

May 26, 2010

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on May 26, 2010. The meeting was called to order at 8:14 p.m. by Ms. Hart, acting Chair. She announced that the requirements of the Open Public Meetings Act have been met by the required posting and notice to publications.

The following members answered roll call: Mr. Jones, Ms. Hart, Mr. Manning and Ms. Weidner. Ms. Teng, Mr. Redling and Ms. Chamberlain were absent. Also present was Mr. Nestor, Board Attorney.

Resolution of memorialization was submitted by the Board Attorney with regard to the Mary Barrise variance application. Ms. Weidner moved, seconded by Ms. Hart, to adopt the resolution as submitted. On roll call, Mr. Jones and Mr. Manning abstained. Ms. Hart and Ms. Weidner voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the John McGeechan variance application. Mr. Jones moved, seconded by Ms. Weidner, to adopt the resolution as submitted. On roll call, Mr. Manning and Mr. Jones abstained. Ms. Hart and Ms. Weidner voted in favor.

Corrected resolution of memorialization was submitted by the Board Attorney with regard to the Edward Christie variance application previously adopted June 24, 2009. Mr. Manning moved, seconded by Ms. Weidner, to adopt the resolution as submitted. On roll call, Mr. Manning and Ms. Weidner voted in favor.

Continuation of Richard Rizzo variance application – 145 Powell Rd., Block 1907, Lot 22

Mr. Nestor said four members are needed to vote on this and even though there are four members present this evening, one of the members has to recuse herself because she is within 200 ft. of the property. The Board only has three voting members present this evening so it has no jurisdiction to hear the application. Mr. Nestor said this application will therefore have to be carried and it will be listed first on the agenda at next month's meeting.

Kevin Martin variance application – 226 W. Allendale Avenue, Block 904, Lot 23

Mr. Martin agreed to proceed with only four members present. Mr. Martin was sworn. He said he is a licensed architect in the State of New Jersey since April and has worked for architects for the past 15 years.

Mr. Martin said he has an existing covered porch in the rear of his property. It is approximately 8'10 x 9'4. He would like to enclose the porch and keep the same footprint of the house. He has two porches and both are covered. The front porch is closed. The back porch is not closed but it is covered. Ms. Hart commented that it has a second floor over it. Mr. Martin said he was before the Board in 2001 for a variance. He said the only thing he has added since then is a shed and he has added that into the square footage.

Mr. Manning asked what exists on the property line with the 9 ft. setback. Mr. Martin said his driveway and his neighbor's driveway and along the property line there is a 100 ft. spruce that blocks the neighbors and he has arborvitaes lined up his driveway which provides a green hedge year round.

Mr. Manning commented that enclosing the porch is probably lessening the impact on the neighbor. Mr. Martin said it is visible to no one.

Ms. Hart said applicant is here because of the 9 ft. setback on the right side.

Applicant's one sheet plan was marked A1, survey was marked A-2, photos were marked A-3 and copy of tax map was marked A-4.

Mr. Nestor said the plan shows 6 ft. from the property line to the shed but he does not see a dimension from the porch to the right side setback. Mr. Martin said he has it on the drawing as 8.5 but he believes Mr. Wittekind put it down as 9 ft.

Mr. Nestor asked what applicant would see if he stands on the back porch and looks to the right side property line. Mr. Martin said he would see hedges and his neighbor's driveway is on the other side of the hedges.

Mr. Nestor asked Mr. Martin to state on the record the distances between his house and the house immediately adjacent to the right looking from the front of his house. Mr. Martin said it is 8.52 ft. to the property line and to the house it is 36.5 ft. On the left side it is 40 ft. between houses and 15.25ft. to the property line.

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

Mr. Nestor asked Mr. Martin to articulate his hardship. Mr. Martin said his lot is undersized. There is a 100 ft. width requirement and he has only 50 ft. His side yard setback on the existing house to the property line on that side was always nonconforming.

Mr. Jones commented that with the width of the property being 50 ft. x 200 ft. the hardship is in the narrowness of the lot and the location of the pre-existing nonconforming structure on the pre-existing nonconforming lot.

Mr. Jones asked if the new stairs will go further to the rear than the existing. Mr. Martin said they will only because he is required to have a platform.

Ms. Hart moved to approve the application. She said the applicant is not going outside of the footprint of the house. The area he is talking about has already been included in his existing floor area ratio so he is not increasing his FAR. The side yard setbacks are 8.5 and 15.25 and they have not changed. She believes the improvement is more beneficial than detrimental to the zone plan in keeping with the municipal land use law. Mr. Jones seconded the motion. He

pointed out the hardship of the exceptional narrowness of the property at 50 ft. with the increased depth of 200 ft.

On roll call, all Board members voted in favor.

Mr. Nestor commented that the Holmgren's Black Belt Academy application is being carried to a special meeting on June 2.

On a motion by Ms. Hart, seconded by Ms. Weidner, the meeting adjourned at 8:39 p.m.

Respectfully submitted,

Barbara Knapp