

October 22, 2014

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on October 22, 2014. The meeting was called to order at 8:12PM 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. Jones, Mr. Redling, Ms. Hart, Ms. Tenghi, and Mr. Manning. Ms. Chamberlain and Ms. Weidner were absent.

Ms. Tenghi told the Board members that financial statements need to be filled out as they are usually done in the spring. However, there has been a change in personnel at the Borough Hall and the forms which are usually laid out for the Board members at a meeting were not given out this year and are now overdue. The forms can be accessed online and if Board members need help they should go to the Borough Hall on Monday night and fill out the forms or contact Ms. Tenghi for further guidance. Mr. Redling suggested that the Secretary email the Board members the link so they could fill out the forms electronically. Some members have had trouble accessing their Board accounts so it was suggested sending the link to both the Board and home accounts.

On a motion from Ms. Tenghi, seconded by Mr. Manning, the minutes from September 17, 2014 were approved. Mr. Jones and Mr. Redling abstained from voting as they were not present at that meeting.

The first variance application before the Board that evening was for Matthew and Reagan Heidelberg from 22 Oakwood Drive, Block 220, Lot 3. Matthew Heidelberg from 215 Grand Street in Hoboken is the owner of the property and was sworn in along with his architect, Mary Scro, from Z+ Architects located at 240 West Crescent Avenue in Allendale. Ms. Tenghi asked Ms. Scro if she had a tax map that described the distances from the property but Ms. Scro did not have one with her. Ms. Tenghi asked Mr. Heidelberg when he purchased the home and he said sometime in March of 2014. Ms. Scro told the Board that the handouts are views of both the front and rear of the home. She also gave the Board members an amended survey on the existing garage and how they intend to move the garage back. The Heidelbergs want to move the garage because the driveway is on a slope and they are trying to make a more flat area to park the cars. She also said that on SK3 they revised the floor area calculations to include a sunroom. Once they determine the price of the building they will decide whether they can build the sunroom or not. They would like to apply for the variance for everything in the plans. Mr. Nestor asked if the plans calculate the sunroom and she said yes. They are renovating the existing house and maintaining the four bedrooms. Ms. Scro said they are proposing to take out the existing garage and replace it with another wider garage that is pushed back from where the garage is located now. This will allow the garages to accommodate today's large vehicles. The entrance for the garage will be in the rear. The plans include maintaining the existing footprint and bumping out

the back of the home to expand the family room, kitchen, and the support spaces including the pantry, mudroom, powder room, covered deck, and the proposed new sunroom. The breakdown of the proposed structure is 5,192 square feet with the garage at 544 square feet, the first floor at 2,039 square feet, sunroom at 337 square feet, and the second floor at 2,272 square feet. With those numbers they are over the 5,000 square feet required to have the forty foot side yard setback. The existing residence is not centered on the property and will make the side yards become 46.2 feet on left side and the existing 36.4 on the right side. Ms. Scro said because the garage is being pushed back it makes it 31.9 on the one side yard. As for the impervious coverage they are compliant as they not nearing any of those numbers. Ms. Scro told the Board that they looked at other options as to where to place the garage but this is the one plan that worked well as they didn't have to overbuild on the property.

Mr. Nestor marked the SK1-SK6 plans with a date of September 23, 2014 as A-1 October 22, 2014. He marked the pictures SK7 as A-2 October 22, 2014. Ms. Scro said her office took the pictures in February and they accurately depict the house as it is today. The newer survey was marked as A-3 October 22, 2014 and the computerized drawings were marked as A-4 October 22, 2014. Mr. Nestor said that as the house stands now it is in compliance with the side yard setbacks and Ms. Scro said she didn't have the calculation but knew they were at 2,947 and in compliance with the code. Mr. Nestor said they are almost doubling the size of the home from 2,947 square feet to 5,192 square feet. He added that it is the bulk of the house which is requiring the forty feet on each side. Ms. Scro said most of the addition is out the back. She referred to SK2 and said that to the right of the plans is a single story and they are going to make that a second story and the garage will be two stories. Mr. Manning asked if she was looking for relief because of the garage expansion and Ms. Scro said yes but Ms. Tengi disagreed saying it was because of the bulk. Mr. Manning asked if the existing garage was too small and Ms. Scro agreed. She said that getting in and out of the cars in the garage is a problem and that the foundation wall between the house and the garage is remaining because of the crawl space underneath. They do not want to fill it in because of the expense. Ms. Tengi wanted to know if there was any way to decrease the volume and to off-set the side yard requirement. Ms. Scro said they put the gable on the front of the house so it is shorter and there is greenery between the home and the neighbor's house. The neighbor's driveway is on the right side of the house. Mr. Redling asked when the enhanced side yard setback set in and Mr. Nestor said in this zone 3,000 square feet. Mr. Nestor said it is under 3,000 now and compliant with twenty-five foot side yard setbacks. Now they are adding to the bulk of the house and making it over 5,000 square feet which requires forty feet on each side. Mr. Redling asked why this wasn't a self-imposed hardship and Ms. Scro said that if they put the garage in back of the house they would end up with more building or square footage than they need. They are asking for relief and building less. They are dealing with an existing structure. Mr. Nestor asked about the dormers and what would be up on that floor and Ms. Scro said it was just for aesthetics and being used as attic space which will have pull-down stairs. There will be no living space or plumbing up on that floor.

