

May 27, 2015

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on May 27, 2015. The meeting was called to order at 8:10PM by Ms. Tenghi who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following Board members answered to roll call: Mr. Redling, Ms. Hart, Ms. Chamberlain, Ms. Tenghi, Mr. Manning, and Ms. Weidner. Mr. Jones was absent.

On a motion from Ms. Chamberlain, seconded by Mr. Redling, the minutes from April 22, 2015 were approved.

Ms. Tenghi asked if anyone was present from Doggy Daycare. Since no one approached, Ms. Tenghi stated that the Board had carried this over from two separate meetings and the applicant was contacted several times with no return phone call. On a motion from Ms. Tenghi, seconded by Mr. Manning, the Doggy Daycare application was dismissed.

On a motion from Mr. Redling, seconded by Ms. Chamberlain, the Resolution of Memorialization for the Frost variance application was approved.

On a motion from Ms. Chamberlain, seconded by Ms. Weidner, the Resolution of Memorialization for the Krause variance application was approved.

The first application before the Board was for Holdefehr from 22 Colonial Drive, Block 1205, Lot 4. Darryl Siss from Teschon, Riccobene, & Siss located at 327 Godwin Avenue in Midland Park was the attorney for the applicant. Mr. Siss said the applicant turned in the proofs of mailing and the site plans prepared by Daniel J. Holdefehr who is the architect. The plans show the proposed additions with two pages of floor plans and two pages of elevation plans. Mr. Siss told the Board the application is to add several additions to the property including a small den to the rear of the property which will be approximately 200 square feet, a porch along the front of the property which will be about 325 square feet, and a third garage along the front of the property which will be about 249 square feet. Mr. Siss explained that because of the way the Ordinance is written due to the increased square footage it increases the requirement for the setbacks. The right hand side is less than what is required but there will be no change on that side so it will remain at 29.6 feet. The garage will move into the south side or left side setback making that setback at 30.2 feet. It is only for the length of the new garage as the rest of that side stays the same and that setback will be 33.4 feet which meets the requirement. All the additions are only one story which should eliminate the effect on the neighbors. The front porch will be open. Both adjoining properties are rear yards that face the applicant's side yards. Mr. Siss also submitted pictures of the property.

Daniel Holdefehr from 22 Colonial Drive and Daniel J. Holdefehr from 659 Richmond Court in Ramsey were both sworn in to testify. Daniel J. Holdefehr has been a registered architect since 1979 and has appeared in front of many Boards across the State and he is licensed in New Jersey, New York, and Pennsylvania. He prepared the plans dated March 18, 2015. Mr. Nestor marked the plans as Holdefehr 1 May 27, 2015. Daniel Holdefehr from Colonial Drive stated that they are currently doing renovations to the home as they are making two rooms in the house into a guest suite which includes a bedroom and a bathroom for the in-laws when they come and visit. Mr. Holdefehr said that one room that was taken for this renovation was his den and he is looking to put a new den in back of the house for when he works at home. Mr. Siss passed around pictures and Mr. Nestor marked the pictures as Holdefehr 2 May 27, 2015. Mr. Holdefehr said he is looking to put the porch on the front of the house to make it more aesthetically pleasing. Mr. Siss asked Mr. Holdefehr about the garages and Mr. Holdefehr said he has two existing garages and they are proposing a third garage that will be located in front of the property. It does meet the front yard setback the way it was designed. The garage will protrude a little further than the existing side property line and make it a bit larger than the other garages because they will have a man door in from the outside so it will be easier to access the garages without opening the garages. The size of the door will be eight feet rather than the nine feet which is the size of each of the other two garages. Mr. Nestor asked more about the man door and it is a swinging door that will face the back of the home and not the street. The picture of the front of the house was marked by Mr. Nestor as Holdefehr 3 May 27, 2015 and Holdefehr 4 May 27, 2015 will be the one with the driveway and the basketball hoop. Mr. Siss asked Mr. Holdefehr why he needed a third garage and Mr. Holdefehr said so the in-laws would have a place to park when they visit or his son's car could go into the garage rather than being parked in the driveway. There are three other homes in the neighborhood that have three car garages. Mr. Siss asked Mr. Holdefehr about the neighboring houses and he said that the neighbors' back yards face the north and south sides of their home so their side yards face the neighbors' back yards. Mr. Manning asked if the driveway would be expanded impacting the impervious coverage but the impervious coverage is being altered so it will be less than what it is now.

