

October 24, 2012

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on October 24, 2012. The meeting was called to order at 8:09 p.m. by Ms. Teng, Chairperson, who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following members answered roll call: Ms. Teng, Ms. Chamberlain, Ms. Hart, Mr. Jones, Mr. Manning and Ms. Weidner. Mr. Redling was absent. Also present was Mr. Nestor, Board Attorney.

On a motion by Mr. Jones, seconded by Mr. Manning, the minutes of the meeting of September 26, 2012 were approved as submitted. All Board members present voted in favor.

Resolution of memorialization was submitted by the Board Attorney with regard to the Bill Schneberger variance application. Mr. Manning moved, seconded by Mr. Jones, to approve the resolution as submitted. On roll call, Ms. Hart, Mr. Manning, Ms. Weidner, and Mr. Jones voted in favor. Ms. Teng and Ms. Chamberlain abstained.

Continuation of Donald and JoAnn Hochrine variance application

Ms. Teng commented that she and Ms. Chamberlain were not present at the last meeting. She asked if it will be necessary for them to listen to the taped proceedings in order to act on this application. Mr. Nestor advised that it will not be necessary since applicants have submitted new revised plans.

Donald and JoAnn Hochrine, Greg Anderson, architect; and Frank Papparozi, their contractor, were sworn.

Ms. Hochrine said she has prepared something she would like to read for the record as follows:

We are here to seek zoning relief from the fact that our house is pre-existing non-conforming in the following areas. We are in the AA zone where lot size is supposed to be 26,000 sq. ft. Our lot is 9,220 sq. ft. Our front setback is 34 ft.; however, zoning calls for 40 ft. One of our main concerns is the fact that our driveway is currently 2 ft. off the property line and is almost next to our neighbors' driveway at 65 Cherokee which is even closer to the property line than ours. This is not only unsightly but creates a hazard in terms of potential accidents. I have four children and I am nervous about the current situation. Additionally, our neighbors across the street at 66 Cherokee have a driveway that is exactly opposite of both mine and my next door neighbor's driveway. Within the past year there has been an accident because of the current driveway situation. Our plan would allow for relief from this unsightly and hazardous situation. The addition that we are proposing would be in line with other houses on our street. The house directly across the street, Block 503, Lot 11, is currently 2,995 sq. ft. and their lot is 9,000 sq. ft. We are proposing a house that would be 3428 sq. ft. and our lot size is 9220 sq. ft. Not only would our homes be in line with each other, but we would in fact have less impervious coverage since we would be removing our current driveway which is 1,060 sq. ft. and our current patio which is 198 sq. ft. Our proposed new driveway would be 570 sq. ft. Our new house would be

similar in size to many of the homes on our street. We have a hardship in regard to the unique size of our lot as well as the proximity of our lot and driveway to the neighboring lots and driveways. Our plans do not alter the essential character of the neighborhood but in fact enhance it. Our plans would allow us to use the property in the same manner as the other houses on our street. This size of our proposed addition is needed for reasonable use. The design we propose would be the least intrusive solution while still maintaining the charm and character of the area. This project will not cause any substantial harm to the neighborhood. In fact, it will improve the neighborhood and not undermine the intended purpose of the zoning ordinance. The benefits of this project to the community and immediate neighbors certainly outweigh any detriments.

Mr. Nestor said one of the issues that arose the last time is that on the plans there is a drawing that shows that part of this addition is going to be placed upon a right of way. There has been a deed submitted which he is going to mark A-1 with today's date which appears to deed that right of way from the Borough of Allendale to the previous owners of the property whom the applicants purchased the property from. Mr. Nestor said that will be accepted into evidence but he is not going to make any legal conclusions as to that but it will at least clear up that issue.

Mr. Nestor said in addition to that the Board has received a new set of plans that have been revised with a revision date of October 9, 2012 which were marked A-2 with today's date. In addition there is a survey dated July 22, 2005 which was marked A-3 with today's date.

Mr. Nestor said he now needs someone to tell the Board how the new plans differ from the old plans.

Mr. Anderson said he has a B.A. degree from Penn State University and he has been a licensed architect in both New York and New Jersey for 20 plus years. He has been considered an expert witness before many boards.

Mr. Anderson said the plans have been revised based on what they heard from the Board and their concerns at the last meeting. They have made an effort to cut down the height of the building and have taken 2 ft. off the overall height. In addition there was concern about the dormers in the attic space and they have eliminated those. He has put on the plans a breakdown of the area calculations for the different parts of the site and that is on the first page.

