

June 25, 2008

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on June 25, 2008. The meeting was called to order at 8:10 p.m. by Ms. Teng, Chair. Ms. Teng announced that the requirements of the Open Public Meetings Act were met by the required postings and notice to publications.

On roll call Ms. Teng, Ms. Hart, Mr. Manning, Mr. Redling, Mr. Jones, and Ms. Weidner were present. Ms. Chamberlain was absent. Representing the Board in place of Mr. Nestor was Paul McAdam, Esq.

AGENDA ITEMS

Ms. Teng asked the Board if they had any corrections to the minutes from the May 28, 2008, meeting. Mr. Jones gave the recording secretary his changes. With those changes, Mr. Jones made a motion to approve Mr. Manning seconded. All voted in favor.

Resolution of Memorialization – Peter and Jane Elfers

Mr. Redling made a motion to approve; Ms. Teng seconded the motion. On roll call, Ms. Teng, Ms. Hart, Mr. Redling, and Ms. Weidner approved; Mr. Jones opposed; and Mr. Manning abstained.

Resolution of Memorialization – Thomas Calianese

Ms. Teng made a motion to approve; it was seconded by Mr. Jones. On roll call, Ms. Teng, Ms. Hart, and Mr. Jones approved; Mr. Manning and Mr. Redling abstained; and Ms. Weidner opposed.

Resolution of Memorialization – Richard Gatto

Mr. Jones made a motion to approve; Mr. Redling seconded. On roll call, all present approved except for an abstention by Mr. Manning.

Kent Fortune Variance Application (carried from May)

Mr. Kent Fortune was sworn. Mr. Fortune submitted a larger and more detailed site plan, as requested by the Board, than previously submitted. It was marked as Exhibit “Fortune 1.” Mr. Fortune was rejected on rear property set back, which was 50 feet. He received approval to do the addition. He presented the proposed extension and decking on the plan. It is a one-story addition and a single story deck to the west side. It will be 22 feet off the rear property line. There is a river in the back of his yard. There are no buildings within 100 yards from the rear of his property. He is asking for permission to build the addition.

The photographs that Mr. Fortune submitted to the Board were marked as Fortune 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I.

His lot is 22,000 square feet.

Mr. Redling asked Mr. Fortune to describe the hardship. Mr. Fortune replied they are looking to expand his kitchen and eating area. Mr. Redling explained that a personal situation is not a hardship. Mr. Fortune stated that the house is in the rear of the property and that is the hardship. The front yard setback is 150 feet.

Mr. Redling asked about the back of his property. Mr. Fortune replied that the back of his property leads to a stream. On the other side of the stream is the Martin property and the other side of that is Crescent Avenue.

Mr. Manning asked about the 15-foot relief that Mr. Fortune is requesting. Ms. Tengi mentioned that there is a 25-foot sewer easement, which he is not encroaching upon. He is, therefore, prohibited from building to the left.

Ms. Tengi asked about the type of the property in the rear. Mr. Fortune replied that it is heavily wooded; and to the left is a small shed belonging to his neighbor. To the west and rear of the property is the river and more vegetation and more trees. It is very secluded, he stated.

Ms. Tengi opened to the public for comments or questions. There were none.

Ms. Tengi said the property is irregularly shaped, and the house is set on the rear of the property and there are a lot of topography issues that make it a unique situation.

Mr. Jones stated that Mr. Fortune's was a pre-existing, non-conforming property. Mr. Jones said he finds the applicant has met his burden of proof, specifically the easement to the west and the stream to the rear and the applicant's house being set back to the rear of the property. For the record, if the applicant needs EPA approval or a flood plan, the flood plan should be submitted. Also, the town engineer should review the plan as well. Mr. Jones made a motion to approve based on those facts; Ms. Tengi seconded the motion. On roll call, all present voted in favor.

Robert Lichtenstein Variance Application – 12 Beresford Road, Block 1502, Lot 3

Christopher J. Greimel, Engineer/Architect/Planner of 157 Park Avenue, Allendale, New Jersey was present for the applicant. Mr. Robert Lichtenstein of 12 Beresford Road was also present. They were both sworn.

Mr. Greimel stated that the applicant currently has a detached two-car garage and is seeking to build a three-car garage. The existing garage creates a non-conformity with the dwelling as far as side yard set back. A three-car garage will eliminate that variance.

Ms. Hart referred to John Wittekind's letter. Mr. Greimel said they were initially going to add a bay to the existing two-car garage, but they decided to build a three-car garage. Mr. Greimel submitted photographs showing significant vegetation, which creates a significant buffer, between the applicant's neighbor to the west and the applicant.

Mr. Greimel stated that the proposed garage will be fully conforming as far as set back from the side, the rear, the front, and from the house itself, and height. The only remaining non-conformity relates to the impervious coverage. The amount of impervious coverage is associated with the area of the tennis court, which is pre-existing to the impervious coverage zoning requirements.

Ms. Hart questioned the increase of impervious coverage. Mr. Greimel responded that the increase will be put in seepage pits. When done, there will be less run off. There will be slot drains in the driveway installed during the construction.

Mr. Manning asked about the hardship. Mr. Greimel responded that the hardship is the fact that the existing coverage associated with the tennis court is pre-existing. Mr. Greimel further stated that they will add 1,000 feet, and they will take care of the 1,000 feet by adding seepage pits to eliminate that run-off.

Mr. Jones discussed that they presently have a non-conforming side yard, and with this addition, they will eliminate that non-conformity. Mr. Greimel said, yes; the non-conformity relates to the existing attached garage. Since they are demolishing the attached garage and building a detached garage, they are increasing the distance.