Ms. Tengi opened the meeting to the public, but since no one approached, she closed the meeting to the public and brought the meeting back to the Board. Ms. Chamberlain asked if the step on the new porch would protrude more into the front yard and she was told that the architect could answer that for her when he testified. Ms. Chamberlain asked if they had a site plan or tax map that shows the different lots, locations of the homes, and the distances between them as that is usually part of the application. Mr. Nestor responded that they requested a waiver for that part. Mr. Nestor asked if they had measured the distances at all and Mr. Holdefehr said no. Mr. Nestor asked if the shed was remaining or was being removed and Mr. Holdefehr said it was remaining.

Mr. Daniel J. Holdefehr was called to testify. Mr. Siss asked Mr. Holdefehr if he could give the Board a ballpark range as to how far away the nearby houses were from the applicant's home.

Mr. Holdefehr said the house to the north was about seventy to seventy-five feet from structure to structure. Mr. Holdefehr said the other side was about eighty to eighty-five feet. Mr. Holdefehr went over the plans with the Board starting on Holdefehr 1. He described how the porch will run the whole length of the home and that it will protrude out a bit further than the old porch but still be inside the setback. A new garage will be placed on the side of the existing two garages. The new garage will come out four feet more than the other garages and that was to get the man door into the side so they can gain access to the garages without opening the garages. It breaks up the façade since the garages are different sizes. They are adding a den area to the family room in the back of the home. In order to comply with the impervious coverage they are removing some of the pavers in the back and making the front walkway and driveway smaller. The driveway will be done in pavers but the size of the driveway has been reduced so they comply with the impervious coverage. Any addition to the side yards would make the property be noncompliant. The last addition was done to be at the maximum. Mr. Siss asked if there would be any further encroachment by the porch on the north side, but Mr. Holdefehr said that the building is not exactly parallel with the side property line so the front corner is closer than the back corner. Before the side yard was 29.7 feet and now it will be 29.6 feet and it is so they can bring the building out straight.

Mr. Nestor asked if without the garage or front porch if the house would be in compliance with the side yard setbacks and Mr. Holdefehr said yes. He continued to explain about the new garage, man door, the den, and the porch. They are adding dormers in the attic for cosmetic reasons. Mr. Redling asked what the hardship was and Mr. Siss said that they are asking for a C-2 variance as he felt that would be more appropriate because of the way the Ordinance was written and the amount of square footage they are proposing. The rear addition and the front porch would have no effect on the neighbors. The only effect would be the bump out of the one garage bay. Mr. Manning said that they are in compliance now and that if they are asking for more there should be some type of hardship. Mr. Siss said the property lot is irregular but he thought it was more appropriate under a C-2 variance. Mr. Manning questioned whether or not it would be in regards to how the house sits on the property and Mr. Siss responded that it had more to do with the size of the property and the existing setbacks and the amount of square footage being added. Mr. Redling stated that the Ordinance was written so that as homes got bigger it required more of the side yard setbacks so McMansions could not be built to the setbacks allowed. Mr. Redling said he had trouble with the application because he thought it was self-imposed even though he understood why someone would want a third bay. He continued with the Ordinance requires 33.2 feet on each side and today the home complies. Mr. Siss said he understood the intent of the Ordinance but felt the property was unique because of the two backyards and the additions will not affect the neighbors. Mr. Redling said that the tax map would have shown the distances between the applicant and the neighbors. The Board usually gets to review that document before making their decision.

Mr. Nestor asked if they were adding less than 800 square feet to the structure and Mr. Holdefehr replied yes. Mr. Nestor said the 47.44 includes the pool and the pool house. Mr. Nestor questioned if they were only going to add 777 square feet to the house how this would give you an extended side yard setback from twenty feet to thirty-three feet. He said he doubted that the way the house as it presently exists falls within the guidelines of a Double A Zone with a twenty yard setback. Mr. Nestor continued that he was concerned that the house as it presently stands is in violation of the side yard setback. Mr. Holdefehr said the existing side yard is a little over 29 feet. Mr. Nestor said that he didn't understand if they are only adding 800 square feet to a house how that can change a setback from twenty to thirty three feet on each side. Mr. Nestor said he thought they were requesting three feet on each side rather than nine or ten feet and Mr. Holdefehr agreed that they were only asking for three feet. After some discussion, Ms. Hart pointed out that on Mr. Holdefehr's plans it shows a twenty foot setback on either side, and Mr. Holdefehr responded that is the minimum setback. Ms. Hart commented that maybe if he had shown that the existing setback is presently at 29 or 30.04 feet and you are going to thirty-three feet maybe that would eliminate some of the confusion.

