

April 30, 2008

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on April 30, 2008. The meeting was called to order at 8:09 p.m. by Ms. Tengi, Chair. Ms. Tengi announced that the requirements of the Open Public Meetings Act were met by the required postings and notice to publications.

On roll call Ms. Tengi, Ms. Hart, Mr. Jones, Mr. Manning, Ms. Chamberlain, and Ms. Weidner were present. Mr. Redling was absent. Mr. Nestor was also present.

### **AGENDA ITEMS**

Ms. Tengi asked the Board if they had any corrections to the minutes from the March 26, 2008, meeting. No changes were presented. Mr. Jones made a motion to accept the minutes as submitted; Mr. Manning seconded. All voted in favor.

#### **Resolution of Memorialization - Michael Karvellas**

Mr. Jones made a motion to approve the resolution as submitted; seconded by Mr. Manning. All voted in favor on roll call; Ms. Chamberlain did not vote.

#### **Robinson & Heiliger – Resolution of Memorialization – Appeal & Interpretation – Northern Highlands Turf Field Project**

Mr. Jones questioned counsel about the email letter from Mr. Bole. Mr. Nestor stated that on April 28, he received a letter from David Bole, Attorney for the Borough of Allendale, setting forth reasons why the matter should not be granted. Mr. Nestor further stated that Mr. Bole's letter was received after the Board met in March and had decided that they would dismiss it without prejudice. Thereafter, Mr. Nestor received a letter from the attorney for the applicant withdrawing the matter. Mr. Nestor clarified that the Resolution is a resolution of the March meeting, when the matter was dismissed without prejudice.

Mr. Jones made a motion to approve; Ms. Tengi seconded. On roll call, all voted in favor; Ms. Chamberlain did not vote.

#### **Thomas Calianese Variance Application – 68 Canaan Place, Block 1403, Lot 24**

Mary Scro, architect was present for the applicant; and Lisa Calianese of 68 Canaan Place, Allendale, was present. Both were sworn. Ms. Scro testified that she is licensed in New York, New Jersey, and Pennsylvania. She holds a Bachelor of Architecture from Virginia Tech and is a member of AIA.

Ms. Scro explained the proposal is an addition to an existing two-story home. On the first floor, the plan is to expand the kitchen, add a family room, a single-car garage, a mudroom, and a craft room. The proposed plan on the second floor includes a bonus room, a new master suite and a new rear staircase. To minimize the footprint, they moved the craft room to the side, adjacent to the kitchen so that the Calianese children can occupy the room while Mrs. Calianese is in the kitchen. The architect stated she calculated the required side yard set back; according to Mr. Wittekind, it was calculated to be 30.99 feet. The proposed craft room is 25.6 feet. Therefore, the square footage over the 30.99 feet is 54 square feet or a decreased side yard by 5.44 feet.

Ms. Calianese gave the Board photographs of the house and property. For the record, Mr. Nestor marked them as A1, the enlarged tax map showing Lot 24, Block 1403; A2 are two photographs marked "1" and "2;" A3 is "3;" A4 is "4" and "5;" and A5 is "6" and "7;" and A6 is "8."

Ms. Tengi asked the applicant if they could build out back. Ms. Scro responded that it would be feasible; however, she felt they would be creating more impervious square footage and that the benefits of building less was more beneficial to both the client and to the town to have more impervious coverage.

Ms. Tengi asked what the existing hardship is. Ms. Scro responded the placement of the house on the lot and the limited location where they can expand.

Mr. Jones asked what other options the architect looked at in order to not encroach on the side yard. Ms. Scro responded that the desire was to have the craft room/homework room adjacent to the kitchen.

Ms. Tengi stated she does not see a hardship issue neither with the topography nor other reasons. She further stated she sees other alternatives without encroaching and making a current conforming structure a non-conforming structure. Ms. Calianese responded that if the craft room were placed off the family room, she believes it would be aesthetically unappealing.

Ms. Tengi opened discussion for comments and questions from the public.

Mr. Scott Rosner, 76 Canaan Place, was sworn. He was approached by the family, reviewed the plans and has no objection to the granting of the variance. Ms. Helen Nystrom, 60 Canaan Place, was sworn. She feels the addition will enhance the property. They are not concerned about the addition and it will not encroach on the neighbors. Ms. Nystrom testified that the Calianeses have maintained and beautified their property since the Calianeses moved in and she vouched for their outstanding neighborliness.

Ms. Weidner stated she thought the plans were wonderful. But she has a problem with the craft room looking like it was added on as an afterthought. Ms. Weidner suggested they make the craft room larger. Ms. Scro said the applicant considered that but thought the Board would be more amenable to a smaller craft room.

Mr. Nestor asked about the hardship question. Ms. Scro responded that the hardship is the placement of the house on the lot, which limits them to where they can expand. They feel the benefit of the applicant building less outweighs the detriment of having the side yard set back.

Ms. Chamberlain reminded the applicant that the Board has to abide by the law, and the Board has to find serious hardship to justify doing the craft room on the side yard. She thinks the addition could be reconfigured more to the rear of the house. Ms. Calianese responded that they moved to that particular house for the back yard, and she does not want to encroach on the back yard. Ms. Calianese pointed out that they are asking for 54 square feet, which is only 3 percent of the total square footage of the addition. Ms. Chamberlain asked about the dimensions of the craft room. Ms. Scro responded that the depth from the street to the back yard is 10 feet, and it comes out 9 feet from the side of the house.

Ms. Weidner asked if the laundry room could be placed on another floor. Ms. Scro responded that there is no room on any other floor.

Mr. Jones remarked that the total proposed square footage increase is 1,183 which include the garage. Mr. Jones reminded the applicant they are bound by the ordinances as they exist today, and also reminded the applicant that although their present neighbors are in support of their addition, future neighbors might not be.

Mr. Jones stated that he does not find hardship. He challenged the applicant to look at other options and redesign the addition and come back next month with other alternatives.

#### Closed Session: Discussion of Litigation – Elfers vs. Bd. Of Adjustment

Mr. Nestor said the Board would discuss the litigation of Elfers vs. Bd. of Adjustment. Mr. Jones made a motion to go to closed session; Ms. Tengii seconded. On voice vote, all voted in favor.

After meeting in closed session, Mr. Nestor stated for the record that the Board was back in session. The Board was presented with a letter dated April 29, 2008, from the law office of Mr. Del Vecchio of Beattie Padovanno with architectural plans and site plans enclosed. However, Mr. Nestor stated, that these plans were not what the Board needed. The attorney stated in his letter that those plans depict the elevation and floor plan which would accomplish this settlement. Mr. Nestor said that the plans are actually the plans that the Board had previously seen. It is the conclusion of the Board that they cannot proceed any further unless they have the new plans in their possession. The chairwoman will call Mr. Landel to request those plans and review them at the next meeting.

Ms. Tengii made a motion to adjourn; Ms. Chamberlain seconded. All voted in favor on voice vote. Meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Lisa Caccavale-Soto