

May 28, 2008

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on May 28, 2008. The meeting was called to order at 8:07 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, Ms. Chamberlain, Mr. Redling, Mr. Jones, and Ms. Weidner were present. Mr. Manning was absent. Mr. Nestor was also present.

AGENDA ITEMS

Ms. Teng asked the Board if they had any corrections to the minutes from the April 30, 2008, meeting. There were none. Ms. Chamberlain made a motion to approve; Ms. Hart seconded. All voted in favor.

Peter & Jane Elfers, 130 Schuyler Road, Block 1401, Lot 1 – Consent Order & Remand

Antimo DelVecchio, Esq. of Beattie Padovano, 50 Chestnut Ridge Road, Montvale, New Jersey, was present on behalf of the applicant. The Elfers had applied to install a garage located at the end of the existing driveway resulting in side yard set back of 44 feet; 40 feet is required. The application was denied. Appeal of that denial was filed and is pending. In attempt to reach a resolution, applicant has gone back with his architect to look at other alternatives.

The plans before the Board are engineering drawings prepared by McGowan Engineering of May 7, 2008. The new garage proposed will exist within the existing footprint. A new garage door will be created in the existing den, all within the existing footprint. A floor plan change to the second floor is being proposed.

Two variances are being requested: side yard set back of 9.7 feet; and permission to alter non-conforming existing structure.

Mr. Elfers was also present.

Ms. Teng asked why the Elfers can't do an addition to the other side of their property. Mr. DelVecchio responded that there is an existing stream on the west side of the property. There is a no build zone to the western edge of the home.

Mr. Nestor asked the dimensions proposed. Mr. DelVecchio responded the total is 30.3 feet, existing and proposed condition. There is a 16 foot increase in the proposed side yard set back.

On May 12, 2008, a consent order was entered into in Superior Court

In response to a question by Ms. Hart, Mr. DelVecchio responded that the FAR is at 17.6 with the second floor, and 19 is the limit.

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

Ms. Chamberlain asked if the application was re-advertised. Mr. Nestor responded that it was. It was marked as Exhibit A1. The engineering drawing was marked as Exhibit A2. The architectural drawing was marked as Exhibit A3..

Is the applicant claiming a C-1 hardship, asked Mr. Jones? Mr. DelVecchio said that he was.

Ms. Tengi stated that, for the record, Mr. Jones arrived and was present for the meeting.

Ms. Tengi complimented Mr. Elfers for working with his professionals to find a solution. Mrs. Hart moved, seconded by Mrs. Tengi, to approve the application as submitted. On roll call, Ms. Tengi, Ms. Chamberlain, Ms. Hart, Mr. Redling, and Ms. Weidner voted in favor; Mr. Jones opposed.

Kent Fortune Variance Application – 258 Park Avenue, Block 2206, Lot 3

Mr. Fortune was present. Ms. Chamberlain asked Mr. Fortune about his submission. She said the footprint looks like it is different from what he is proposing to build. The Board gave Mr. Fortune a sample of another application to show Mr. Fortune what was missing from his submission. The applicant will return next month.

Continuation of Thomas Calianese Variance Application

Mr. Redling recused himself.

Mr. Thomas Calianese of 60 Canaan Place was present and was sworn. Mr. Calianese stated that since last month, they have been trying to work with the architect to come up with an alternative floor plan. Mr. Calianese said that the Board thought the addition was “an added afterthought.” He showed the Board other properties within their neighborhood with similar side structures. Mr. Calianese presented the Board with a drawing that he feels is in keeping with the neighborhood and other additions within the neighborhood. Mr. Calianese reminded the Board that the neighbor who would be affected spoke in his behalf last month.

For the record, the tax assessment map compilation was marked as “Exhibit A7,” stated Mr. Nestor. The highlighted areas are homes with similar side room additions. Mr. Calianese showed the Board photographs he took of similar additions.

Mr. Jones said the side yard set back requirement is 31. He is proposing almost 26 feet.

Mr. Calianese said that in order to have the addition fit into the look of the neighborhood, he felt that was a benefit. Mr. Caliense said they could change the roof line and go up without needing a variance. He said they are looking at not adding bulk, but what their needs are. The detriment is an encroachment on the left side, but in his opinion, not significant. And, Mr. Calianese added, the room they are proposing to add is not the full length of the house and it is not two stories.

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

There was a lengthy discussion regarding a C1 variance vs. a C2 variance.

Mr. Jones asked Mr. Calianese what would prevent him from putting that room to the rear of the house, reconfiguring and realigning the addition. Mr. Calianese responded that they had looked at those alternatives, but they affect flow and practicality of the craft room.

Mr. Calianese said he did not think it was a significant deviation from the variance, and he respectfully requests the Board to look upon the application favorably.

Ms. Tengi made a motion to deny the application based on the fact that they are increasing the square footage of the house, and adding to the side yard set back requirement; Ms. Chamberlain seconded the motion. On roll call, Ms. Tengi, Ms. Chamberlain, Ms. Hart, and Mr. Jones voted in favor; Ms. Weidner opposed. Mr. Redling recused himself.

Richard Gatto Variance Application – 128 W. Maple Ave., Block 1003, Lot 9

Richard and Patricia Gatto were sworn. Patricia and Richard Gatto of 128 W. Maple Avenue of Allendale, New Jersey.

Mr. Gatto stated he appeared before the Board because he was denied building a new addition because of a pre-existing side yard set back. They are applying for a hardship variance. Mr. Wittekind submitted a letter to the Board.

Mr. Gatto presented photographs of the existing house.

They plan to add more bedroom space as well as adding a family on the first floor off the rear of the house. The applicant stated that their hardship is because elderly parents have moved in with them.

Ms. Tengi reminded Mr. Gatto that hardship is not related to personal matters but to site reasons.

Mr. Jones asked about the use of the attic. Mr. Gatto responded that it is storage area. Ms. Weidner asked if there were stairs to the attic. Mr. Gatto responded that there were stairs.

Ms. Jones asked about the Floor Area Ratio. The applicant has proposed 20 percent and the allowable is 24 percent.

Ms. Tengi opened to the public for comments. There were no comments.

Mr. Jones made a motion, based on the unique location of the house on the property, to approve. Mr. Jones stated that the applicant has met his requirements. The other factor is that the property is adjacent to a large tract of land, one of which is Crestwood Lake, which is not a buildable area. And next to that is the Board of Education property, which is the high school. Both of those do not have a development that would affect the applicant. The attic is not to be used for living space. The measurement should not exceed 35 feet from the lowest grade. With those stipulations, he made a motion to approve. Ms. Tengi seconded the motion. Mr. Jones stated that the area to the left is Crestwood Property. On roll call, all voted in favor.

Ms. Tengi made a motion to adjourn. All voted in favor on voice vote. Meeting was adjourned at 9:36 p.m.

Respectfully submitted,

Lisa Caccavale-Soto