will fit in with the current uses permitted in the D zone. There is a proposal presently before the Mayor and Council that would specifically permit this use. As he understands it that interpretation would require five affirmative votes because it is a D variance. Right now strictly reading the ordinance this use is not permitted. The second part of the application would be a use variance he is requesting right now for this application without an interpretation saying that given the limited enterprise he is going to be involved in, the deviation from the ordinance should be permitted to allow this use to be in the D zone. He said when the Board is doing an interpretation it has to look at the intent of what the Mayor and Council want

to put in the D zone. Part of that intent can be gleaned from the proposal from the Land Use Committee that has been put before them. It is just a proposal and it may well be that some of the items could be stricken from the proposal. The applicant has put that proposal before the Board so it can make a decision as to whether or not it thinks indoor individualized instruction or sports training would be excluded. From what he sees from the submittal it is required that it not exceed 5000 square feet. He believes this proposal is for 2,475 sq. ft. so it would meet that requirement. Mr. Nestor said the Board has to look at safety. There are two separate properties – the martial arts and the property we are talking about for this variance. Mr. Van Houten said it is his understanding that the plans are to close the entrance closest to the underpass. Right now there is an island on the property between the two buildings. That entire island is going to be cut back substantially so the traffic that will come in will come through the traffic light at one entrance and make a left into the building.

Mr. Manning said with regard to the right turn only restriction, he comes up Myrtle every day and many times trucks will come out making a left and almost hitting cars making the next left. On top of that there is a blind spot coming up underneath the bridge. He asked Mr. Nestor if putting a right turn only restriction on in this case is something the Board is able to do. Mr. Nestor said that would impact all the other people who own businesses there. Ms. Tengi said it is a County road and she does not know if the Board has authorization to do that.

Mr. Nestor said he thought we did it with the karate school – that he could not exit a certain way. As he understands it he was the only tenant in that area and that was with the consent of the land owner as well. In this case you are impacting other people who have not been given notice that we might restrict their access so he does not feel the Board can do that. He added that if the applicant was to wait another seven months he probably would not have to come before the Board. The light would be in and he suspects the application would be approved.

Mr. Nestor pointed out that this is a D variance which requires special reasons. The D variance is the exception rather than the rule but the Board has to take into account the location of the property and whether there is a safety issue. The Board can look at it as an interpretation allowing it on that basis or looking at it as a D variance based on what has been submitted, knowing that applicant has the burden of proof.

Ms. Tengi opened the meeting to the public for comments.

Mr. Jones, 195 Myrtle Ave. said he sees no reason why this application could not be moved forward. It is a minor use. There are already several things both on 260 and 240 that are similar in nature. Right next door is the same type of use. It is a suitable site. There is no reason why this can't fit in. Also it is proposed to change the permitted uses and the applicant would probably be approved in three months. He said he is in favor of approval.

Mr. Nestor said Mr. Jones is the resident most affected by this driveway since he is right across the street.

Mr. Redling asked when does the applicant think he would be in business if this were to be approved. Mr. Stanley said in one to three months.

Mr. Nestor said under the D Industrial Zone District as it presently stands this is not a permitted use. The ordinance states that any use other than those set forth is hereby prohibited unless substantially similar in character and use to those uses listed. The Board also has to take into account that Good Energy is there and the Karate School obtained variances to be there. Ms. Chamberlain commented that Good Energy is very similar to this use.

Ms. Tengi said the Board has received the draft of the proposed ordinance that is before the Council that specifically lists an indoor individual sports training facility under 5000 sq. ft. as a permitted use. Mr. Nestor said it is his understanding that has all been tabled pending the installation of the traffic light on that corner.

Ms. Hart commented that this is a much lighter use than any kind of manufacturing. In this case there would be no deliveries and with this use there is no noise or odors.

Mr. Nestor said the Board has to weigh whether putting in the light would change that as opposed to all of the other proposed uses. Mr. Manning said putting in the light will change everything. He said many times he has been almost hit by trucks coming out of that property. Mr. Nestor said the traffic light is supposed to be installed this summer.

