LAND USE BOARD
BOROUGH OF ALLENDALE
Municipal Building
500 West Crescent Ave
Allendale, NJ

A Regular Meeting of the Allendale Land Use Board was held in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, NJ 07401 on February 13, 2018. The meeting was called to order at 7:32 p.m by Chairman Quinn who read the open public meetings statement and stated the requirements had been satisfied.

Chairman Quinn led those present in a salute to the flag.

ROLL CALL:

The following individuals answered roll call:

Board member Bergen
Secretary Daloisio
Board member Davis
Alternate Kearl
Board member O'Toole
Councilman Sasso
Vice Chairman Sirico
Mayor White
Chairman Quinn

The following individuals were also present:

Alternate Member Susanne Lovisolo
Board Attorney Christopher C. Botta, Esq.
Board Engineer Michael Vreeland
Land Use Administrator Susan Karsiotis
Deputy Municipal Clerk Michelle Ryan

APPROVAL OF MINUTES:

Motion by Secretary Daloisio second by Vice Chairman Sirico that the Minutes of January 30, 2018 – Initial Land Use Board Meeting were approved.

On a roll call, the vote was recorded as follows:

Board member Bergen - aye
Secretary Daloisio - aye
Board member Davis - aye
Alternate Kearl - aye
Board member O'Toole - aye
Councilman Sasso - aye
Vice Chairman Sirico - aye
Mayor White - aye
Chairman Quinn - aye

Motion by Mayor White second by Board member O'Toole, that the Minutes of December 21, 2017 – Planning Board Meeting Regular Session were approved.

On a roll call, the vote was recorded as follows:

Board member O'Toole - aye
Councilman Sasso - aye
Daloisio - abstain
Mayor White- aye
Chairman Quinn- aye

Chairman Quinn called the following application for public hearing:

Application File No.: LUB 2018-01
Applicant: Carol Riker
Address: 21 Woodland Avenue, Allendale New Jersey 07401
Block: 301 Lot: 3
Application: Variance – Minimum lot area. (270-57E)
Variance – Minimum lot width. (270-57F)
Variance – Minimum front yard setback (270-57B)
Variance – Minimum side yard setback (270-64C)

Mr. Botta swore in the applicant Carol Riker, 21 Woodland Ave, Avenue, NJ and her professional Gary Indyk, 985 Franklin Turnpike, Allendale, NJ. They were both set to testify.

Chairman Quinn asked Ms. Riker to tell the board about her application for a variance.

Before testimony given, Ms. Davis recused herself due to a conflict of interest. Ms. Lovisolo replaced her on the board.

Ms. Riker explained that she wanted to build a covered portico over her driveway that attaches by the side door of her house and that it would be approximately a car length and a half. The variance needed would be for the portico's encroachment on the side yard setback. She stated that as her property's garage is at the back of her yard she wants to make it easier to both access her car and protect it from the elements. She has hired an architect, Mr. Indyk, whose preliminary drawings for the project are exhibited on the presentation board and she is awaiting board approval before drawing up the final plans.

Chairman Quinn thanked Ms. Riker for her information and asked Mr. Indyk to present his Review/Analysis presentation paper about the proposed portico project. Chairman Quinn asked for borough engineer Mr. Vreeland's comments on the proposed portico project as well.

Mr. Botta marked Ms. Riker's presentation board as Exhibit A-1 and Mr. Indyk's Review/Analysis presentation paper as Exhibit A-2.

Mr. Indyk gave a thorough review of the property, the proposed building project and the relief being sort in his Review/Analysis presentation paper (Exhibit A-2). The Review/Analysis contained a diagram of the Ms. Riker's house, the proposed portico and six photographs of Ms. Riker's house including the side entry door where the portico would be positioned. Mr. Indyk explained that the application drawings (4 of the pages) and copies of the six photographs shown with the Review/Analysis presentation paper were displayed on the presentation board (Exhibit A-1). Mr. Indyk discussed the application's drawings (5 pages). The 1st drawing included diagrams of the site plan and Ms. Riker's house in relation to nearby residential and commercial properties, with a view of the existing garage and the side of the yard where the variance setback is being requested. Mr. Indyk explained that the side yard would be reduced to five feet from the current fifteen feet. Mr. Indyk stated that there would be no change in the ground coverage as the proposed portico would be replacing impervious driveway. The 2nd drawing showed a view of Ms. Riker's house and a floor plan of the proposed portico with its two columns in relation to the Ms. Riker's house. The 3rd drawing showed a view of the front elevation of Ms. Riker's house and Mr. Indyk explained that the

proposed portico would balance the house with the existing prior addition on the left-hand side. The 4th drawing's depiction of the right side elevation showed that the proposed portico would be compatible with the existing residence's roof slopes, materials and column configuration. The 5th drawing's rear elevation view showed the prior addition to the left side of Ms. Riker's house and Mr. Indyk reiterated that proposed portico's balancing effect with the prior left-sided addition is also effective from the rear of the Ms. Riker's house. Mr. Indyk indicated that he was ready for questions.

Mr. Botta marked the application's survey as Exhibit A-3. The survey had been omitted from the application initially.

