

June 22, 2016

A Regular Session Meeting of the Allendale Board of Adjustment was held in the Municipal Building, 500 West Crescent Avenue, Allendale, NJ on June 22, 2016. Chairman Tenghi announced that the Open Public Meetings Act requirements were met by the required posting and notice to publications and called the meeting to order at 8:07 p.m.

PRESENT: Mr. Jones, Mr. Redling, Ms. Hart, Ms. Chamberlain, Ms. Tenghi, Mr. Manning, Ms. Weidner.

Ms. Tenghi requested a vote to approve the minutes for the June 22, 2016 meeting. A motion was made by Mr. Manning, and it was seconded by Ms. Hart. A roll call vote was taken.

In Favor: Mr. Jones, Mr. Redling, Ms. Hart, Ms. Tenghi, Mr. Manning, Ms. Weidner.

ABSTAIN: Ms. Chamberlain

Ms. Tenghi requested a change in the agenda for the Public Hearing of Application ZBA 2016-8 to be heard first and then the Memorialization votes to be taken.

Ms. Weidner recuse herself from application ZBA 2016-8 .

Mr. Nestor swore in the applicants for ZBA 2016-8; Brian Mcguril, and Sabina McGuirl of 44 Crescent Bend, and their Architect Mary Scro of 240 West Crescent Avenue, Allendale. Ms. Scro was accepted as an expert having appeared multiple times before the board. Ms. Scro began with submitting an updated drawing noted as SK-1 with more information on the proposed addition to relocate the garage. The hardship is the current size and location of the garage under the house which does not accommodate a standard car or SUV. The owners are unable to use the garage to park their car with clearance to enter/exit the car once inside the garage nor can they buckle their children into the car seats. The home has a pre-existing, non-conforming structure with scaled down height allowances due to the restrictions at the time of construction. A variance is also requested for minimum lot area to allow the owners to relocate the garage next to the home from it's current location in the basement and seal off the current garage which will be used as storage space.

Ms. Scro explained a 2 car garage will be built with an entrance to the home where the current family room is which happens to be on a slab. Then relocate the family room to back of the house. Above the family room addition, a master bedroom will be added thus converting an existing bedroom into closet area and a master bathroom. Also bumping out the dinning room slightly which will be added for access to the garage. Additionally, a proposal to move the patio and including the deck, to accommodate the existing french doors in the back of the home. Above the proposed garage there will be a small laundry room and a small bedroom only over half of the garage space. Side yard set back of 26.8 feet, existing side yard 21.9 feet around the jog where the existing family room is. The setback is 24.4 feet for the proposal, to access the space and maximize the space. The deck will have a side yard setback. The lot is under-size but the pre-existing lot is 20,000 sq ft where 26,000 sq ft is needed with a irregular shaped lot. Ms. Scro was conscious of the side yard setback and moving the building space and patio space to best accommodating the building when creating the design and variances. Mr. Nestor has marked into evidence, the original plans as MC-1 and the new plan SK-1 today, will be marked into evidence as MC-2. Mr. Nestor asked what the difference is between the drawings? Ms. Scro replied she added additional dimensions to record the side yard setbacks and lines for reference to the drawings. The current patio area is outlined and other proposed lines for the structure. It illustrates the current front yard is within appropriate setbacks allowed. Mr. Nestor asked what the total square footage of the house is currently.

Ms. Scro replied 3130 sq ft and after the addition 3832 sq ft. 702 square feet is the total being added to this home. Mr. Manning asked if a side yard setback is needed? Ms. Scro pointed out 24.4 sq ft. is the second floor addition on MC2 there is a little triangle and the line for deck to be included. Again Mr. Manning asked if the deck would cause another variance, to clarify the irregular shape lot causing a hardship with the 6 feet corner of the new deck and radius in the property. The kitchen is the cause to create a deck wide enough for the french doors to the backyard. Ms. Tengi asked about the drawings giving an illusion of 3 stories to the home. Ms. Scro answered, the garage would be sealed off and be storage only, however on MC-1 drawing the stairway went to the attic on the 3rd level would be for storage space only. Ms. Tengi again stated for the record, that it would only be used for storage and not occupied as living space. Mr. Manning asked about the height, 34.9 inches, where would the highest point be on the home? Ms. Scro stated the dormers would be adjusted. Mr. Nestor questioned how the impervious coverage will be reduced? Ms. Scro stated the driveway will be shorter and the new deck will be modified also reducing the impervious coverage to accommodate the new garage location. Ms. Tengi asked the applicant if they had any comments, questions, or concerns.

