

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: July 19, 2023

RESOLUTION: 23-16

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen	✓		✓			
Putrino		✓	✓			
Kistner					✓	
Daloisio						✓
Dalo			✓			
Sirico			✓			
Wilczynski			✓			
Warzala			✓			
Butler			✓			

Carried Defeated Tabled

RESOLUTION 23-16

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 LAUREN GOLDBERG & RICHARD GOLDBERG
 BLOCK 801, LOT 39
 (a/k/a 118 GREEN WAY)

WHEREAS, the applicant, LAUREN GOLDBERG & RICHARD GOLDBERG, the owners of the property located at 118 Green Way, known as Block 801, Lot 39, on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey, applied to the Land Use Board of the Borough of Allendale in an application dated March 22, 2023 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AAA residential zone, from the Allendale Code, Zoning; and

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WHEREAS, variance relief is necessary since the property is pre-existing non-conforming, and the proposed addition/renovation requires variance relief from bulk standards in the Allendale Code; and

WHEREAS, the application and plans specifically seek approval to construct an addition and renovations to the existing dwelling, including an addition to the rear footprint and first floor expansion; and

WHEREAS, the application seeks specific variance relief for lot size and side yard setbacks; and

WHEREAS, the Land Use Board considered the matter at the June 21, 2023 regular meeting of the Land Use Board at which time the applicant and their retained professional 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 118 Green Way, known as Block 801, Lot 39, on the Tax Map of the Borough of Allendale. The property is currently developed with a single-family dwelling and associated amenities. The property is located in the AAA residential zone. The application was in evidence.
3. As part of the application, the applicant submitted a Land Use Application and associated documents; February 6, 2023 Allendale Code Enforcement Office correspondence (Anthony Hackett) to applicant deny zoning application; and Architectural Plan Set (including copy of survey), entitled, "Paterno-Goldberg Residence, 118 Green Way, Allendale, NJ,". The plans prepared by Z+ Architects, LLC (Mary Fitzpatrick Scro, AIA) consist of 20 sheets and are dated January 6, 2023. Additional plans prepared by Z+ Architects, LLC (Mary Fitzpatrick Scro,

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AIA), consisting of 3 sheets and dated June 21, 2023 were submitted by the applicant at the public hearing, and marked as Exhibit A-1.

4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated June 3, 2023. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

5. Variance relief is required because this property located in the AAA residential zone has pre-existing, non-conforming conditions, due to the undersized lot size, and side yard setbacks, as follows:

§270-51B(1) – Minimum Lot Area. The zoning table indicates the existing 27,129 sf lot is less than the required 40,000 sf. The application does not appear to alter this condition.

§270-64A(2) – Side Yard Setbacks. The zoning table indicates the existing gross building area is 3,282 sf and requires ± 26.3 ft enhanced side yard setback. The existing setbacks are conforming (± 27.7 ft left; ± 37.9 ft right). The proposal increases the GBA and expands the required enhanced side yard to ± 29.35 ft. The plans propose to maintain the existing 27.7 ft left setback. The renovated dwelling will encroach ± 1.7 ft into the expanded left setback.

6. The subject ± 0.623 acre property is commonly known as 118 Green Way. The property is currently developed with a single-family dwelling and associated amenities. The property is located within the Borough's AAA Residence Zone District and is surrounded by residential uses. The application and plans propose addition and renovations to the dwelling (including rear footprint and first floor expansions).

7. The applicant and their architect, Mary Fitzpatrick Scro, AIA, were sworn and testified as to the existing conditions of the property. They testified that the lot was significantly undersized in area and there are existing non-conformities. The hardship is the size of the lot, location of the house on the lot, and the lot is significantly undersized for the zone. The applicant is proposing an addition and renovation which would include an addition to the rear of the home, an extended family room/breakfast area, mudroom entrance, and a single-story addition on the short-side and rear of the house. The proposed rear porch has in fact been reduced in the revised plans, and moved further away from the existing pool. The FAR is well below that permitted. There will be no change to the front or the rear yard existing encroachment. There will be new siding and design elements associated with the addition which will be an aesthetic improvement to the home. Landscaping disturbances will be minimal, and any landscaping removed will be replaced. No flood lights are to be installed. Any improvements on the property would require variance relief, due to the pre-existing non-conforming condition. The addition would be minimal, aesthetically pleasing to the property and consistent with the neighborhood. There would be no negative impact on surrounding properties or the neighborhood, and visible impact would be

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minimal, as most of the addition is in the rear of the home and limited to one story. The increased side yard setback encroachment is minimal, and largely the result of the enhanced set back requirements in the Code associated with the proposed addition. The applicants testified that they considered other options, but that the proposed additional was the least intrusive and minimal option that was suitable for their needs. There would also be no increase in impervious coverage and no negative impact on water run-off/stormwater management, and they would consider seepage pits if necessary and recommended by the Borough Engineer.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated June 3, 2023. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board. Mr. Vreeland also provided testimony relative to the application to the Land Use Board. Mr. Vreeland testified that the proposed addition would have no impact on surrounding properties. The applicant specifically agreed to incorporate the recommendations of the Borough Engineer's review letter and testimony into the renovation plans.

9. No members of the public appeared in connection with the application.

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 a 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 applicants and their professional, and the Borough Engineer, in connection with the testimony that the applicant is entitled to variance relief, due to the unique nature of the property, namely the undersized lot area, the physical placement of the home on the lot, and the pre-existing non-conforming condition, which are all deemed hardships by the Board.

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In 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. Further, the addition will be aesthetically pleasing, it will conform with FAR regulations, and will not be obtrusive due to the placement and location of the proposed improvements and minimal existing encroachments which will not be expanded; 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.
- B. Applicant and professionals shall work with the Borough Engineer in the event that any field adjustments shall be required for the proper construction of the proposed addition, so as not to negatively impact any surrounding properties and to minimize and address any stormwater or drainage issues, and comply with Mr. Vreeland's June 3, 2023 review letter, inclusive of Sections 4.6.1 through 4.6.4.

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 and their professional, and 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

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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.

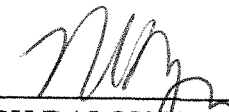
Approved:

ALLENDALE LAND USE BOARD



MICHAEL SIRICO, Chairman

Attest:



~~JOSEPH DALOISIO, SECRETARY~~
Melissa Bergen, vice chairman

Adopted: July 19, 2023