

July 26, 2017

A regular meeting of the Allendale Board of Adjustment was held in the Municipal building on July 26, 2017. The meeting was called to order at 8:05 PM by Ms. Teng, 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, Ms. Hart, Mr. Jones, Mr. Redling, Mr. Sirico, Mr. Stephen, Ms. Teng.

Absent: Mr. Manning and Ms. Weidner.

Ms. Teng requested a motion to approve the minutes for the June 28, 2017 meeting. On a motion from Mr. Redling, seconded by Mr. Jones, approved as submitted. A roll call vote was taken and all in attendance voted in favor except for Mr. Stephen who abstained.

Ms. Teng, addressed the next agenda item, Memorialization for the variance ZBA 2017-05 for the applicants Peter and Theresa Barry, owners of the property located at 2 Elbrook Drive, Allendale, NJ, Block: 102 Lot: 1 with an application for the following variances: Minimum Front Yard Setback, minimum lot area, minimum rear yard setback, and pre-existing non-conforming structure. Ms. Chamberlain moved to accept as submitted, seconded by Mr. Sirico.

A roll call vote was taken, in favor: Ms. Chamberlain, Ms. Hart, Mr. Jones, Mr. Redling, Ms. Teng  
Abstained: Mr. Sirico and Mr. Stephen

Ms. Teng informed the board that the hearing application ZBA 2017-04 was carried until the August 23, 2017 meeting.

Application ZBA 2017-06 by applicants Craig and Courtney Cagney, the owners residing at 320 Park Avenue, Allendale, Block: 2206 Lot: 1 for the following variances: minimum front yard setback - corner lot, minimum rear yard setback, maximum driveways - 2, pre-existing non-conforming structure, and fences. Mr. Nestor swore in both the applicants, Craig Cagney and his wife Courtney Cagney. Mr. Cagney began the presentation of the application for a circular driveway, creating two cuts for the driveway on West Crescent Avenue, where there is an existing secondary driveway and the main driveway is located on Park Avenue. The blueprint of the corner property submitted illustrates the plans for the driveway and fencing. Currently they do not have a driveways on West Crescent by the front entrance to the home for easy access. The reason for all the modifications is because they have a small child and expecting another child shortly. One side of the property is on a hill along with a 4 foot high retaining wall on Park Avenue. Having viewed their options it would be cost prohibitive to create a closer access from this street. Taking the safety concerns of Allendale seriously they developed these plans submitted with an engineer, who was not able to attend tonight. Mr. Nestor noted the two parts of the application, that are mutually exclusive of each other, the circular driveway and then the fencing, suggesting it would be optimal to discuss the fence at this hearing and wait for the engineer's response to the Police Departments findings. The fencing is in conformance with the Borough requirements for a 4 foot high fence and the 6 foot high fence sections. Mrs. Cagney noted the fencing would go along the property by the barn because of the steep drop off on the side. Mr. Jones noted the 4 foot high fencing would have to be scalloped up to the 6 foot fence where they join at an offset of 15 feet from the property line for the 6 foot height. Ms. Hart inquired about the type of fence of the 6 foot height. Mr. Cagney described

an open fence and you could see through the fencing. Mr. Jones referred to his property with fencing by his driveway and has safety concerns with the line of sight for this plan. Mr. Nestor marked the drawing C-1 with the date of July 26, 2017. Mrs. Cagney explained how it would be easier to go head first and not back out onto West Crescent Avenue with this driveway proposed. Mr. Nestor highlighted the ordinance that homeowners could only have two driveways and they must connect presenting a problem with this plan meeting the code. The plan has a separate driveway on Park Avenue and a proposal for a circular on West Crescent Avenue that do not connect, before even addressing the safety issue. Mr. Nestor noted they were here for relief from the variance. Mr. Cagney stated the intention is a place for his wife to drop off the kids and groceries primarily and any visitors to utilize the driveway and access from Park Avenue. They would like to work with the town. Mr. Nestor inquired about the usage of the current driveways on West Crescent Avenue and Park Avenue. Mr. Cagney indicated that there is a walkway between the West Crescent Avenue location to the home and it is more level than the Park Avenue spot. Mr. Jones inquired about other options when developing these plans. Mrs. Cagney remarked the work would be cost prohibitive to go from the Park Avenue side trying to achieve a safe access into the house and avoid runoff from the driveway. Also, the stairs are very steep and not easy to negotiate with snow and rain. Ms. Hart inquired about the plan if two cars pull in headlight to headlight. Mrs. Cagney answered that possibly a parking space to pull in could be created. Mr. Stephen inquired about the garage structure, and the usage. Mr. Cagney informed the Board that it is not structurally sound and they do not store their vehicles in the garage. The prior owners took out a beam to utilize it as a garage but Mr. Cagney's engineer advised that it was no longer safe.