Mr. Redling added that they are adding 249 square feet to the garage and 203 square feet to the den which is 452 square feet and the new porch is 325 square feet. Mr. Redling said it shouldn't count in the square footage but Mr. Nestor responded that it is listed for the impervious coverage. Mr. Nestor asked if the pool house and shed would be the same thing and Mr. Holdefehr said yes. Mr. Nestor said as the application exists they are near their impervious maximum and near the front yard setback with the new garage addition and now you need more relief on the side yards. This would be 3.7 on the one side and 3.1 on the other side. Mr. Nestor told the Board more about a C-2 variance. The addition has to benefit not only the specific piece of property but has to benefit the purposes of the Municipal Land Use Law to enhance the Zoning in the Town or community. Mr. Redling asked how this application would benefit the community. Mr. Siss stated that it would be in line with today's normal building standards, keep another car out of the driveway, and provide no detriment to the adjoining properties because it allows for the proper spacing. Mr. Siss said he hadn't come across an Ordinance like this in his work and felt that the property was a unique situation. Ms. Tengi said that the house is currently conforming but they are asking for a very minor square footage addition part of which is directly off the back of the home which is concealed from the neighbors. The open porch is aesthetically a benefit to the community. Ms. Hart added that the portion of the garage that is causing the violation is just one bay and ten feet in length. She said that the alternative is putting the man door in the front so the garage doesn't stick out but it would have to come forward and cause a violation in the front yard which is more like eighty or ninety square feet. Ms. Tengi said she doesn't like to see applicants come before the Board when they are imposing their own hardship. But she said the estimated distances from the neighbors, no adjacent living quarters, and minimal square footage addition to the home will make it more pleasing for the homeowner. Ms. Tengi opened the meeting to the public, but since no one approached, she closed the meeting to the public and brought the meeting back to the Board.

Ms. Chamberlain said that if the argument is being made that this is a de minimis addition because of the existing setbacks and the distance from the neighboring homes the applicant should prove that the distances are great by providing more documentation and not by making estimates. Ms. Chamberlain drove by the home and felt that it would impact the neighborhood because of where the house is located. Ms. Tenghi asked the Board members if they had the same concerns about not having in front of them the tax map with the distances of the neighboring properties. Ms. Tenghi said the Board could ask the applicant to carry this to the next meeting without any more costs of advertising. Ms. Weidner asked if they could make it a condition but Mr. Nestor said the record should be complete. Mr. Siss agreed that they would carry to the next meeting. Mr. Nestor suggested bringing in a tax map of the neighborhood with the distances of the neighbors stated and pictures of the neighborhood if they are going along with the C-2 Variance.

The second application before the Board was for Azmi/Shirkham from 46 Carteret Road. Ms. Nadme Shirkham was sworn in to testify. Ms. Amy Nowak from Poskanzer Skott Architects located at 550 North Maple Avenue in Ridgewood was the architect for the applicant. She is licensed in New York and New Jersey. Ms. Nowak requested a relief from Section 40-19 in the Allendale Code which stipulates that variances granted remain in effect for one year from the date that the Resolution is passed. Ms. Nowak said they were before the Board in November 2011 to request a side yard variance for the construction of another bay to an existing two car garage to make it a three car garage and an addition of a second floor study. They were granted a variance and a Resolution with the one stipulation that the wall between the existing two car garage and the new bay of the garage be removed so that the garage would be considered one garage. Due to the economy and some family circumstances the family couldn't proceed with construction at that time and the Resolution has expired. Ms. Nowak said they were asking for a reinstatement of the Resolution that was passed in 2011. Mr. Nestor wanted to make sure the plans the Board had in front of them were the identical plans to the ones issued in 2011. Ms. Nowak said they are identical with the exception of the removal of the wall between the new and existing garages as that was a condition of the Resolution. She said it was on Page A-1 in their packets. It will have a 5 feet and 11 ½ inches opening. Mr. Nestor marked the five pages of plans from Poskanzer's office dated 4-15-2015 as A-1 May 27, 2015. The application was properly noticed to everyone within 200 feet. Mr. Nestor said that this is basically a new application but the Board was presented with the Resolution from 2011 and they have given the Board the exact same plans with the condition mentioned.

