

September 16, 2015

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on September 16, 2015. The meeting was called to order at 8:12 PM 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 members answered to roll call: Ms. Hart, Ms. Chamberlain, Ms. Tenghi, and Ms. Weidner. Mr. Manning arrived at 8:13PM. Mr. Redling and Mr. Jones were absent.

Ms. Tenghi told the public that this was not a typical meeting night as the Board usually meets on the fourth Wednesday of the month, but because of the Jewish holidays, the meeting was changed to this week instead. She reminded the Board members that the October meeting would be on the fourth Wednesday, but in November and December the meeting would be on the third Wednesday instead because of the holidays.

On a motion from Ms. Tenghi, seconded by Mr. Manning, the minutes from August 26, 2015 were approved. Ms. Chamberlain and Ms. Weidner voted no because they opposed the outcome of the minutes.

The first variance application to be heard that evening was for the Chin family from 199 West Crescent Avenue, Block 908, Lot 18. Their architect Vincent Graziano introduced himself to the Board. Mr. Nestor asked where the homeowners were and Mr. Graziano said that Mr. Chin was in Germany and Ms. Chin was home watching the children. Mr. Nestor said that a homeowner has to be present and Mr. Graziano said they asked the Borough Hall and were told it would be okay if he just presented the information. Ms. Tenghi and Mr. Nestor said the call never came to either of them and that continuing without the homeowner would be illegal. Mr. Graziano contacted his clients and asked the Board if a conference call would suffice but Mr. Nestor responded that it was still not acceptable. The Chin variance application will be carried to the October meeting.

The next variance application was for Matthew and Elizabeth Ruffalo from 43 Midwood Avenue, Block 2006, Lot 5. Mr. and Mrs. Ruffalo were sworn in to testify. They were before the Board for a rear yard setback variance. They are hoping to expand their second floor and their rear yard setback currently doesn't meet the requirements. They are supposed to have fifty feet and instead have 37.5. They are not adding on to the footprint of the property but are building on the second floor. Mr. Nestor marked the photographs as A-1 September 16, 2015 and the plot plans designed by JMA Architects revised on September 4, 2015 as A-2 September 16, 2015. Ms. Ruffalo took the pictures a couple of weeks before the meeting and they accurately depict the house as it stands today. Ms. Tenghi asked if they had a key as to what the square footage on each floor is today and what the impervious coverage is on the property and Mr. Ruffalo said they didn't know the square footage of the individual floors but of the whole house. There was nothing on the plans from the architect about the square footage. Mr. Nestor

asked what the total square footage of the house would be and Ms. Ruffalo said 1691. Mr. Nestor asked where she got that number and Ms. Ruffalo said she just knew the number. Ms. Tengi stated that the Board needed something from the architect stating that fact. Mr. Manning asked if there was a map showing a distance between their property and the adjoining properties especially the one in the back. Ms. Ruffalo said the survey shows the boundaries which they should conform to and pointed out the numbers fifty which is what they should have and the thirty-seven which is what they have in setbacks. The survey was from Caulfield Associates designed May 11, 2015. Mr. Nestor marked it A-3 September 16, 2015. Ms. Tengi said it would be helpful to have some markers as to how close the neighbors are to them.

Mr. Nestor said the problem he had looking at the application was that he didn't know how big the structure is now and how big it is proposed to be. He also had some concern with the height of the building. The height looks to be thirty-two feet and the limit in Town is thirty-five feet but Mr. Nestor couldn't tell from the plans where the architect measured the height from as it is supposed to be from the lowest grade. It would have been helpful if he was here to explain this to the Board. Mr. Nestor suggested having the plans revised to include the information or bringing the architect to the next meeting so he could testify. Mr. Nestor added that they may also have a pre-existing front yard setback as well as the rear yard. From the plans Mr. Nestor said measuring from the property line to the present corner of the structure would be 37 feet, but to the porch would be 31.2 feet, and the front yard setback is thirty-five feet so they would need another variance. Mr. Manning asked how much relief they were asking for in the back and Mr. Nestor said that depended on how far they were going back. Mr. Nestor said he didn't think it would be a floor area ratio issue. Mr. Manning said they needed more information about the distances between the houses especially the one in the back. Mr. Ruffalo said they can't see the house in the back because of the landscaping. Ms. Tengi reiterated that the architect should put a key on the plans to show the square footage on each floor, the impervious coverage, and other numbers and information that would show the Board that they are not over in the floor area ratio or other things. Mr. Manning added that more square footage would change the setbacks. Ms. Ruffalo said they are not adding to the footprint but they are proposing to finish the upstairs and change the roofline to provide elevation. Ms. Tengi told Ms. Ruffalo that when you change the square footage of your home you also change your side yard setbacks. The Board told Mr. and Mrs. Ruffalo to add the information to the plans or bring the architect in to testify. If the architect adds the information to the plans, the architect should sign the plans too. Mr. Nestor stressed giving the Board more information on the height. Mr. Nestor encouraged them to look at the checklist they were given with the application. Ms. Tengi stated that the Board wants to make sure they are not encroaching on their neighbors' properties.

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 said the Board would carry this application to next month and the applicants did not have to re-advertise. Ms. Ruffalo was a bit confused on why they weren't approved, but Ms. Tengi said it wasn't about approval as the

Board did not have enough information to evaluate the application or hear the rest of the application. The Board cannot give them a variance if they do not have the right information to evaluate. Mr. Nestor told the applicants to have the Zoning Block put on the plans and to make sure the Board had something with the distances to the neighboring properties.

Mr. Don Maclachlan from 72 Cedar Drive approached the Board and asked what happened to the Resolution from the Walters application from last month's meeting. Mr. Nestor said that none of the Board members had received a draft of the Resolution and that it is not on this evening's agenda. Mr. Maclachlan said that the Board has forty-five days from the August 26th vote to finish the Resolution and that would be around October 10th. Since the next meeting is October 28th he wanted to know how the Board was going to vote on the Resolution if they were not meeting until the end of the month. Mr. Nestor did not know how it would be done but advised Mr. Maclachlan that he would look into it and let the Board Secretary know and Mr. Maclachlan could get that information from her. Mr. Maclachlan added that the neighborhood knew that the electrical for the lights was to be put in tomorrow. Mr. Nestor said that was hearsay and he didn't want any more discussion because there was no matter before the Board.

On a motion from Ms. Teng, seconded by Ms. Weidner, the meeting was adjourned at 8:49PM.

Respectfully submitted,

Diane Knispel