

October 16, 2014

A regular meeting of the Allendale Planning Board was held in the Municipal Building on October 16, 2014. The meeting was called to order at 8:07PM by Mr. Quinn, Chairman, 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 to roll call: Mr. Quinn, Mr. Sasso, Mr. Sirico, Mr. Scherb, and Mr. O'Connell. Mr. Barra, Mr. Walters, Ms. Sheehan, Mr. Zambrotta, and Ms. Checki were absent.

On a motion from Mr. Sirico, seconded by Mr. Sasso, the minutes from September 18, 2014 were approved. Mr. O'Connell abstained from voting as he was not present at that meeting.

The item on the agenda that evening was a minor subdivision completeness review for 38 Elm Street, Block 1809, Lot 11. Christine Van Teyens was the owner of the property. Mr. Quinn said that this was just for completeness of an application for a minor subdivision and so there was no testimony or professionals needed that evening. The Board would look to see if the application was complete and if deemed complete by the Board Ms. Van Teyens could bring her professionals to the next meeting or when she was ready to proceed. Mr. Dunn stated that notice for this meeting was not required as he had received receipts from adjacent property owners and had a copy of the public notice that was in the paper on October 3rd. If variances for the application coming forward are needed then she should get a certified list of owners from the Borough Tax Collector. She will need an avadavat for the mailing and for the publication of the next meeting in the Ridgewood News.

Mr. Yakimik said that he prepared a Memo dated October 15, 2014 for the Board. He noted that the application states that it is for a concept review which was done in June of this year. Mr. Yakimik said that he assumed it was an error that it should be checked off on the application as minor subdivision approval and Ms. Van Teyens agreed. Mr. Yakimik continued with the minor subdivision is within a B Residential Zone which will create two lots from a single 0.46 acre trapezoidal lot with 150 foot frontage and a varying depth from approximately 125 feet to 140 feet. The proposed two lots will each be seventy-five feet in width and consist of 0.24 and 0.22 acres. A dwelling, a garage, and a shed currently exist on the lot and will remain on proposed lot 11. The shed will be relocated because it straddles the property line. Proposed lot 11.01 has no construction contemplated by the applicant at this time. A completeness review under Chapter 40-33 was done by Mr. Yakimik. He said that he found that the application was complete except for the following items and it was up to the Board's discretion whether they wanted to deem the application complete or not based on these items. Number two stated that a certificate was not received that taxes for the third quarter have been paid by the applicant but Mr. Quinn said he had the certificate from the Tax Collector stating that taxes were paid. Number six stated the appropriate verification or process for verification that no regulated wetlands exist on the site or

affect the site have not been provided. Mr. Yakimik said the Board could make that a condition of completeness and that Ms. Van Teyens' professionals could comment on the wetlands at a later date. There are some wetlands to the north of the ditch on the property but it runs on the property line. The only agency that has the authority to make a determination whether wetlands are on the site or are affected by the site is the New Jersey Department of Environmental Protection. We would need some sort of Letter of Interpretation or delineation. Mr. Quinn said the Board would expect commentary on the wetlands at a future meeting. Mr. Yakimik added that he is not a licensed wetlands specialist. Item number ten on the checklist says that the proposed right side yard setback for the existing two story garage and proposed dimensioned location for the existing aluminum shed to be relocated should be provided on the plan as well as the proposed offset dimensions from the new property line to the garage. The last item on the checklist was number seventeen which stated that the location of flood hazard areas have not been provided on the plans. According to FEMA the 100 year flood or the SFHA touches the northeast corner of the lot. He doesn't know if that would affect the homebuilding or not but the engineer should be asked about it when he testifies. Mr. Yakimik said Ms. Van Teyens and her engineer did a good job getting the information needed except for the issues with wetlands, setbacks to the garage, listing flood hazard areas and how they would affect the site.

