

November 28, 2012

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on November 28, 2012. The meeting was called to order at 8:11 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.

On a motion by Mr. Jones, seconded by Mr. Manning, the minutes of the meeting of October 24, 2012 were approved as submitted. On roll call, all Board members voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Jason Violetti variance application. Ms. Teng moved, seconded by Ms. Chamberlain to approve the resolution as submitted. On roll call, Mr. Redling abstained. All other Board members voted in favor.

Susan and Christian Barsanti variance application – 18 George St., Block 1604, Lot 23.

Christian Barsanti and Mary Scro, his architect were both sworn. Ms. Scro was accepted as an expert witness.

Ms. Scro said they are putting an addition on an existing ranch style dwelling. The existing lot area is just under 18,000 sq. ft. whereas 20,000 is the zoning requirement. The total building coverage proposed is 3517 whereas 7257 is allowed. The gross building floor area is 2736 whereas 4071 is allowed. The minimum side yard setback requirements are 16.4 and they meet that with 52 and 23. The rear yard requirement is 50 and they are at 52.13. They are here tonight because of the front yard setback. The existing is 30.62 but the dimension to the steps is 25.75. The proposed addition is to the left of the house and the rear of the house. When they create an 18 x 20 addition off to the left of the house that front yard setback does become 34.87 whereas 35 is required. Ms. Scro said this is a very minor infringement to the front yard setback and they are not exacerbating any of the existing situations. They do step it back from the existing house so that the volume will feel smaller and by doing this it will be in keeping with the neighborhood. The addition to the left is for a family room. Ms. Scro said the house is made up of lots of little rooms. The purpose of the addition is to give them a nice big room where they can entertain. To the back they are expanding the kitchen and also adding a master bedroom and closet.

Mr. Nestor commented that the testimony and figures are provided from the plans that were submitted with a date of September 18, 2012 consisting of SK-1 through SK-6 which were marked as Exhibit A-1 with today's date.

Ms. Teng asked if the property declines in the back. Ms. Scro said it does. There is a walk-out basement in the back. The garage is on the low level of the house so it is much higher in the front. Ms. Scro said the overall height of the building is 26 ft. taken from the point of lowest grade in the back.

Ms. Hart asked if there is a change in the height of the roof. Ms. Scro said it is a little bit higher. The new gable they are putting on the existing house is going to be a little higher – about 4 ft.

Mr. Manning asked if the deck that is proposed is going out any further than the existing deck on the property. Ms. Scro said it might be a little further than the existing deck but it is still within the limits.

Photos submitted of the home taken by Ms. Scro last spring were marked A-2 with today's date.

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

Ms. Chamberlain asked if the current house has just one bathroom. Ms. Scro said yes and there will be 2-1/2 baths with the addition. She added that the lot is wide so they are going out to the side and they are trying not to infringe on the rear yard.

Mr. Nestor said the only reason the applicant is before the Board is because the lot is undersized and they are 1 ft. deficient on the front yard setback. Ms. Hart asked if they are going to change the front steps. Ms. Scro said they are not because of the setback issue.

Ms. Hart moved to approve the application. She said she believes this proposal is going to be an improvement to the house without really being a detriment to the zoning ordinances and applicants did everything they could to fit within the boundaries that they had. Motion seconded by Ms. Teng. She added that the hardship appears to be the current nonconformity with the lot size and the topography and elevation in the back and she feels there is no detriment to the Borough zoning code. On roll call, all Board members voted in favor.

#### Continuation of Donald and JoAnn Hochrine variance application

Ms. Teng commented that Mr. Redling has certified that he has reviewed the entire tape recording of the October 24, 2012 hearing.

Mr. Nestor commented Mr. Anderson and Mr. Papparozi have been previously sworn so they are still under oath.

Mr. Anderson said they are present this evening with revisions to the plans. At the last meeting there was some concern with the size of the structure so they have tried to pull it back in size in every direction to make it smaller and a little shorter to improve the setbacks, so everything they have done is based on conversations from the last meeting.

