

September 27, 2017

A regular meeting of the Allendale Board of Adjustment was held in the Municipal building on September 27, 2017. The meeting was called to order at 8:10 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. Manning, Mr. Redling, Mr. Sirico, Mr. Stephen, Ms. Teng. Mr. Jones arrived after roll call.
Absent: Ms. Weidner

The first item on the agenda was to approve minutes the closed session minutes from June 28, 2017, with a ye or nay. Mr. Nestor advised that if any changes are needed a closed session meeting would be required to address any corrections. A voice vote ye or nay was called. Ye: Ms. Chamberlain, Ms. Hart, Mr. Manning, Mr. Sirico, and Ms. Teng. Both Mr. Redling and Mr. Stephen abstained. Ms. Teng stated for the record that Mr. Manning did certify he listened to the minutes of July 26, 2017, meeting to vote. Ms. Teng asked for any comments, changes or corrections to the minutes. Hearing none, Ms. Teng requested a motion to approve the minutes of the July 26, 2017, meeting. On a motion from Mr. Redling, seconded by Mr. Manning, approved as submitted. A roll call vote was taken, and all in attendance voted for approval.

Next on the agenda was the hearing of applications. The first application ZBA 2017-04 has been removed from the agenda due to the applicant withdrawing his request.

Application ZBA 2017-06 carried from the July 26, 2017 meeting, 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 both residing at the address of the application. Mr. Nestor confirmed that there are two revised plans submitted by the engineer one with a date of 9/26/2017 with site distances and two curb cuts marked C-2 with today's date. The original plans from 6/28/2017 were marked C-1. The final plan has a revised date of September 7, 2017, with site distances with only one additional curb cut on the County road. Also, Mr. Nestor noted for the record a letter received from the County dated July 24, 2017, which Mr. And Mrs. Cagney confirmed. The letter stated they would not allow two cuts. No response on the additional plans submitted. Mr. Nestor advised that the meeting tonight would only address the fencing and not the driveways or curb cuts. The Cagney's confirmed in the affirmative.

The two new plans did not have the fencing marked, so C-1 marked 5/12/2017 was referenced to confirm the location of the fencing. Mrs. Cagney started on W. Crescent Avenue describing a 4 four foot white picket fence with a 2 to 3-inch visibility between pickets along the street with a 10-foot setback from the road. Then a 6-foot aluminum fence black to barricade the steep drop to the brook along that side of the property. Then a white picket fence similar along Park Avenue side with gates and requested a 7-foot setback to fall along the line of the elevated stone retaining wall to accommodate the plantings also already in place. Mr. Redling asked about the borough code 270-31 which Mr. Nestor confirmed a resident can have a 6-foot fence as long as it is 15 feet off the property line. The problem is this is a corner lot and line of sight concerns. Mr. Cagney added the Park Avenue side has a one-way direction and should be the exception on that side. Mr. Nestor agreed that Park Avenue is not an issue but the

