

THE BOROUGH OF ALLENDALE

N E W J E R S E Y

500 WEST CRESCENT AVENUE, ALLENDALE, NJ 07401

WWW.ALLENDALENJ.GOV

201-818-4400

LINDA GAROFALO
LAND USE ADMINISTRATOR
(201) 818-4400 x212
lindagarofalo@allendalenj.gov

July 18, 2024

Mr. & Mrs. Dec
54 Grey Avenue
Allendale, NJ 07401

Re: Land Use Board File No. LUB 2024-08
54 Grey Avenue, Allendale, New Jersey 07401
Block: 913 Lot: 6

Dear Mr. & Mrs. Dec:

In accordance with N.J.S. 40:55D-10h, enclosed is a certified copy of a Resolution of the Allendale Land Use Board, passed at the June 19, 2024 Meeting, granting variance approval. Copies have also been forwarded to the Allendale Construction Code Office.

Also attached is a copy of a Proof of Publication Affidavit showing that the Notice of Decision was published in accordance with N.J.S. 40:55D-10i.

If you have any questions, please do not hesitate to call.

Sincerely,

Linda Garofalo

cc: M. Vreeland


Borough of Allendale, New Jersey
Office of the Land Use Administrator

PROOF OF PUBLICATION AFFIDAVIT

Proof of Publication

Date: July 18, 2024

As the duly appointed Land Use Administrator for the Borough of Allendale, in the County of Bergen, State of New Jersey, I, LINDA GAROFALO, hereby certify that the attached Public Notice was published in the July 18, 2024 issue of the The Record newspaper.


LINDA GAROFALO
Land Use Administrator

NOTICE OF DECISION
LAND USE BOARD
BOROUGH OF ALLENDALE

PLEASE TAKE NOTICE that at a Regular Meeting of the Allendale Land Use Board held on June 19, 2024 the Board took the following action:

Approval was granted by Resolution LUB 24-15 on Application File No. LUB 2024-08, to Paul & Donna Dec for variances approval. The property is located at 54 Grey Avenue Allendale, NJ 07401, Block 913, Lot 6, on the Tax Assessment Map of the Borough of Allendale.

The proceedings and all related documents may be inspected in the Office of the Municipal Clerk, Allendale Municipal Building, 500 West Crescent Avenue, Allendale, New Jersey 07401 during regular business hours Monday through Friday 9:00am to 4:30pm.

By order of the Land Use Board.

Linda Garofalo
Land Use Administrator

Record-Herald News 7/18/2024
Fee: \$23.76 (27) 100/4590

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: 7/17/2024

RESOLUTION: LUB 24-15

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

Carried Defeated Tabled

RESOLUTION LUB 24-15

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 DONNA AND PAUL DEC
 BLOCK 913, LOT 6
 (a/k/a 54 GREY AVENUE)

WHEREAS, the applicant, DONNA AND PAUL DEC, the owner of the property located at 54 Grey Avenue, known as Block 913, Lot 6, 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 in an application dated May 28, 2024 for approval of variance relief from the Allendale Code, Zoning to construct an addition which shall enlarge the existing kitchen and living area, as well as adding a garage bay and screened porch; and

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: 7/17/2024

RESOLUTION: LUB 24-15

WHEREAS, the Applicant was not represented by counsel, but appeared on record to give testimony as to their need for variance relief;

WHEREAS, the proposal requires variance relief from certain bulk standards in the Allendale Code; and

WHEREAS, the application and plans specifically seek approval to construct an addition to the existing dwelling; and

WHEREAS, the application specifically seeks bulk variance relief from the minimum front yard set back requirement established for this zoning district (28.8 ft is required per Section 270-57B as noted herein); and

WHEREAS, the application was deemed complete and hearing was conducted on June 19, 2024;

WHEREAS, the Board Secretary announced that proper notice was provided for the hearing and the Board's jurisdictional requirements to hear and consider the application have been met;

WHEREAS, notice of the public hearing was properly given by the Applicant in accordance with the applicable legal notice requirements; and

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 Property is located at 54 Grey Avenue, known as Block 913, Lot 6, on the Tax Map of the Borough of Allendale. The property is located in the A Residence Zone. The application was in evidence.

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: 7/17/2024

RESOLUTION: LUB 24-15

2. As part of the application, the applicant submitted a Land Use Application and associated documents; Notice of Appeal and Variance Application Form; Boundary Survey prepared by Schmidt Surveying; and Property Additions & Alterations for the Dec Residence prepared by JMA Architects, LLC; and a Front Setback Study prepared by Schmidt Surveying.

3. The Property is ±0.412 acres and is located within the Borough's A Residence Zone District. The Property is developed with a single-family dwelling and associated amenities. The application and plans propose construction of multiple additions to the existing dwelling, which shall include enlarging the existing kitchen and living area as well as adding a garage bay and a screened in porch.

4. Applicant did not offer any expert testimony but did appear on record to testify that variance relief is required, as the Property is located in the A Residence Zone and the application proposes a deviation from the required bulk requirements as follows:

§270-57B – Front yard. The front yard setback shall be 27.5 ft where the Code requires a front yard of not less than 28.8 ft, based on adjacent properties front yard setbacks.

a. Applicant testified that the variance is necessary due to the lot being irregular and undersized.

b. Applicant testified that the positive criteria is justified due to the unique topography of the Property.

5. Following a motion and second, the Board voted unanimously to approve the variance relief from the Allendale Code, as the combination of hardship and unique topography of the site justify the positive criteria.

6. The testimony and representations of the Applicant and its witnesses shall be binding upon the Applicant and its successors, as if more fully set forth herein.

7. In approving the application, the conditions set forth in the engineering report of the Board's engineer shall be conditions of approval.

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 variance relief, and to permit the renovations as proposed in the application; and

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: 7/17/2024

RESOLUTION: LUB 24-15

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, in connection with the testimony that the applicant is entitled to variance relief, due to the unique nature of the property, namely the lot configuration, 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; 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.

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

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: 7/17/2024

RESOLUTION: LUB 24-15

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.

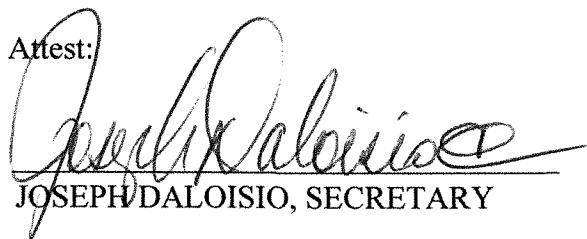
Approved:

ALLENDALE LAND USE BOARD



MICHAEL A. SIRICO, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: July 17, 2024