

October 25, 2017

A regular meeting of the Allendale Board of Adjustment was held in the Municipal building on October 25, 2017. The meeting was called to order at 8:09 PM by Ms. Tengji, Chairman, 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 to roll call: Ms. Chamberlain, Mr. Jones, Mr. Manning, Mr. Redling, Mr. Sirico, Mr. Stephen, Ms. Tengji.

Absent: Ms. Hart and Ms. Weidner.

The first agenda item was approval of the September 27, 2017, Regular Session minutes. Ms. Tengji asked for any changes or revisions to the minutes. Hearing none, Ms. Tengji requested a motion to approve the minutes. On a motion from Ms. Tengji, seconded by Mr. Manning, to be approved as submitted. A roll call vote was taken, and all in attendance voted for approval.

Resolution Memorializing Variance Approval for application ZBA 2017-06, Craig and Courtney Cagney of 320 Park Avenue, Allendale NJ, Block: 2206 Lot: 1, this applicant bifurcated the application for a variance - Fence (270-31). Mr. Sirico noted the four foot fence was erected prior to memorializing the application on the Park Avenue side of the property. The six foot fence was not yet installed. Ms. Tengji requested a motion to approve the memorializing this application, Ms. Chamberlain made a motion, seconded by Mr. Jones. All present voted in favor of the resolution.

Next on the agenda was the hearing of applications. The first application ZBA 2017-06 for the balance of the bifurcated request variances for Minimum Front Yard Setback - Corner Lot (270-22), Minimum Rear Yard Setback (270-54D), Maximum Driveways - 2 (270-18B.4), Pre-Existing Non-Conforming Structure (270-37A), Fences (270-31), has been continued to the November 15, 2017 meeting.

Application ZBA 2017-07 by Donald and Sara Doraski of 30 Harreton Road, Allendale, Block: 509 Lot: 5 for the following variances: Minimum Right Side Setback (270-64B), Minimum Front Yard Setback (270-54B), Pre-Existing Non-Conforming Structure (270-37A). Mr. Nestor swore in the applicants and their Architect Mary Scro of Z+ Architects. Ms. Scro was approved as an expert having appeared before the board with prior applications, Mr. Nestor announced that the Board recognizes Ms. Scro and is approved to testify as an expert. Ms. Scro read the request of variances for the pre-existing conditions listed above and explained that the existing home is a ranch home with the bulk expansion for the family area and an increase in the master bedroom and an additional garage bay with a ground floor walkout. The front yard setback is 35.8 feet from the property line which Ms. Scro corrected that the measurement from the front step as 32.5 feet and they are only widening the front step and not decreasing the distance from the front property line. The plans and photos were marked into evidence by Mr. Nestor as SK-1 through SK -10 dated August 8, 2017. The owners will not be adding a second-floor living area, and the windows are for aesthetics only with the maximum height of 25.5 feet measured from the lowest point. The right side setback is 24 feet, and the footprint will not change. Mr. Manning verified that there are two garages bays and a third bay will be added. Mr. Jones inquired about the distance of new driveway to the other structure was 45 feet. Mr. Redling asked about the building envelope which will not be moved, only expanded where the current deck is located. Ms. Tengji informed the applicants to contact the tax assessor for it is a substantial addition and will affect their tax bill.

Then Ms. Tengji opened the meeting to the public, seeing no one, the meeting was brought back to Board for their review. Ms. Chamberlain made a motion to approve the application. The plans were an improvement to the current home. The proposed plans will be a complement to the neighborhood and will not be a detriment with no further infringement and de minimis changes to the current home. Mr. Jones seconded the motion. Mr. Jones added with the interesting topography this was a modest addition in a neighborhood with larger homes. The design by Ms. Scro does justice to this home. The application is not a substantial deterrent to the master plan or code. Mr. Jones added that the attic is the 3rd floor and not to be utilized for living space. A vote was taken, and all present voted in favor of the variances for the application ZBA 2017-07.

Ms. Tengji asked if any other concerns to be discussed. Hearing none on a motion by Ms. Tengji, seconded by Mr. Sirico the meeting was adjourned at 8:30 PM.

Respectfully submitted,

Christina Montanye

Motion: Chamberlain
Second: Jones

RESOLUTION

ZONING BOARD OF ADJUSTMENT BOROUGH OF ALLENDALE

WHEREAS, CRAIG and COURTNEY CAGNEY, having applied to the Zoning Board of Adjustment of the Borough of Allendale for variances from the provisions of Zoning Ordinance Sections 270-22 (minimum front yard setback – corner lot); 270-54D (minimum rear yard setback); 270-18B.4 (maximum driveways); 270-37A (pre-existing non-conforming structure); and 270-31 (fences) so as to allow a new driveway with two curb cuts along West Crescent Avenue (a County Road), and to place a fence around the perimeter of the single-family dwelling unit located at 320 Park Avenue, Block 2206, Lot 1, on the Tax Assessment Map of the Borough of Allendale, which property is located in the “AA” Residence Zone District; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicants, not only at the September 27, 2017 meeting, but at the previous hearing conducted on July 26, 2017, as well as testimony from members of the general public, has made the following factual findings and conclusions:

