

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: March 15, 2023

RESOLUTION: 23-14

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Putrino						✓
Kistner			✓			
Daloisio	✓		✓			
Dalo			✓			
Sirico			✓			
Wilczynski		✓	✓			
Quinn			✓			
Warzala Alt. #1						
Butler Alt. #2						

Carried Defeated Tabled

RESOLUTION 23-14

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 CRAIG & COURTNEY CAGNEY
 BLOCK 2206, LOT 1
 (a/k/a 320 Park Avenue)

WHEREAS, the applicants, CRAIG & COURTNEY CAGNEY, the owners of the property located at 320 Park Avenue, known as Block 2206, 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 January 31, 2023 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

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

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WHEREAS, the application and plans specifically seek approval to construct an addition and renovations to the existing dwelling, including a new covered front porch, a second floor addition to the existing home, and an addition and dormer to the existing detached garage; and

WHEREAS, the application seeks specific variance relief for two front yard setbacks, accessory building height, and accessory building encroachment on a corner lot; and

WHEREAS, the Land Use Board considered the matter at the February 15, 2023 regular meeting of the Land Use Board at which time the applicants and their retained 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 applicant in accordance with applicable law.

2. The property is located at 320 Park Avenue, known as Block 2206, Lot 1, on the Tax Map of the Borough of Allendale. The property is located in the AA residential zone. The application was in evidence. The application and plans propose additions and renovations to the dwelling (including footprint expansions and multiple-story additions) as well as garage (including dormers and plumbing). The application and plans request relief for conflicts with: §270-14A (accessory building height); §270-14B (accessory building location); §270-37A (alterations to nonconforming structures); and §270-54B (front yard) of the Code.

3. As part of the application, the applicant submitted a Land Use Application and associated documents, and an architectural plan set entitled, "Craig & Courtney, Cagney, Residence, 320 Park Ave, Allendale, NJ 07401" consisting of 4 sheets. The plans prepared by Peter B. Cooper & Associates (Peter B. Cooper, RA) were dated November 17, 2022. A Landscape Plan identified as Exhibit L-1 was also presented to the Board, as were various photographs of the subject site (Exhibit A-1).

4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 12, 2023. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

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5. Variance relief is required because this property located in the AA residential zone has pre-existing, non-conforming conditions, and includes new and additional encroachments as well as vertical expansions above existing nonconformities (conflicting with §270-37A). Specific relief is request as set forth below:

§270-14A – Accessory Building Height. The noted 28.9 ft existing height \pm 7.9 ft more than the required 21 ft. The proposal includes dormers. The application does not appear to alter this condition.

§270-14B – Accessory Building Location. The location of the existing accessory building does not conform to the street setback requirements. The proposal includes alteration to the accessory building. The application does not appear to alter this condition.

§270-17B – Minimum Building Envelope. The existing building envelope does not conform to the required minimum 50 ft x 50 ft area. The application does not appear to alter this condition.

§270-54B – Front Setback. The noted 14.1 ft (Park Ave) and 23.1 ft (West Crescent Ave) existing front setbacks are \pm 25.9 ft less and \pm 16.9 ft less than the required 40 ft. The application does not appear to alter these conditions.

6. The property is located on the north side of Park Avenue (at the intersection of West Crescent Avenue). The Property is a corner lot facing on both West Crescent Avenue and Park Avenue. The property is located within the Borough's AA Residence Zone District. The Hohokus Creek crosses the northern end of the property. The property is developed with a single-family dwelling, detached garage and associated amenities. The application and plans propose additions and renovations to the main dwelling and accessory structure.

7. The applicant and their architect, Peter Cooper, AIA, were sworn and testified as to the existing conditions of the property. Mr. Cooper was accepted as an expert in the field of architecture by the Board. Mr. Cooper testified that the lot was unique due to its situation on the corner of Park Avenue and West Crescent Avenue, and that the main house dated from the 1870's. It is a pie-shaped lot, and the main structure is in the small corner of the pie. There is considerable slope change on the lot, which restricts development and takes up nearly 1/3 of the lot. There is very little flat area on the lot. The setback on West Crescent Avenue and Park Avenue, deemed two front lots under the Code, are pre-existing non-conforming. The proposed addition to the main structure seeks to upgrade the property by adding new bedrooms on a second story, a new family room and a new covered porch under proposed master suite. There will be considerable aesthetic improvements, including gables, a steep pitched roof, boxed bay windows, and roof returns, which will give the structure a classic farmhouse look to match the neighborhood. There will be new siding. There will also be landscaping improvements and the existing buffer landscaping on West Crescent Avenue will remain. The hardship is the shape of the lot, location of the house on the lot, the lot slope and pre-existing, non-conformities. Any improvements on

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the property would require variance relief, due to the pre-existing non-conforming conditions. The addition would be aesthetically pleasing to the property and consistent with the neighborhood. There would be no negative impact on surrounding properties or the neighborhood, and visible impact would be minimal. The applicants testified that they considered other options, but that the proposed addition was the least intrusive and minimal option that was suitable for their needs.

In connection with the accessory structure, it was testified that it presently exists in the setback zone. It is a one and a half story structure out of grade on the Park Avenue side. Since there is currently no garage on site, conversion of this accessory structure to a working garage would be an improvement to the site. The structure is presently failing and in disrepair, and the improvements planned include a dormer, new stone veneer and new siding in order to bring the structure up to acceptable standards and code compliance. The proposed use is as an office/family recreation space. In order to make the structure code compliant by adding stairs (to replace a ladder), the roof needs to be raised. The second story is proposed for storage, and a powder room will be added to the first story.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 12, 2023. 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 and would be an aesthetic improvement, especially to the barn/garage. The applicant specifically agreed to incorporate the recommendations of the Borough Engineer's review letter and testimony into the renovation plans.

9. Three members of the public appeared in connection with the application and expressed their support for the proposed improvements.

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 and their retained professionals, and the Borough Engineer, in connection with the testimony that the applicant is entitled to variance relief, due to the unique nature of

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the property, namely the shape of the lot and placement of the structures on the lot, and the pre-existing non-conforming conditions, namely the front yard setback encroachments and accessory structure encroachments, which are all deemed hardships by the Board. Further, there is a lawful, pre-zoning structure on the lot, and there is a steep slope on the lot which contributes to the unique orientation and topography. Notably, both the home and accessory structure have historical character, and the proposed addition/improvements will preserve and enhance this unique historical design through the planned aesthetic improvements. 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 existing encroachments which will not be expanded, and the maintenance of the existing buffer vegetation; 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 improvements, so as not to negatively impact any surrounding properties and to minimize and address any stormwater or drainage issues, and comply with Mr. Vreeland's February 12, 2023 review letter.
- C. Applicant shall submit revised plans and landscape plans consistent with the testimony and to correct any deficiencies/errors in the submitted plans

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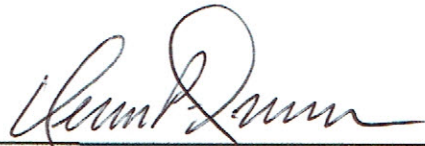
D. Applicant shall prepare and submit an "As-Built" survey plot and plan as a condition of issuance of a Certificate of Occupancy.

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.

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: March 15, 2023