

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on March 26, 2008. The meeting was called to order at 8:12 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. Jones, Mr. Manning, Mr. Redling, and Ms. Weidner were present. Ms. Chamberlain was absent. Mr. Nestor was also present.

### **AGENDA ITEMS**

Ms. Teng asked the Board if they had any corrections to the minutes of February 27. Ms. Hart provided the Recording Secretary with her changes. Ms. Hart made a motion to approve the modified minutes; Ms. Teng seconded. On roll call, all approved except for abstentions by Mr. Jones and Mr. Redling.

Appointment of Board Attorney: At the February Board meeting, a motion had been made to approve Mike Nestor as attorney. He had been a Board member for nine years. On voice vote, all voted in favor of nominating Mr. Nestor as Board Attorney. Ms. Teng welcomed Mr. Nestor to the Board officially. Ms. Teng also said that she had received a contract from Mr. Nestor for representation which she has executed and she will send to the Mayor and Finance Officer's approval.

For the record, the Board went into closed session for an executive session to discuss *Elfers vs. Allendale Zoning Board*. Mr. Jones voted to move to closed session; seconded by Mr. Redling. All voted in favor

#### **Michael Karvellas Variance Application**

Mr. Jones stated that he did not have an affidavit to sign but for the record, he listened to the tape. Ms. Teng will request Barbara to get him an application for signature. Mr. Redling stated he would not vote on this application because he did not have an opportunity to listen to the tape.

Bruce Whitaker, Esq. was present representing Michael Karvellas. Mr. Whitaker stated that a land use application was before the Board in which the applicant is requesting certain variances as it pertains to construction of an addition to a single family home in the A Zone. Testimony had been two-fold: first, an overview was discussed by Mr. Doolittle who is a licensed surveyor, engineer and planner. Secondly, there were some technical questions about the architectural plans and the engineering and survey plans and numbers, and he will clarify those tonight.

Mr. Whitaker explained that the request being made, four variances being requested. Three of them are for non conforming situations that exist now. Namely there is a substandard lot width, a substandard lot area, and there is a non-conforming structure. They are not expanding the width or the area, and they do have a non-conforming structure. The fourth variance concerns the side yard set back. The side yard set back right now is non-conforming. The side yard set back they have is based on the fact that

they have a narrow lot to start with, that they have a building skewed on the lot, and that it is a non-conforming situation now. The applicant is actually reducing that and creating a larger side yard set back than there is now.

Mr. Doolittle, engineer, testified and was still sworn from last month. The revision date is March 13, 2008. The plans are entered as Exhibit A5; plan is called Building Addition Plan. These plans are in conformity with the architectural plans.

Mr. Doolittle said there were 11 minor changes with the architect's plans. The gross building area went from 3195 to 4118 square feet. The side yard set back requirements went from 19.17 to 24.71. The front yard dimension to the porch went from 43.82 to 43.68. The building height went from 34.50 to 34.73. The side yard to the west went from 30.57 to 31.57. The rear yard dimension to the building went from 80.24 to 82.68. The patio rear dimension went from 67.24 to 68.44. The side yard to the east went from 17.83 to 17.73. The impervious coverage went from 27.80 to 27.44. The floor area ratio went from 23.0 to 23.13. The buildable area within the building envelope went from 61.66 to 50.58.

Mr. Whitaker said the side yard set back they are seeking a variance for is currently non-conforming. The closest distance is 12.5 feet. The requirement by code is 24.71. By virtue of what the applicant is proposing, the closest side yard set back is 14.41 feet. The applicant submitted the setback to the house to that side is 52 feet from home to home and is going to 57 feet. It was stated that the entryway and mudroom area are being removed.

Questions were open to the Board. Ms. Hart asked about how the soil was going to be pitched up to the side of the house. Ms. Hart stated she is concerned about the affect to the neighbors. The engineer said they will not remove any trees and they will build up the foundation so not a lot of basement will be seen.

