

May 28, 2014

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on May 28, 2014. The meeting was called to order at 8:06PM by Ms. Tengi 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. Jones, Ms. Hart, Ms. Chamberlain, Ms. Tengi, Mr. Manning, and Ms. Weidner. Mr. Redling was absent.

On a motion from Ms. Chamberlain, seconded by Mr. Manning, the minutes from April 30, 2014 were approved. Ms. Hart abstained from voting as she wasn't present at that meeting.

On a motion from Ms. Chamberlain, seconded by Ms. Tengi, the Resolution for Memorialization for Go Ahead and Jump, LLC was approved. Mr. Jones abstained from voting for approval of the Resolution, and Ms. Hart abstained from voting as she wasn't present at that meeting.

The first variance application to be heard was from Christine Trajkovic from 6 East Elbrook Drive, Block 104, Lot 30. Ms. Trajkovic and Mr. Braithwaite were sworn in to testify. Mark Braithwaite introduced himself as the architect and stated his address as 17 Sheridan Drive in Ho-Ho-Kus. Mr. Braithwaite has been a registered architect since 1993 and has appeared before the Board as recently as six months ago. Mr. Braithwaite explained that the Board should have the tax map with adjacent properties, existing site plan, proposed site plan, architectural plans A-1 through A-5, overhead perspectives, and photographs. Mr. Nestor labeled the packet of plans from April 3, 2014 as A-1 May 28, 2014. Mr. Braithwaite said that in regards to the variances the minimum lot area is 40,000 square feet. They have only 31,495 square feet so they are at 78% of what is required for the Triple A Zone so they are under on the lot size. The shape of the lot is unusual as they really only have one side yard. Besides the side yard, they also have a very long front yard and a rear yard. The second variance is because forty feet is required in the side yard for the zone and currently they have 29.5 which is a pre-existing condition and will not be enlarged upon. Mr. Braithwaite said they took this into consideration when making the plans and put the one and a half story addition on the back of the home because they knew they were too close to the side yard. The front yard setback is fifty feet which is required and they are currently at 49.4 feet which is to the front of the existing garage and the other corner on the property is 49.6 feet. They are not increasing that at all except for putting a portico on the home. The existing porch comes beyond the new proposed front porch so that part has actually been reduced. They are making an indentation into the foyer area to come back off the street. The new garage addition is in the south and is staying back within the fifty feet. In the rear yard fifty feet is required and they are asking for 31.9 feet because of the odd shaped lot and the way the building is skewed on the lot. There is also a ten foot drainage easement on the rear and side yards. They are trying to use what is already existing, but make it better for what his client needs by updating the residence. He spoke to Mr. Wittekind and asked the Board if they preferred the

garage being pulled forward and asked for 44.5 feet in the front and 36.9 in the rear. The right and left sides of the house will be low in elevation. By bringing the garage out it will balance out the setbacks which would give a better aesthetic to the garage and would be less infringement on the rear. It would be thirty-seven feet versus forty-five feet approximately. His clients have two young daughters and plan on being in Allendale for many years to come. He feels the modifications will be more in tune with the needs of today's lifestyle and will not be a detriment to the community.

Ms. Tengi asked Mr. Braithwaite to state for the record what he felt the hardship was for the property and he said he thought it was because the lot was undersized and an odd shape. If it was a normal lot with a normal shape they wouldn't be in front of the Board. Mr. Nestor recapped the fact that the front yard setback is pre-existing and there would be a problem with that no matter what the applicant did to the home and Mr. Braithwaite concurred. Mr. Nestor continued with the fact that there is not much that can be done with the minimum lot area and Mr. Braithwaite agreed. Mr. Nestor said what the Board is really dealing with is the side yard and rear yard setbacks as the rest is pre-existing. Mr. Nestor stated that Mr. Braithwaite mentioned before that in this zone the side yard requirement is forty feet but actually it is twenty-five feet in a Triple A Zone, but the bulk of the building pushes that out to make it forty. Mr. Braithwaite agreed with Mr. Nestor. Mr. Nestor said the side that is 29.5 feet is at this point in time conforming but the bulk of your addition is making it nonconforming. Mr. Braithwaite agreed but replied that was why the back wing was basically staying the same shape and size. Mr. Nestor remarked that it is the bulk of the whole dwelling that renders the side yard forty feet no matter where you put the addition. Mr. Braithwaite said he couldn't do any addition without that side yard increasing. Mr. Nestor told the Board that presently the property is conforming to the side yard setbacks but not to the rear yard. Mr. Braithwaite said it is currently at 50.8 feet so it is conforming in the rear yard too. Ms. Tengi asked if they thought about putting in less mass when it comes to the house and Mr. Braithwaite responded that they are technically adding just a garage to the ground area. Ms. Tengi said they are adding a whole second floor so technically it is more than a garage. Mr. Braithwaite said he was referring to the ground where they are running into the setback and Ms. Tengi said that the bulk is coming on the second floor and causing a variance. Ms. Tengi felt the proposed home would be very large as she visited the property. She knew that it is an irregular shaped property and has some pre-existing nonconformities, but it is a huge house for that property. Mr. Braithwaite said that the nearby streets of Cedar, Fairhaven, and Bonnie all have comparable homes and Ms. Tengi responded that the properties on those streets are larger as those homes are on larger lots. Mr. Manning said that he also visited the property and this proposed house would be the biggest house on the block. Mr. Braithwaite said that it would be 4400 square feet and Mr. Nestor asked for the present square footage and it is about 2400 square feet currently. Ms. Hart said it didn't bother her that the garage was back like that because it would be a bigger impact if the garage was forward. Mr. Manning was concerned that it might be dangerous to move the driveway from one side of the house to the other side as the corner and driveway would be very close. Mr.