Ms. Tengi said she can't imagine that the Mayor and Council would not approve the proposed draft of the new requirements for the D zone. Mr. Van Houten said he has dealt with a lot of engineers who are very impressed with the analysis by Ed Snieckus of the D zone and the uses that were eliminated and the ones that were recommended.

Mr. Manning said he feels this is a minimal impact proposal. Ms. Tengi brought up the point of whether the Board should wait until the proposed ordinance is passed or the light goes in but that would put a financial burden on the applicant. Ms. Chamberlain said this use is less intense than any of the uses that are presently there and was not conceived of as a possible use when the ordinance was written.

Ms. Hart asked if a hardship has to be shown for a D variance. Mr. Nestor said it does. Ms. Chamberlain said she feels the reasoning for the approval should be consistent with what was done with the Good Energy resolution. It is her recollection that when the Board approved Good Energy they felt there was minimal impact compared to the other permitted uses in the D zone. Mr. Nestor said the applicant can also move forward rather than showing an exceptional or undue hardship by indicating there are particular and exceptional practical difficulties with regard to the property in question such as size, location, topography and its proximity to the railroad tracks. Ms. Hart added that there is limited parking.

Mr. Nestor said he believes it would be difficult to interpret the statute that is presently being amended because the Board does not know if that is going to be part of the new D zone and the Board has to decide whether or not if the light does not go in would that provision be excised from the proposal.

Mr. Manning asked what would be the consequences if the Mayor and Council did not approve this proposed ordinance and the Board approved this D variance. Mr. Nestor said if the Board grants the applicant a D variance the approval is valid just as occurred with the Karate School and Good Energy. Ms. Tengi commented that the nature of this operation is less intense than other permitted uses currently on the books.

Ms. Chamberlain said that within the last two years the Board had heard testimony of planners, engineers and architects with two very similar activities on this same property. The same issues exist and traffic is still an issue. The Board has heard the testimony that was put forth before. The burden of proof is on the applicant and the Board has not heard new testimony. She does not want to put this applicant through all that but she really has not heard testimony from the individuals who technically would be evidentially qualified to provide this information but she does feel it would put a burden on the applicant to have to come up with that testimony at this time. She asked if the Board can rely on the past testimony. Mr. Nestor said it can and pointed out that it has also heard testimony not just from the applicant but from Mr. Van Houten which can be part of its consideration.

Ms. Chamberlain moved to approve the application for Complete Games to use this space at 260 W. Crescent Ave. for low intensity recreational training based on the prior consideration that the Board has given the two applications for similar uses – Good Energy and Holmgren’s Black Belt Training facility. She said the proposed use is less intensive than the permitted uses on this property and there has been some proposed legislation for amendments to the ordinance by the Mayor and Council and the Planning Board. She believes this is also in keeping with that intent that is in consideration. She believes the Board is acting within its ability to interpret this as a permitted use for this zone.

Motion seconded by Ms. Tengi. She said the shape, layout and topography of this property and the fact that it is adjoining the railroad tracks limits the use of this property. This individual training is one of the individual uses that will not create a hardship and will be beneficial to this particular building and approval of this application will not create a hardship and will be a benefit to the public.

On roll call, Mr. Redling, Ms. Hart, Ms. Chamberlain, Ms. Tengi, Mr. Manning and Ms. Weidner voted in favor.

Bottaro and D’Amore variance application – 461 Hillside Ave., Block 101, Lot 22.
Vincent Bottaro and Daryl D’Amore were sworn.

Mr. Nestor commented that in his denial letter, the Construction Official missed one very important item and that is the fact that there are two garages shown on the plan. He said applicant can have three bays but he cannot have two garages so it will be necessary to amend the plans. He asked if applicants wished to proceed and they replied affirmatively. With regard to the size of the plans applicant stated that the size of the drawings were dictated by the Building Dept. as ¼ inch per ft.

Mr. Bottaro said they want to add a great room, master bedroom and a residence for Ms. D'Amore's 82 yr. old father who currently lives in Hackensack. He said he and Ms. D'Amore are both members of the Allendale Ambulance Corps and they see how elderly people are treated in nursing homes and that is why the house got so large in size.

