

September 28, 2016

A Regular Session Meeting of the Allendale Board of Adjustment was held in the Municipal Building, 500 West Crescent Avenue, Allendale, NJ on September 28, 2016. Chairman Tenggi 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 8:09 p.m.

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

Ms. Tenggi requested a vote to approve the minutes for the August 24, 2016 meeting. A motion was made by Ms. Chamberlain, and it was seconded by Mr. Manning. A roll call vote was taken.

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

ABSTAIN: Mr. Stephen.

Ms. Tenggi asked for the board approval to Memorialize Variance Application from the prior meeting on August 24, 2016 for application ZBA 2016-10, Christine and Sasa Trajkovic, 6 East Elbrook Drive, Allendale, NJ Block:104, Lot: 30. Ms. Chamberlain motioned to approved as submitted, Mr. Jones seconded the motion. A roll call vote was taken.

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

ABSTAIN: Mr. Stephen.

The next agenda item was public hearing of applications. The first applicant to be heard was ZBA 2016-11, 40 Cottage Place, Allendale, Block: 1805 Lot: 5. Sworn in to testify were the owners: Ronald and Christina Guirland and their architect Daniel D'Agostino. Mr. D'Agostino has been before this board prior and approved as a witness. The application is for a hardship variance with minimum side yard setbacks, minimum lot area, minimum lot width, minimum front yard set back. The applicant proposed to add a level to the current 3 bedroom and 1 full bath ranch home, with a rear two story addition and front porch addition. Currently the couple is living in the home with their 3 children. Mr. D'Agostino began with stating this is a prime example of hardship because of the pie shaped lot and the family would like to stay in town. After looking on the market for a home they have made a decision to remodel to accommodate their young family. The first exhibit submitted was Mr. D'Agostino's drawings A.001, A.201, A.202, A.501 which Mr. Nestor marked collectively as G-1 dated June 15, 2016. Mr. D'Agostino went on to explain the changes to be made to the ranch; add a level to the main section of the home and a portion on the first floor extended to accommodate the eat in kitchen. The undersized lot not exceeding area because he is not creating a McMansion, only the minimal needs for the family of 5. Mr. D'Agostino then submitted drawings, which Mr. Nestor marked accordingly, exhibit G-2 an assortment of renderings and exhibit G-3 which is a 3 dimensional drawing of the skeleton of the new home over the existing home for a more conceptual understanding of the design. Mr. D'Agostino went into further detail of the the original home and the design of the new home. Ms. Tenggi concurred the shape and topography justify the hardship application of a inventory shortage of small to medium variety of starter homes in the community. Mr. D'Agostino as the architect is planning a home relevant in size to the other homes on Cottage Place and not a 'Cottage'. Mr. Manning stated this might be the biggest house on the small, short block. The house appears relatively close to the house on the left, 50 Cottage Place, which happens to be identical to the home being considered tonight. Mr. Redling pointed out the two ranches on the street, and this house with consideration of the height and width changes the dynamics in that property line. Mr. Jones noted the 2 story impact is significant. A major concern is the set back on the south end for the garage wall. What are the other options for the design?

Mr. D'Agostino noted the change in the roof pitch, added windows on the second floor plan are difficult to create room to make a 4 bedroom home in compliance thus it is only 3 bedrooms planned on the 2nd floor. In comparison to other homes on the street Mr. D'Agostino used a number of strategies to make it look better. He did not extend over the garage to give visual relief. Mr. Jones noted that same design feature on the 11 foot side-yard, it will minimize the impact of a second story on a 11 foot wall. Mr. Stephen noted the 9 foot high ceilings on the second floor could bring down to 8 feet to improve the roof line. Mr. D'Agostino agreed with both Mr. Stephen and Mr. Jones with making the adjustments.