Braithwaite said his clients wanted to have their living room to the north. Mr. Manning reiterated that it was a safety issue with people coming around that corner. Ms. Tengi asked about the entrance to the high school and it is across the street. Ms. Weidner said that she liked where the garage was in the plans. Mr. Braithwaite said they looked at the garages early on because one and a half garages are there now and by extending the garages where they are now would have them run into more problems. The drainage comes into play on that part of the property.

Ms. Tengi opened the meeting to the public, but no one approached, so she closed the meeting to the public and brought it back to the Board. Mr. Jones asked if they were adding a fireplace and the answer was yes. Mr. Jones commented that there is a lot of new construction adding to the mass which is affecting the setbacks. Mr. Jones asked about the total height and it is 32.5 feet. Mr. Nestor said that he saw a measurement of 32.4 on A-4 and asked if it was taken from the lowest grade of the property and the answer was yes. Mr. Braithwaite said they are not asking for a height variance. Mr. Nestor asked about the dormers and Mr. Braithwaite said that area is an unfinished attic. Mr. Nestor asked if they were for show and Mr. Braithwaite said yes. Mr. Manning asked if there were pull down stairs and the answer was yes. Ms. Tengi said she thought the plans were beautiful but she felt it was a huge house for this property. Ms. Tengi asked when the house was purchased and Ms. Trajkovic said five years ago and it is a four bedroom 2.5 bathroom house. Ms. Hart said she knew that there were a lot of ranches in the neighborhood and a couple of two story homes with dormers. Ms. Hart asked if there was there any thought of doing more of a dormer look on the second floor and Mr. Manning added that the home almost looks like it has three stories. Ms. Hart felt it had too much bulk the way the plans were done. As Board members it is their job to review the plans and think about the integrity of the neighborhood. Mr. Manning suggested lessening the top part of the home. He commented that the plans were beautiful. Ms. Tengi said the home is being more than doubled and it is causing the need for variances and she was concerned about the community. Mr. Braithwaite said he was under the impression that the Board was concerned about the mass of the structure. Mr. Jones responded that a variance could be given because of the shape of the property, but the house is conforming currently and the proposed size of the structure makes a need for a variance because of the mass. The mass of house is large for this particular lot and he commented that it was an overbuilding of the lot. The home would be wonderful on a square lot but not on this irregular shaped lot. Any revisions that Mr. Braithwaite could do to lessen the impact would be appreciated. Mr. Braithwaite said that based on the .008 times the gross building area for areas over 3000 square feet even if we made the house smaller we would still coming back for a variance. Mr. Jones said he wasn't denying that a variance might be needed but it is too large of a structure for this lot. Mr. Braithwaite said that a three car garage is a high priority on his clients' list.

Mr. Nestor directed him back to the property survey or site plan and asked him if the 31.9 feet back marker in the corner was the new garage and Mr. Braithwaite said that was correct. Mr.

Nestor said 36.9 feet is part of the proposal moving it forward and Mr. Braithwaite agreed. Mr. Nestor stated that the 44.5 feet part of proposal was to shift the garage to the front and Mr. Braithwaite concurred. Mr. Nestor questioned if the garage was pushed to the front would it line up with north end of the home and the answer was no because it would be two feet projected forward. Mr. Nestor asked if it would be better to have the addition be even in a line with the rest of the home but some Board members and Mr. Braithwaite disagreed. Mr. Nestor asked if they were adding steps in the front and Mr. Braithwaite said no as they were just adding the portico. Mrs. Trajkovic added that there are steps on the property now and there will be the same two steps with the addition. Mr. Braithwaite said the steps to the property line are forty-seven feet and 44.5 feet would be the front setback if they shifted the garage forward.