Ms. Tengi asked why they have to come before the Board tonight. Mr. Nestor said they are in violation of the rear yard setback. Mr. Bottaro said the front setback and the setback on one side are existing. The setback on the right side of the house is where they are encroaching. Mr. Bottaro said there was an error with the plans. He believes it states that the lot width is 66 ft. and it is greater than that. Mr. Bottaro said this is a large piece of property with a tiny house. Right now there is one bedroom and one bath.

Mr. Manning said the house on the left is very close to their property line . It is almost 2 ft. off the line. He asked if they are going past the fence in the back. Mr. Bottaro said they are stopping at the fence.

Mr. Nestor marked the two photos submitted depicting the structure and property as A-2 with today's date. The large set of plans was marked A-1 and tax map was marked A-3.

Mr. Nestor said applicant has an enhanced side yard setback needing 36.53 on each side and he only has 13 ft. on one side and 17 ft. on the other. He asked how large is the house going to be in sq. ft. Mr. Bottaro said they are adding about 2000 sq. ft. The house currently is only 835 sq. ft. The height of the current house is 31 ft.

Mr. Nestor said he presumes applicant is asking the Board to grant the variances because the hardship is the location of the house on the lot and the extreme narrowness and long length of the lot. Mr. Bottaro said that is correct and he has to put in an addition that is 10 ft. wide and 200 ft. deep.

Ms. Tengi said applicant should be aware that he is going to have to remove one of the garages and amend the plans accordingly. Mr. Nestor added that the Board will not be able to vote this evening on the application because they need to see the new plans showing removal of the garage.

The meeting was opened to the public for comments.

Jerry Calabrese, 36 Elbrook Drive said he is the neighbor behind this property. He has a concern with water runoff. He gets water on his driveway because he is in a low section. This property is pitched towards his property so that is a problem. He is not sure how high the water table is but the construction of something that large is going to cause more impervious ground which is going to increase the amount of water coming down towards his property. In addition, the size of the addition is probably 3-4 times the size of the actual house.

Mr. Jones commented that an application of this size would require a dry well seepage pit to be installed on site. This will recharge the water on site and anything over a certain number of

square feet requires an engineering review. Mr. Bottaro said he has spoken about this with his architect.

Mr. Nestor said these plans seem to come from the manufacturer of this home. Mr. Bottaro said he spoke with Job and Job and they were the ones who were going to do a full site plan with the water tables but he did not want to spend \$11,000 to get this done until they saw where this was going to go.

Mr. Calabrese said he is concerned about where the water runoff from this property is going to wind up. He does not know how it is going to affect his house and the properties behind him. He has lived in town for 30-35 years. Ms. Tenghi said the Borough Engineer has very strict requirements in regard to drainage seepage pits and escrow requirements. She agreed that she would like to see some drainage input on the plans. In addition the plans have to be revised with regard to the garage issue. She suggested that applicants try to address the drainage concerns of the neighbors when they come back with the new plans.

Brenda Calabrese, 36 Elbrook Drive said she has the same concerns as her husband. They have lived in that existing house for 23 years and the property right next to theirs for 10 years before that. It is her understanding that it is going to be a 100 ft. addition on that approximately 25-30 ft. house. She is concerned about the aesthetics of something that large on that property. Her greater concern is the huge water problem they currently have and the significant amount of ground cover that has been cleared. Now they are going to take 100 more feet of property and cover it with impervious material. She added, "You say there will be drainage pits and seepage pits but unless that water is collected and diverted somewhere far away it is eventually going to go back into the ground and I believe our property is 20 ft. lower than theirs. I don't know how we are going to avoid flooding." Ms. Calabrese said they have added drainage piping and her husband has spent months building walls to try to keep this sheet flow of water from their property. Now there is a greater sheet flow potential and a very great ground water table.

