

April 26, 2017

A Regular Session Meeting of the Allendale Board of Adjustment was held in the Municipal Building, 500 West Crescent Avenue, Allendale, NJ on March 22, 2017. Ms. 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: Ms. Chamberlain, Ms. Hart, Mr. Jones, Mr. Sirico, Mr. Stephen, Ms. Tenghi, Ms. Weidner.

ABSENT: Mr. Manning.

ALSO PRESENT: Mr. Nestor, Esq.

Next on the agenda was approval of the minutes for the January 25, 2017 revised minutes, and the March 22nd, 2017 meeting. Ms. Tenghi chaired the approvals till the next meeting.

Resolution ZBA 17-06 was tabled by Ms. Tenghi to be submitted to the Borough Board Secretary after more through review by both Mr. Nestor and Ms. Tenghi.

Application ZBA 2017-01 for the applicant Lisa Zampardi and Thomas Mesuk, owners of the property located at 74 Arcadia Road, Block: 1902 Lot :4 with an application for the following variances: Minimum lot width and minimum lot area. Mr. Nestor swore in the applicants. Mr. Mesuk is a licensed architect and created the plans himself. This applicant had appeared prior in front of the board on September 28, 2016 and March 22, 2017. At the prior meeting Mr. Mesuk presented an alternate plans to the Zoning Board to review which tonight has been approved by the Code official since that meeting. Mr. Nestor accepted into evidence Z-1 updated April 26, 2017. All concerns expressed by the board had been corrected to code by the applicant. At this point Ms. Tenghi stated for the record Mr. Jones had signed the affidavit that he listened to the minutes and was able to vote on the application tonight. Mr. Jones began with the calculations of the square footage and if the garage had been included in the numbers on the drawing Z-1. Mr. Mesuk assured Mr. Jones that his numbers were correct. Mr. Jones inquired about the trees per the discussions from the March 22nd meeting. Only trees that were dead or necessary to accommodate would be removed. The applicant preferred to keep as much greenery on the property. Ms. Chamberlain asked the applicant to confirm the buffers on the property were 5 feet. The FAR still was high for her preference to the size and location. Ms. Hart continued with the FAR that the great room elevation could be reduced. Mr. Mesuk refused to make any further reductions. Mr. Nestor inquired about the gross building area and read from the code regarding the calculations. Mr. Mesuk assured his numbers were correct and made allowance for the garage. Ms. Hart wanted to clarify if the 2nd floor space of the great room would or would not be calculated in the FAR because of the mass of the home was too large, though within code. Mr. Nestor advised it did not.

Ms. Tenghi opened the meeting to the public at this time for any comments, questions of the applicant, or concerns. Mr. Nestor swore in David Rahal of 82 Arcadia Road, the home to the east of the applicant. He noted that the home has been abandoned for over a year. The owners/applicants were lax property caretakers; not cutting the grass, nor removing the snow. He extrapolated there would be similar concern with this large scale renovation. Mr. Rahal noted they were unable to maintain an abandoned property how would a property next door to him be maintained with construction? There would be trash, violations and predicting it not being a smooth process at all. Mr. Nestor assured the neighbor that the owners would have to comply with county, state, safety and borough requirements. Mr. Rahal concluded they have not been a good neighbor and the impression of a massive renovation would only cause the quality of life to dissolve during that time.

Mr. Nestor swore in to testify Mr. Blake Giannisis 66 Arcadia Road, the neighbor on the right side of the property. Mr. Giannisis was very concerned about the drainage and flooding during construction of his property and post construction. Mr. Nestor advised moving soil would affect the drainage and the Engineer would be on site to inspect that all is addressed to avoid flooding. At this time seeing no further public comments the meeting was closed and brought back to the board.

