

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

DATE: November 17, 2021

RESOLUTION# LUB 21-22

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 21-22

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR MARK & MOIRA CONNOLLY
BLOCK 911, LOT 17
(a/k/a 589 FRANKLIN TURNPIKE)

WHEREAS, the applicants, Mark Connolly and Moira Connolly, the owners of the property located at 589 Franklin Turnpike, known as Block 911, Lot 17 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 September 10, 2021 for approval of a variance for the premises, which is located in the A zone, from the Allendale Code, Zoning; and

WHEREAS, the application seeks a variance since the improvements in the application as proposed would result in an increase in impervious coverage beyond that permitted in the “A” Zone. Specifically, applicants seek to construct a swimming pool, patio, install a generator and

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modify the existing driveway. The applicant is not proposing to expand the dwelling unit or the garage; and

WHEREAS, the Land Use Board considered the matter at the October 20, 2021 regular meeting of the Land Use Board at which the applicants and their professionals 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 applicants in accordance with applicable law.

2. The property is located at 589 Franklin Turnpike, known as Block 911, Lot 17, on the Tax Map of the Borough of Allendale. The subject property is currently developed with a single family dwelling with detached garage and associated amenities. The application and plans propose to construct an expansion to existing driveway, a pool and associated patio. The subject property is located within Allendale's A (Residential) Zone. The application was in evidence.

3. As part of the application, the applicant submitted the following:

- Application, Checklists and Attachments;
- August 10, 2021 Borough of Allendale Code Enforcement Office correspondence to Mark William & Moira Kathleen Connolly;
- Plan entitled, "Grading, SESC and Site Plan, Block 911, Lot 17, #589 Franklin Turnpike, Borough of Allendale, Bergen County, New Jersey". The plan prepared by Thomas W. Skrable, PE, PP, CME Consulting Engineer (Thomas W. Skrable, P.E.) is dated with a latest revision date of August 18, 2021;
- Photo Exhibit; and
- Plan entitled, "Planting Plan, Connolly Residence, Lot 17 Block 911, 589 Franklin Turnpike, Allendale NJ". The plan prepared by Cipriano Landscape Design (William M. Moore, L.A.) is dated September 15, 2021.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated October 8, 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 mandates a maximum allowable impervious coverage of $\pm 29\%$. The plans and zone table indicate the proposed improvements will exceed the requirement by $\pm 5\%$.

6. The applicant's NJ licensed landscape architect, William Moore, L.A., was sworn and testified that the applicants were seeking to install a modest swimming pool with associated patio, install a generator and modify the driveway for ease of use and safety. Mr. Moore testified as to the existing conditions at the property, specifically the unusual and unique driveway condition that inflates impervious coverage on the property. The property contains a shared driveway on Franklin Turnpike that services not only the subject property, but a neighbor's property to the rear. The shared driveway is ten feet wide and runs over 200 square feet beyond that which is necessary for access to the subject property. This driveway was identified as unique component of the land, and a hardship to the property. Without the shared driveway component, the proposed improvements would not require variance relief. The proposed modifications to the driveway would consist of an expansion to permit a proper turnaround of a motor vehicle so that vehicles can face forward as they enter the shared driveway at the intersection with Franklin Turnpike. This modification will advance a purpose of the MLUL by providing safer ingress/egress from the property. Except as it pertains to impervious coverage, all of the improvements proposed by the applicant meet all bulk standards. It is also noted that this is an oversized lot, having 33,582 square feet, wherein 20,000 square feet is required for the zone. The landscape expert testified that there would be no adverse drainage conditions occasioned by the additional impervious coverage, and that the applicant is proposing drainage improvements that will alleviate any issues. The modifications would be aesthetically pleasing to the property, functional for their family and would not be overly observable from the roadway since the pool and patio would be in the rear of the property, and the driveway modifications would be buffered with new plantings and landscaping. The pool and patio would also be shielded from neighbors by existing vegetation which would remain, and additional plantings. The applicant also testified as to the unique existing property conditions, such as the shape of the lot and the driveway which primarily services the adjacent neighbor's home.

7. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated October 8, 2021. Mr. Vreeland also provided testimony relative to the application to the Land Use Board, and testified that the proposed improvements would have no negative impact on the zone, and that proposed drainage improvements were adequate and properly addressed the increase in impervious coverage. Applicant indicated on the record that they would submit seepage pit calculations, and comply

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with the requirements contained in points 4.1 through 4.19 of Mr. Vreeland's October 8, 2021 review letter.

8. 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 to permit the addition and modifications 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 and the Borough Engineer, in connection with the testimony that the applicant is entitled to a "hardship" variance, due to the unique nature of the property, namely the presence of a shard driveway that primarily services an adjoining property, the shape of the lot and the off-center placement of the existing structure. The application and variance would improve the property and improve the aesthetics, safety and functionality of the property, without any impact on the surrounding properties or the zone. 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. In addition, the variance requested will not be obtrusive due to the placement and configuration of the primary structure on the lot, the location of the proposed pool and patio in the rear of the lot and shielding from the existing vegetation which will remain and the addition of existing landscaping and plantings; and

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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 his professionals shall work with the Borough Engineer in the event that any field adjustments shall be required for the proper construction of the proposed improvements, including any adjustments to drainage and connection with seepage pits, so as not to negatively impact any surrounding properties, and comply with points 4.1 through 4.19 of Mr. Vreeland's October 8, 2021 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 applicants 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 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.

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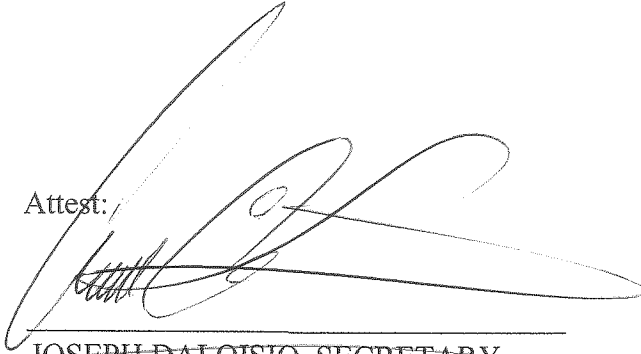
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Michael A. Sica

Adopted: November 17, 2021