Ms. Hart asked about the setbacks and Ms. Nowak said they were on the site plan on page T-1. There is a setback of 30.17 feet to the new proposed garage addition and forty feet was required. Mr. Nestor noted Mr. Wittkind's July 19, 2011 denial letter. Mr. Redling asked why the garage would be positioned the way it was in the plans and Ms. Nowak said it had to do with the aesthetic nature of the home. Mr. Nestor asked if they had done anything to the property since 2011 when the Resolution was granted and Ms. Shirkham said nothing has been done with the

exception of taking down three pear trees which were not in the area of the garage. Ms. Chamberlain said that she felt that granting the extension and relief from 40-19 in the Code even though the time period had expired was acceptable as there had been no major changes to the property and it was not going to directly affect the neighbors.

On a motion from Ms. Chamberlain, seconded by Mr. Manning, the extension for the variance for the November 2011 Resolution was granted. Mr. Redling voted against extending the variance. Mr. Nestor warned Ms. Shirksam to make sure she does the addition within the time frame.

The third application before the Board was for Giakouminakis from 370 Hillside Avenue, Block 103, Lot 4. Mr. Giakouminakis and Ms. Scro were sworn in to testify. Ms. Mary Scro from Z+ Architects located at 240 West Crescent was the architect for the applicant. Ms. Scro submitted some extra pictures. Ms. Scro said they were before the Board for a side yard variance. The proposed addition to the house is a second floor addition to the Master Bedroom above the existing garage. In the front of the house they are expanding the front foyer and the bedroom above it. In the rear of the house they are going to square off an existing sunroom that is made of all glass. They are going to make it traditional construction and make it a sunroom with windows and a skylight. Behind the existing garage they are going to design a covered porch. They have 40,983 feet but the lot is narrow and long. The lot width is 116 feet in a zone that is typically 130 feet wide. The house sits back from the road. When it comes to the side yard variances one is existing and one is being exacerbated by the construction. They are in the rear yards of the other homes. The side yard that is most affected is 24.5 feet and is in the rear corner of the next lot. The back yard abuts the high school. The property to the right is far in front and is under construction right now. The house is not parallel to the side yards as it is a bit cockeyed to the side yards which created another problem. The house is Georgian style and made of brick. They tried to bulk the enclosed area in the middle of the house. It has the least impact on the side yards. The covered porch will be open will columns coming down. The other side yard infraction is because of the front corner and is at 25.59 feet. By expanding the foyer they will keep the square footage in the middle of the house and continue using the existing footprint by putting a room over the existing garage. The hardship is the narrowness of the lot and where the house is situated really creates the hardship. They are not near the gross building area which comes to 4820 and they are allowed to be at 7787. They are not pushing any other regulations in the zone.

Mr. Nestor said they are conforming on both side yards now and it is just the bulk of the addition that is pushing you out and Ms. Scro added that the front corner is also affecting the violation. Ms. Hart asked what the existing side yard setback was before the addition and Ms. Scro said 26.7 is required but because of the front right corner it is 25.59. Ms. Tengi said they have a pre-existing nonconformity and Ms. Scro agreed. Mr. Nestor marked the survey as G-1 May 27, 2015. Ms. Scro said that the front corner of the garage is 32.52 which is the left side. Mr. Nestor said because of the additions they are putting on now the side yard setback is 33.7 as they are

presently at 25.5 feet in the front and 26.8 in the back and the required is 33 feet. Ms. Scro said they are 24.5 for the open porch. Ms. Tengi said no matter what they do on the property they would have to come before the Board because of that one foot nonconformity. Ms. Tengi opened the meeting to the public, but since no one approached, she closed the meeting to the public and brought the meeting back to the Board. Mr. Nestor marked the twelve pages of plans with a date of May 12, 2015 as G-2 May 27, 2015. Ms. Hart said the front yard is 121 feet and the depth of the lot is 432 feet. Ms. Scro said from the road to the garage it was 126 feet. They are changing the walkway to the driveway and the circular part of the driveway is being paved and they calculated that into the impervious coverage.

Ms. Hart said the hardship of the property is the narrowness of the lot and the unusual shape of the property. The advantage is that the house is so far back beyond where the other houses are located on the street. The house is not straight on the lot so the side yard setbacks are more affected in each corner. The building is within the footprint of the existing house and the addition in the back is within the setbacks.

On a motion from Ms. Hart, seconded by Ms. Weidner, the Giakouminakis variance application was approved.

On a motion from Ms. Chamberlain, seconded by Mr. Manning, the meeting was adjourned at 9:35PM.

Respectfully submitted,

Diane Knispel