Mr. Quinn told Ms. Van Teyens that all these items will need to be addressed if she decides to move forward. Mr. Sasso asked if the John Fell House should be considered. Mr. Quinn asked Mr. Yakimik if the Code had anything to say on that part and Mr. Yakimik replied that it is not regulated according to the Ordinances and the Code. Mr. Quinn explained that it treats every property the same. Mr. Yakimik noted that he has been involved with many historic sites throughout the state and that if the Fell House was going to be on the National Register of Historic Places the eligibility for the Register could be jeopardized if the newly constructed house does not fit the character of the Fell House. Mr. Yakimik said it would not be for completeness but could be considered during the regular application. Mr. Quinn remarked that would really be the responsibility of the people who own the Fell House to come forward and express concern if needed. Mr. Sasso asked if the Fell House should be properly notified and Mr. Yakimik said yes. Mr. Dunn said that the Board could only go by what was on the completeness list that evening.

Mr. Quinn asked about variances. Mr. Yakimik said that four variances would be needed. Under section 270.60.E of the Code it requires a minimum lot area of 10,000 square feet for a single family residence. Proposed lot 11.01 requires a variance at 9687.4 square feet. The next variance is under section 270-60.F which states that a minimum lot width of 100 feet for a single family residence is needed. Proposed lots 11 and 11.01 both require variances at 75 feet each for width. The third variance is under section 270.63 which is about floor area ratio. The Code requires a minimum of 24.95% for proposed lot 11. There is no floor area ratio given for 11.01 since no plans have been submitted as to what is being built on the new lot. The applicant reports a floor area ratio of 19.3% for the proposed lot 11. Although calculation have been

provided they do not include the floor area ratios of the garage or shed which should be included according to the Code. The plan requests a variance from this requirement but the application form does not. The last variance needed would be under section 270-17 which is the minimum building area and this requires a minimum fifty feet width buildable area for single family residences within the B-1 Zone. The Board should determine if the provisions of this section are applicable to proposed lot 11 or only for newly created vacant lots. Our calculations conclude that with the information provided on the plan that proposed lot 11 which has the existing structure will be unable to create a fifty foot wide minimum buildable area. The plan requests a variance for this provision whereas the application form does not. If you apply the required enhanced side-yard setback because of the gross floor area on that lot you need wider side-yard setbacks. As a result the ten feet side-yard on the left side and the fifteen feet on the right side are incorrect. The side yards should be more because the building is large and so it should be just under fifty feet. Mr. Yakimik asked Mr. Dunn if that provision in the Code applies to newly created lots that have a structure on it already. Mr. Dunn said he might not be able to answer that question tonight as he needs to look at that section in the Code. Mr. Dunn suggested that Ms. Van Teyens notice in the paper for the known variances and any others that may be needed. Mr. Dunn mentioned that she should take that section to her architect and have him check the numbers according to the Ordinance and resubmit his calculations to Mr. Yakimik before the application is heard.

Mr. Yakimik stated that the Board should ask for the input of the Borough Planner when the application comes before them and Mr. Quinn agreed. Mr. Quinn said that the application was substantially complete and Mr. Yakimik agreed. Mr. Quinn suggested that Ms. Van Teyens get counsel for her application because of the variances that will be needed; proving a hardship with the positive and negative criteria; and that there will be hurdles to go over with the application. He commented that some of the pre-existing variances are being made worse for the existing structure. Mr. Sasso said he was concerned about the lot width because he felt that was significant. Mr. Quinn told Ms. Van Teyens that neighbors may object to the proposed development as that is their right and they may hire counsel themselves. Mr. Sirico asked if she had spoken to the Fell House and she said no.

On a motion from Mr. Sirico, seconded by Mr. Scherb, the application was deemed complete with the deficiencies noted in Mr. Yakimik's note of October 15th to be remedied at a future meeting.

On a motion from Mr. Sirico, seconded by Mr. Scherb, the meeting was adjourned at 8:47PM.

Respectfully submitted,

Diane Knispel