Ms. Tengi opened the meeting to the public. Wayne Wise from 18 Oakwood Road was sworn in to testify. He is to the right of the applicant if you are looking at the house from the street. Mr. Wise asked to see a copy of the plans as he had a couple of concerns. The proposed garage is on the side of the property that will be near his property. He wanted to know if the retaining wall and tree line will be maintained and Ms. Scro said yes. Ms. Scro said that they are going 4.3 feet over the size of the garage today and the garage will be 10.5 feet back from where it is now. She continued that they are not changing the driveway entrance. Mr. Wise questioned whether they were cutting those trees back on the property line and Mr. Heidelberg said that his object was to retain the buffer zone. Mr. Wise stated he would like to see that they maintain a buffer zone there. Mr. Nestor asked if Mr. Heidelberg would agree to making that a condition of approval if the Board agrees to grant the application and Mr. Heidelberg said he wouldn't have a problem with that condition. Mr. Jones asked about the distance between the properties and Mr. Wise said that the property is about forty feet in distance. Ms. Tengi asked Mr. Wise what part of his house was closest to the garage and he responded living room, office, and master bedroom. Ms. Scro said the garage doors are facing forward so that side yard will not have traffic from the driveway. Mr. Wise said that is why he wanted the buffer to make sure there is not something like a boat put on that side of the property. Ms. Hart asked if the room above the garage was closets and the answer was yes. Ms. Scro said if they put the garages to the back and side of the house it would impact the neighbor more. Ms. Tengi thanked Mr. Wise for commenting on the application.

Ms. Hart asked about the existing height of the house. Ms. Scro said it is currently 26.8 feet and the highest peak will be 32.1 feet. Mr. Jones inquired what the distance from the covered patio to the pool would be and Ms. Scro said eleven feet. Mr. Nestor said the requirement from a house to a pool is ten feet in any zone except the B zone. Mr. Nestor asked what the hardship would be other than wanting a bigger house. Ms. Scro replied that the hardship was the location of the existing house on the lay of the land. They are trying to build less on the property. Mr. Nestor said by reducing the bulk it makes the side yards less intrusive even though most of it is in the back of the house. Mr. Nestor said in order to reduce the bulk they would have to take away about 200 feet. Ms. Scro said at 5,000 square feet they would still be required to have the forty foot side yard. Ms. Scro said they do have a lot size where they are allowed 7,600 square feet with 40 foot side yard setbacks. Mr. Manning asked how wide a garage would be and Ms. Scro answered 24.4. She continued the total coverage would be 5,536 square feet and 5,192 is the gross building area. Mr. Jones asked about whether removing the sunroom would make a difference. Ms. Scro replied that the sunroom is 325 feet and that even if the sunroom is eliminated they are still looking at a side yard of 38.8 feet. Ms. Hart said they would have to take off both the sunroom and the family room to make a difference. Ms. Tengi declared that when an applicant buys a house that is compliant and then doubles it and the house becomes no longer compliant it becomes a self-imposed hardship. Ms. Scro disagreed as she was not sure that it rises to that type level of hardship. Mr. Jones asked if the house could be decreased in impact going from twenty-six to thirty-two feet by eliminating the dormers and some space over

the garage. He felt this would help visually. Ms. Scro said it would be difficult to remove that part because they would have to take out the ceiling heights in the closets. Ms. Scro felt the hardship of where the house was located on the lot forces them to put the garages facing forward to provide less of an impact on the neighbors. Ms. Tengi commented that less of an impact would be placing one garage on the property and Ms. Scro noted that none of the other homes on the street have just one garage. Ms. Tengi said she wasn't as concerned with the garage as she was with the bulk of the house. Ms. Hart agreed that there was too much bulk. Ms. Scro asked for a few minutes with her client to discuss a couple of ideas. The Board agreed to allow them to have some time to discuss modifications.

