

March 22, 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. Hart 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: Ms. Chamberlain, Ms. Hart, Mr. Manning, Mr. Sirico, Mr. Stephen, Ms. Teng, Ms. Weidner.

ABSENT: Mr. Jones.

ALSO PRESENT: Mr. Nestor, Esq.

Next on the agenda was approval of the minutes for the January 25, 2017 meeting. Ms. Hart asked for any changes or modification. Hearing none, a motion was made by Ms. Teng, seconded by Mr. Manning. A roll call vote was taken. All present voted in favor.

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, minimum lot area, and minimum side yard set backs. 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. Mr. Mesuk state he would like to proceed as a brand new applicant with all the changes since the prior appearance. The primary change in the plans was that the floor area ratio was reduced by 12 1/2% because of their choice to be below the FAR and eliminate that variance needed, specifically due to the irregular trapezoid shape of the lot. The lot frontage is under size width of the 130 feet required and the plans are over by 6 1/2 feet on both side yard setbacks. The house has been rotated to parallel the right side property line. Mr. Nestor marked the plot plans as Z-1 dated 3/2/17, with 8 pages. Mr. Mesuk noted that some rooms have been removed all together and or shrunk in size. Kevin Burnett sent the plans to the Borough Engineer of Allendale, who informed the applicant that there were wetlands on the property. The applicants did their due diligence to confirm there were not wetlands currently within the property lines. Mr. Manning noted the impervious coverage had increased by 4% which Mr. Mesuk indicated they added a pool to the design to seek any potential changes they would like to make to the property in one hearing. Mr. Nestor noted that this lot was in the Double AA zone thus deficient in many ways. The structure on the property on the right side yard is currently deficient by one foot and now it will be deficient by 6 1/2 feet with the new plans submitted. The gross building area will be increased by 60% from the house that is currently on the property. Mr. Nestor pointed that the distance in the backyard was 73 feet where only 50 feet is required. Mr. Manning commented that the bulk of the home and could any further changes be made to the design or location. Mr. Mesuk noted it would only decrease the side yard by 2 1/2 feet if the house was shifted further back on the lot. Mr. Stephen noted that the plans were almost identical. Did the applicant consider designing a home within the codes. Mr. Mesuk responded because of the lot size and frontage, this house would become long and narrow and the plans presented tonight were more architecturally pleasing with a much better flow for their preference. Ms. Hart spoke on the style within the neighborhood and would any considerations by the applicant to become more in line with the subdivision. Mr. Mesuk was resolute to stick with his plans. Ms. Hart also commented on the the pool and further out buildings on the property would be restricted due to the maximum variances required for the plans presented. Mr. Nestor would be agreeable with the pool if the applicants agreed to all permits and codes. Mr. Nestor inquired if any consideration was given to reducing the garages to only 2 bays to reduce the bulk and bring in the sideline thus making it more presentable for the board? Mr. Mesuk noted that the 3 car garage was for 2 cars plus a 3<sup>rd</sup> bay for storage. Ms. Chamberlain noted that this is a substandard lot and the proposed house was overstepping the side yards along with not melding with the neighborhood. This application would set a precedent of larger homes being built thus a disproportional sizing within the block. Mr. Mesuk contested Ms. Chamberlain's concerns would be moot because they would be within the zoning requirements. Again Mr. Mesuk pointed out in the tax map of Allendale that 19% of the homes in the AA zone are deficient. Ms. Chamberlain informed Mr. Mesuk that his property is specifically located in a subdivision that had been granted special building approval. The houses are all smaller in scale along with a special approval. All the

homes are smaller in scale compared to what is being proposed be built. Mr. Mesuk referred back to the meeting notes from September with a comment that he could avoid coming back in front of the board if they met all the zoning requirements. Mr. Mesuk said he could avoid everything except for lot size and lot frontage which he can not change. Mr. Nestor then asked if the applicant had another version of plans other than what is presented tonight? Mr. Mesuk said he has not submitted to the board as of yet because they wanted to see if they could get the plans tonight approved. Then, Mr. Mesuk presented another set of plans that avoid the side yard setback that he would like to present to the board for consideration. At this time Mr. Mesuk had one set of plans for the entire board to review. It meets all other zoning requirements and the pool would need to be addressed to code.

The meeting was open for public comment on the testimony presented thus far. Mr. Nestor swore in Richard Rosa of 85 East Orchard Street, which is directly behind and one over from this lot. Mr. Rosa's first concern is the size of the house, and the disruption in neighborhood with this style of home. He hopes the board would attend to reducing the size. Flooding is a major concern for all the neighbors. Another concern is the run off of the water with a bigger home and the impervious coverage. Mr. Rosa has lived in his home for 37 years and flooding is a concern. Mr. Rosa did offer that there is a stream along the property line of the tear down. Ms. Tengi noted that seepage pits and runoff would be a condition to be approved by the town engineer with perc tests and proper drainage that will supersede all else. Mr. Nestor did assure Mr. Rosa that conditions will be in the final decision of the township engineer for water runoff to be addressed. Mr. Rosa does not want a 'McMansion' in his neighbor. Mr. Mesuk noted that the new plans of this evening will need to reduce more trees to accommodate the home. Ms. Tengi then closed the meeting to the public and brought it back to the board.