Mr. Quinn asked Mr. Vreeland to go over his memo to the board before opening up the meeting to the board's comments.

Mr. Vreeland confirmed that Ms. Riker's application did not include a survey initially but that as it was subsequently provided and the engineer's office was willing to disregard that fact.

Mr. Vreeland confirmed that there were a couple of nonconforming zoning conditions that wouldn't be impacted by the proposed portico addition and that, as per Ms. Riker and Mr. Indyk, the real impact of the proposed portico would be its encroachment on the right side yard setback which is being driven by the location of Ms. Riker's existing house, the configuration of the existing lot and the fact that the existing driveway is on the right side of the house. He had doubts about the feasibility of putting a drive way on the left side of Ms. Riker's house because of the limited amount of footage and the necessity of driving all the way round the house to the garage. Mr. Vreeland reiterated that the most practical place to put a portico was over the top of the existing driveway by the side door.

Chairman Quinn established that Ms. Riker's property was triangular-shaped due, in part, to Orange and Rockland Utilities' ownership of two adjacent lots on the Crescent side. It was established that it was not feasible to try and purchase ORU property due to its use for transmission lines and other purposes. Mr. Botta confirmed that the two lots were not an easement on the applicant's property. Mr. Quinn added that Ms. Riker's property was shaped unusually compared to the other properties on the street and Mr. Indyk reiterated this by pointing out that, after having looked at Allendale's tax maps, the irregular shape of the Ms. Riker's lot was unique to Allendale. It was confirmed that the adjacent land with the trees blocking out the view out to Crescent Avenue would remain designated as "green land".

Chairman Quinn was concerned with Mr. Indyk's building plans being in conflict with Allendale's Master Plan and as such would involve taking an existing building conformity and make it into a non-conformity by reducing the property's right side yard setback as described above to five feet. Mr. Quinn confirmed that Ms. Riker's application necessitated the board going against the Master Plan's emphasis of trying to get rid of nonconforming structures. However, Mr. Quinn acknowledged that Ms. Riker's odd property configuration needs to be considered as well.

Mr. Indyk pointed out that if the lot had had a rectangular shape and the house had been located further to the left he could have built a detached garage where the portico is shown on his drawings with very little additional space needed.

Chairman Quinn acknowledged Ms. Riker's construction hardships to be such that she could not put a structure on the side of her house for her car other than to build a portico**.** Chairman Quinn

confirmed that the location of the proposed portico is where the car is normally parked and that would give the vehicle shelter.

Mr. Vreeland confirmed that Allendale's residential ordinance requires all houses to have a garage and a portico is allowed in addition.

Alternate Kearl reiterated that he also thought that the proposed portico would balance out the house and that the project's plans looks nice. He pointed out that because the house next door is at a higher elevation, the proposed portico's roof line would be relatively low and would not dominate the house next door.

Chairman Quinn stated that the neighbor's house does not have any entrances on relevant side (left) of their house, as their entries are at the front and back of the house, and that, although the two driveways are together, there is not much likelihood of two porticos being opposite each other.

Alternate Lovisolo and Board member Berman provided comment concerning the trees, bushes and shrubbery that act as a barrier between the two houses. Mr. Indyk confirmed that the two large trees, bushes and shrubbery will not be damaged or removed as a result of the building work.

Mr. Sasso suggested, following up on Tyler's point, that because of the elevation of the neighbor's house, the proposed portico might give both properties additional privacy because of the angle. The proposed portico would allow the neighbor to look down on the proposed portico's roof line and Ms. Riker's kitchen window would be partially blocked. A reduction in car noise from the car pulling in might also be a result of the building project. There was further discussion about the portico's concealment by the greenery between the two properties, and while the height of the trees varied, it was established that the five foot difference in the driveway grades at the proposed portico location results in a view of the top of the portico from the neighbor's driveway.

There was a discussion about water flow run-off and direction that was initiated by Mayor White and that although there would be gutters on the eves on both sides of the portico and a down spout to the existing driveway, Mr. Indyk confirmed that, as there would be no additional ground coverage involved in the building work, the run-off configuration would remain the same and would not be directed onto the neighbor's property.

Mr. Vreeland confirmed that the finish of the portico would be in the same color and materials as the existing house and the construction would include one additional light at most, beyond the existing light fixture by the side door and no additional spotlights.

Mr. Botta marked Mr. Vreeland's memo to the board as Exhibit A-4. Chairman Quinn confirmed that the garbage fence near a big tree would be right at the edge of the portico and would have no bearing on the proposed building project.

Mayor White brought the discussion round to a discussion of the affected neighbor and it was confirmed with Ms. Riker that, not only were the neighbors not present at the hearing, but they had no issue with the proposed portico project.

Chairman Quinn asked if there were any additional questions from the board members. Hearing none, he opened up the meeting to the public.