County side would be a concern. Mr. Cagney was also concerned about visibility. Ordinance 256-1 has to have a testimony about the line of sight. The height of fences in Ordinance 270-31 should be regulated by 256-1. The Board has to determine the height. Ms. Hart confirmed that height needed would not impact the Park Avenue access. Mr. Jones arrived at this time in the meeting. Mr. Redling noted that on Crescent Avenue the 15 foot off the property line with the height of 6 feet. Mr. Cagney confirmed the distance and steep drop to Ho Ho Kus Brook. Mr. Manning inquired about a height and drop from 6 feet to 4 feet at the distance of 15 feet. Ms. Hart again confirmed the concern for the line of sight. There are two concerns that the cars going northbound can see if you are exiting the driveway and the other concern is for the driver could see through the fence and that it is not a 'wall'. It has to be 10 feet from the property line. Ms. Cagney noted the protection of their home along the curve and turn off. Ms. Hart asked if they requested a barrier, but Ms. Cagney said there are no funds for the County to provide one. Mr. Nestor confirmed the 6-foot fence would be fine has to start 15 feet off the property line off Park Avenue and 15 feet from the back property line which the applicant described as a drop off to the woods and brook. The applicant would not have a problem would nor an issue to 4 or 5 feet and scallop up to 6 feet height at the distance of 15 feet. Ms. Tengi opened the meeting to the public for any questions as to what has been discussed so far. Mr. Nestor swore in the for public comment Michael Hynes residing at 611 West Crescent Avenue, Allendale. This is one of the properties abutted to the property that is the next one to the applicant with the stream on the West Crescent side. Mr. Hynes had one request that the fence will be black to match their property aesthetics and will be pleasing to them as homeowners. Mr. Hynes had no other objections at all. This is the Brightwood property and contains 7 acres so no concern of encroachment for the homeowners. Mr. Cagney confirmed for the record that the aluminum fence in the back would be black. Seeing no other comments the meeting was brought back to the board. Mr. Nestor requested Sgt. Griffith to opine of his observations. Mr. Nestor swore in Sgt. Griffith and waived another confirmation of credentials having heard them at the last hearing for this application. Mr. Nestor asked Sgt. Griffith, having heard the testimony and the scallop the aluminum fence from the back of the property starting at 15 feet off the back property line and bring in the fence from the streets from four feet to six feet in height. The two things Sgt. Griffith noted was the request a guardrail with an undercarriage and consideration of the history of accidents at that location which also triggered Park Avenue to be closed at the top to two-way traffic. Sgt. Griffith would like to do further study with cutouts to verify the line of sight. Mr. Nestor asked about the four-foot fence from the West Crescent Avenue along the back property line. It is a greater concern to have fencing along West Crescent Avenue set 10 feet off the property line. That is a County requirement that was confirmed personally with Mr. Vreeland today by Sgt. Griffith. The driveway cuts will determine the fencing. C -3 plan is the only viable plan for the driveway at this time. A study will be done to verify the multiple scenarios to determine what is a safe tolerance for the fencing and driveway line of sight height and distances by Sgt. Griffith to be reported on after approval from the County to proceed with the additional driveway cut. Again, Mr. Nestor stated for the engineer not to appear since there was no County approval at this time. Mr. Nestor gave the Cagney's two options. The Board could proceed on the 6-foot fence on the back of the property and wait for the reports for the driveways; Park Avenue does not present a concern. The application can be carried until the reply from the County is received. Ms. Cagney requested the white picket fence in addition to the black fence. Mr. Nestor answered it would not be advisable at this time to erect the picket fence along the rest of the property. If 10 feet off the property puts the fence at your front door it would not be wise to proceed without all the facts, distances and survey marks. Ms. Hart reviewed that the facts need to be determined before going further. The 6 foot height can't start until you are 15 feet in off the property line and Park Avenue can begin at 5 feet height. The West Crescent Avenue is not okay with the garage structure with the 15 feet from the back property line. Mr. Nestor kept the focus for the single aluminum fence. Mr. Jones need to clarify if the fence has to be appropriate distance as

legislated by the County more specifically, 10 feet property line, curb, or County road. He would not like to move forward at this time. Mr. Nestor offered to bifurcate the fence application. In deference to the County as to where the exact starting point is accepted. Mr. Stephen offered to stop the fence at the corner of the garage and not encroach any further towards the County road of West Crescent Avenue. Ms. Hart reviewed the plantings and locations of the trees. To clarify, the 6 foot black aluminium fence along the driveway to the northernmost corner of the garage and the 4 foot white picket fence along Park Avenue and turn in at the corner of the house as marked dimension line tie it into the home at the 13.76 distance perpendicular to the home between the rock retaining wall the the corner of the home with a gate at the stairs and driveway, thus leaving the rest of the property unfenced until a decision has been made by the County regarding the West Crescent Avenue side of the property and driveway approval.

Ms. Cagney would like to have anything approved to protect themselves from the Park Avenue but how do they protect themselves on the West Crescent side? Sgt. Griffith laid out the understanding of what kind of guardrail. It would be a prohibitive cost and major excavation. Nothing has happened in the last 36 months to trigger the County to take a proactive repair of the roadway. Mr. Manning suggested boulders on the point of the property and a fence would not stop the traffic. Ms. Hart asked of Mr. Nestor if there are any restrictions to boulders which Sgt. Griffith said would be acceptable at the north corner to be a barrier. Ms. Hart inquired if there are any guard rails on the property. Ms. Cagney confirmed the guardrail only is located along the West Crescent Avenue just after the barn towards the Hyne's property.

Mr. Sirico made a motion for the northeastern corner of the garage to the Park Avenue at 6-foot black aluminum fence running along the driveway at a level of 6 foot until they come to within 15 feet with a scallop down to 4 or 5 feet beginning at that point up to Park Avenue. At Park Avenue then the 4-foot high white picket fence along the top of the retaining wall up to the 13.76 line which a right turn at the corner of the home to tie in the fence, with a gate at the stairs. Ms. Hart clarified that the County has to confirm to Mr. Vreeland the 10 feet off the property line on the West Crescent Avenue property line. No report will be issued until the County informs every one of the parameters. The Cagney's will be very amenable to any adjustments if the County requires of the fencing if approved. Mr. Redling seconded the motion. A roll call vote was taken for this limited approval. All present voted in favor.

Ms. Tengi informed the Cagney's that the rest of the application for variances not addressed tonight would be carried over until a decision is made from the County.

Ms. Tengi asked if any other concerns to be discussed. Hearing none on a motion by Mr. Redling seconded by Mr. Manning the meeting was adjourned at 9:23 PM.

Respectfully submitted,

Christina Montanye