

**RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: September 13, 2021

RESOLUTION# LUB 21-18

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen		✓	✓			
Daloisio					✓	
Davis					✓	
Kistner			✓			
Lovisolo					✓	
Councilman Sasso	✓					✓
Sirico	✓		✓			
Mayor Bernstein					✓	
Chairman Quinn			✓			
Yaccarino – Alt. #1			✓			
Forbes – Alt. #2			✓			

Carried Defeated Tabled

RESOLUTION 21-18

**LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
ELIZABETH LEONARD AND DAVID DUFFY
BLOCK 402, LOT 7
(a/k/a 15 CRESCENT PLACE)**

WHEREAS, the applicant, ELIZABETH LEONARD and DAVID DUFFY, the owners of the property located at 15 Crescent Place, known as Block 402, Lot 7 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 August 4, 2021 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the A zone, from the Allendale Code, Zoning; and

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WHEREAS, the application seeks variance relief since they filed an application for a Zoning Permit which was denied by the Code Enforcement Official via letter dated July 14, 2021; and

WHEREAS, variance relief is necessary since the property is pre-existing non-conforming; and

WHEREAS, the application and plans specifically seek approval to construct an addition and renovations to the existing dwelling, including a rear one story addition, an expanded kitchen and dining room, and rear patio reconfiguration; and

WHEREAS, the application seeks specific variance relief for side yard encroachment, rear yard encroachment, undersized lot area, floor area ratio and gross building area; and

WHEREAS, the Land Use Board considered the matter at the August 18, 2021 regular meeting of the Land Use Board at which time the applicants and their professional architect 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 15 Crescent Place, known as Block 402, Lot 7, on the Tax Map of the Borough of Allendale. The property is located in the A residential zone. The application was in evidence.
3. As part of the application, the applicant submitted Architectural Plans prepared by Z+ Architects, dated July 7, 2021, the July 14, 2021 letter from the Allendale Code Official, various photographs and correspondence. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated August 18, 2021. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

5. A variance is required because this property located in the A residential zone and has several pre-existing, non-conforming condition, due to the structure in place and proposed additions, as follows:

§270-37A – Additions to non-conforming structures: The proposal includes alterations within the required rear and side yard setback.

§270-57C – Side yard setbacks: The plans and application indicate the existing dwelling encroaches ±5.5 ft into the required 15 ft side yard setback. The proposed addition will also encroach ±5.5 ft into the required 15 ft side yard setback.

§270-57D – Rear yard setbacks: The plans and application indicate the existing dwelling (deck) encroaches ±26 ft into the required 50 ft rear yard setback. The proposed addition (rear steps) will encroach a few feet less into the required rear yard setback.

§270-57E – Lot area: The plans and application indicate the existing lot is undersized. The proposal does not appear to alter this condition.

§270-63A – Floor area ratio: The plans and application indicate the existing dwelling exceeds the 25% requirement by ±0.78 %. The proposed renovations will exceed the requirement by ±3.3%.

§270-63B – Gross building area: The plans and application indicate the existing dwelling exceeds the allowable floor area ratio by 62 sf. The proposed addition increases the floor area and will exceed the allowable ratio by 262 sf.

6. The proposed addition and renovations will include a rear one story addition, an expanded kitchen and dining room, and rear patio reconfiguration.

7. The applicants and their architect, Mary Scro, AIA, were sworn and testified as to the existing conditions of the property, and that the applicants were seeking to construct an addition to the home to better accommodate their family. Any improvements on the property would require variance relief, due to the several pre-existing non-conforming conditions. It was noted that the property is extremely undersized, by a measure of 40% of the A zone requirements. The house structure is also located on the right side of the undersized lot, and is modest in size for the zone. The proposed addition would add approximately 200 square feet, and include a rear one story

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addition, reconfigured interior spaces and add a new patio. The exiting elevated deck would be removed. The addition would not increase the current side yard encroachment, and would reduce the rear yard encroachment. The floor area ratio would increase and will exceed the FAR requirement by 3.3%, and the gross building area would exceed the allowable ratio by 262 square feet. The applicant's architect testified that there was adequate screening on the side of the property with existing landscaping, and that the application did not call for the removal of any existing buffer screening or trees on the property. The modest addition would be aesthetically pleasing to the property, consistent with the existing style and design of the premises, functional for the family and shielded from neighbors by existing vegetation and space which would remain. The applicants also testified that there would be no impact on any surrounding properties or the zone, since there would be no expansion of the presently existing non-conforming condition in connection with rear and side yard encroachments, and that the benefits of the variance relief would outweigh any detriments.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated August 18, 2021. 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, and testified as to recommended drainage elements be incorporated into the renovation. 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 applicant, the applicant's architect and the Borough Engineer, in

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connection with the testimony that the applicant is entitled to a variance, due to the unique nature of the property, namely the pre-existing non-conformity on the property, the undersized lot condition and placement of the structure on the property (N.J.S.A. 40:55 D-70C.(1)), which are deemed hardships by the Board.

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 their 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, including any adjustments to drainage, connection with seepage pits, stormwater management and soil movement, so as not to negatively impact any surrounding properties.
- C. Applicant shall prepare and submit an "As-Built" survey plot and plan as a condition of issuance of a Certificate of Occupancy.

BE IT FURTHER RESOLVED construction shall proceed in accordance with this Resolution, the approved plans and drawings marked in evidence, the testimony of the applicants and their professionals 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.

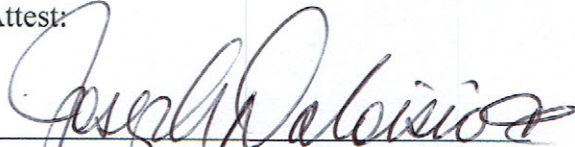
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:


JOSEPH DALOISIO, SECRETARY

Adopted: September 13, 2021