When Mr. Heidelberg and Ms. Scro came back to the Board they decided to reduce the width of the garage by a foot. Ms. Scro said they will make the garage deeper on the first floor which will retain the same square footage for storage in the garage but will lose twenty-five square feet on the second floor. This would reduce the side yard variance to 33.5 feet. They would reduce the width size of the garage from 24 feet and 3.5 inches to 23 feet 4.5 inches. The depth from front to back will go from 22.1 feet to 23.1 feet. Instead of 4.5 feet on the side yard it will be 3.5 feet and there will be shrubbery between the Heidelbergs and the neighbor. Ms. Tengi said that the greenery would be a condition for approval and that the dormer space in the attic was not to be used as living space. Ms. Hart said 32.9 feet is being proposed where the existing is 36.4 feet. Ms. Tengi reopened the meeting to the public, but since no one approached this time, she closed the meeting to the public and brought the meeting back to the Board.

Mr. Manning asked if plans had to be resubmitted to the Board but Ms. Tengi responded no and Mr. Nestor stated that it would be part of the Resolution. Mr. Manning wanted to make sure the pool overhang was 11.5 feet and Ms. Scro said they would comply. Ms. Hart said she liked that the garage was set back as it offsets the variance that they are seeking by ten feet or more. Ms. Tengi asked about the discussions they had with Mr. Wise during the brief time away from the Board. Ms. Scro said his main concern was the tree line buffer and not having cars parked there. Ms. Scro said that they looked at other options and one of those options was to put the garage off to the side which would be more imposing on the neighbor. Ms. Hart asked if the height of the garage was twenty-two feet but Ms. Scro said it was more around eighteen or nineteen feet. Ms. Scro told the Board that they are proposing 32.9 feet instead of the 31.9 feet.

Ms. Hart started to make a motion using a C-2 variance as a reason for hardship to reduce the bulk, but Mr. Nestor interrupted and explained that a C-2 is for an opportunity to improve zoning and planning which cannot be used for this application. Ms. Hart said the hardship is that the house is offset on the lot and if it were centered on the lot they wouldn't be before the Board. The applicant wants to improve the property by setting the garage back ten feet and keeping the garage doors facing front so there is no traffic in the side yard. The applicant changed the pitch of roof so there is not a full roof on that side of the property. There is no substantial detriment to the public and it does not deviate from the Zoning plan or Ordinances in the Borough. Mr. Manning added that the applicant must maintain vegetation on the right side of the property and

Ms. Tengi remarked that the attic is not to be used as living space. Mr. Nestor said electricity was okay for the attic but no plumbing would be allowed. Mr. Nestor asked about a bump on A-3 and Ms. Scro said it was a fireplace. The sideline to the fireplace is three feet and the side yard setback is 46.2 feet so it would be 43.2 feet with a straight line to fireplace. Mr. Nestor said 43.2 feet closest on the left-hand side and 32.9 feet on the right-hand side.

On a motion from Ms. Hart, seconded by Mr. Manning, the variance application for Heidelberg was approved. Mr. Jones and Mr. Redling voted no on the application. Although Mr. Redling appreciated the modifications he still felt this was a self-imposed hardship.

The second variance application to be heard was for Daniel and Cynthia Bennewitz from 168 Dale Avenue, Block 18, Lot 2204. Mr. and Mrs. Bennewitz and their architect, Kevin Martin, were sworn in to testify. Kevin Martin is from 226 West Allendale Avenue. Mr. Martin has worked for other architects for over twenty-five years and has been licensed on his own for the last five years. He graduated from NJIT and only appeared in front of the Board for plans on his own home. He has not testified in front of other Boards.