At this point Ms. Tengi introduced the experts present for this application, the town Engineer Mr. Vreeland and Sergeant Griffith. Mr. Nestor informed everyone that the Cagney's engineer can review the testimony tonight, which will be continued and any response the Cagney's engineer could be answered in writing by the expert witnesses present and read at the next hearing. Mr. Nestor swore in Sergeant Todd A. Griffith, Traffic Safety Officer, who has been serving Allendale since 1987 and as a Traffic Officer since 1989. Sgt. Griffith then listed his qualifications and certifications. It was deemed by the Board he was more than qualified as an expert and has appeared before this Board prior to this applicant. Sgt. Griffith has met with the applicant and Chief Scherb who both requested that Mr. Vreeland, the Borough Engineer, be engaged to review the driveway. The primary issue is the perception reaction time for motorist approaching the property, in his professional opinion, it would not be a safe situation for the driveway feeding out at the hill crest of West Crescent Avenue. Sgt. Griffith noted that deliveries would be done at the new circular driveway and the 70 degree angle would make it very difficult to see in a commercial vehicle specifically for line of sight. The location where the pavers are located at the top of Park Avenue, have been there since a fatal crash in the 1982 at the corner due to the topography of the roadway. In the opinion of the Allendale Police Department, Chief Scherb and his experience in the late 60's and 70's there was a ban for turning left from Park Avenue onto West Crescent because of the limited sight distance due to the collision hazard. Then it evolved into a one way access. Ms. Tengi touched on the facts that the Borough of Allendale and police created traffic patterns to better safe guard the community; no left hand turn, limited sight at the hill crest, over the years as based on Sgt. Griffith testimony. Then in the 1980's and 1990's the guard rails were put in to address the spin outs and crashes by the County. Normal protocol would have started a in depth traffic study, in lieu of the study the Borough Engineer was engaged to review the plan specifically because of the limited sight distance and the two fatal accidents at that location in addition to a car crash into a tree on the property. Mr. Jones inquired if they moved the driveway further south on West Crescent would that address the sight distance. Sgt. Griffith did not believe it would and recommended an independent license engineer hired by the applicants would have to review the plans. Mr. Cagney inquired if there was any objections to the

northern most opening and inquired to confirm the southern opening is not acceptable by Sgt. Griffith. Mr. Cagney noted they did not want to put anyone in danger, is there anything they could do voluntarily to make that safer? Sgt. Griffith answered, only safe perception reaction time would be to get the county to make it 25 mph and working with the county to reduce the speed and more signage to make drivers aware. Ms. Hart asked Sgt. Griffith if there are any concerns if there would be a fence and not a guard rail or the type of fence? It would depend on the fence type and until the driveway has been decided, specifically removal of the southern driveway access point, and could not answer at this time.

Mr. Nestor swore in Micheal Vreeland, a professional licensed Engineer, professional planner, and certified municipal engineer. He has served as Allendale Borough engineer for a year and a half. Reviewing this application for a County road, Mr. Vreeland, in this case was not sure if the County would have jurisdiction and possibly was waiting until hearing from the Allendale Police Department on this plan. Mr. Vreeland met in October of 2016 with the Cagney's at said property. Based on the October meeting there were concerns discussed from the field observations, and stopping sight distance, which was the prime concern. They had to design a new driveway with a certification by an licensed engineer which they did. Mr. Vreeland recommended one application for both the driveway and the fence. Mr. Vreeland also mentioned the map needs to include the trees and accurate description of the location of the fences along with said trees. Mrs. Cagney agreed that the fence would be set back in accordance with the code and understood it would not be a straight fence. Mr. Nestor requested that Mr. Vreeland briefly review his findings of the memo from November 3, 2016, which everyone had a copy in advance of the meeting. Mr. Vreeland highlighted the table of limited sight distances at 35 mph of 390 feet for left turns and 335 feet for right turns. Mr. Nestor inquired if the County would review the application. Mr. Vreeland has not heard any response to date. Mrs. Cagney spoke with two people on the phone from the County that they were not interested in the application. Mr. Vreeland said there is a threshold of where the County Site Planners would review, and looked to them for guidance. Mr. Stephen inquired if there is any gas lines, electrical or utilities by the proposed driveway cuts, Mrs. Cagney indicated that technically the front of the home is located on Park Avenue and the utilities to the home are at that side of the property. Mr. Vreeland believes the design tonight is only one step better than a conceptual plan from October 2016. A more exact detailed sight distance presentation that incorporated recognized standards to create a safe driveway should be created and presented by their engineer. Mr. Cagney inquired the strict distances of the ASSHTO standards and would there be any variance in the numbers that would be acceptable? Mr. Vreeland would need more information and referred to the memo with the standards.

Ms. Tengi opened the meeting to the public for any comments, hearing none, the meeting was closed and brought the meeting back to the Board for discussion. Mr. Cagney noted that he had another idea of a kidney shaped driveway to make one cut at an acceptable distance. Mr. Nestor would recommend when the applicant appears at the next meeting to have the licensed engineer attend with them. Mr. Nestor requested if possible to have in writing from the County their opinion on the application. Mr. Vreeland recommended the sight distances reflect the County distances standards.

Ms. Tengi asked if any other concerns to be discussed. Hearing none on a motion by Ms. Tengi, seconded by Ms. Hart the meeting was adjourned at 9:21 PM.

Respectfully submitted,

Christina Montanye