Ms. Tengi opened the meeting to the public for comments, questions or concern. Mr. Nestor swore in to testify Mr. Kevin Brennan, 47 Crescent Bend, neighbors across the street and diagonal. Mr. Brennan's concern is the relocation of the garage and the doors are not visible from the street. In the entire Crescent Bend development, with the exception of 2 houses on the corner of the street, all of the garages face perpendicular to the home, thus not visible. Also a new cut to the curb will takeaway the character, flavor and in his opinion value to the area throughout the complex. 5 houses have garages facing the street but the rest do not. Mr. Brennan can not understand why it is inconvenient to keep the garage as is and located under the home instead of building another garage? He feels it impacts the neighborhood with prominent doors close to the street. Ms. Scro answered the current size of the garage does not accommodate cars nor families of today as compared to when it was built with cinder blocks and smaller vehicles. The family is unable to utilize the garage they own and would like to have a location to park their vehicle and to have a place to access the passengers in the vehicle other than owning a minivan, due to the fact the doors do not open with the narrow width of the garage. Ms. Scro said the garage is not out of context for Allendale and other homes in the development are similar. Mr. Brennan asked if the depth of the door could be altered which Ms. Scro claimed it is the height along with the width that is prohibitive to vehicle access. Mr. Brennan asked if they would buy a different vehicle? Ms. Scro said it is not out of the question but they have a small SUV. Ms. McGuirl answered also they would like to access both sides of the vehicle, not just one due to the limitations of the garage. Ms. Scro interjected the variance is not for the garage tonight. Ms. Tengi asked if Mr. Brennan looked at the plans which he said he saw the renderings. Mr. Brennan said he is unhappy with the front facing garage. Mr. Nestor asked him to clarify where he lived in relation to the garage on the tax map. Ms. Chamberlain asked if it will be a double garage? Ms. Scro answered yes. She never considered it to be an objection to see the garage doors. It will not affect the front yard setback. Ms. Scro due to the shape of the property and their engineer the driveway is determining the location of the doors due to the limited space to back out and turn around from the garage. Mr. Manning asked if water enters into the current garage? Mr. McGuirl answered only a small amount. Mr. Nestor asked if there are any other questions for the witness? Mr. Brennan was thanked for his testimony and another resident came forward. Mr. Nestor asked for name for the record and sworn in, Judith Bruinooga, 23 Crescent Bend, and owner of 36 Crescent Bend adjacent to the applicant. She is in favor of the application. The years the homes were built with cinder block and required by the zoning 70 years ago. All of these homes are unable to accept vehicle into their garages today. She did buy new cars and understand the need to get into the car for groceries and children and all the neighbors struggle with this design with the exception of a few homes. She stated the garages can not be used. Ms. Bruinooga stated she supports her neighbor's plans. Ms. Tengi asked one

final time for any public comments, seeing none closed the meeting to the public and brought it back to the board.

Mr. Nestor reviewed for the board to vote on, the variance for the lot area which is preexisting, and the right side yard set back which will be reduced to 26.86 ft which the zoning official required due to the bulk of the building on the property. And now the side yard will be 21 feet with the deck. No variance for front yard nor rear yard setbacks, the dormers on this design are storage and attic space only. Mr. Manning stated the 712 square feet is not alot and the L shaped property and preexisting lot area, not in direct in conflict with the code or master plan. The plan as submitted due to the engineer plan and the limited options. Mr. Jones noted the tax map and the divisions are very unique. The impact of the garage is decreased with the location to the other side with more space on the other side of the home. Mr. Manning added the dormers will not be used for living space and are not permitted in the borough of Allendale. Ms. Chamberlain feels the addition integrate the family room and the new design is well done to incorporate it into the full house. The garage as objected but will be an improvement. Ms. Hart commented the addition over the garage area is nicely done and incorporates into the roof line.

Ms. Tengi asked for roll call to be taken on the Mcguril's application ZBA 2016-8 .

In Favor: Mr. Jones, Mr. Redling, Ms. Hart, Ms. Chamberlain, Mr. Manning.

Abstain: Ms. Tengi and Ms. Weidner.

Ms. Tengi asked for the resolutions Memorializing Variance Applications approval from the prior meeting on May 25, 2016. File ZBA 2016-7, Ms. Hart motioned to approved as submitted, Ms. Tengi seconded the motion.

In Favor: Mr. Redling, Ms. Hart, Ms. Tengi, Mr. Manning, Ms. Weidner.

Abstain: Mr. Jones and Ms. Chamberlain.

Mr. Kearl spoke that he had a concern about the stairs on his design, he has a neighbor that has french doors that would put them at a rear yard setback of 25 feet before the stairs. His design would be at 47 feet with the stairs and why does his neighbor have stairs and he couldn't. Mr. Nestor stated the resolution is from the last meeting, it is closed to comments. Mr. Kearl said he didn't understand why it is okay for his neighbor and not him. Mr. Nestor answered that Mr. Kearl's current home is out of variance on many of the town's regulations, Mr. Kearl has to compare the same application side by side which the Board of Adjustment can not comment on because they do not know the situation of the other homeowner. Mr. Jones interjected that the code official would need to be notified.

File ZBA 2016-4, a motion to approve by Mr. Manning, seconded by Mr. Jones.

In Favor: Mr. Jones, Mr. Redling, Ms. Hart, Ms. Chamberlain, Mr. Manning.

Abstain: Ms. Tengi and Ms. Weidner.

A motion made by Mr. Jones, seconded by Ms. Tengi adjourned the meeting at 8:59.