

June 28, 2017

A Regular Session Meeting of the Allendale Board of Adjustment was held in the Municipal Building, 500 West Crescent Avenue, Allendale, NJ on June 28, 2017. Ms. Tengi 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. MANNING, MR. REDLING, MR. SIRICO, MS. TENGI.

ABSENT: MR. STEPHEN AND MS. WEIDNER.

ALSO PRESENT: MR. NESTOR, ESQ.

Next on the agenda was approval of the minutes from the May 24, 2017. Ms. Tengi asked for any changes or modification. Hearing none, a motion was made by Mr. Manning, seconded by Mr. Jones. A roll call vote was taken.

In Favor: Ms. Chamberlain, Ms. Hart, Mr. Jones, Mr. Manning, Mr. Sirico, and Ms. Tengi.

Abstain: Mr. Redling

Application ZBA 2017-04 for John Murphy who owns his daughter's home on 191 West Allendale Avenue, Block: 1709 Lot: 12. Variance for minimum lot area, minimum lot width, and pre-existing non-conforming structure. Mr. Murphy was sworn in by Mr. Nestor and began his application. His daughter is living in the home and Mr. Murphy has assisted her in remodeling the interior of the home and improving the property. He is before the board to demolish the present garage and relocate it with a larger bedroom on the second floor and increase the living space on the first floor. Mr. Nestor marked into evidence photos taken 3 weeks prior to the hearing by Mr. Murphy as exhibit M-1 dated June 28, 2017 and the construction plans as exhibit M-2 dated 2/7/17. Ms. Chamberlain noted there were pages missing for the elevation and exterior drawings, Mr Jones added that there were missing pages because only page 1 of 3 of the plans have been submitted and none for the exterior nor elevations, which Mr. Murphy replied to both he did not like the Architect's renderings and was not going to use his exterior design plans. Ms. Tengi noted that a table is needed with the plans of the current measurements versus the proposed, more specifically the square area ratio to ensure there is no FAR variance needed, and the impervious coverage. Mr. Manning echoed the need to have a visual plan of the space proposed.

At this time Ms. Tengi opened the meeting for public comments. Mr. Bruce Davis of 22 Mallinson Avenue, Allendale was sworn in by Mr. Nestor. Mr. Davis is next door to the property on the same side of the street. At first he was concern of the new construction but after looking at the drawings the impact of the enlarged garage would be an improvement. He was happy to see the number of improvements that have been undertaken by Mr. Murphy. This project would be an added benefit to the not only Mr. Murphy's daughter but to the neighborhood. Mr. Manning agreed and reaffirmed the need for more information from the architect for the board to make a decision. Seeing no one else form the public Mr. Tengi closed the public comments and brought the meeting back to the board. Mr. Jones inquired about the 2 front yards, one on Mallinson and one on West Allendale avenue and the calculations for the side yards. Mr. Jones was concerned about the bulk of the house and the impact on the side yard calculations along with any other variances based on the calculations. Mr. Jones also noted the driveway to be located off of Mallinson Avenue for safety. At this time it was decided to carry the application to next month for the applicant to provide a data table for the drawings in addition to plans for the the garage height and design.

Application ZBA 2017-05 for the applicants Peter and Theresa Barry, owners of the property located at 2 Elbrook Drive, Block: 102 Lot: 1 with an application for the following variances: Minimum Front Yard Setback, Minimum Lot Area, Minimum Rear Yard Setback and Pre-Existing non-conforming structure. Mr. Barry began with the hardship of his application due to the angle of the deck and small size in the back of the home it is only able to accommodate a table and 2 chairs and this application is to expand the deck and square it off to the the home and add pavers to have a grill. In addition, he would like to move the front walkway closer to the house to be protected with an extended overhang to protect his 90 yo mother entering and leaving the home and anyone else visiting during inclement weather. This would require the removal of the shrubs next to the home to relocate the walkway closer. Mr. Manning clarified that the deck in the back would be from scratch which Mr. Barry confirmed would also need new footers and alot of work starting fresh. Ms. Tengi inquire if there would be more vegetation added to protect the neighbors in the back. Mr. Barry confirmed that there is plenty of vegetation to create a buffer and the neighbors will not be impacted with the new deck. Mr. Nestor accepted into the record the collective package of pictures as B-1 and survey dated today June 28, 2017 as B-2. Mr. Jones clarified a deficiency of 3 feet in the front yard to the curb. Mr. Barry answered it is only necessary to go out 3 feet for the overhang. Mr. Nestor noted the deck will be squared off and 44 feet from the deck to the back yard property line. The backyard is not deficient currently. The corner lot has 2 front yards and is deficient on the font and rear yard set backs, for the pre-existing structure.

At this time Ms. Tengi opened the meeting to the public, seeing no one the meeting was brought back to the board for their consideration. Mr. Nestor confirmed with Mr. Barry the distance currently is 40.4 and with the overhang it will become the front yard distance to the overhang is 32.4 feet and the house is 35.4 feet to the front curb. On the side yard it is 39.2 feet on Hillside avenue. To square off the deck in the back of the home is 44 feet to the property line. The front yard is 35.4 feet with the overhang. Area is not a large overhang. Ms. Tengi noted this is a true example de minimus variance request, the prior owners avoided appearing in front of the zoning board by cutting off the deck and this application will right that wrong and improve the use of the space. The awning serves many purposes that would not have an adverse impact to the zoning ordinance on the home or the neighborhood. Ms. Tengi motioned to approve as submitted, seconded by Ms. Chamberlain. Mr. Jones confirmed that the variances are for both front yards, rear yard and the structure of the deck is in non-compliance because he is squaring of the deck in the back. The size of the lot is small and not a square lot, an odd shape. The location of the house and where it sits close to the road and being a corner lot tags it as pre-existing non-conforming. Ms. Tengi then requested a roll call.

IN FAVOR: Ms. Chamberlain, Ms. Hart, Mr. Jones, Mr. Redling, Mr. Sirico, Ms. Tengi.

Mr. Nestor read resolution ZBA 17-07 to move the meeting into a closed session to discuss the pending and prospective litigation at 8:44 PM and opened the meeting back at 8:54. Ms. Tengi noted for the record that the litigation with the Zoning Board vs. Ms. Matrone, the neighbor was settled and thanked Mr. Nestor.

Ms. Tengi asked for a motion to adjourn the meeting. A motion made by Ms. Tengi, seconded by Mr. Jones. The meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Christina Montanye