Mr. Martin said they are proposing a second floor addition on the one story ranch. They currently have four bedrooms on the first floor that they will be converting into an in-law suite. Mrs. Bennewitz's mother will be moving in with them. They will convert the bedrooms into a master bedroom, master bathroom, and a living room area for her mother. The second floor addition will be placed over the first floor footprint minus the existing sunroom. They currently have an existing nonconforming front yard setback where the required is forty feet and they are at 34.8 feet and they are proposing thirty-four feet for the second floor addition. They are conforming on both side yard setbacks now but the bulk addition will require them to be at 37.72 feet. The left side yard setback will be 32.6 feet and on the right side it will be 24.9 feet. They are asking for an eight foot variance. Mr. and Mrs. Bennewitz have an undersized lot and a two car garage that is in the backyard. They are on Dale Ave but Ceely Court is part of their backyard. They propose to go over the footprint of the current home rather than build in the backyard. The topography of property drops off as it goes to the south. They would be limited if they put the addition there as they would have a twenty-five foot narrow lot on the side. As the property drops off they would be maxed out at thirty-five feet and have too much building on the property. If they go over the existing footprint they will have less of an impact on the property.

Mr. Manning asked if there was a free standing two car garage in back of the house and Mr. Martin said it was actually an one and a half car garage. Mr. Manning asked if the other two car garage was part of the house and Mr. Martin said yes. Mr. Manning asked when they purchased the house and Mrs. Bennewitz said seven years ago and the house was built in 1958. She added that both of the garages were present when they purchased the property. Mr. Nestor said that according to the Borough Code property owners are not allowed to have two garages in Allendale. Mr. Martin said the garages were pre-existing as the previous owner had driveways that connected from Dale Avenue to Ceely Court. The previous owner was a racecar driver and

had trailers. Mr. Manning asked if they were using both as garages and Mr. Bennewitz said yes. The one and half car garage you can only fit one car into it. Ms. Tengi said the lot is unique in shape. Mr. Nestor said they are deficient in lot area, lot width, front yard setback, side yard setback, and they are adding 2,000 square feet to an already 2,100 square foot house which doubles the size of the home. Mr. Martin said they are creating a deficiency in the side yard setback as they are conforming now but agreed with the Mr. Nestor on the rest of what was stated. Ms. Hart said 34.8 feet is the current number for the front yard setback. Mr. Martin told the Board that they were breaking up the elevation by putting a one foot bump out on the second floor to make it look less like a box. The existing ranch has a two foot overhang that comes out further than what they are proposing on second floor and they will break it up with the use of different building materials as they are changing the siding on second floor. They will have a five bedroom house.

Mr. Jones asked about the neighbors and Mrs. Bennewitz said that the house on the left is a split level and an even front yard setback. The house on the right side is on New Street and that property's garage is near their side yard. She noted for the Board that the house on the right has been abandoned for at least six years.

Mr. Nestor marked Mr. Martin's plans Ex1, Ex2, and Ex3 dated 10/2/14 as A-1 October 22, 2014; Sp1 as A-2 October 22, 2014; A1-A6 as A-3 October 22, 2014; photos as A-4 October 22, 2014; survey as A-5 October 22, 2014; and Tax map as A-6 October 22, 2014. The photos taken by the homeowners adequately depict the home and the property.

Ms. Tengi opened the meeting to the public, but since no one approached, she closed the meeting to the public and brought it back to the Board. Ms. Tengi asked what would happen if the existing detached garage were eliminated and how much square footage that would reduce the side yard and Mr. Martin said 490 square feet. Mr. Manning commented that would give them an extra four feet on the side. There was some discussion about eliminating the garage and what the Code says about that and compromising in regards to making the variances lower in numbers. Mr. Martin said the hardship is that the house is on an odd shaped lot and the topography is difficult. Mr. Martin continued with they looked at placing the addition on the left side to make the addition conforming but it would be more massive than what they are currently proposing. Mr. Nestor stated they are presently at 24.9 feet on the right hand side which will not change no matter what they do. Ms. Hart asked about the height and Mr. Martin remarked that right now it is 22.8 feet and when finished it will be 32.8 feet. Mr. Jones asked about the drop-off on the property and Mr. Martin responded that it drops off about ten feet and there is retaining wall that drops off another eight feet. Ms. Hart said that Lot 19 runs longer across the front. Ms. Tengi recommended they go to the tax assessor and find out how high their taxes would increase before they put on the addition. Mr. Nestor asked Mr. Martin about the outside stairs and Mr. Martin explained that they were not changing the stairs just adding a small porch to cover. Ms. Hart asked about the footage of the front steps and Mr. Martin replied about seven feet. They have thirty-four feet and will need a twenty-seven foot setback.

