

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: October 19, 2022

RESOLUTION: 22-25

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen					✓	
Daloisio						✓
Kistner						✓
Lovisolo						✓
Yaccarino		✓	✓			
Sirico	✓		✓			
Bernstein						✓
Quinn			✓			✓
Forbes - Alt. #1						✓
Putrino - Alt. #2			✓			✓

Carried Defeated Tabled

RESOLUTION 22-25

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 PETER & KATHERINE MIROS
 BLOCK 510, LOT 8
 (a/k/a 18 GLORIA DRIVE)

WHEREAS, the applicant, PETER & KATHERINE MIROS, the owners of the property located at 18 Gloria Drive, known as Block 510, Lot 8, 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 31, 2022 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 both sides and the rear of the structure, a rear covered porch, a rear deck expansion and a driveway extension; and

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

WHEREAS, the Land Use Board considered the matter at the September 21, 2022 regular meeting of the Land Use Board at which time the applicant and her 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 18 Gloria Drive, known as Block 510, Lot 8, on the Tax Map of the Borough of Allendale. The property is located in the AAA residential zone. The application was in evidence.
3. As part of the application, the applicant submitted Architectural Plan Set consisting of 6 sheets entitled, "New Addition / Renovation for: Mr. & Mrs. Miros, 18 Gloria Drive, Allendale, NJ," William G. Brown, Jr., AIA of William G. Brown Architects, dated July 13, 2020, last revised October 20, 2021. The applicant also submitted a Survey consisting of 1 sheet entitled, "Survey of Property, Lot 8 in Block 510, Borough of Allendale, Bergen County, New Jersey," prepared by Ryan R. Harris, PLS of Galiano, Harris & Associates LLC, dated May 22, 2013, without revision.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated September 14, 2022. 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, undersized lot width, front yard encroachment and side yard encroachment, as follows:

§270-37A(2) – Additions to Non-conforming Structures. The proposed additions create additional non-conformities. This is the basis of the Zoning Officer's Letter of Denial dated July 25, 2022.

§270-51B(1) – Lot Area. The existing 23,000 sf lot is $\pm 17,000$ sf less than the required 40,000 sf lot area. The subject application does not appear to alter this condition.

§270-51C(1) – Lot Width. The existing 115 ft wide lot is ± 5 ft less than the required 120 ft width. The subject application does not appear to alter this condition.

§270-64A(2) – Side Yard Setbacks. The existing required side yard setback is calculated as 25.54 ft. The existing left side yard setback to Lot 7 is non-conforming at 20.8 ft. The existing right side yard setback to Lot 9 is conforming at 28.4 ft. The proposal increases the GBA and expands the required enhanced side yard to 28.53 ft. This exacerbates the existing non-conforming left setback and creates a non-conforming right setback. The left side addition (library and covered porch) will encroach ± 3.5 ft into the setback. The right side addition (garage) will encroach ± 0.1 ft into the setback.

6. The subject property is currently developed with a single family-dwelling two-story and associated amenities. The applicant is requesting Variance approval for additions and renovations to the existing dwelling (including 1-story additions to both sides and rear, a rear covered porch, a rear deck expansion, as well as driveway extension). Existing utilities are proposed to remain in service, including public water and sewer.

7. The applicant and their architect, William Brown, R.A., were sworn and testified as to the existing conditions of the property. They testified that the lot was significantly undersized in area and width for the zone, and there are existing non-conformities in the front yard setback and side yard setback. Mr. Brown stated the hardship is the size of the lot, location of the house on the lot, the lot width (115 feet where 120 feet is required) and the lot is undersized for the zone. The house is shifted 5 feet to the left on the property. The applicant is proposing an addition and renovation which would include a new office and new kitchen area, and a new front porch. They are also proposing a new garage storage area, which would not accommodate vehicles. They are

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also requesting an expanded deck in the rear. It was testified that the addition will visibly appear as a one story addition. There will be no change to the front or the existing front yard 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 to be installed. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. The addition would be aesthetically pleasing to the property and consistent with the neighborhood.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated September 14, 2022. 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 applicant, 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 and lot width, the physical placement of the home on the lot, and the pre-existing non-conforming conditions, namely the existing side yard setbacks, which

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are all deemed hardships by the Board. 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 encroachment in the front yard; 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 September 14, 2022 review letter.

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

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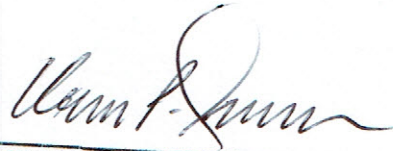
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Clerk, Building Inspector, Construction Code Official, Tax Assessor and the Borough Attorney and shall publish a brief notice of the decision in the official newspaper, the cost of which shall be paid for by the applicant.

Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



MICHAEL SIRICO, Vice Chairman

Adopted: October 19, 2022