Mr. Greimel submitted photographs to the Board, taken on May 1, 2008; and they were marked as L A through H.

The neighbor's house to the east is situated perpendicular to the lot line, set way back, and there is a garage in the back. It is a flag-shaped lot. Ms. Hart referred to the tax map. Mr. Greimel said the tax map is incorrect, and he sent an email to the borough engineer pointing that out.

Ms. Tengi opened to the public for comment. There was none.

Ms. Hart asked about the driveway material. Mr. Griemel said paving stones would be used.

Mr. Lichtenstein stated that the garage is just for cars and assorted "stuff" one accumulates over the years. Mr. Manning asked about the second floor of the garage. Mr. Griemel said it will be a storage area and access would be from inside the garage. There will be lights and a few outlets. The height will be 8 feet at its highest point. There will be a door in the rear of the garage.

Mr. Jones made a motion. He stated that although he is concerned with the water system and water restrictions, he thinks the applicant has shown that a deviation from the current

ordinance concerning the coverage, the benefits would outweigh any detriment. The impervious coverage is an issue, and the borough engineer should address and be aware of that issue. The unique situation with the unbuildable property to the rear and the benefits of improving the water flow off of the property and the absorption would be a benefit as well. For those reasons, Mr. Jones made a motion to approve. Mr. Manning seconded that motion. Ms. Tenghi asked that no plumbing be installed in the garage and no living space shall be constructed in the proposed garage. On roll call, Ms. Tenghi, Ms. Hart, Mr. Jones, Mr. Manning, and Ms. Weidner voted in favor; Mr. Redling opposed.

Scott and Donna Kahn Variance Application – 8 Harreton Road, Block 509, Lot 10

Mr. and Mrs. Kahn of 8 Harreton Road, Allendale, New Jersey, were sworn. Seth Chapler, builder, was also sworn.

Mr. Chapler said the Kahns are asking for variances, all of which are pre-existing conditions. The scope of the addition is modest: 170 square feet. The project is more aesthetic than anything else.

Mr. Kahn stated their goal is to make the house look better and make a more usable space. They are asking for a variance because their property is non-conforming. They are not altering the property as it exists. The violation they currently have is the rear set back and the side set back.

There is a carport currently with a corrugated plastic top; they want to remove that. Mr. Manning asked why they don't put a garage. Mr. Chapler said that although they could build a 22-foot wide garage, that was on the small side.

The proposed finished height will be 16 feet from the new garage roof and new carport roof. It is currently approximately 12 feet. Mr. Manning asked about the shed in the rear of the property. Mr. Kahn said it was pre-existing.

Ms. Tenghi opened to the public for comments. There were none.

The Board asked what the hardship was. They responded it is a non-conforming property to begin with.

Ms. Kahn stated that she had back surgery and, therefore, needs more room to open her car door and to get out of the car. That is why they are not considering adding a two-car garage.

Mr. Jones made a motion. The pre-existing, non conforming lot and pre-existing, non-conforming structure on the property, the applicant is trying to update a pre-existing, non-conforming structure to make it more in line and more aesthetically pleasing. Mr. Jones said that a deviation in the zoning ordinance outweighs any detriment, and he believes the applicant has met his burden of proof. Ms. Hart seconded the motion. On roll call, all present voted in favor.

John and Grace Hottinger Variance Application – 5 Stony Ridge Road, Block 1102, Lot 15.02

Mr. and Mrs. Hottinger of 5 Stony Ridge Road, Allendale, New Jersey, were sworn. Mr. William Martin, Architect/Planner, of 25 Boulevard, Westwood, New Jersey, was sworn.

Mr. Martin stated his credentials and stated he has appeared before Boards in New Jersey. He was accepted.

Mr. Hottinger stated that their house does not sit squarely on the property. They are adding a kitchen in the rear of the house. This will encroach on the property line approximately four feet. Mr. Martin presented photographs. The photographs, taken on January 5, 2008, were entered as Exhibit A1. The project is a one-story addition to the rear of the home. Mr. Martin also submitted a survey, a site plan, a zoning compliance table, and the zoning officer's denial letter.

Mr. Martin also submitted the basement floor, first, and second floor plan. The addition is one story to the rear of the property. It will add space for a larger dining room, a larger family room, a new kitchen and breakfast area. The topography of the land is that it slopes off to the rear. They are proposing colonial details in the front, new siding and trim. The addition is entirely behind the house and is designed to blend in a harmonious way.

The project conforms to all zoning requirements with one exception. The property lines are not parallel. The project encroaches slightly on the southwestern side. The benefits of the application substantially outweigh any detriments.

Mr. Redling asked if they moved the addition to the left, what detriment would that cause. Mr. Martin responded that the practical difficulty breaks up the family room internally.

Mr. Martin also noted that he pulled the deck in so that it would not encroach.

Ms. Tengi opened to the public for comments. There were none.

Ms. Tengi mentioned that there is a buffer between the Hillside Elementary School and the applicant's property. Ms. Hart stated that the existing house is non-conforming.

Mr. Manning made a motion to approve the variance, noting that they are looking for 4 ½ feet of relief, which is minimal. Ms. Tengi seconded the motion. On roll call, all present voted in favor.

It was noted that the next meeting is scheduled for July 23, 2008.

Ms. Tengi made a motion to adjourn the meeting at 9:24 p.m.; Mr. Jones seconded. On voice vote, all voted in favor.

Respectfully submitted,

Lisa Caccavale-Soto