Mr. Jones said the applicants have established a C-1 variance as the lot is undersized and exceptional in shape and the topographical conditions uniquely affect this property. The property fronts two streets. The applicant tried to find different places to place the addition but these plans reflect the most feasible way to add on to the home. The garages are pre-existing and nonconforming.

On a motion from Mr. Jones, seconded by Ms. Hart, the Bennewitz variance application was approved.

The third variance application to be heard was from Cindy Kresch from 58 Powell Road, Block 1804, Lot 6. Ms. Kresch, her fiancée John Shine, and Michael Callori from Callori Architects located on 344 Broad Avenue in Leonia were sworn in to testify. Mr. Callori has appeared before the Board in the past. Mr. Callori said they would like to build a one story addition on the existing residence on the north side of Powell Road. The Lot is an oddly configured extension of Powell Road and has limited access from the Road due to the sharp bend. The lot is 45,226 square feet and is very private. The lot is a pentagon and each side is a different length and angle. On the property is a farmhouse about eighty years old and has been renovated over the years. They are proposing to build an addition in the back of the garage that is not visible from the street or from the neighbors. The property is completely surrounded by shrubs and trees. Ms. Kresch and her late husband bought the property in October 2002 and the house was renovated right before they purchased it. The Kresch family did put a pool on the property. Mr. Manning asked if she was in the house that was set back from the road and she concurred.

Mr. Nestor marked the six photographs that were submitted as A-1 October 22, 2014; the plans A100, A201, A202, and A300 as A-2 October 22, 2014; and the overview as A-3 October 22, 2014. Mr. Nestor asked who took the photographs and Mr. Callori said he took the photographs in September 2014 and that it adequately depicts the property as it today. Mr. Callori said he was looking at A201 which had the first floor plan of the house. The addition is on the first level and will have a bedroom that Ms. Kresch's parents who are handicapped can utilize. It is located near the kitchen and will give them access to the rest of the home. The second level they are proposing to expand an existing dormer over the existing garage and make another bathroom for the bedroom that is currently there. Mr. Nestor asked if the total amount of added space is 845 square feet and Mr. Callori said it is less than that as he calculates it being 330 square feet to a house that is 4,245 square feet. Mr. Nestor said that the bulk of the house as it currently exists puts them over twenty-feet in the side yard setback. As it is now the side yard setback would be thirty-four feet and at present it is 20.3 feet according to Mr. Callori. It meets the minimum requirement including the calculation of the FAR. Mr. Callori said that the addition placed here will be in a hidden part of the property. The bulk is small compared to the size of the home and the addition will be hidden by shrubs and trees. Ms. Tengi said the only reason they were here today was because of placement of the house on the property. Mr. Callori agreed and added that the house is placed to the extreme southwest of the property. Ms. Tengi said that they would

have an increased side yard issue because of the addition. The only deficiency is from the left side yard and Mr. Callori agreed stating that they are conforming in all other ways.

Ms. Tenghi opened the meeting to the public. Mr. Everett Bonan from 9 Powell Road was sworn in to testify. His back yard is adjacent to the addition that is being proposed. He is in support of the proposal. He has known Ms. Kresch for twelve years. There is plenty of vegetation and the addition will be hidden. He considers where they are putting the addition to be dead space as it will not affect his property. Since no one else approached, Ms. Tenghi closed the meeting to the public and brought the meeting back to the Board.

Ms. Hart asked about the height and Mr. Callori said it was about 13.5 feet. Mr. Manning said he thought the hardship was where the house was situated on the lot. Ms. Tenghi made a motion to approve the variance as the hardship is the location of the house and the lot is huge. No matter what the applicant does they would have to come before the Board for approval. The applicant is putting on a very small addition of 330 square feet and it is isolated by greenery that won't impact the neighbors.

On a motion from Ms. Tenghi, seconded by Mr. Manning, the variance application for Kresch was approved.

On a motion from Ms. Tenghi, seconded by Mr. Redling, the meeting was adjourned around 9:45PM.

Respectfully submitted,

Diane Knispel