Mr. Nestor asked if the height of the building as constructed is now going to be 31.6 ft. and that height is taken from the point of lowest grade. Mr. Anderson said yes. Mr. Nestor said for the benefit of those who were not present at the last meeting he asked Mr. Anderson to tell the Board what he is doing on the entire property and the building itself.

Mr. Anderson said the house is small. Applicant has four children and they need more space. They have added a one car garage attached to the house as opposed to the current two car detached structure that they have now and that brings down the overall impervious coverage on the lot. Most of the addition is on the right side and in the back. They have not really come forward in any way with the structure so they are trying to work with the setbacks to the best of their ability. He said obviously the most space was to the right and that is where they put the garage. They decided on a one car garage to keep down the size. It is a 1 ½ story house and it is

inadequate in bedroom and living space. The kitchen and the dining room are both small. They have enhanced some of those spaces and made them larger for this large family of six so they can live more comfortably. They tried to put the addition in the back so it does not impact the street side and the right side. Photos were submitted that show that on the right side there is a lot of growth between their house and the neighboring house so there is not a lot of physical or visual impact to the neighbor and they have been sensitive to the surrounding neighbors to the best of their ability.

Four poster boards with photographs were submitted and marked A-4 through A-7 with today's date. Photos were examined by the Board. Mr. Manning asked how far will the applicant now be from the house on the left side. Mr. Anderson said the closest point is shown on the application as 13 ½ ft. which includes the chimney. The actual dwelling is existing at 14.9. On the right side the addition is proposed at 15 ft. off the property line. The 12.4 ft. that is shown on the application includes the stoop. They are maintaining a 15 ft. setback for the actual dwelling. Mr. Tengi commented that the Board does not go by the actual dwelling and the bump out has to be included.

Mr. Anderson said the 15 ft. is pretty much in line with the neighborhood. There is only 11 ft. between the two homes on the left side. He said the house directly across the street is very similar to what they are proposing in size and in lot size and this addition would conform to the neighborhood. He added that the Hochrines have taken advice from some of the Board members from the last meeting and have changed the plans accordingly by removing some of the dormers and lowering the roof line. He said the driveways are very close together. The side they are proposing to put the addition on is where they have 89 ft. between the homes. He believes by removing the driveway and garage it will soften the buffer between the two neighbors that are the closest. He also wanted to point out that the footprint of the addition is approximately 700 sq. ft. and they are incorporating the garage in that addition. The existing garage which is going to be removed is 360 sq. ft. and there is a shed of 106 sq. ft. so they are proposing a 700 sq. ft. addition but they are removing 466 sq. ft. so really it is only a net of 248 sq. ft. for the addition they are proposing and the impervious coverage decreases on the total lot coverage because the garage and driveway is being removed. The total impervious number does come down which is a significant factor on a lot of that size. He said he knows the FAR is something that the Board does hold tight to but the uniqueness of their lot and the fact that they are undersized for an AA zone he believes the Board should take that into account as well. Also the side that the addition is going on has the least impact. That is the side where there is 90 ft. between homes. Mr. Anderson said the actual footprint of the structure they are adding is roughly 700 sq. ft. and they are incorporating the garage in that addition and with that they are going out 13 ft. to the right.

Ms. Tengi said she has been on this Board for almost 12 years but in that 12 years they have had several applications from people on Cherokee Ave. because they have diminished side yards and variances for those are common on that street; however, this is a FAR variance. Based on that she wants to make sure that everybody is aware of what a FAR application involves. She asked Mr. Nestor to reiterate the requirements.

Mr. Nestor said this FAR variance unlike side yard, front yard and other bulk variances which are C variances and just need a majority vote in favor and to say that there is no substantial

detriment and that a hardship is shown. The FAR has a much stricter requirement. It requires a majority of five votes and the language is quite clear that the gross building area of a residential lot shall not exceed the percentage of the lot area which is equal to the floor area ratio as determined herein. He said if his calculations are correct, in this case the maximum floor area ratio is 23.04%. This application was at 38% from the first proposal and from the second proposal the numbers have to change somewhat as the height of the building was brought down by 2 ft.

Mr. Anderson said the FAR is for livable space. By reducing the height they did not reduce livable space. Looking over the plans, the first application when they were here last month it was a huge structure, but he does not know if he agrees with that based on what is in the neighborhood. It is 46 ft. long and it includes the garage that is not a huge structure. He said he looked over the plans to see if they could shave something to get that number down. He said the room sizes are not large. The bedrooms for the children are modest in size. Mrs. Tengi commented that there are other options. Ms. Hochrine said this is the only way they can stay in Allendale. Otherwise they will have to move out of Allendale. Ms. Tengi commented that this is going to be overwhelming for other homes on this street.

