

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: January 18, 2023

RESOLUTION: 23-10

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

Carried Defeated Tabled

RESOLUTION 23-10

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 ANDREW NIMMO & JENNIFER SEDGLEY
 BLOCK 406, LOT 18
 (a/k/a 39 MONTROSE TERRACE)

WHEREAS, the applicants, ANDREW NIMMO & JENNIFER SEDGLEY, the owners of the property located at 39 Montrose Terrace, known as Block 406, Lot 18 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 30, 2022 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

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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

WHEREAS, the application and plans specifically seek approval to construct an addition and renovations to the existing dwelling, including a complete renovation of the structure, including an expansion of a second floor and home-office space, as well as renovation of first floor of the residence, and a new front and rear porch; and

WHEREAS, the application seeks specific variance relief for lot size, front, rear and side yard setbacks; and

WHEREAS, the Land Use Board considered the matter at the December 21, 2022 regular meeting of the Land Use Board at which time the applicant and their professional 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 39 Montrose Terrace, known as Block 406, Lot 18, 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 an Architectural plan set entitled, "Nimmo-Sedgley Residence, 39 Montrose Terrace, Allendale, NJ" consisting of 19 sheets. The plans prepared by Z+ Architects (Mary Fitzpatrick Scro, RA) are dated August 5, 2022.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated December 8, 2022. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

5. Variance relief is required because this property located in the AA residential zone has pre-existing, non-conforming conditions, due to the front, rear and side yard encroachments, as well as an undersized lot, as follows:

§270-54B – Front Setback . The noted 35.9 ft existing front setback is ± 4.1 ft less than the required 40 ft. The proposal reduces the setback to ± 32.2 ft.

§270-54D – Rear Setback. The noted ± 43.2 ft existing rear setback is ± 6.8 ft less than the required 50 ft. The proposal reduces the setback to ± 42.1 ft.

§270-54E – Lot Area. The noted lot area is ± 255 sf less than the required 26,000 sf. The application does not appear to alter this condition.

§270-64B – Side Yard Setbacks. The existing required enhanced side yard setback is noted to be ± 24.1 ft. The existing setbacks are conforming. The proposal increases the GBA and expands the enhanced side yard setback. The dwelling will encroach ± 5.7 ft into the expanded ± 31.7 ft right setback.

6. The property is located on the western side of Montrose Terrace within the Borough's AA Residence Zone District. The property is developed with a single-family dwelling and associated amenities. The application and plans propose additions and renovations to the dwelling (including first and second floor expansions, rear covered and raised patio). A future pool and other amenities are also illustrated on the plan. The application and plans request relief for conflicts with §270-54B (front yard), §270-54D (rear yard) and §270-64B (side yard) of the Code.

7. The applicant and their architect, Mary Fitzpatrick Scro, AIA, were sworn and testified as to the existing conditions of the property, and that Mr Nimmo had grown up in the residence and had moved back to Allendale to this home with his family. They testified that the application is a renovation of an older split level home into a more modern home in the modern farmhouse style, with open concept first floor living and an expanded second floor and front and rear patio. Living space is proposed to all be on the second level, and a home office added. The variance relief requested is for a rear, front and side yard setbacks. The lot is uniquely shaped, on an undersized lot, which is wide but shallow. The site plan shows the irregular shape. A front porch is proposed, and it is open, and encroaches on the front yard setback. The right yard setback will remain as is, but the enhanced building area triggers an increased setback requirement. The rear yard setback issue is triggered by a staircase from a covered patio that slightly abuts into the rear

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yard setback. A doorway in the front of the house will be removed, and access to the front will be from the front door and new covered but open patio area. There will be new siding and design elements associated with the addition/renovation which will be an aesthetic improvement to the home. No additional exterior lighting is proposed, and existing landscaping will be maintained and/or replaced. Any improvements on 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.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated December 8, 2022. 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. The applicant specifically agreed to incorporate the recommendations of the Borough Engineer's review letter and testimony into the renovation plans.

9. 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 applicants' 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, his 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, width, shallowness, physical placement of the home on the lot, and the pre-existing non-conforming conditions, namely the existing front, rear and side yard

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setback, 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. 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 minimal encroachments; 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 and to minimize and address any stormwater or drainage issues, and comply with Mr. Vreeland's December 8, 2022 review letter, specifically points 4.1 through 4.5.4.
- C. The applicants shall work with the Borough Engineer/Arborist on the installation of shade trees on the property along Montrose Terrace.
- 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.

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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 18, 2023