At this point Ms. Tengi opened the meeting for any comments, questions or concerns. Mr. Nestor swore in Pat Matrone of 50 Cottage Place, the house next door on the left side of the addition. Her concern of the addition encroachment on her side plus water with a slope of property, which has flooded in the past. Ms. Matrone reminded the board that she spoke back in January thru March 2006, when the prior owners brought the same house for a variance. Mr. D'Agostino replied, only with a civil engineer and perk test done to evaluate impact on both homes, only a concern if the too much paving or too large a home. Ms. Matrone is concerned that this new home will shrink her home to a cottage and yet she does understand their family need for 5 people in the same space as hers. Ms. Matrone stated that her backyard turns into a lake, with her sump pump dumping 50 feet from her home and the leaders from the gutters going 30 feet out to avoid flooding. Ms. Matrone stated the whole backyard slopes towards both neighbors. Ms. Matrone then produced photographs taken 3 weeks ago for evidence marked as M-1 and M-2 into the exhibit for the boards consideration. Mr. D'Agostino noted the the flow is from behind the property due to then topography, he also noted the land is more than 10 feet high sloping towards the street on both proprietaries. Ms. Matrone approved subject to engineer testing condition, and drainage requirements by the Borough engineer and if additional seepage pits will be needed. Mr. Stephen asked Mr. D'Agostino if it will be a full basement or just a crawl space, which he confirmed will remain as a crawl space. Ms. Matrone again voiced her concern for the problem of water and the flood maps which is just across the street from her home. Ms. Tengi thanked her for her testimony and asked for any further comments. Mr. Nestor swore in Mr. Richard Williams of 59 Cottage Place at the corner of Meadow Lane. He has lived for 44 years at that residence and was on the original sump pump committee in Allendale which requested legislation for the sump pumps. His residence was the old police station in Allendale and his sump pump rarely had to work. He has never had a significant problem of flooding unless there was extraordinary conditions. He also reminded the board from the prior resident applicant from the same address that Ms. Matrone cause the neighbor and committee the same anguish. The prior applicants in frustration moved away in lieu of the remodeling and the town lost a vital members to the community and he would be dishearten to see it repeated with the Guirland family tonight not able to remodel.

Seeing no further witnesses Ms. Tengi closed the meeting to the public for the final discussion by the board. Mr. Jones noted the single two story home, with same issues as prior applicant, with the deficient side yards. In his opinion, if ever a lot need a deviation from the zoning regulations this is it. The applicant is seeking relief for the shape of the property. Beautiful design but can it deviate within reason because his concern was how to make the impact less to the Ms. Matrone's home and the neighborhood. He feels in good reason to redraft and reconsider the left side of the plans. Mr. Manning echoed the concern on the left side and possible step back to the second floor with regards to the left side. Mr. D'Agostino noted the the zoning would consider a home in 26,000 sq feet property would have no problem but due to the irregular shape the concern is the the 11 feet distance along with, 2nd story, roof line which is very big. Mr. Jones noted he had the same problem with his home when seeking a variance and believes this plan should be redesigned at this time. Ms. Hart agrees with Mr. Jones and appreciated the effort in design to make a beautiful home that was a good use of space. Her concern was the roof line.

Mr. D'Agostino noted his job was to balance borough codes and his clients wants. Ms. Chamberlain also agreed the lot is unique and might not support a house that size and would asked if the Guirlands would consider a reduction in the home. At this point the clients requested a meeting with Mr. D'Agostino to discuss modifications as suggested by the board. After 5 minutes they returned to the room. Mr. Nestor advised the Guirlands of their options at this point of the process. They can present the application currently as it is, changing the 2nd floor ceiling height from 9 feet to 8 feet to address the roof line concern by many members on the board. Lower the roof line 3 feet and finally step back the 2nd floor 2 feet bringing down the bulk in the rear of the house. Mr. D'Agostino stated they have made 15 sketches over 3 months. In a good faith effort the rear master bedroom can be shorten in width by 3 feet making the room 11 feet. 7 feet and 6 inches forward on the whole side to 35.7 1/2, by doing this the sq ft is being reduced to 22 1/2 ft volume-metric. It was also noted for the FAR, Mr. Guirland confirmed the shed has been removed. Mr. Nestor went on to comment about the FAR at 23.1% and they can not exceed 24.2% and concerned if this was also a FAR variance in the AA zone. At this point the Guirland's along with Mr. D'Agostino requested that their application be carried until next month to redesign the plans. Mr. Nestor reiterated to bring down the significant bulk, roof lines along with a reduction in side yard setbacks. No need to pay a application fee or notice the paper nor neighbors. This application will be heard October 26.