Mr. Nestor said the problem is that applicant's lot area at 9000 sq. ft. is way deficient but on the other hand if his calculations are correct they are increasing the size of the house itself by 58.2%. He asked if they are keeping the shed on the right hand side. Applicant said no. Mr. Nestor said he still does not think that is substantially going to take away from the magnitude of the size of the house. He is talking about the bulk size of the house itself. There is a 58% increase in the house and because of the bulk of the house the side yards are not at 20 ft. which is the zone requirement but at 24.69 and will end up with 13 and 12 with the bump outs on each side.

Mrs. Hochrine said this addition will enhance the street and there are only two houses on the street that have not been renovated. Mrs. Hart commented that they are really making a one story house into a two story house and none of the rooms are huge. In addition removing the garage will be a benefit to the neighbors. Referring to A-6 she pointed out the garage and driveway that will be removed.

Mr. Nestor said applicant is actually removing 490 ft. of driveway. It is 1060 and the new one is 570.

The meeting was opened to the public for comments.

Ann and J.R. Meloro, 65 Cherokee Ave. were sworn. Mr. Meloro said they have lived at that address for more than seven years. They have been next door neighbors to the Hochrine family and their driveways are separated by that three ft. strip of grass. They met with them over the weekend to discuss three areas of concern over their application. They asked that these items be written into the project plan. No. 1 that since the plan calls for the removal of their driveway and garage that they remove the driveway and garage as soon as possible during the first phase of the project. No. 2 that they grade and seed the area on the west side of their house allowing it to settle during the later phases of work. No. 3 to install a temporary or erosion fence between the two properties during construction preventing any spill over of materials or equipment onto their

driveway and finally, to utilize the eastern side of their home for construction traffic, i.e. contractors' trucks and deliveries as well as for materials and equipment i.e. dumpsters or backhoes because the eastern side is where the majority of the construction expansion is happening relative to the current footprint. He said there is more room on the eastern side of their home and it is separated from the next property by a fence. Since they do not have a garage they park their two cars in their driveway and if any construction traffic were to be on the western side abutting their property and driveway, they would have safety concerns going to and from their cars, especially with their young children. He said their second request is to insure that there are no temporary shelters or living quarters installed on the property during construction. In the projects final phase, he asked that a natural barrier of shrubs or evergreens be planted along the property line or alternatively alongside of their home due to the increased depth of their home going back an additional 8 ft. Looking at Exhibit A-6 he said Block 504, Lot 9, their home is to the left and the Hochrine property is to the right and the two driveways are next to each other. He said they do not have a garage on their property and so safety is a concern for both families.

Mr. Nestor said that other than the construction phase of the renovation, are there any concerns or objections about the height or bulk of the house. Mrs. Meloro said that the Hochrines have been good neighbors and she sees this as an investment in the neighborhood.

Jennifer Dee, 66 Cherokee Ave. was sworn. She said she has lived on Cherokee for just under three years and it is a very unique street because there are so few homes and there are 17 children on the block. The Hochrine children range from the age of 8<sup>th</sup> grade all of the way down to kindergarten. She said the street is wonderful because there are always children playing in the street. Her concern is that if their plans are not approved they will have to move from the block and they would probably have to move out of Allendale. She has a great deal of respect for the work that the Board does. She loves the town and one of the big reasons is because the Board is preserving it but she also believes preserving the block is also about keeping this family there. She said that Joanne Hochrine is the first one to get a block party organized, and if anyone needs anything, she is always there to help. She added that their children are the heart and soul of this block. She hopes that the Board is going to approve their plans. She pointed out her home that is probably comparable in size and it is directly across the street from them.

Mr. Manning asked how many square feet is their home. She said it is 2,995 sq. ft. She added that she has seen the plans and she wants to be on the record as saying she is in full support and it will make their block beautiful.

Maria Keenan, 72 Cherokee, was sworn. She said she just wants to ditto what was previously said and she would hate for the Hochrine family to move as they are wonderful neighbors. She lives two houses from them. She has no problem with their plans or anything they plan to do.

There being no further comments, the meeting was closed to the public.