Mr. Nestor marked the new plans with a revision date of November 18, 2012 as Exhibit A-10. He asked how the plans have changed since the last revision.

Mr. Anderson said they have taken 2-3 ft. off the back of this house and the whole rear has been reduced so now it is only 6 ft. whereas before it was 8 ft. They have also reduced the size of the pop-out by the dining room which is now 12 ft. On both floors they have taken out at least 2 ft.

On the side by the garage they have taken out 1 ½ ft. Whereas before the garage was 13'4" on the right side it is now 11'10". They have taken away another 1 ½ ft. on that side of the house and also reduced the steps. In the front they have increased the setback of the covered porch to more than it currently is. In sum total they have taken away 456 sq. ft. of gross building area which is about 10% of the structure.

Mr. Nestor said using the area breakdown shown on the newest plans they are now at 504 ft. for the first floor and that is a reduction of 210 ft. from what they had before. On the second floor they are at 1141 ft. so that is less 146. The garage was reduced by 57 ft. Adding those three numbers makes a total of 437. Mr. Anderson said they also took out the shed. Mr. Nestor pointed out that the shed was out on the last plans. He said if you add 24 because he took 24 ft. away from the stoops and the steps that brings you to a total of 461. He asked how the porch actually increased by 27ft. Mr. Nestor said at the last meeting the porch was at 108 and now it is at 135. He said he thought Mr. Anderson told him they cut back on the porch.

Mr. Anderson said he took away a step by lowering the porch. Previously you stepped out from that door right onto the porch. Now they are stepping down one step to the porch so therefore he is losing one step in his setback. He said he can't explain the difference. Mr. Nestor said on the last set of plans it was 108 and now it is 135. Mr. Anderson said there must be an error because the dimension on the porch did not change. He said it might be a typographical error.

Mr. Anderson said that although they are still beyond the setback requirements they have gotten less stringent. Before they needed a setback of 24.69 and now they only need 21 ½ ft. The setback requirements have been reduced based on the size of the building so that has improved as well.

Mr. Nestor asked to go over the two tables on the plans. He said he is looking at the table from September which he believes was the most recent until this last revision. Mr. Nestor said the proposed area has not changed on either one. They are still at 9,219 where 26,000 is required. As far as building coverage, before it was at 2,085 and now it is at 1778. The impervious coverage increased from 645 to 675. Mr. Anderson said that is because they have a paver landing in the back of the house instead of a raised step. He added a landing of pavers to compensate for the step. Mr. Nestor said the total coverage then decreased from 2730 down to 2453 or down about 300 sq. ft. The gross building floor area was 3528 sq. ft. on the old table and now it is 3072 so the size of the house itself is being increased about 1193 sq. ft. Mr. Anderson said the floor area ratio has been reduced from 38.26 to 33.3 so it has been reduced by about 5%.

Mr. Anderson said the requirement for the setbacks has changed as a result of the lower size of the structure from 24.7 to 21.5. On the proposed right side he has reduced or increased the setback by roughly 2 ft. and on the left side he took 2 inches out of the chimney. In the rear setback with the combination of the pull back of the structure he has gone from the previous schedule of 41 ft. to 43 ft. By dropping the front of the porch lower he has eliminated a step and field measuring the front stoop he found there was a slight discrepancy there so he was able to take some setback out of that as well. The front setback is now 32.17. The structure is now reduced in height from 31.5 to 31.

Ms. Hart asked if the existing gross building floor area included the garage. Mr. Anderson said it is included in the first floor calculations. The breakdown says the garage is 310 sq. ft. and it is included in the first floor area as added space. The old garage was 352 sq. ft. and they are taking that down. The old garage is being removed completely and incorporated in the new addition so that 310 sq. ft. of that new 504 sq. ft. is actually garage space.