Mr. Nestor asked what Ms. Calabrese meant when she said that recently ground cover was cleared. Ms. Calabrese said that most of the applicant's property was woods. She said in preparation for this building project backhoes were brought in to clear everything other than the large oak trees. Mr. Nestor asked when was that done. Mr. Bottaro said it was done over the past year and they were attempting to clear out poison ivy and other debris. Mr. Nestor asked how long they have lived at that property. Mr. Bottaro said two years. Mr. Nestor asked if they received a permit from the town to take down trees. Ms. D'Amore said they did get a permit but they have not taken down any trees yet and the trees from the fence back are basically staying as is. The only trees they are planning on taking down are those up against the house. On one of the trees the center is completely rotted out and they have a permit to remove it.

Ms. Calabrese said about three weeks ago there was a backhoe that cleared out the entire yard and the residual of that is in the corner of the yard. Ms. D'Amore said the brush she is talking about consists of the saplings and branches that have come down in past storms and were never removed from the back yard. They are going to be chipped and removed. Mr. Bottaro said their next door neighbor also lost a few large trees during the last storm and they have been moved onto his property to be chipped.

Mr. Nestor said the drainage and the water are items that will have to be addressed by the engineers. Mr. Bottaro said the stream is not on the tax maps. It is no longer tied to Hillside Avenue and there is no gully out to Hillside Avenue. Ms. Calabrese asked where does the water come from that goes down there because it is a raging brook.

Magdalena Castiglia, 43 Elbrook Drive was sworn. She said she is directly across the street from the Calabrese property. She said they have lived there for 5 years and did not know about the drainage problem when they purchased the house. She said the house next door to her is about a 4-5000 sq. ft. house. It started out as a split level that was very similar to their house. Because she lives on a slope, obviously any kind of water is going to flow downhill and it is a natural occurrence that the person downhill is going to receive more water than the person uphill. She said her neighbors next door have a giant size house and it is not just because of the flow but it is the force of the water coming from the roof down the downspout which shoots right at her property and it is unstoppable water. She said the people next door in conjunction with her installed two seepage pits to help alleviate the problem. She said this water issue has caused a rift in the neighborhood and the seepage pits do not work although on paper they are a good idea. She said her property at all times leaks water to the point that the curb is forever discolored. There is a constant flow of water on the streams because of all of the water that comes from Hillside Ave. She said she has spent her 5 years living in Allendale trying to stop the flow of water. She said the soil is not soil but it is clay and it does not absorb water. In a rainy situation it is slick and it accelerates the force of water. She said the driveway on the Calabrese property is the lowest point and they have no way of draining the water. Once it hits that point the garage door opens up to it and the water flows right in. She said she has had a similar situation on her property. She added that she hopes everything works out but she has lived through this and has spent five years trying to rectify what people before her have done. She would like to see it be prevented from happening again.

Paul Castiglia, 43 Elbrook Drive said he agrees with everything his wife said. He added that the water problems occur with normal rains and not just events such as the hurricane.

Ms. Castiglia said from the day they moved in they have been watching these people out in the rainstorms trying to push water out of their property and these are considerations that need to be made for the people downhill as well as the people uphill.

Ms. Chamberlain asked how the Mr. and Mrs. Castiglia fared this week. Ms. Castiglia said she literally leveled off the property and she did it herself with a shovel and a wheelbarrow so she is no longer affected because of her physical labor.

Mr. Nestor asked if there was anything to add other than the water. Ms. Castiglia said that is their only concern.

Lynn Crowley, 52 Elbrook Drive was sworn. She said she lives downhill from Mr. and Mrs. Calabrese. They have spent a considerable amount of time and money since they have lived in Allendale taking care of all of the drainage problems. They now have French drains and have put in a lot of landscaping. When the water comes down from the Calabrese's yard over the

stones that they put in to try to stop part of it, it is actually like a waterfall coming over the stones. She added that they drove home Pennsylvania just for the storm so they could protect their property. She said the situation is progressively getting worse since they moved in 16 years ago.

Mr. Nestor asked if there were any other comments on this application other than the water. Ms. Crowley said the water is a vital concern.

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

Mr. Nestor said the Board already knows there are two problems – one is the water seepage pit engineering topography. The Board is going to have to have something of that nature and also they cannot have two garages.