Ms. Hart inquired how the applicant was to address the drainage. Mr. Mesuk chose a basin for retention. Mr. Sirico inquired also about the garage area and the numbers used for the calculations. Mr. Mesuk explained the program used to design the plans does the math. At this time an attorney for the applicant spoke. Mr. William T. Smith, esq., 851 Franklin Lake Road, Franklin Lakes, New Jersey. Mr. Smith noted the concerns voice last time and the plan is just barely under the zoning codes and regulations, and should be approved. Ms. Chamberlain again explained that it was not appropriate for this size and deliberately designed without concern for the size and frontage of this lot which is undersized for the home along with a pool. Ms. Chamberlain was seeking to understand the exact hardships for the applicants who would be starting from scratch. This is not a positive improvement to the neighborhood. Mr. Smith advised that the structure falls in line with the zoning codes and the current home on the property is non conforming. True, the hardship is the lot that is non conforming and the home proposed would come into all the zoning codes. Mr. Nestor argued that just because they can build to the max they should, rather they should have reservations on the size. Mr. Nestor disagreed the rationale of building to the max and the character of the home proposed did not fit into the neighborhood they were building. Mr. Jones agreed that because an applicant could take it to the envelope of the codes they should. The lot appears smaller with such a massive home, however the applicant did comply with the codes. Ms. Hart again inquired to the 2nd floor FAR and if the great room ceiling height would put it over FAR. Would the applicant consider lowering the roof to reduce the bulk of the home. Mr. Mesuk refused. Mr. Smith spoke for the applicant, that they did not want this design and made all the concessions that have been put on them by the board. The do realize it is very large and the neighborhood concerns but this is what they want.

Mr. Jones motioned to approve the application due to the lot area and lot frontage. The applicant has had several presentations to the board and has met the codes. The hardship is the non conformity of the current home and the plans proposed would bring it into conformity. This home is at the top of the range for allowance. The fence height would need to be in code with the new ordinance. The trees would be removed only if dead or impinging on the locations of the pool and home and that the remainder of trees stay. Ms. Tengi second the motion. Ms. Tengi asked for a roll call vote. Ms. Chamberlain opposes this plan. The responsibility and the precedent setting a new start of large homes, she could not agree to approve. Ms. Hart expressed concerns, however it was in code and would be in favor. Mr. Sirico had concerns that this home presented to the neighborhood and the drastic change to the current area setting a precedent of larger homes built to the maximum allowable. Mr. Sirico is in favor because it meets code. Ms. Weidner had the same impressions as Ms. Hart and the 2nd floor space should be mitigated with the ceiling height reduced in the great room, in favor. Mr. Stephen opposed the plans. The motion carried.

IN FAVOR: Ms. Hart, Mr. Jones, Mr. Sirico, Ms. Tengi, Ms. Weidner.

NOT IN FAVOR: Ms. Chamberlain, Mr. Stephen.

Application File ZBA 2017-02 for Anthony Vlachos residing at 578 Brookside Avenue, Block: 1303 Lot: 3. Application for the following variances: minimum lot area and minimum left side setback. Mr. Nestor swore in Mary Scro, Architect, 240 West Crescent Avenue, Allendale, along with the home owners Anthony Vlachos and Marissa Vlachos. The plans submitted and accepted by Mr. Nestor were marked SK drawings pages 0-8 were marked V-1. Pages SK 9-10 photos of the residence collectively V-2. Page SK-11 schematics of the four sides marked V-3 and 3D design marked V-4. The survey on SK-1 shows two homes on the one lot. The applicant stated the hardship of two homes and the desire for the family and extended family to live under one roof. The intention is to tear down one home and use the other as the foundation to expand the living area. Due to a drainage pipe owned by the County, the pipe underground the applicant's home is too close to the foundation. The home that will be remaining which is in better condition, would be further from the pipe and allow access if needed by the county with extra space for addressing any issues to the county line. Mr. Vlachos explained his plight with both the County and Borough. Once the plans are approved by the Zoning Board, the County will relocate the drainage pipe to the far side of the property away from the structures. Ms. Tengi confirmed that it is one tax bill yet two different meters. Also the flood zone is only in the back of the property not near the residence proposed. Ms. Tengi acknowledged the hardship for the two families. Mr.

Sirico asked further about the drainage pipe and the time line of the plans. Mr. Vlachos explained the approval for the variance would initiate the County to remove the pipe to the far side, the garage would be then removed, and the house at which time everyone would live in the home to be expanded. Mr. Nestor inquired if the left side could be addressed at all with allowance for the 5 feet to avoid the need for the left side variance. Ms. Scro advised it is part of the structure and they need to maintain the walls in line with the existing foundation. Ms. Tenghi inquired of Mr. Vlachos about the taxes and if he researched the increase, which he confirmed was his first decision to proceeding with the plans after confirmation from the tax assessor. Mr. Nestor noted SK-11 had the appearance of a 3rd floor. Ms. Scro confirmed that it is aesthetic only and there are no stairways nor livable space. Mr. Nestor asked about SK-7 having two doors. Mr. Vlachos advised one is for his mother to exit from her living area. This is not a two family home and they will be removing the current kitchen which would be her area. Only one kitchen would be in the residence.

