

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: August 24, 2022

RESOLUTION: 22-22

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

Carried Defeated Tabled

RESOLUTION 22-22

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 LARRY & CASSIE SCHIFFENHAUS
 BLOCK 506, LOT 4.01
 (a/k/a 75 HARDING AVENUE)

WHEREAS, the applicants, **LARRY & CASSIE SCHIFFENHAUS**, the owners of the property located at 75 Harding Avenue, known as Block 506, Lot 4.01 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 7, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the ML7 zone, from the Allendale Code, Zoning; and

WHEREAS, variance relief is necessary since the application proposes that a portion of a proposed outdoor patio overhang would encroach into the rear yard setback; and

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WHEREAS, the application and plans specifically seek approval to construct a covered patio in the rear of the existing dwelling for outdoor living and entertaining space, with the patio overhang 42.8 feet from the rear property line, whereas 50 feet is required; and

WHEREAS, the application seeks specific variance relief for rear yard encroachment; and

WHEREAS, the Land Use Board considered the matter at the July 20, 2022 regular meeting of the Land Use Board at which time the applicants and their professional architect 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 75 Harding Avenue, known as Block 506, Lot 4.01, on the Tax Map of the Borough of Allendale. The property is located in the ML7 residential zone. The application was in evidence.

3. As part of the application, the applicant submitted Architectural Plans prepared by Blueline Architecture, dated June 20, 2022 (Exhibit A-1), various photographs and correspondence. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.

4. Variance relief is required because this property is located in the ML7 residential zone, and proposes encroachment into the rear yard setback since the plans and application indicate the proposed patio overhang will result in a 42.8 foot rear setback where a 50 ft rear yard setback is required.

5. The proposed renovations will include a covered patio in the rear of the home, with outdoor covered living space.

6. The applicants and their architect, Eric Kiellar, AIA, were sworn and testified as to the existing conditions of the property, and that the applicants were seeking to construct an outdoor covered patio in the rear of their home for outdoor living and entertainment. It was noted that the

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property is oddly and uniquely shaped, angling on the rear corner, and that since this is a corner lot, it is considered to have two front yards for zoning purposes. The applicant's architect 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 or trees on the property. Additional landscaped screening will be planted. Further, the nearest property from the proposed improvements is 92.3 feet away. The improvements will be low profile, and will match the existing shed style roof. The addition would be aesthetically pleasing to the property, consistent with the existing style and design of the premises, functional for the family and shielded from neighbors by existing vegetation and space which would remain and supplemented. The applicants' expert also testified that there would be no impact on any surrounding properties or the zone, since the improvements will be no closer to other, surrounding properties. It was testified that no other variance relief is requested, and the benefits of the variance relief would outweigh any detriments.

7. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant provided testimony relative to the application to the Land Use Board.

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 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, the applicant's architect and the Borough Engineer, in connection with the testimony that the applicant is entitled to a variance, due to the unique nature of the property as a corner lot with two front yards and the unique shape of the property, (N.J.S.A. 40:55 D-70C.(1)), which are deemed hardships by the Board.

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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 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 patio, including any adjustments to drainage, so as not to negatively impact any surrounding properties.
- 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 applicants and their professionals 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.

Approved:

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ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:


JOSEPH DALOISIO, SECRETARY

Adopted: August 24, 2022