Mr. Nestor said he wants everybody to know that this is not a personality contest. He is sure they are great people and that Cherokee is a great neighborhood, but the Board is charged with the duty to enforce the zoning ordinances of Allendale and to permit variances where they are

required. He said the applicants are here for a D variance and they are way above the FAR. He understands the lot is small but those are the things the Board has to look at. The front yard and rear yard setbacks are all being impacted by this house which is a big structure on a little lot.

Ms. Hart asked how does the cul de sac really work. The answer was that it is not a cul de sac but a dead end street. Ms. Hart said she is just trying to figure out how the driveways all come together at the end of a road that doesn't have a cul de sac.

Mr. Jones commented that the statement was made that there was about 500 ft. of impervious coverage removal. Mr. Papparozi said it is greater than that because they are removing 360 on and garage and 106 on the shed. Mr. Jones commented that the living room on the first floor does not call for any windows according to the side elevation shown on page 3 of the plan. Mr. Papparozi said on page 1 of the plans there is a wide window in the living room facing the front of the house.

Mr. Nestor said there is a pre-existing situation with lot width, minimum lot area, front yard and rear yard setbacks. In the front they are at 33 ft. and they need 40. In the rear they are going to be 41 ft. and they need 50. The front is presently deficient.

Ms. Tengi commented that the problem is the size of the addition. It is over 50% more of a house on a substandard lot.

Mr. Papparozi said on the right side it goes out 13 ft. to incorporate the one car garage and the impact from the road is minimal. It is a large addition because you are converting one story to two story and that is where you are picking up your square footage. It is not a large increase to the right side considering it is incorporating the garage. It is only going out 13 ft. to the right. The first floor totals 1811 sq. ft. and existing is 1100 sq. ft. They are removing the garage which is 352 sq. ft. He said 352 minus the 1811 total is a little more than the existing but it is not a lot and the bulk of the square footage is on the second floor. The cape second floor is 330 sq. ft. which is all wasted attic space.

Mr. Nestor said the gross building area right now according to his calculations from the chart on the plans is 1870 sq. ft. and the addition will be 3528 sq. ft. which is almost double. Mr. Papparozi said there is 460 sq. ft. being removed plus the 570 on the driveway so they are in fact doubling the square footage of the actual home but the total footprint on the lot is only being increased by 250 sq. ft. and the impervious coverage is coming down on the lot which is very important, especially on a smaller lot.

Mr. Nestor said he disagrees. The FAR is very important. It is more important than anything. Otherwise they would not require a five member majority vote on it.

Applicant stated they can't go much narrower and anyone driving by is never going to notice. There is a house three houses down that is twice as big and no one knows it is on a double lot. She said she knows they are trying to protect the environment and the neighborhood and they are trying to do as best as they can. She knows they do not meet the requirement but neither does anyone else. Mr. Nestor pointed out that the big house that was mentioned is on a double lot,

Mr. Manning commented that the Board members all want them to have a better house but they are concerned about a house of this size. He asked if they could bring down the size. Ms. Hochrine asked for suggestions. Ms. Chamberlain suggested moving the detached garage to the other side of the property and not incorporating the garage into the house itself as well as moving the driveway to that side of the property. She realizes this is going to change the inside configuration. She added that the majority of the older homes in Allendale have a detached garage and she happens to have an older home in Allendale on a similar sized lot. She has a 2 car detached garage in the back. She realizes an attached garage is more convenient especially with children, but it would cut down on the bulk of what is being proposed. They are still going to have a FAR issue but it would not be as dramatic. Ms. Hochrine said the bottom line is they love their street and want to stay there.

Ms. Tengi said the FAR also applies to the intensity of the use of the house and that is a factor for the Board's consideration – whether the extra use of that house with the square footage is going to adversely impact the street in any way.

Mr. Nestor asked how many bedrooms are in the house right now and how many are going to be there when the addition is completed.

Mr. Papparozi said when he became involved with this project and tried to layout the additional work he thought it was more beneficial to incorporate the garage only because it would not extend the visual impact and he thought that would be an improvement on the overall site, but the Hochrines have been very open to suggestions in trying to work with the Board and he is sure they would be willing to work with the Board to make it work as far as what is best for the town and best for the family.

Mr. Nestor commented that what the Board is struggling with is the D variance. Ms. Tengi said in Paramus there are huge homes on tiny lots and the Board is trying to prevent that in Allendale. She asked if applicants want the Board to rule on this tonight or come back with revised plans.

Mr. Anderson asked to what degree must the plans be revised in terms of size and no matter how much they take out they are still going to be over the FAR because it is almost impossible to meet the FAR based on the size of the lot. A Board member asked how big is the family room now. Applicants stated they do not have a family room.