Mr. Jones said the proposed addition appears to be 104 ft. long. He realizes that this is a very unique piece of property. Very seldom does the Board see property that is over 300 ft. deep. If the building envelope was drawn on this piece of property it would not be what is almost 130 ft. deep or close to it which is what applicant is proposing and he is concerned about that. He said the length of the house is a concern to him and he feels the length is questionable on a lot that is so narrow. He understands that it is a uniquely shaped piece of property and that may add to the hardship but he is concerned about the length of the house on the property. He said applicant may be able to shrink that length and there may be a way to streamline the width of the house because it is a narrow piece of property to begin with. He said those are two concerns that exist on the initial plan and the applicants should be conscious of the limitations of the lot.

Ms. Chamberlain said she feels this addition could be pulled in much tighter. Mr. Redling said he echoes Mr. Jones' statements. He feels the house as proposed is too big for the property. Ms. D'Amore asked if a detached three car garage is permissible. Mr. Nestor said it is. He added that right now the applicants are in violation of the ordinance by having two garages.

Mr. Manning said the other problem he has is the testimony from the neighbors about the water issue. He wondered whether the Board should get an environmental impact study from our own engineer to see how this is going to impact the neighbors. Mr. Jones said anything that exceeds 500 sq. ft. requires an engineering plan. He added that applicant is not going to be able to stop the downward sloping but there are ways to minimize the impact and that is the purpose of that requirement in our ordinance. The study has to be done by our engineer and that plan may offer additional things that have not been discussed tonight.

Ms. Hart said this property cannot fit this size house. Mr. Bottaro said the neighbor's house next door is over 6,000 sq. ft. and three houses down it is 7000 sq. ft. They purchased this property to have a nice home and they are both volunteers in this town.

Ms. Hart said based on the drawings it is a 5,000 sq. ft. house and the square footage dictates our side yard variances. Because of the size of the house the setbacks are supposed to be 35 ft. That means any new addition to the house should meet those setbacks. Mr. Bottaro said that means they cannot do anything with the house. Mr. Nestor said that is not completely accurate. They

can do something but it can't be as big as they want to make it. Ms. Hart suggested making it a two story house. Mr. Bottaro said they wanted to keep everything on a single level since they are dealing with a handicap situation.

Ms. Hart asked if they have looked around since this home isn't meeting their needs. Mr. Bottaro said they both volunteer many hours to this town. Ms. D'Amore has been with the Ambulance Corps for more they 15 years and they both want to stay in this town. Ms. D'Amore's father is 82 years old and his health is failing. They have a nice home on a big piece of property and they felt this was the right thing to do.

Mr. Nestor commented that the Board is guided by certain rules and those rules cannot bend for the personal reasons of each applicant. Ms. Tengi said she feels the applicant should be able to improve this house. The Board is not saying it does not want the applicants to have an addition but it is really large the way it is right now. She said she thinks it can be modified to still accommodate the applicants' needs but it is necessary to limit the size and the mass impact.

Mr. Bottaro said he cannot fix the water problem that goes from Hillside to Elbrook. They have an issue because Hillside Ave. is 13 inches higher than his front lawn and they do not have a curb. They have asked the County to put in a curb as they have done everyplace else except in front of his house. He added that he cannot stop that water. It is going to go to the lowest point.

Mr. Manning said there will be three people living in the house and he is looking at the plans showing 4-5 bedrooms. Ms. D'Amore said that technically they only have one bedroom. The bedrooms upstairs are not considered bedrooms. Mr. Bottaro said they are trying to set it up as handicap area on a single level. He added that the house was on the market for a long time for the reason that it is a tiny house with one bedroom and one bath. Mr. Manning said the Board is trying to say that certain lots cannot sustain a big house.

Ms. Tengi said she hopes the applicants will revise their plans and the Board will carry the application to the next month. Mr. Bottaro said they need a percolation test. Mr. Jones suggested that he speak to Mr. Yakimik, the Borough Engineer, to see what he requires.

On a motion by Mr. Jones, seconded by Ms. Weidner, the meeting adjourned at 10:40 p.m.

Respectfully submitted,

Barbara Knapp