

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE: June 15, 2022

RESOLUTION: 22-19

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

Carried  Defeated  Tabled

RESOLUTION 22-19

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
 RESOLUTION APPROVING  
 APPLICATION FOR VARIANCE FOR  
 JAMES & DANA BOYLE  
 BLOCK 410, LOT 3  
 (a/k/a 415 CANTERBURY DRIVE)

**WHEREAS**, the applicants, JAMES & DANA BOYLE, the owners of the property located at 415 Canterbury Drive, known as Block 410, Lot 3 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 April 21, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AA 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 rear of the house, an addition above the existing garage and a reconfiguration of the existing living space and deck; and

**WHEREAS**, the application seeks specific variance relief for rear yard, side yard, lot size and lot width, and addition to a non-conforming structure; and

**WHEREAS**, the Land Use Board considered the matter at the May 18, 2022 regular meeting of the Land Use Board at which time the applicants and their 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 415 Canterbury Drive, known as Block 410, Lot 3, on the Tax Map of the Borough of Allendale. The property is located in the AA residential zone and is within the boundaries of the Ramsey Golf & Country Club. The application was in evidence.

3. As part of the application, the applicant submitted architectural plans entitled, "Boyle Residence, 415 Canterbury Dr, Allendale, NJ". These plans prepared by Z+ Architects (Mary Fitzpatrick Scro, RA) consist of 14 sheets and are dated March 22, 2022. Additional exhibits were presented by Ms. Scro during the application hearing and were identified as Exhibits A1-A3. The March 10, 2022 Borough of Allendale Code Enforcement Office correspondence and the application itself was also in evidence.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated May 13, 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 AA residential zone has pre-existing, non-conforming conditions, due to the undersized lot size and undersized lot width, structure in place with existing encroachments, and proposed addition, as follows:

§270-54D – Rear Yard. The zoning table indicates the existing dwelling encroaches into the required 50 ft rear yard. The proposal will further encroach into the rear yard to 36.9 feet (45.5 feet is existing).

§270-54E – Lot Area. The existing lot area is  $\pm 5,725$  sf less than the required 26,000 sf area. The subject application does not alter this condition.

§270-54F – Lot Width. The existing lot width is  $\pm 12$  ft less than the required 130 ft width. The subject application does not alter this condition.

§270-64B(2) – Side Yard Setbacks. The zoning table indicates the existing dwelling slightly encroaches into the required 20 ft side yard setback(L). The proposal increases the side yard setback. The dwelling will encroach  $\pm 7.6$  ft (L) into the 27.45 ft enhanced side yard setback.

6. The subject property is currently developed with a single family-dwelling and associated amenities. The application and plans propose to construct additions and renovations to the existing dwelling (including 2nd and 3rd level additions, front entry, rear addition and rear deck). The Applicant is seeking variance relief for conflicts with §270-54D and §270-64B of the Code.

7. The applicants and their architect, Mary Fitzpatrick Scro, R.A., were sworn and testified as to the existing conditions of the property. They testified that the lot was irregularly shaped with a curved front yard facing the street, which angled and expanded in width in the rear. The home is a split-level residence. It is bordered in the rear by woods and the golf course of the Ramsey Golf & Country Club. The lot area is undersized and the lot width is undersized for the AA zone, as is similar with many “Allendale” residences in the Ramsey Golf & Country Club section of the Borough. The proposed addition/renovation would consist of adding a new living area off the back of the residence, and a second level over the garage above the existing footprint. The proposed family room would encroach into the rear yard setback, which is measured from the end of the proposed deck. The FAR permitted is 22.9%, and the applicants are proposing 19.34%, which is less than allowed by Code. There will be new windows, siding, and roofing. The existing

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landscaping will stay the same. Exterior lighting will be installed where required, at the exit doors and on the porch. No flood lights to be installed. The roof downspouts will be addressed and seepage pit added to the property if deemed necessary by the Borough Engineer, in consultation with the applicants, so as not to negatively impact surrounding properties. The addition/renovation is contemplated to upgrade the home and better accommodate their family. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. The applicants 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 on the property. The addition would be aesthetically pleasing to the property in a "farmhouse" style, functional for the family and shielded from neighbors by existing vegetation which would remain.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated May 13, 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 applicants, 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

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property, namely the undersized area and undersized width of the lot relative to the Code and the AA Zone (N.J.S.A. 40:55 D-70C.(1)), 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 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 encroachments. It is noted that the encroachment which is being extended, in the rear yard, backs onto a wooded area of the property and the abutting golf course property; 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. Applicants 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, so as not to negatively impact any surrounding properties, and comply with Mr. Vreeland's May 13, 2022 review letter.
- 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 applicant in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

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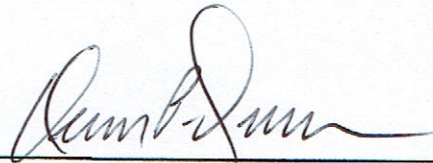
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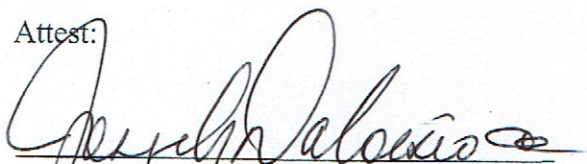
**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee therefore. The Secretary 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:

ALLENDALE LAND USE BOARD

  
\_\_\_\_\_  
KEVIN QUINN, Chairman

Attest:

  
\_\_\_\_\_  
JOSEPH DALOISIO, SECRETARY

Adopted: June 15, 2022