

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

**DATE: January 17, 2024**

**RESOLUTION# LUB 24-10**

Carried  Defeated  Tabled

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

RESOLUTION 24-10

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR  
WILLIAM & FANI THOMPSON,  
BLOCK 104, LOT 10  
(a/k/a 540 HILLSIDE AVENUE)

**WHEREAS**, the applicant, WILLIAM & FANI THOMPSON, the owners of the property located at 540 Hillside Avenue, known as Block 104, Lot 10 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 November 11, 2023 for approval of variance relief for proposed renovations to the premises, which is located in the AA residential zone, from the Allendale Code, Zoning; and

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**WHEREAS**, variance relief is necessary since the proposed renovation requires variance relief from bulk standards in the Allendale Code; and

**WHEREAS**, the application and plans specifically seek approval to construct a roof over an existing outdoor patio, which will trigger an encroachment into the required side yard setback; and

**WHEREAS**, the application seeks specific variance relief for side yard setback; and

**WHEREAS**, the Land Use Board considered the matter at the December 20, 2023 regular meeting of the Land Use Board at which time the applicant 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 540 Hillside Avenue, known as Block 104, Lot 10, on the Tax Map of the Borough of Allendale. The property is located in the AA residential zone. The application was in evidence.
3. As part of the application, the applicant submitted the Land Use Application and associated documents and photographs dated November 11, 2023.
4. Variance relief is required because this property is located in the AA residential zone and the application proposes an encroachment into the required side yard setback.
5. The subject is currently developed with a single-family dwelling and associated amenities. The property is located within the Borough's AA Residence Zone District and is surrounded by residential uses. It is pre-existing non-conforming due to an existing side yard encroachment. The house presently requires side yard setbacks of 37.5 feet. The structure as it currently exists has 19.5 feet on the left side and 26.5 on the right side, making the structure pre-existing non-conforming. As such, any improvements would require variance relief. The application and plans propose to put a roof over an existing exterior (uncovered) patio. Since the patio is now being covered, it will expand the existing non-conformity.

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6. The applicants were sworn and testified as to the existing conditions of the property and the existing structure. The property lines are not straight, creating a distinct and irregular property lot shape. The applicant is seeking to add a roof over an existing patio, without expanding the patio itself but only replacing the patio material. The resultant covered area will increase the non-conformity, since it will count as being further encroaching into the required setback area. This encroachment is buffered by the landscaping, which will be replaced as per the plans. The variance relief requested is solely for a side-yard setback encroachment. No other variance relief is requested. This is a hardship C1 variance request. There will be new roofing, with gutters tied into new and/or existing seepage pits, and design elements associated with it which will match the existing structure, and the encroachment will not exceed 19.6 feet. The improvements will be aesthetically pleasing to the property and consistent with the neighborhood. Present vegetation buffers will be replaced with new vegetation, which will lessen any impact of the encroachment to any surrounding properties. There will be minimal to no visible impact to neighbors, and no additional lighting is proposed.

7. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and testified that the patio renovation would not need variance relief without the addition of the roof, and that it would have minimal impact on the surrounding properties. The applicant specifically agreed to incorporate recommendations of the Borough Engineer's testimony, including but not limited to the addition of new seepage pits if necessary to minimize any stormwater runoff, and to work with him in the field if any adjustments were necessary.

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 of a roof over the patio, and side yard encroachment;

**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

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**BE IT FURTHER RESOLVED** that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant's professional and the Borough Engineer, in connection with the testimony that the applicant is entitled to variance relief, due to the unique nature of the property, namely the irregular shape and physical placement of the home on the lot, and the pre-existing non-conforming condition, which are 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. Further, the roof over the patio will be aesthetically pleasing, and will not be obtrusive due to the placement and location of the proposed improvements and technical increase in encroachment due to the presence of the roof; 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 addition, so as not to negatively impact any surrounding properties, including but not limited to the addition of new seepage pits if necessary to minimize any stormwater runoff.

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**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

  
Chairman

Attest:

  
Secretary

Adopted: January 17, 2024