Ms. Tengi said the Board was struggling with the mass of the house and told Mr. Braithwaite and Ms. Trajkovic that the Board could vote on the plans or have them modify the plans and come back to the Board at next month's meeting. Mrs. Trajkovic asked what square footage the Board would be comfortable with and Ms. Tengi said they can't make that suggestion but they could say they are not comfortable with the mass of the proposed home. Mr. Manning said it is the visual impact that is concerning him as it would be the largest house in the neighborhood. Mrs. Trajkovic stated that most of the homes were built in the 1960's and many retired people currently live in the neighborhood and they will someday leave and the neighborhood will change. Ms. Trajkovic believed that the proposed home would add value to the neighborhood and added that they spent eight months on these plans. Mr. Jones said that the mass is really the issue. The Board decided to carry this to the June 25th meeting.

The next application before the Board was Andrew and Heiltje Stravitz from 340 Hillside Avenue Block 103, Lot 3. Ms. Tengi recused herself from hearing the application and left the meeting. Ms. Hart who is Vice-Chair took over the proceedings. Mr. Michael Callori, Mr. Stravitz, and Mrs. Stravitz were sworn in to testify. Mr. Callori was the architect for the applicants and his address is 344 Broad Avenue in Leonia. Mr. Callori had appeared before the Board about four years ago. He graduated from Pratt Institute and was a graduate of Harvard Graduate School of Design and has been licensed in New Jersey since 1970. Mr. and Mrs. Stavitz are currently residing in Ramsey due to a small house fire that occurred in their home. Mr. Callori told the Board to look at document A-100 dated May 6, 2014 which was the site plan of the residence. The property is on the east side of Hillside Avenue and has 62,500 square feet which is over double the required property size in the zone. There is a 1.5 story house located on the property that was built in the 1950's. Mr. Callori said that about a month and a half ago there was fire in house most likely caused by poor construction because it has had additions and renovations since it was built. Mr. Callori stated that the home is not compliant with the Code. Mr. Stravitz added that Mr. Wittekind, the Code Official, was there the night of the fire and the chimney had a couple of walls and the fire started between the walls. Mr. and Mrs. Stravitz decided this was an opportunity to rebuild their house as they have two children and want to make sure it is safe. They have an emergency staircase proposed for the two kids to go through

the garage if needed in the future. Mr. Callori said that because of the fire, part of the second floor and the roof were destroyed. They expect that there are other areas of the house that are not compliant so they are going to rebuild the house.

Mr. Callori said that the house is nonconforming due to one side yard that is located to the north. That side yard is currently 18.4 feet and with construction twenty-two feet would be required. The applicants have decided to build the new home over the existing foundation. They are also proposing to add a one car garage to the current two car garage which is conforming. Mr. Stravitz said that the neighbor's house is not close to their home. They have 1.5 acres and a lot of property. P1 dated 5-14 was an aerial view of the property. The Stravitz home is in the center and the other nearest property is to the north and is about sixty-four feet away. The neighbor to the south of their house is sixty-eight feet away. The staff parking lot at Northern Highlands Regional High School is to the back of their property. Mr. Nestor asked when P1 was taken and the answer was about two years ago. Mr. Nestor marked the plans A-201, A-202, A-300, A-301 as an entire package as A-1 May 28, 2014. Mr. Stravitz took the rest of the photographs and they adequately depict the home and property. Mr. Callori referred to A-201 as the existing basement foundation plan and the first floor plan. It showed where the garages would be built. Mr. Callori stated that on A-202.1 there were two minor changes as everything is same except they removed the dormers and stairs to the attic space. The walk-up staircase will be made into pull-down stairs. The dormers on garage are staying. The roof line is staying the same and the front of the house will look like the back of the house. Mr. Stravitz said the entire foundation, basement, and first floor are being reused. He added that the house looks like a ranch but it is a cape on the left side. Ms. Hart says that the house looks smaller on the second floor and Mr. Callori responded that they are bringing the roof down and are trying to keep the scale of the house down. Mr. Stravitz remarked that his wife likes the Federal look like some of the houses on East Allendale Avenue and the classic look is what they were striving for with the plans. Ms. Hart asked if they considered doing a design that would be smaller on the left-hand side. Mr. Callori said that they were trying to put in three bedrooms on the second floor and Mr. Stravitz added that it is a very narrow house. Ms. Hart declared that the house didn't have a lot of depth. Mr. Stravitz said that the only way to do the plans was to put all three bedrooms upstairs along the back wall. Ms. Hart asked about the bedroom on the first floor and Mr. Stravitz said that it was pre-existing and that they are eliminating another bedroom on the first floor and moving it upstairs. Ms. Weidner said that removing the dormers helps tremendously with the bulk on top. Ms. Hart opened the meeting to the public, but no one approached, so she closed the meeting to the public and brought the meeting back to the Board.

