

July 27, 2016

A regular meeting of the Allendale Board of Adjustment was held in the Municipal building on July 27, 2016. The meeting was called to order at 8:08 PM by Ms. Teng, 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. Jones, Mr. Stephen, Ms. Hart, Ms. Chamberlain, Ms. Teng, Ms. Weidner. Absent: Mr. Redling and Mr. Manning.

The Oath of Office was administered to Mr. Larry Stephen as alternate member 1 on the Board of Adjustment. Mr. Nestor swore in Mr. Stephen.

Ms. Teng requested a motion to approve the minutes for the June 22, 2016 meeting. On a motion from Mr. Jones, seconded by Ms. Chamberlain. A roll call vote was taken and all in attendance voted in favor.

Ms. Teng requested a motion for the Resolution Memorializing Variance for Application Approval of Brian and Sabina McGuirl, 44 Crescent Bend, Allendale, NJ 07401, Block: 1905 Lot 8, ZBA 2016-8. On a motion from Mr. Hart, seconded by Mr. Jones. A roll call vote was taken voted in favor: Mr. Jones, Ms. Hart, Ms. Chamberlain. Abstained: Ms. Teng, Ms. Weidner.

Public hearing of application ZBA 2016-9 for Orlando and Marichelle Lizardo, 34 Chestnut Street, Allendale, NJ 07401, Block: 2103, Lot: 10. A variance is being sought for Minimum Lot Area and Minimum Lot Width. Mr. Nestor swore in to testify Orlando and Marichelle Lizardo, representing themselves for the application. They are the owners and have been residents for 13 years. They applied for a permit to extend a bedroom and family room area with a growing family of 3 children and expecting another. Ms. Teng confirmed because of Zone A, the lot width and lot area which requires 20,000 sq ft and they have 15,000 sq ft thus need a variance to build their addition. The lot width is deficiency, they have 101 sq ft and 115 sq ft is required. The gross building floor area including the house, garage and basement is 2,391 sq ft. Mr. Jones noted this is a corner lot and they are within the setbacks of rear yard and front yard. Mr. Jones confirmed the home is sitting on the centrally on the property slightly to the left. The proposed increase is 706 sq ft. Ms. Weidner asked who prepared the drawings, Mr. Lizardo stated a retired architect who is a friend created the plans. Ms. Teng recommended that the Tax Assessor give an estimate for the new tax amount to be sure of the affordability to add the additional square footage. Mr. Nestor clarified who prepared the tables and numbers, Mr. Lizardo stated he and his retired Architect family friend compiled the information together and did the measurements. Mr. Nestor stated they will be bound to this numbers and these can not be changed once approved and it will be submitted to the code official. Ms. Chamberlain noted the inconsistencies with the numbers between the Borough of Allendale Zoning Review Data Table and the number compiled by Mr. Lizardo on the next page. Also missing is the distance between the pool and the deck. There are no measurements on the plans for this location on the survey, Mr. Lizardo stated it was 12 feet between the pool and deck. Mr. Nestor advised it could be approved that the Code Official certifies that it is more than 10 feet for safety, including the stairs. Ms. Chamberlain found the measurements from the survey for the setback is 35 feet for front yard and side yard on Erol Street. The left side of the house is 18 feet from the side yard and the distance is 18.58 feet. Ms. Chamberlain clarified it is 20 feet for the addition, and 4 feet is the concrete patio, Mr. Lizardo interjected which might have to be broken for the foundation. Mr. Nestor confirmed that the distance

from the house to the side yard on the south side they have 16.47 feet. With the increase of the extension and side yard scale requires 18.58 side yard setback and the house is currently is 16.47 to the fence and to the true property line is 18 feet. Mr. Lizardo is adding 4 feet to the side of the house on the concrete patio. Mr. Jones confirmed a side yard relief of 16 feet because of the 18.58 side yard set back is required. However, the measurement on the survey submitted is to the fence line of 16.47 feet and the property line is 18 feet in total distance. Ms. Weidner questioned if they were to scale and it was agreed by Ms. Hart and Mr. Lizardo they are to scale. Mrs. Lizardo stated that after speaking with the Zoning Official they needed to be aware of the requirements of Zone A. Their house design was worked to best fit into these requirements and now they are before the board for approval. Mr. Jones confirmed with Mr. Lizardo that the number 18.58 is from the Zoning Officer document providing that is required. Mr. Jones then stated due to the bulk of the house exceeds and requires a sliding scale even though it is preexisting nonconforming with the addition that requires a scale that pushes the application for a side yard requirement to a greater amount than currently exists. With the addition moving in 4 feet and now the existing document is at 16.47 will bring the application of the side yard to 20 feet based on the plan and what was discussed with Mr. Lizardo. Based on this the applicant will need a variance is for a side yard relief based on the 16.47 side yard where it currently exists to 18.58 which is needed in addition to the lot area and lot width will be a variance of 2 foot variance on the south side setback. Ms. Hart interjected that however the 18.58 is based on the 3,097 sq ft number, which Mr. Jones believes is inaccurate, and going to the gross building floor area number on the opposite page of the zoning data table Mr. Lizardo has 2,580 square feet listed which only then requires 15 feet. Ms. Weidner asked if this is due to the patio, Mrs. Lizardo stated that is due to the basement for the numbers building area variation, and this is the fourth revision for the application to build the addition. The Zoning Official said the only reason he can not approve the application is the lot width and lot size due to the fact they are located in Zone A, thus they are here for approval. Mr. Jones said the 3,097 sq ft gross building area is inaccurate and will not be needing the side yard set back. Just looking at preexisting lot area and lot width with the caveat of the addition to the pool. Ms. Tengi opened to the meeting to the public for comments, questions or concerns. Seeing no one from the public, the meeting was brought back to the board for their final discussion.

Mr. Jones would like to make a motion to approve the application for ZBA 2016-9 for Mr. And Mrs. Lizardo of 34 Chestnut Street, Allendale of Block: 2103 Lot: 10 Zone A based on Code 40:55D-70, C1B & C by the unique features that are corner lot with preexisting lot area and lot width the total gross building area of 2,580 sq ft which includes the addition of 706 sq ft, with the conditional approval of the deck to the pool to have 10 feet required by the code official. Mr. Stephen confirmed that the pool is based on the bottom step for the deck, which will have to be potentially inset to meet that 10 feet distance. Mr. Nestor marked into evidence the distances to the area L-1, Survey L-2, documents marked L-3 for pages 1/15 to 15/15, and L-4 collectively for the photos and review data table. Mr. Nestor asked for a second motion. Mr. Nestor confirmed the pool has to be 10 feet from any building or accessory structure, to prevent someone from jumping off into the pool, which will be to the code official to approve. Ms. Tengi second the motion for 2,580 square foot number for the total project with the preexisting conditions and the addition. A roll call vote was taken, In Favor: Mr. Jones, Mr. Stephen, Ms. Hart, Ms. Weidner, Ms Tengi.

Ms. Tengi asked if any other concerns to be discussed. Hearing none on a motion by Ms. Tengi, seconded by Mr. Jones, the meeting was adjourned at 8:44 PM.

Respectfully submitted,  
Christina Montanye