Ms. Tengi stated for the record, at this time Mr. Mesuk presented a new set of plans that were not formally reviewed by either the code official nor the town engineer and no confirmation of data. Mr. Nestor asked if the zoning officer has seen it and the new design would comply with the side yard setbacks. Mr. Mesuk would still need approval for the variance of lot size and lot frontage deficiency. Mr. Nestor informed the applicant that a denial letter is usually presented with the plans, however this has been a long process for the applicants and as a courtesy the board will consider at this time the new design.

Ms. Chamberlain inquired further seeking an explanation to the multiple plans and logic for this design. Ms. Hart shared concern for the overall bulk of the home, however Mr. Mesuk was firm in his plans and unwilling to modify further. Mr. Stephan questioned maxing every number allowed to build this home and the impervious coverage. Again Mr. Mesuk was firm in his design as presented. Ms. Weidner shared concern for the design that other board members expressed, specifically the bulk of the home. Mr. Sirico spoke for the concern for the neighbors and proper filing for an application. This was very unorthodox proceedings and that he recommended to not make a motion to approve the plans as presented without proper approvals. Ms. Zampardi pleaded with the board for leniency due to the hardships faced in the process of investigating a wetlands that was not proven, time and money expenses due to the delays they have faced. Mr. Nestor expressed sympathy for the plight of the applicants and encouraged further review of the plans presented. Ms. Tengi noted the code official need to have something in writing. Ms. Chamberlain spoke to the board and advising against a vote tonight on plans that were not properly and officially vetted by the town. Mr. Manning asked if a motion needs to be made or if the majority of the board approves anything to begin working on exactly what has to be revised which Mr. Nestor confirmed there are not have any issues. Ms. Hart requested the pool to be moved in compliance with the code. Ms. Tengi would also require seepage and drainage restrictions, that the township engineer would have the rule over any approvals by the board or their own engineer. Ms. Hart requested the pavers would have to be addressed with a delineation of the walkway and reduction overall. The pavers would end at the last garage bay.

Mr. Nestor accepted the new set of plans which the applicant has agreed to revoke and now accepting plans marked z-1 dated 9/17/16 and dated 3/2/17. Mr. Nestor reviewed the discussion; the pool would be in compliance, the township engineer would have the final requirements on the drainage and seepage pits. The pavers would end at to the side entrance door of the driveway. The driveway would be reduced by 2 feet along

the property line to allow for a buffer of trees and other vegetation will be required as a buffer on the left side of the house. Ms. Zampardi requested that trees should allow for the exit of the garage. The driveway will have to align with the side yards with an allowance of along each property line. Mr. Manning is concerned about the impact of the home and vegetation on the left side of the home from the front house to the first cut in rear of the house. Mr. Mesuk agreed to create a 5 feet space off the property line and the driveway to manage the runoff. Mr. Nestor noted the pavers will be 7 feet from the back cut of the house and end there and run 5 feet away from the property line. Mr. Nestor asked if anyone else on the board had a comment. Mr. Nestor presented that plans are then changes are requested with changes.

Ms. Chamberlain could not recall when the Zoning Board has been presented with one set of plans and then presented an entirely new set of plans. Nothing has been done like this before. Ms. Chamberlain will not go on the record agreeing to moving forward like this. Ms. Tengi offered to the board the alternative new plan complies with the zoning code with the exception of pre existing non-conformities. Ms. Tengi was sure if the board has the right to decline this, but they do have the right to pass it make changes on behalf of the community. Ms. Chamberlain rebutted that it is the burden of the applicant to to present plans approved for review and doesn't give the right to the zoning board to capriciously do to whatever they want. Ms. Tengi asked how many members would like to see new plans, which 4 out of 7 members would. Mr. Stephen attempted to explain how the board operates to the applicant, that the board meeting was called for the first set of plans and now they are here for another reason. This was not on the agenda to review new plans. Mr. Sirico advocated on behalf of all the neighbors having their rights to view approved plans. Ms. Zampardi argued that she is willing to work on the plans that have been agreed upon tonight. Mr. Nestor reviewed for Mr. Mesuk how approvals and standard operating procedures of the Zoning Board. Mr. Nestor informed the applicants that this board has made an exception to review plans that have not been approved. Mr. Nestor again advised the board they can accept the new plans presented tonight and vote on the second plan presented trusting they are compliant. Ms. Tengi announced the application will be carried to next month and be the 1<sup>st</sup> item on the agenda.

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

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

Respectfully Submitted,

Christina Montanye