1. This irregular pie-shaped property, located at the intersection of Park Avenue and West Crescent Avenue, presents a number of issues; not only due to the irregular shape of the lot and the position of the dwelling thereon, but also because it actually fronts Park Avenue, while appearing to anyone travelling on West Crescent Avenue, that it fronts that road. At the initial hearing in July, the applicants proposed two additional curb cuts for a semicircular driveway off Crescent Avenue near the entrance to the home. The property has an existing driveway running from Park Avenue through three quarters of the property to an unused aged garage located near the northwest corner of this property. The property also contains a short drive, measuring 23.7

feet, off of Crescent Avenue terminating at the west corner of said garage. The dwelling is currently non-conforming because the rear yard setback is 23 feet, rather than the required 50 feet off Crescent Avenue and the front yard, facing Park Avenue, is only 14 feet, where 40 feet are required. Lastly, the applicants seek to place the second driveway in violation of Ordinance 270-18B.4. According to that Ordinance, Subsections (B)(4) and (B)(6)(b), no more than two driveways shall be permitted on any property. A circular or curved driveway (may be located between a dwelling and the street) if connected to the one permitted driveway. The proposed circular driveway herein does not so connect.

2. At the hearing in July, the applicants appeared on their own behalf without an expert. The Board had in attendance the Township Engineer, Michael Vreeland, and the Borough's Traffic Safety Officer, Sgt. Todd Griffin. Both individuals voiced their concern about two additional cuts in the County road, as well as possible line of sight issues for, vehicles entering and exiting via the proposed driveway, as well as for the travelling public on West Crest Avenue, coming upon the property. It was duly noted at the hearing that there was no documented opinion from the County Engineer regarding the applicants' proposal. In light of the above facts, the application was continued and was brought before the Board again on September 27, 2017.

3. At the time of the September hearing, the applicants proffered two additional plans, one dated 9/26/17 with the same two curb cuts, marked into evidence as "C-2", and a third plan dated 9/7/17, with only one additional driveway curb cut on the County road. This plan was marked as "C-3" in evidence. It should be noted that the initial plan dated 5/12/17, and presented at the first hearing, was marked as "C-1" at that time. At the time of the second hearing, the Board was in possession of the County Engineer's letter stating that the County would not permit

two additional curb cuts on the County road. As the County had yet to opine with regard to the one additional curb cut contained in Plan C-3, the Board, with the applicants' consent, agreed to carry the driveway portion of the application and consider only the fence portion at the applicants' insistence.

4. The Board was referred back to C-1, which was the only plan submitted which had the fence location roughly set forth thereon. After long debate, the Board concluded, and the applicants agreed, that the applicants would be permitted to erect a 6 foot black aluminum fence from the northernmost corner of the existing garage following the curve of the existing driveway to within 15 feet of Park Avenue, as long as that fence remained 15 feet from the eastern property line. When the 6 foot fence reached 15 feet from Park Avenue, that fence will slope down to 5 feet or less, then turn west following the property line along Park Avenue, allowing a 12 foot wide gate at the entrance to the driveway on Park Avenue, and a 4 foot gate at the stairway entrance on Park Avenue and continue no further than the southwest corner of the dwelling marked on C-1 by the notation "13.76". At that point, the fence will turn north and tie into the corner of the home. The remainder of the property shall continue to be unfenced until a decision has been made by the County, the Allendale Police Traffic Division, the Borough Engineer, and then the Zoning Board, as to whether and to what extent to allow any remaining fencing and/or additional driveway.

5. With this agreed-to compromise, the Board finds that the fencing requested and permitted will surely increase safety on the property, add to the aesthetics thereof, present no line of sight problems with traffic on Park Avenue or Crescent Avenue and will allow the homeowner greater use of the property. The Board finds that the relief requested can be granted without substantial detriment to the public good and same will not substantially impair the intent nor the

purpose of the Master Plan or the Zoning Ordinances of the Borough of Allendale.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Borough of Allendale this 25th day of October, 2017 that the partial application of **CRAIG and COURTNEY CAGNEY** for the variances described herein is hereby granted and that the action taken by the Zoning Board of Adjustment on September 27, 2017 be and is hereby memorialized subject to the following conditions:

1. Construction shall proceed in accordance with the document marked "C-1" only as to the driveway fencing and the fencing on Park Avenue as limited on the record, and in accordance with all applicable state, county and municipal codes, rules and regulations; and
2. The applicants are required to obtain building permits and post all necessary fees and costs with the Borough prior to construction; and
3. The variance relief granted by this Resolution applies only to the fence variance request as limited in this Resolution; and
4. The variances granted pursuant to this Resolution shall expire, by limitation, unless such construction or alteration shall have been actually commenced within one year from the date of publication of the notice of the determination of the Board of Adjustment pursuant to Allendale Code Section 40-19.

Motion Made By: Mr. Sicro

Seconded by: Mr. Redling

In Favor:

Opposed:

Abstained:

Absent:

Mr. Sicro ✓
Mr. Redling ✓
Mr. Stephen ✓
Mr. Manning ✓
Mr. Jones ✓
Ms. Chamberlain ✓
Ms. Hart *absent*
Ms. Tengji ✓

Ms. Weidner