Mr. Papparozi said from a planning point of view he knows that the town does measure from the step and the stoop and those are the numbers that are in black and white, but as far as the visual impact of the two story dwelling he said to take a look at the survey. On the side where they are proposing the addition the setback is 17.57 to the actual dwelling and 14.07 to the stoop so the actual impact of the two story dwelling is 17 ½ ft. which is a pretty substantial setback in this neighborhood. Also that is the side that would create the least impact. Mr. Papparozi said he feels Mr. Anderson and the Hochrines did a great job in taking the Board's recommendations from the first meeting and he commends the Board for trying to steer them in the right direction for a plan that is best for the town, the neighborhood and the family. He added that a key issue from a planning standpoint is the elimination of the back to back driveways for safety reasons. He said the home after the addition will fit in with the homes in the neighborhood and there are several homes in the immediate neighborhood that are already improved to sizes larger than what they are proposing and on smaller lots. He believes they have made a great compromise to update a dated home that is in need of renovation and to conform to the neighborhood. The side yard setbacks to the dwelling of close to 15 ft. on one side and 17 ½ on the other is greater than the majority of the existing homes in their neighborhood. Also they have knocked the impervious coverage down close to 500 sq. ft. from what is existing right now so they are proposing an addition with new renovations and new driveway that is actually going to decrease the impervious coverage by close to 500 sq. ft.

The meeting was opened to the public for comments.

Gene Montenecourt, 968 Franklin Tpk. was sworn. He said he is four houses down the street from the Hochrines. He would like to say in support of the Hochrines that he was at the first meeting and he understands that the big issue here is the lot size and the house coverage ratio. He said he has spent a lot of time at their home looking at the revised plans and he feels they add a lot of value to the street itself and the two parallel driveways is an important safety issue that will be resolved, especially with the number of small children on that street. He added that they have made a substantial effort to curtail the size of the house to make sure it fits in with the Borough Codes.

Jennifer Dee, 66 Cherokee Ave. was sworn. She said that all of the neighbors either directly across the street and on either side of the Hochrines are present again this evening in support of their plans. She said she believes that it speaks volumes that they have come again because they are all in support of their plans and feel it is going to add great value to their neighborhood. She said, "None of us have any problems and we are very much in support."

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

Ron Hochrine said he knows the FAR ratio is over what is permitted but the impervious coverage is going to decrease and that is important and he believes the house is going to fit nicely on the lot. He said if you look to the right it looks like there is something missing. There is all that space and that is where he is going with the garage and coming across the back 2 ft. He said the lot is going to look bigger when this is finished. There will be less driveway and an attached garage instead of a detached garage.

Mrs. Hochrine said they do have a hardship with regard to lot size. This proposal should not change the character of the neighborhood at all but will in fact enhance it and the benefit to the community will certainly outweigh any detriments.

Mr. Nestor commented that there are a number of variances – minimum side yard setback, lot width, lot area, front yard setback, rear yard setback, floor area ratio and pre-existing nonconforming structure. All of them are C variances except the FAR which is a D variance that requires five affirmative votes. He said the applicant has to demonstrate special reasons why this application should be approved. When you are dealing with a FAR application you do use the same requirements that you use for the regular C variances for the positive criteria. If they have shown hardship, the Board can take that into consideration that they have proven special reasons. In addition they have to show that this can be done without substantial detriment to the public good and that it will not impair the intent and purpose of the zoning plan. He said that big buildings on small lots can infringe on air, light, open space and can also create an adverse visual environment. He added that the Board has to look at the neighborhood and make sure that this is not taking away but rather adding to the character of the neighborhood. He said that with the FAR the Board has to consider the intensity of use. The bigger the building, the more intense the use of that property is going to be in that neighborhood and that is another consideration the Board has to take into account. He said the applicant has come back a couple of times and revised the plans and that should be taken into consideration as well.

