

RESOLUTION

LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: 2/12/25

RESOLUTION: LUB 25-11

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen	✓		✓			
Warzala						✓
Putrino			✓			
Agugliaro						✓
Yaccarino					✓	
Dalo			✓			
Sirico			✓			
Wilczynski						✓
Butler		✓	✓			
Conte-Alt.#1						✓
-Alt. #2						

Carried Defeated Tabled

LUB 25-11

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE
FOR DANIEL AND CLARE CLARK
BLOCK 2008, LOT 2
(a/k/a 95 MIDWOOD AVENUE)

WHEREAS, the Applicant, DANIEL AND CLARE CLARK, the owners of the property located at 95 Midwood Avenue, known as Block 2008, Lot 2 on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey (the “Property”), applied to the Land Use Board of the Borough of Allendale with an Affidavit of Service and Publication dated October 25, 2024 for approval of variance relief from the Allendale Code; and

WHEREAS, the Property is located in the A Residence Zone; and

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WHEREAS, the property is developed with a single-family dwelling and associated amenities; and

WHEREAS, the Applicant submitted Land Use Application and associated documents; September 16, 2024 Borough of Allendale Code Enforcement Office correspondence (Anthony Hackett, Construction & Zoning Official); and Plan set entitled, “Proposed Addition, & Alterations: Clark Residence” prepared by JMA Architects LLC (John F. Musinski, AIA) with a last revision date of September 20, 2024.

WHEREAS, the Applicant sought approval to develop an addition, inclusive of a two-story addition to the residence on a lot having a preexisting deficient lot area, where 12,000 sf existis and 20,000 sf is required in the zone, together with a deficient lot width of 100’, where 115’ is required in the zone; and

WHEREAS, the Applicant sought relief pursuant to N.J.S.A. 40:55D-70d(4) seeking a deviation from the permitted Floor Area Ratio, proposing FAR at 27.3, where 24.6 is the permitted maximum; and

WHEREAS, the Applicant sought relief pursuant to N.J.S.A. 40:55D-70c seeking a deviation from the maximum permitted Gross Building Area, proposing 2,474 sf to 3,634 sf, where 2,952 sf maximum is allowed; and

WHEREAS, the Applicant sought relief pursuant to N.J.S.A. 40:55D-70c seeking a deviation from the permitted side yard setback, where 19.66’ is required and the existing

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nonconforming condition of 4.4' and 15.6' are proposed to remain, but will be intensified by way of the proposed addition; and

WHEREAS, the Applicant sought relief pursuant to N.J.S.A. 40:55D-70c seeking a deviation from the permitted rear yard setback, where 50' is required and 34.5' / 46.75' is proposed; and

WHEREAS, Notice of the public hearing was properly given by the Applicant in accordance with applicable law and all requisite affidavits filed, conferring jurisdiction over the Board to convene a public hearing on the matter; and

WHEREAS, the Applicant first appeared before the Board on November 13, 2024; and

WHEREAS, the Applicant submitted revised plans dated December 16, 2024, which included modifications to the proposal, including the resulting reduction of total area proposed and modifications to the proposed accessory improvements; and

WHEREAS, the Applicant testified in support of the application and relief sought; and

WHEREAS, the Applicant presented John F. Musinski, as a qualified professional architect, who testified in support of the application; and

WHEREAS, the Applicant introduced exhibits A-1 and A-2, comprised of a series of photos of the subject property and immediately surrounding areas, in support of the relief sought;

WHEREAS, no members of the public appeared in connection with the application; and

WHEREAS, the Land Use Board concluded the matter at the January 15, 2025 regular meeting of the Land Use Board.

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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. The Applicant, through direct testimony of the Applicant and the Applicant's qualified professional, satisfied the burden of proof under N.J.S.A. 40:55D-70d(4), supporting the grant of FAR relief.
2. The Applicant, through direct testimony of the Applicant and the Applicant's qualified professional, satisfied the burden of proof under N.J.S.A. 40:55D-70c, supporting the bulk variance relief, as amended and modified via plan revisions.
3. 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 relief from the Borough of Allendale Code.

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:

- A. Roof leader discharge to comply with Borough requirements and provide roof management runoff control to the satisfaction of the Board Engineer.
- B. The garage height will not increase by way of the grant of approval.
- C. A soil movement plot plan shall be submitted, per Borough Code, and approved by the Board Engineer.

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- D. Applicant shall comply with the terms and recommendations of the Board Engineer Report dated 11.11.24.
- E. The Applicant shall satisfy any and all approvals, permits, waivers or other disposition as may be required from any other agency having jurisdiction, prior to the issuance of any permits.
- F. 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, prior to the issuance of any permits.
- G. 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; 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



MICHAEL SIRICIO, Chairman

Attest:



MELISSA BERGEN, VICE CHAIRWOMAN

Adopted: February 12, 2025