Ms. Tengi opened discussion to the public as to any questions or comments concerning this witness testimony. There were no comments; therefore, Ms. Tengi closed it to the public and brought it back to the board.

Second witness was called. Mr. Michael Callori, 344 Broad Avenue, Leonia, New Jersey, was sworn in.

Mr. Callori is a graduate of Pratt Institute and holds an architecture degree from Harvard Graduate School of Design. He practiced in New Jersey for over 40 years primarily in residential architecture. Mr. Callori is familiar with residential homes in towns such as Allendale and surrounding towns.

Mr. Callori prepared a set of plans that were submitted with the application. Exhibit A6 are the revised set of plans. Mr. Callori referred to Drawing A200, the new foundation and basement plan being proposed. Mr. Callori also referred to Drawing A201, the first floor plan. The plan consists of what is now a mudroom and replacing that with an open

stairway to a new mudroom, which is the kitchen of the former house. They plan to build out a new kitchen to the rear of the house and add a new family on the first floor. They plan to build a new porch at the front of the house and a new deck at the rear of the house. The proposed plan on the second floor will accommodate four bedrooms. Minor modifications to the plan include taking one foot off depth of house and 6" off rear portion of the house.

Drawing A300 indicates proposed front elevation of the house. They tried to echo the roof form that is presently there. They propose a portico which is designed to be in balance with the addition. The house will be sheathed with cedar siding and some column molding details.

Drawing A301 is a rear elevation indicating roof forms; a copper roof will be over one of the bay windows and a deck across the entire rear portion of the house. They propose to lower the roof line slightly but keep the same architectural detail.

Ms. Tengi asked how the back of the house does not have three floors. Mr. Callori said when houses are designed there are international codes to be followed. He stated and read the definition of a basement above grade plane. Mr. Jones asked what he was referencing. Mr. Callori said it was the 2006 version of the International Code, the New Jersey version of Department of Community Affairs.

Mr. Jones asked about Allendale's ordinance regarding a third story. Mr. Jones said looking at the drawing, he sees three stories. Mr. Callori said under that document, the code defines what a story is, and according to that, it is not a story. Mr. Whitaker said the board has to adhere to the code requirements and that when they submit the plan to the Board, Mr. Whitaker has reviewed this and he has not flagged this as not being correct. Mr. Whitaker has already reviewed these plans.

Mr. Nestor asked about the height dimensions in the attic. Mr. Callori stated they varied because roof form changes, but at the highest point, it is 7 ½ feet and slopes down sharply.

Mr. Manning asked why the roof line height is designed for what in essence is storage space. Mr. Manning stated that this is a large structure for what is on the block now. Mr. Callori said that aesthetics and design are factors. Ms. Hart asked for an estimate of what the elevation is from the front of the house. Mr. Callori said it is 29 feet. Ms. Hart referred to the photographs presented at last month's hearing. Mr. Callori said that the new roof on Drawing A300, the existing chimney can be seen, which is just below the existing ridge. The top of the ridge from the grade in the front is 29 feet.

Ms. Tengi asked about the other homes on the street compared with their proposal. Mr. Callori said they tried to create the effect of a smaller house. And with the addition of trees on the site, this house will fit in.

Mr. Whitaker said other lots on the block have to be looked at as far as what can be done. Mr. Manning said he is speculating on what will be created in the future. Mr. Whitaker said the Board is trying to mix the mass of the house with the side yard set-back issue. Mr. Manning asked again if they feel this home will be an enhancement to the surrounding houses. Mr. Callori said he does not design McMansions and that he is always sensitive to neighborhoods and environments. Mr. Callori agreed the adjacent houses are smaller, but for his applicant's proposal, he created different roof lines and the roof scales back so that the house is appropriate to the setting. It is Mr. Callori's opinion the house would fit in with the character of the street.

Mr. Whitaker said the side yard set-back is the variance before the board and not on Floor Area Ratio. He said if the proposed house exceeded the FAR requirements, then the Board could question that.