Mr. Jones said he appreciates the willingness of the applicants to work with the Board to curtail the original plans in an effort to present a reasonable proposal to the Board. He also appreciates the fact that the neighbors support them as well. Although it is not based on the Municipal Land Use Law it does show that the proposed improvements may benefit the neighborhood. He added that there are many requests for relief on this application but it basically comes down to the lot area which is deficient. The location of the building within the building envelope creates a hardship in the AA zone. There has been some discussion and testimony on the benefits of safety by moving the driveway, softening of the buffer on the left side of the property and the neighbors' testimony. He said the proposed granting of this deviation from the zoning ordinance requirements and the benefits of those deviations that would substantially outweigh any detriments associated with the improvement and structure over a FAR in this zone is the biggest hurdle that has to be crossed. He does feel that the applicant has demonstrated a hardship on this property, specifically to the lot area and the building envelope. Although the house exceeds the allowable FAR, the structure proposed will not be a detriment to the zoning ordinance since many of the houses on the street are of similar size and similar lot constraints. Mr. Jones said moving the driveway apron certainly benefits safety and increasing the distance between the two properties in that buffer is also a benefit. In addition, there is a substantial decrease in impervious coverage with removal of the driveway and the garage that would be contained in the

structure and moving all of that forward in the building envelope would be a benefit. Mr. Jones said he believes relief can be granted by this Board without substantial detriment to the public good and will not substantially impair the intent or purpose of the zoning plan or the zoning ordinance. Mr. Jones added that there were requests from the neighbors at the last meeting with regard to the construction process.

Mr. Nestor said most of the requests made by the neighbor are requests that are more directed to the Construction Code Official and it is not really the Board's responsibility to make that a condition of approval. He believes the applicant did say something about a buffer of trees or some kind of landscaping on the side where the construction will take place and that condition could either be agreed to or the Board could include it as a condition of approval. Mrs. Hochrine said they have no problem about doing that.

Mr. Nestor said the neighbor has requested that there be some sort of buffer in order to offset the increase. He asked if Mr. Jones wants to include that as a condition. Mr. Jones said he does not remember the request but it can certainly be added as a condition.

Mr. Nestor said in the project's final phase, Mr. Meloro had asked at the October 24 meeting that a natural barrier of shrubs or evergreens be planted along the property line or alternatively alongside of their home due to the increased depth of their house going back an additional 8 ft. which is probably 6 ft. since it has been brought in 2 ft. Mr. Jones said he would like to include that as a condition on Mr. Meloro's side as stated by Mr. Nestor.

Motion was seconded by Mr. Redling.

Ms. Chamberlain thanked the Hochrines for working with the Board on this. She added that when she visited the neighborhood she was struck by the fact that over the last 20-30 years the character of the street has really changed. There used to be a number of homes just like the Hochrines, but now there is just one other house that is still the same size, so in reality the applicant is just bringing the house up to meet the character of the rest of the neighborhood. She said the lots are small and the houses have gotten a little big for her personal taste, but they are all done very tastefully and are well maintained. For those reasons she voted to approve the application. Mr. Redling voted in favor. He said he is not in favor of big houses on small lots but this is a unique situation. With regard to the two driveways butting up together, he said it is the right thing to eliminate that driveway. He believes the applicant has worked with the Board to create a smaller version of what they came before them with and he therefore votes in favor.

Mr. Nestor said he would prefer to have the condition of the evergreens or shrubs formalized now. After discussion by those involved, Mr. Papparozzi said that although the Hochrine's driveway is being moved, the neighbor's driveway is relatively close to the property line. It was agreed that there should not be anything on the front portion of the property for safety reasons, but from the front of the house line going to the rear in the final phase of the construction, it was agreed that some evergreen plantings will be put in from the front of the house line to the rear of the house, and anything beyond that would be a bonus.

Ms. Tengi was opposed. All other Board members voted in favor.

On a motion by Ms. Tengi, seconded by Ms. Hart, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Barbara Knapp