

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: April 18, 2022

RESOLUTION: 22-14

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

Carried Defeated Tabled

RESOLUTION 22-14

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 PETER & LINDSEY DORIS
 BLOCK 2004, LOT 30
 (a/k/a 72 HOMEWOOD AVENUE)

WHEREAS, the applicants, PETER & LINDSEY DORIS, the owners of the property located at 72 Homewood Avenue, known as Block 2004, Lot 30 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 February 9, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the A residential zone, from the Allendale Code, Zoning; and

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022

RESOLUTION: 22-14

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 second story shed dormer addition above the existing structure in the rear of the house; and

WHEREAS, the application seeks specific variance relief for front yard, rear yard, side yards, lot size, lot width, floor area ratio ("FAR") and addition to a non-conforming structure; and

WHEREAS, the Land Use Board considered the matter at the March 16, 2022 regular meeting of the Land Use Board at which time the applicants 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 72 Homewood Avenue, known as Block 2004, Lot 30, on the Tax Map of the Borough of Allendale. The property is located in the A residential zone. The application was in evidence.
3. As part of the application, the applicant submitted a survey entitled, "Map of Property Of Donald T. Hsieh & Mary Ann Hsieh". The applicant also submitted architectural plans entitled, "Peter & Lindsay Doris, 72 Homewood Avenue, Allendale, New Jersey", prepared by Christopher J. Greimel, PE, PR, PP consist of two (2) sheets and are dated January 30, 2022. The application and various photogrghs and diagrams were also submitted as part of the application.
4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated March 8, 2022. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022

RESOLUTION: 22-14

5. Variance relief is required because this property located in the A residential zone and has pre-existing, non-conforming conditions, due to the undersized lot condition and undersized lot width, structure in place, and proposed addition, as follows:

§270-57B D E & F – Front Yard, Rear Yard, Lot Area and Width. The plans indicate the existing dwelling encroaches: ±14 ft into the required 35 ft front yard and ±6 ft into the required 50 ft rear yard. The existing lot is undersized. The plans indicate the lot is 11,000 sf less than the required 20,000 sf area and 40 ft less than the required 115 ft width. The subject application does not alter these conditions.

§270-63A(1) – Floor Area Ratios. The plans indicate the existing FAR exceeds the allowable 25% FAR by ±2.7%. The proposal increases the GBA and will exceed the allowable 25% FAR by ±4.7%.

§270-64C(1) – Side Yard Setbacks. The proposal triggers the enhanced side yard requirement. The dwelling will encroach ±5.1 ft into the required ±16.1 ft side yard setback.

§270-37A(4) – Additions to Nonconforming Structures. Alteration and improvements are proposed above existing nonconformities (i.e., encroachments into required yard areas).

6. The subject property is currently developed with a single family dwelling, detached garage and associated amenities. The application and plans propose to construct and addition and renovation to the existing dwelling (including a second story shed dormer over the existing footprint). The subject property is located within Allendale's A (Residential) Zone. The Applicant is seeking variance relief for conflicts with §270-63A(1), §270-64C(1) and §270-37A of the Code.

7. The applicants were sworn and testified as to the existing conditions of the property. They testified that the lot was undersized and the lot width was undersized. The proposed addition/renovation would consist of adding a shed dormer to the back of the house to accommodate a new bathroom and walk-in closet. The addition/renovation was contemplated to upgrade the home and better accommodate their family. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. It was noted that the property is in an older section of the Borough with a severely undersized lot, and the addition was *de minimus*, consisting of only 150 square feet. The addition would not be visible from the front of the house or the street, and it would have no impact on neighbors or any surrounding properties. There will be no exterior lighting added to the premises. The applicants testified that there was adequate screening on the side of the property with existing landscaping, and that the application did not call for the removal of any existing buffer screening or trees on the property. The addition would be aesthetically pleasing to the property, and consistent with the existing style and design

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022

RESOLUTION: 22-14

of the premises, functional for the family and shielded from neighbors by existing vegetation which would remain.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated March 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 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 the Borough Engineer, in connection with the testimony that the applicant is entitled to a variance, due to the unique nature of the property, namely the undersized condition and undersized width of the lot relative to the Code and the A Zone (N.J.S.A. 40:55 D-70C.(1)), 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

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022

RESOLUTION: 22-14

be *de minimus*, and will not be obtrusive due to the placement in the rear of the premises, and the location of the proposed improvements and 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. Applicants and their 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 comply with Mr. Vreeland's March 8, 2022 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 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.

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022

RESOLUTION: 22-14

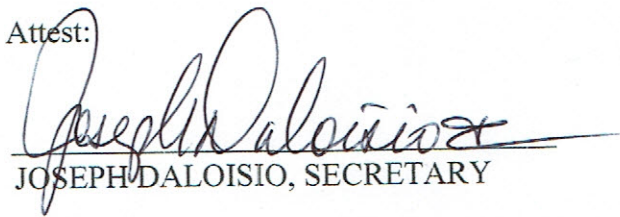
Approved:

ALLENDALE LAND USE BOARD



MICHAEL SIRICO, Vice Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: April 18, 2022