Mr. Nestor said the applicant is moving for variances under C1 or C2, and he has to show a hardship and has to show that the benefits would outweigh any detriments.

Mr. Jones stated that his concern is that they are creating a need for a larger side yard with the addition. Mr. Jones asked if there was a way to reduce the peak there. Mr. Callori stated they could cut back the roof, and it could pitch back.

Ms. Hart asked about the total Floor Area Ratio. Mr. Callori responded that the first floor is 1,938; the second floor is 1,630; the total is 3,568.

Ms. Tengi opened questions to the public.

James Carroll, owner of the house on the left, was sworn in last month. Mr. Carroll asked Mr. Callori how he would describe the proposed house. Mr. Callori responded that he would describe it as a traditional country house and that the porch and roof angles are typical of farm houses elsewhere built in Bergen County.

Ms. Tengi asked if there were any additional questions from the public; there were none. Ms. Tengi closed comment to the public and brought it back to the Board.

Mr. Jones asked about the driveway. Mr. Doolittle said that the existing driveway will remain; it will be refinished, and there will be landscaping. Mr. Jones asked what types of greenery there is. Mr. Doolittle said there is 20 feet in width or more of different types and species of vegetation. There are some evergreen trees there now. Mr. Manning asked what the narrowest point between the driveway and the property line. Mr. Doolittle testified that it is approximately one foot.

Mr. Jones asked if they would consider switching the entranceway to the back of the mudroom area and flip-flopping the bay window. Mr. Callori said that functionally it would work.

Mr. Whitaker said they would provide three stipulations: (1) On the left side of the property, the sweep that was proposed as it pertains to the roof would be modified. They would take a 6-foot area off. (2) There would be a reversal of the bay window and the door. (3) In the 3-foot area to the side of the driveway to the property line, they would plant arborvitae, six feet tall.

Mr. Nestor asked for one other stipulation regarding the photographs that were presented as A3, that there are seven photographs of the home.

Ms. Tengi opened for public comment. Mr. Carroll asked how wide the driveway will be. The engineer stated it will be 12-feet wide.

Mr. Whitaker gave a summation. Zoning code would constitute undue hardship, moving under C1. They are asking for a variance that did not exist at the present time. They are reducing what is there now. Improvements are being made to the property. There is an undue hardship based on the lot width and depth. With stipulations submitted, he respectfully requests that the application be approved.

Ms. Tengi opened for public comment. Mr. Carroll questioned the floor area ratio. Mr. Nestor said according the land use law, the floor area ratio is a mathematical formula which governs if a house can be built on a certain lot of a certain size. This applicant is not in violation of that. Ms. Tengi closed comment to public and brought it back to the Board.

Mr. Jones made a motion that, based on information the applicant has provided, they met the burden of proof in the C1 request for variance. There is a narrowness of the property; the lot is undersized. The applicant has shown a hardship and the stipulations as set forth, the applicant is willing to minimize the impact to the eastern property line. Mr. Jones states that a deviation from the zoning ordinance requirements would benefit the master plan and with the three stipulations offered, he moves to approve. Ms. Hart seconded the motion. On roll call, all approved; Mr. Redling was absent.

There was discussion about moving next month's meeting from April 23 to April 30. Ms. Tengi will check availability of the room.

Mr. Throdahl's variance application was withdrawn with prejudice.

Heiliger & Robinson appeal will not proceed with the soil moving permit. Ms. Tengi made a motion to dismiss without prejudice; seconded by Mr. Jones. On roll call, all voted in favor. For the record, no one appeared in favor for or against the appeal of the soil permit for Northern Highlands.

For the record, Mr. Nestor stated that council members received from a letter from the Borough Attorney, David Bole, stating that since he received notification today, he wanted to put Allendale on notice. Now that it has been dismissed without prejudice, whoever wants to make a move on that application may do so.

A motion was made to adjourn by Ms. Tengi; Mr. Manning seconded. All voted in favor. Meeting was adjourned at 10:26 p.m.

Respectfully submitted,

Lisa Caccavale-Soto