The final application to be heard was ZBA 2016-12 from Lisa Zampardi and Thomas J. Mesuk of 74 Arcadia Road, Block: 1902 Lot: 4 seeking variances for minimum side yard setbacks, minimum lot width, minimum lot area, maximum floor area. Mr. Nestor swore in to testify Lisa Zampardi and Thomas J. Mesuk residing at 400 Columbia Boulevard, Woodbridge, NJ. Mr. Mesuk is a registered architect in 20 states and has appeared before numerous boards but never in Allendale. He designed the plans himself. Mr. Mesuk began by explaining they jointly purchased this home together 7 years ago with the intention of remodeling for their family. The home is 60 years old and has no prior updates. There has been some woodpecker and termite damage. This is the home they desire for their family as having done heavy research for an ideal community and school system that best suits their requirements. They feel the design presented tonight fits into the Borough of Allendale with other homes in this range within the borough limits.

They have an undersized lot of 20,690 sq ft. where 26,00 is required. The front of the home is 109 feet where 130 feet are required. Mr. Mesuk submitted his drawings into evidence which Mr. Nestor marked as plans T-1, A-1 thru A-6 dated 9/12/16 and plans marked into evidence ZM-1 dated 9/28/16. Mr. Mesuk noted the second floor does not take up the entire first floor square footage with open spaces extending to the second floor. This is a plan for a modern center hall colonial. The house sits on an angle and with his conscious decision to keep the same angled foot print, driveway and curb cut yet increase the overall size of the home after razing the current home. The FAR allows for 22.8% and Mr. Mesuk is proposing 25.7% FAR and looking at the side yard of 37.19 on the left and 27.9 at the most minimal point due to the angle. The total sq ft is 2,789 currently as a split level and he is increasing it to 5,312.5 feet, basically doubling the size of the house. Mr. Nestor asked is it economics to flatten the home and would he consider squaring the home on the property if it is being razed? Ms. Tengi also asked to confirm that the current home would be completely removed, which Mr. Mesuk confirmed would be. Mr. Redling then spoke regarding the FAR is way too much for the board to consider and the the house is too big and he is not comfortable with a project of this size in that particular neighborhood with a lot that size. Mr. Manning also agreed the lot is not big enough yet the current home is in disrepair thus for Mr. Mesuk to avoid the FAR variance and reconsider with revisions to his plans. Ms. Hart noted that all the homes in the neighborhood would not match the design presented tonight because of the 1 1/2 story structures, these homes do not equal the size nor the design also noting the character of the

neighborhood would not support such a radical change. Mr. Jones asked Mr. Mesuk with the exception of width and lot size, what is the hardship for the board to consider? Mr. Mesuk noted there are homes throughout the entire borough of Allendale in similar size and design as presented tonight. Mr. Jones then argued that they are located on larger parcels in other sections of town and not the neighborhood as proposed.

Ms. Tengi then opened the meeting to the public for comments, concerns and questions of the applicant. Mr. Nestor swore in Carol Silski of 79 East Orchard which is directly behind this property. Mrs. Silski is very concerned that the backyard will be encroaching into her space and the new height of the roof will be more evident than it already is from her property with only 50 feet space instead of 66 foot current distance. It would be very disappointing to lose the privacy and atmosphere of her current home from the oversized proposed home tonight. Ms. Tengi thanked Ms. Silski for her testimony and brought the meeting back to the board. Ms. Tengi went on to state the plans are nice but too big and need to bring it back into FAR requirements without a need of variance if possible. Mr. Nestor asked if they would like to carry the application into next month with 10 days prior to submit the drawings to the zoning board meeting of October 26. Mr. Nestor went on to request that the angle to be considered and to bring down the size and bulk of the home along with reducing the side yard setback. Ms. Zampardi asked if there was a way to avoid coming again before the zoning board again and if it was necessary if they were going to raze the home. Mr. Nestor said yes, they would avoid a public hearing if they stay within the minimums of the zoning requirements along with approval from the Construction code and Borough Engineer. Mr. Zampardi and Mr. Mesuk thanked the board for their time.

Ms. Tengi asked for a motion to conclude the meeting. A motion made by Ms. Hart, seconded by Ms. Tengi, the meeting was adjourned at 8:25.

Respectfully Submitted,

Christina Montanye