Mr. Manning said he would like to see plans with things a little smaller. The kind of family room they want is the kind you would find in a house on 1 ½ to 2 acres. He said the mass is too big for that size lot and he would feel better about the application if everything was a little smaller. He said, "If you could bring everything in a little bit the visual impact would be better and it would definitely enhance the FAR ratio.

Mr. Jones said he would be more favorable toward a smaller version of what the Board is looking at in order to minimize the impact. Based on the lot area, if the Board were to follow the Code to the letter, the maximum increase can only be 500 sq. ft. on this house. Applicant is asking for a 9 ft. rear yard and he believes the purpose of a 50 ft. rear yard setback is so you do

not bother your neighbor in the rear. If the rear wall came back 2 ft. it might lessen the impact to the rear yard setback and also pushing in the second floor a foot on either side to shrink it so it isn't square would lessen the impact. He asked if they can amend the plan tonight by taking 2 ft. off in the rear.

Mr. Nestor said he does not think any Board would be comfortable and he would not feel comfortable writing up a resolution without seeing what is being approved, especially if it is over the FAR ratio.

Ms. Tengi asked if applicants want the Board to vote on this tonight or come back with revised plans at the November meeting.

Ms. Weidner suggested they bring the family room by 3 ft. and the dinette area by 2 ft. , take the powder room out and put it in the pantry and that would cut that whole back section off by 12 x 4. Ms. Hart said the Board would also like to have a better visual with regard to the driveways.

Mr. Nestor reminded the applicants that they have a lot of variances and a very tough FAR so while the Board is recommending they do what they can to bring things in he does not want them to walk away thinking it is a guarantee.

The application was carried to the November meeting at the request of applicants.

Erin and Jason Violetti variance application – 45 Harreton Rd., Block 508, Lot 14

Erin Violetti and Mary Scro, their architect, were sworn. Ms. Scro said the applicants are proposing a master suite addition on the second floor above their existing garage. The existing house is split level. The square footage for this master suite is 519 sq. ft. The lot in the AA zone is 34,515 sq. ft. and 26,000 is required; however, the lot is an irregular shaped lot. They are at the end of Harreton Rd. so the lot is somewhat pie shaped and the placement of the house is towards the front of the lot which happens to be the narrowest part of the lot. They are here tonight for two variances. The first one is a pre-existing front yard setback. They measure 37 1/2ft. to the front step where 40 ft. is required. They are beyond the 40 ft. for the new addition. .

Ms. Scro said the side yard setback is required to be 22.2 ft. and they are at 23 on the right hand side and 18 on the left side. That 18 is an existing side yard setback nonconformity and they are building on that side of the residence and they have stepped that side wall in on the second floor. The new addition is as 21 ft. where 22.2 is required. As they get to the back of the addition, that increases because the lot is pie shaped. By the time you reach the back of the house they are over by 23 ft. The back of the addition conforms and the front corner does not. It is the triangular shape of the addition that is within that required side yard setback but visually by setting that wall back in it is not as overbearing to the neighbor. They are allowed over 10,000 sq. ft. of impervious coverage and they are at 2,919. There is no change in the impervious coverage because they are building on top of the existing garage. With regard to the FAR they are allowed 20.1%. The existing house is at 7.7% and the proposed is 9.2% so they are well below the required FAR.

Ms. Chamberlain commented that there is a drainage and a sanitary sewer easement between the two properties. Ms. Scro said that is correct and the two property lines are about at the middle of that easement so they will never be able to build in that area. Ms. Scro said the easement is actually on the neighbor's property so that is a permanent buffer. Ms. Chamberlain commented that this is a huge piece of property.

Ms. Tengi commented that it is a unique shape and there is a beautiful big back yard.

The meeting was opened to the public for comments and there being none, the meeting was closed to the public.

Ms. Tengi moved to approve the application. She said it is a minimal request for an addition to the pre-existing garage. The side where the variance is required is bordering a drainage easement as well as a sanitary sewer easement between two properties. The lot is pie shaped so it is narrow at the front where the home is located and wider in the back requiring the minimal side yard for the deviance. She finds that the hardship is based on this and the granting of the variance will enhance the use and enjoyment to the property with no detriment to surrounding property owners. Motion was seconded by Ms. Weidner. On roll call, all Board members present voted in favor.

On a motion by Ms. Tengi, seconded by Ms. Hart, the meeting adjourned at 9:50 p.m.

Respectfully submitted,

Barbara Knapp