

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

DATE: January 19, 2022

RESOLUTION# LUB 21-25

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			X			
Daloisio	X		X			
Davis			X			
Kistner		X	X			
Lovisolo			X			
Councilwoman Lovisolo						
Sirico			X			
Mayor Bernstein			X			
Chairman Quinn			X			
Forbes – Alt. #1						
Putrino – Alt. #2						

Carried Defeated Tabled

RESOLUTION 21-25

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
NUPUR BAHAL & RAKESH KHETTRY
BLOCK 1402, LOT 4
(a/k/a 78 EDGEWOOD ROAD)

WHEREAS, the applicants, NUPUR BAHAL & RAKESH KHETTRY, the owners of the property located at 78 Edgewood Road, known as Block 1402, Lot 4 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 October 8, 2021 for approval of a variance for proposed improvements to the existing dwelling including: adding a second story addition, enlarging the dwelling footprint (rear), removing exiting deck and stairs (right side), adding a new side entrance (right side) and replacing stoop (rear). The subject ± 0.60 Acre lot is located within Allendale’s AA (Residential) Zone.; and

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WHEREAS, the Land Use Board considered the matter at the December 15, 2021 regular meeting of the Land Use Board at which the applicant 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 78 Edgewood Road, known as Block 1402, Lot 4, on the Tax Map of the Borough of Allendale. The property is located in the AA residential zone. The application was in evidence.
3. The subject property is currently developed with a single-family dwelling and associated amenities. The application and plans propose to construct improvements to the existing dwelling including: adding a second story addition, enlarging the dwelling footprint (rear), removing exiting deck and stairs (right side), adding a new side entrance (right side) and replacing stoop (rear). The subject \pm 0.60 Acre lot is located within Allendale's AA (Residential) Zone. The Applicant is seeking variance relief for conflicts with §270-64B(2) of the Code.
4. As part of the application, the applicant submitted Plans entitled, "Bahal-Khettry Residence, 78 Edgewood Road, Allendale, NJ". The plans prepared by Z+ Architects (Mary Fitzpatrick Scro, R.A.) consist of ten (10) sheets and are dated September 1, 2021. These plans and exhibits were 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 AA residential zone, and based on the enhanced setbacks due to Floor Area Ratio, requires a minimum side yard setback of 30.1 feet. The property presently is non-conforming with a 27.4 foot right side yard setback and a 20.9 foot left yard setback.
6. The applicants and their professional, Mary Fitzpatrick-Scro, AIA, were sworn and testified as to the existing conditions of the property, and that the applicants were seeking to construct an addition over the existing foundation and premises, which triggers the enhanced setback requirements. The proposed improvements would not further encroach into the existing setbacks, and would be similar to those on other structures in the neighborhood. The improvements would be aesthetically pleasing, and the addition would be functional for their family and would be consistent with the existing structure and neighboring structures. The applicant also testified as

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to the unique existing property conditions, such as the pre-existing non-conforming side yard setback. They also testified that the addition would actually be an improvement to the zone, and that there would be no impact on any surrounding properties or the zone, and that the benefits of the variance relief would outweigh any detriments. They also testified that the existing non-conformity would not be increased by the proposed addition. They had also considered alternative designs. The applicants also testified that existing landscaping and trees would remain, and that they would coordinate with and comply with the engineer's recommendation on drainage and stormwater management issues.

7. Borough Engineer, Michael Vreeland, P.E. had visited the site, reviewed the submissions by the applicant and gave comments and testimony before the Board on the application. He also prepared a Memorandum dated December 8, 2021. The Memorandum was in evidence and reviewed and examined by the members of 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 for side-yard setback relief, and to permit the addition 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 variance under N.J.S.A. 40:55 D-70C.(2); and

BE IT FURTHER RESOLVED that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant, its professional architect and the Borough Engineer, in connection with the testimony that the applicant is entitled to a variance, due to the fact that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and that the benefits would outweigh any detriment to the public good (N.J.S.A. 40:55 D-70C.(2)).

Specifically, the application (1) relates to the specific piece of property at 78 Edgewood Road; (2) the purposes of the MLUL would be advanced by a deviation from the zoning ordinance

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requirement by allowing 27.4 foot and 20.9 foot side yard setbacks in this instance to construct an addition over the existing foundation and premises since the aesthetics of the property and condition of the property will be significantly improved and upgraded; (3) the variance can be granted without substantial detriment to the public good since it will have no negative impact on the surrounding properties or the zone; (4) the benefits of the deviation to permit the addition will substantially outweigh any detriment and (5) the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance, since it will be consistent with the zone plane. As such, in this instance, the granting of the variance will benefit the community in that it represents a better zoning alternative for the property than would a strict adherence to the Zoning Code.

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 addition, including any adjustments to drainage from the proposed addition, so as not to negatively impact any surrounding properties, and comply with points 4.1 through 4.9 of Mr. Vreeland's December 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

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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.

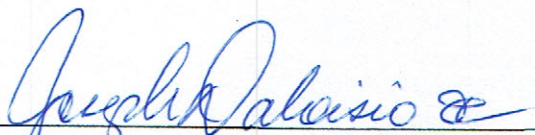
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:


JOSEPH DALOISIO, SECRETARY

Adopted: January 19, 2022