

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: 11/13/2024

RESOLUTION: LUB 24-19

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen					✓	
Warzala						
Putrino						
Agugliaro	✓		✓			
Daloisio		✓				
Dalo					✓	
Sirico			✓			
Wilczynski						
Butler-Alt.#1			✓			
Conte-Alt. #2					✓	

Carried Defeated Tabled

RESOLUTION LUB 24-19

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 MICHAEL AND MELISSA DITOLLA
 BLOCK 2008, LOT 9.01
 (a/k/a 130 ELMWOOD AVE)

WHEREAS, the applicants, MICHAEL AND MELISSA DITOLLA, the owners of the property located at 130 Elmwood Ave, known as Block 2008, Lot 9.01, on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey (the “Property”), applied to the Land Use Board of the Borough of Allendale in an application dated September 4, 2024 for approval of variance relief from the Allendale Code, Zoning to permit an addition and renovation to an existing single family home; and

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WHEREAS, the proposal requires variance relief from bulk standards in the Allendale Code; and

WHEREAS, the application and plans specifically seek approval to renovate the existing home which shall include a new enclosed front porch, laundry / mudroom, and home office, as well as an expansion of the kitchen; and

WHEREAS, the application seeks bulk variance relief for the side yard and rear yard setback as well as a variance for FAR; and

WHEREAS, the Land Use Board considered the matter at the October 23, 2024 regular meeting of the Land Use Board at which time the applicant personally appeared and testified;

NOW THEREFORE BE IT RESOLVED by the Borough of Allendale Land Use Board that it hereby makes the following findings of fact and conclusions:

1. Notice of the public hearing was properly given by the applicant in accordance with applicable law.

2. The Property is located at 130 Elmwood Ave, known as Block 2008, Lot 9.01, on the Tax Map of the Borough of Allendale. The property is located in the A Residence Zone. The application was in evidence.

3. As part of the application, the applicant submitted a Land Use Application and associated documents; Survey of the Property prepared by Paparozzi Associated Inc. dated August 26, 2019; Architectural Plans titled "DiTolla Residence" prepared by Mary Fitzpatrick Scro, Architect dated September 11, 2024 which include photographs of the existing home.

4. Variance relief is required because the Property is located in the A Residence Zone and the application proposes a deviation from the required bulk requirements as follows:

§270-63(3) – Floor Area Ratio. The FAR shall be 30%, where the Code allows for 25%.

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§270-64C(2) – Side Yard Setback. The side yard setbacks are calculated using the Gross Building Floor Area, which requires a setback of 21.46 feet while the existing right side non-conformity is 14.6 feet.

§270-57D – Minimum Rear Yard Setback. The rear yard setback shall be 33.6 feet, where the code requires a minimum of 50 feet.

6. The Property is ±0.275 acres and is located within the Borough's A Residence Zone District. The Property is developed with a single-family dwelling and associated amenities. The application and plans propose an addition and renovations to the dwelling located on the Property.

7. The applicant was sworn in and testified as to his need for the requested relief due to safety issues when exiting the Property and onto the main road.

8. The applicant's Architect, Mary Fitzpatrick Scro, appeared on behalf of the applicant and gave testimony supporting the need for variance relief.

BE IT FURTHER RESOLVED, based upon the factual and legal evidence, testimony and contentions set forth herein, that the Allendale Land Use Board hereby grants the applicant's request for variance relief, and to permit the addition and renovations as proposed in the application; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby determines that the variance hereby granted constitutes a "hardship" variance under N.J.S.A. 40:55 D-70C.(1); and

BE IT FURTHER RESOLVED that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant, in connection with the testimony that the applicant is entitled to variance relief, due to the unique nature of the property, namely the lot configuration and the existing location and size of driveway, which are all deemed hardships by the Board. In

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addition, the hardships associated with the present condition of the property and premises outweigh the negative criteria to the Borough zoning ordinances and the zone plan and neighborhood; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval of the requested variance, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:

A. All fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the applicant's plans, shall be paid in full to the Borough of Allendale by the applicant.

BE IT FURTHER RESOLVED construction shall proceed in accordance with this Resolution, the approved plans and drawings marked in evidence, the testimony of the applicant in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

BE IT FURTHER RESOLVED that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee therefore. The Secretary shall also file a copy of this Resolution in the offices of the Borough Clerk, Building Inspector, Construction Code Official, Tax Assessor and the Borough Attorney and shall publish a brief notice of the decision in the official newspaper, the cost of which shall be paid for by the applicant.

Approved:

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ALLENDALE LAND USE BOARD



MICHAEL A. SIRICO, Chairman

Attest:



MELISSA BERGEN, VICE CHAIRWOMAN

Adopted: November 13, 2024