Jim Strauch, of 33 Woodland Ave, Allendale stated that he is two houses away from Ms. Riker's house, standing on Woodland Avenue the Fenton's house is in between and that the Fenton's were on vacation. He stated that he had no objection to his neighbor's proposed portico project, supporting his agreement with additional information about the history and development of Woodland Avenue including Ms. Riker's triangular-shaped lot. Additionally Mr. Strauch spoke about the pre-existing conditions involved with Ms. Riker's house, along with some of the other houses on Woodland Avenue, these houses having been originally built as three season cottages before World War Two. He confirmed that he thought it was unlikely that the Fenton's would build a portico on the side of their house due to the configuration of their outside doors at the front and back of the house. Mr. Strauch also brought to the Board's attention that the Fenton's allowable building coverage had been maxed out in the1980s when the prior owners put a second floor on the house. Mr. Strauch liked the design of the proposed portico which he referred to as deminimus, because, having no walls, it allowed the existing garage to still be viewed at the end of the driveway. He expressed the belief that Ms. Riker had made every effort to work with all the parties affected by the portico project and liked her willingness to take into account the needs of the town, her neighbors and the requirements of the Master Plan. Additionally he liked Ms. Riker's efforts to bring her house into what he expressed as a more livable state that was appropriate to 21st century lifestyles.

Chairman Quinn thanked Mr. Strauch for his comments. He asked for any other comments from the public and seeing none he brought the meeting back to the board. He asked the board members and Mr. Vreeland if they had any additional comments**.** Mr. Vreeland had none. There was confirmation of the balance and aesthetic value of the portico project previously mentioned by Secretary Daloisio, and Ms. Lovisolo pointed out that the proposed portico is in line with Ms. Riker's existing garage and that the neighbor's garage (The Fenton's) is closer to Ms. Riker's property line that the portico project would be. It was confirmed by Ms. Riker that the side door from the proposed portico area led to a little landing between the basement and kitchen with two steps up to the kitchen.

Chairman Quinn felt that the applicant's uniquely odd-shaped lot would be a controlling factor in not setting a precedent for other rectangular shaped lots requesting an encroachment on a side yard setback. Mayor White pointed out, that as the house next door to Mr. Strauch's (The Fenton's house) already has a six foot set back on its other side, an additional noncomplying setback is consistent with the needs of the neighborhood.

Chairman Quinn indicated that the board should proceed to a motion and Mr. Botta said that if the board is inclined to approve the variance the motion should be to approve the variance based on a "C" or hardship variance because of the unique and exceptional property shape and the lack of negative criteria. Mr. Botta indicated that if the motion carried he would draft a resolution to be voted on at the next Regular Meeting.

Motion by Mr. Sasso, second by Secretary Daloisio, that Application No. LUB 2018-01 be approved as a C1 hardship. There was no discussion.

On a roll call, the vote was recorded as follows:

Board member Bergen	Councilman Sasso
Secretary Daloisio	Vice Chairman Sirico
Alternative Lovisolo	Mayor White
Alternate Kearl	Chairman Quinn
Board member O'Toole	

Ms. Riker expressed her thanks and board members wished her well. Mr. Botta reiterated that he would draft a resolution for formal approval at the next meeting. The members who sat in on the application will have the opportunity to vote on the resolution. He also put on record that he had reviewed the application for completion and the notice requirements were properly met. Mr. Sasso reminded Ms. Riker that construction could not begin until after the resolution was formally approved.

Ms. Davis returned to the board.

OPEN TO PUBLIC FOR COMMENT:

Chairman Quinn opened the meeting to the public for comments on land use matters. Hearing none, he brought the meeting back to the board.

CORRESPONDENCE:

Mr. Vreeland discussed Storm water Management Training instructions. Copies for the board members were disseminated at the meeting and Mr. Vreeland said the board members should review the website video entitled: "Asking the Right Questions" in the Storm water Review Training Tool by July 1, 2018 and send an email to that effect to Mrs. Karsiotis for Mr. Kistner to put in his file for when he files the annual certification of the Borough.

OTHER:

Chairman Quinn asked the board members if there were any other matters for the land use committee to share with the board. Councilman Sasso said he had given an update at the last council meeting. Mayor White mentioned that she found Mr. Vreeland's memo to the board very helpful for reviewing Ms. Riker's application as she was able to read Mr. Vreeland's memo to the board with engineering details before the meeting and Chairman Quinn acquiesced that it is good to get the appropriate professionals involved early on in the application process. Mr. Vreeland stated that as an engineering professional he provides the board an unbiased, technical memo, which helps to ensure a better outcome to the application process with participation from all the board members being more likely. Councilman Sasso confirmed that his comfort level was increased when Mr. Vreeland was involved in the application process early on so as to be able to identify the presence of any pre-existing nonconforming structures which no longer necessitate automatic board appearances. Mayor White was happy to be able to give the board advanced notice about a recent

message she had received from the attorney for a property at 20 Commerce Drive off Boroline Road that will be looking for an increase in space. Mayor White commented that the property is commercially ratable and that the occupants will probably need an amended site plan. Mr. Botta updated the board with the information that he has been working on the by-laws and that he should have a draft ready to circulate before the next meeting.

ADJOURNMENT:

On a motion by Mayor White, seconded by Vice Chairman Sirico, with all present members voting in favor the meeting adjourned at 8.25 p.m.

Respectfully submitted

Susan Karsiotis
Land Use Administrator