Ms. Hart asked if they had thought about doing their plans in another way and Mr. and Mrs. Stravitz both said that they had plans that they threw out before these final plans were done. They have such a large lot that they thought they would build a larger home but when they found out how much the taxes were going to be they went with the original footprint of the home. The taxes were going to go from \$13,800 to about \$23,000. The taxes with what they are proposing

to do now will be about \$6000 more a year with a final total around \$19,300 or \$19,600. Ms. Hart said they were smart to look into that ahead of time. Mr. Jones inquired about what separated their property from the neighbor's and Mr. Stravitz said there are plants there and his wife hired a local landscaper to come in and plant more trees so there is a lot of privacy. Mr. Nestor marked the two separate pages of photographs as A-2 May 28, 2014 and marked the pictures with the fronts and backs of the house as A-3 May 28, 2014. Mr. Jones asked about the shed and Mr. Stravitz replied that the shed was about sixteen feet by twelve. It is from the 1950's and the back part has an overhead that they keep firewood under. Mr. Jones questioned whether there was a change in topography and Mr. Callori said the property goes up as you get closer to the High School as it is a gradual slope. Mr. Stravitz said the pool is built at the highest point. He has two French drains for flooding. When asked about the height it will be 32.5 feet. Their house will be similar to houses in the neighborhood. Mr. Manning commented the house is set back and their hands are tied as to what you can do on that side of the home. Mr. Stravitz said there are over twenty feet between him and his neighbor. Ms. Hart asked if they were going from 3188 square feet to 4135 square feet and Mr. Callori answered yes as 450 feet will be the garage. Ms. Hart said they are in the AA zone and setback on the side yard is 29.3 feet and Mr. Callori confirmed. Ms. Hart said the problem is the bulk on top of the home as the other condition is pre-existing. Mr. Manning asked about the location of the neighbor's house and was told that the neighbor's house is set back far from the street. Mr. Nestor asked where the aerial view photo came from and Mr. Stravitz said he got it from a Bergen County website. Mr. Nestor marked the aerial view photo as A-4 May 28, 2014. Mr. Nestor said it looks like the house next door is 64 feet back from where their house is located. Mr. Stravitz remarked that he and his wife are tall people and they need eight foot ceilings. He added that they currently only have seven foot ceilings. They are also making the new home more energy efficient. Ms. Hart said a left-side variance is needed but they do have 36.7 feet on the right side where 29 feet is calculated and they need about seven extra feet. Mr. Nestor asked Mr. Callori about whether the 29.3 feet setback calculation was based on Code 270-64 and Mr. Callori answered yes as that was his calculation but 30.64 feet was due to Mr. Wittekind's calculation. Ms. Hart said she calculated 28.9 and that Mr. Wittekind has 4377 listed on his chart which is different. Mr. Jones asked if the shed was added in the calculation and the Board didn't think it was included. Mr. Nestor asked what the hardship was and Mr. Callori responded the narrowness of lot, depth of lot, and where the house was placed on the property were the hardships. Mr. Manning said the home is on a unique property and the homeowners were staying within the footprint of their current house. They need relief on the north side which is pre-existing. Since they are placing another floor on the home the Board would normally be concerned about how that would affect the neighbors. But, this neighbor who is closest is setback from where you are building on to the house and the property has a lot of landscaping to keep the privacy. This addition will enhance the neighborhood and allow more space for the homeowners.

On a motion from Mr. Manning, seconded by Ms. Weidner, the application for Andrew Stravitz was approved with the amendment that the dormers on front of the house have been removed and the regular staircase to the attic has been replaced with pull-down stairs.

Mr. Callori asked the Board if he could ask the building department to get the drawings signed and sealed now so the homeowners can get to work quicker on their home. Mr. Nestor said that he saw no reason why they couldn't get the plans to the Department, but the Resolution wouldn't be available until the next meeting and typically the Building Department will not allow construction to begin until the Resolution is signed.

On a motion from Ms. Hart, seconded by Mr. Manning, the meeting was adjourned at 9:30PM.

Respectfully submitted,

Diane Knispel