At this time Ms. Tenghi opened the meeting to the public for any comments, questions or concerns. Seeing none the meeting was brought back to the board for final discussion.

Mr. Jones noted the flood zone line on the property. The county would put the pipe on the eastern side of the property 40 feet set back from the home. Mr. Stephen recommended the applicant utilize the pipe owned by the county for drainage and that it was a blessing in disguise. In his experience it is possible to tap into the county line to remove excess water. Ms. Tenghi motion to approve the applicant, Ms. Chamberlain second. Mr. Jones noted one residence would be demolished to obtain a single family dwelling on the property with the condition of the 3rd floor utilized for aesthetics only with the windows and attic space and the drainage pipe to be relocated by the County of Bergen. The new plans will bring the property into conformity with one dwelling and the hardship is the non conforming lot area.

IN FAVOR: Ms. Chamberlain, Ms. Hart, Mr. Jones, Mr. Sirico, Mr. Stephen, Ms. Tenghi, Ms. Weidner.

Application ZPB 2017-03 for David and Brianne Wright residents of 50 Arcadia Road, Block: 1902 Lot 3. Variance for minimum lot area, minimum front yard setback and minimum rear yard setback. Mr. Nestor swore in to testify the applicant Brianne Wright and Michael J. Pasquale, Esq. of 146 Rea Ave, Hawthorne, NJ 07506. Mr. Pasquale was a last minute substitute on behalf of the engineer that had an emergency. Mr. Pasquale began, the applicant is in a Double AA zone with an undersized lot 20,057sq. ft. required 26,000 sq. ft. The addition to the rear of the home which would be an additional 7 feet to the kitchen and 14 feet to the family room. The variances for the set backs would be 39 feet where 40 is required in the front which would not be altered and 39 feet where 50 is required in the back of the home. The pressures of a wide property of 158 feet that is not deep has a narrow building envelope. Mr. Nestor verified the plans submitted marked into evidence as W-1 collectively dated February 24, 2017 with 3 pages. Mr. Pasquale noted the proposal for the addition is to allow functional living space for both the kitchen and family room which are challenging to navigate due to the narrow space. Ms. Wright confirmed the photos submitted were taken by her one month ago and submitted into evidence as W-2. The plans would only necessitate the removal of two evergreen trees the owners planted herself. They would prefer to keep all the screening by the vegetation to lessen the visual impact on their neighbors. A deck with doors would be added. The applicant is only seeking the minimal expansion and not requesting a 2nd floor to keep within the consistency of the neighborhood. Mr. Pasquale confirmed the topography in the back of the residence is level. At this time Ms. Tenghi opened the meeting to the public, seeing no one, closed the meeting and brought it back to the board for a vote.

Ms. Tenghi made a motion to approve the application, Ms. Hart second the motion. Ms. Tenghi state the hardship relief would allow greater enjoyment of the home and add value to the community. Mr. Jones read for the record, the 50 foot set back in the rear yard would be alleviated by the screening de minimis. The impact of this design is so small that there are no concerns as proposed. Mr. Nestor stated for the record the hardship is the undersized lot. A vote was taken and the motion carried.

IN FAVOR: Ms. Chamberlain, Ms. Hart, Mr. Jones, Mr. Sirico, Mr. Stephen, Ms. Tenghi, Ms. Weidner.

The meeting was not open to public comment for there was no one present.

Ms. Tengi noted, the board would have storm water management training for the members with an online program with more information to follow in the future.

Ms. Tengi reminded all members to complete their financial disclosure forms before the end of the month to avoid penalties.

Ms. Tengi spoke on the record the Mr. Redling's appointment to the board will be carried to next month also.

Ms. Tengi asked for a motion to adjourn the meeting. A motion made by Ms. Chamberlain, seconded by Mr. Jones. The meeting was adjourned at 9:46 p.m.

Respectfully Submitted,

Christina Montanye