

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE: September 21, 2022

RESOLUTION: 22-23

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 22-23

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
 RESOLUTION APPROVING  
 APPLICATION FOR VARIANCE FOR  
 MARGARET ESKE  
 BLOCK 2202, LOT 1  
 (a/k/a 14 OAKWOOD ROAD)

**WHEREAS**, the applicant, MARGARET ESKE, the owner of the property located at 14 Oakwood Road, known as Block 2202, Lot 1, 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 July 25, 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 the existing structure in the front to include a covered porch, and the addition of a pergola in the rear of the house; and

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

**WHEREAS**, the Land Use Board considered the matter at the August 24, 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 14 Oakwood Road, known as Block 2202, Lot 1, 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 plans entitled, "Eske Residence, 14 Oakwood Road, Allendale, NJ" consisting of eight (8) sheets. The plans prepared by Z+ Architects (Mary Fitzpatrick Scro, RA) are dated October 14, 2021. An additional exhibit was presented by Ms. Scro during the application hearing and was identified as Exhibit A-1.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated August 17, 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 slightly undersized lot size and existing left side yard encroachment, and proposed addition in front, as follows:

§270-51B: Lot Area. The zoning table indicates the existing lot area is  $\pm 134$  sf less than the required 40,000 sf. The subject application does not appear to alter this condition.

§270-51D: Front Yard. The zoning table indicates the proposal will encroaches  $\pm 3$  ft into the required 50 ft front yard.

§270-64: Side Yard. The required enhanced side yard setback is  $\pm 28.1$  (.008x3517) and the existing dwelling encroaches  $\pm 5.7$  feet into the setback. The subject application does not appear to alter this condition.

6. The subject property is currently developed with a single family-dwelling and associated amenities. The application and plans propose to construct an addition to existing dwelling, including a covered front porch in the front and a pergola in the rear of the premises. The Applicant is seeking relief for conflicts with §270-51D of the Code.

7. The applicant and her architect, Mary Fitzpatrick Scro, R.A., were sworn and testified as to the existing conditions of the property. They testified that the lot was slightly undersized for the zone and it is a corner lot. They are proposing an exterior renovation which would include a covered patio in the front which could accommodate a sitting area and protection from the elements for guests and deliveries. It was testified that sixteen feet of space is needed to make a useable and functional covered porch to accommodate the needs of the homeowner, and that covered front porches are common in the neighborhood. The covered porch will be at grade level, and there will be no railings and it will not be an enclosed structure. The proposed covered front porch would encroach into the front yard setback. The porch would create a 47 foot front yard set back, wherein 50 foot is required. Ms. Scro testified that in her professional opinion this was a *de minimus* encroachment. There would be no encroachment nor need for variance relief for the pergola proposed for the rear of the premises. There will be no changes to the existing side yard setbacks. There will be new siding and design elements associated with the covered porch which will be an aesthetic improvement to the home. No trees are proposed to be removed, and additional low landscape will replace any landscaping removed to accommodate the new porch. No flood lights to be installed. Any improvements on the property would require variance relief,

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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 August 17, 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, her 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 pre-existing non-conforming conditions, namely the existing side yard setback, which 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

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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 comply with Mr. Vreeland's August 17, 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 Clerk, Building Inspector, Construction Code Official, Tax Assessor and the Borough Attorney

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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 21, 2022