

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

**DATE: January 17, 2024**

**RESOLUTION# LUB 24-11**

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 24-11

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR  
PETER & AMY BLOOM,  
BLOCK 509, LOT 4  
(a/k/a 34 HARRETON ROAD)

**WHEREAS**, the applicant, PETER & AMY BLOOM, the owners of the property located at 34 Harreton Road, known as Block 509, 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 November 16, 2023 for approval of variance relief for proposed

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renovations to the premises, which is located in the AA residential zone, from the Allendale Code, Zoning; and

**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 an internal wood burning fireplace for which the chimney will encroach 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 34 Harreton Road, known as Block 509, 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. As part of the application, the applicant submitted the Land Use Application and associated documents and photographs dated November 16, 2023, and Exhibit A-1, which was presented at the Public Hearing and is an Astria Fireplace specifications sheet for the Craftsman 42 Series fireplace (See Exhibit A-1, annexed hereto).
4. Variance relief is required because this property is located in the AA residential zone and the application proposes an encroachment into the required 20-foot 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

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surrounded by residential uses. The application and plans propose internal renovations and the addition of a wood burning fireplace with chimney in the family room which will encroach into the required side yard setback. The encroachment will measure approximately 24 inches. The application and plans request relief for conflicts §270-64B (side yard setback).

6. The applicants were sworn and testified as to the existing conditions of the property and the existing structure. The property line on the side of the proposed encroachment is not straight, and the property sits on the beginning of a curve on Harreton Road, creating a distinct and irregular property lot shape. The applicant is seeking to add a wood burning fireplace to their family room, and the resultant chimney on the exterior of the home will encroach into the required setback area. This encroachment is buffered by the adjacent neighbor's driveway. 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 siding and design elements on the chimney associated with it which will match the existing. The chimney will be aesthetically pleasing to the property and consistent with the neighborhood. Present vegetation buffers will remain, 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. The proposed addition is in the appropriate location in reference to the existing structure on the lot.

7. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and testified that the encroachment was minimal and would have no impact on the surrounding properties. The applicant specifically agreed to incorporate recommendations of the Borough Engineer's testimony into the renovation plans, and 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 wood burning fireplace 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, physical placement of the home on the lot, and curvature of front property line, 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 addition/fireplace will be aesthetically pleasing, and will not be obtrusive due to the placement and location of the proposed improvements and relatively minimal increase in encroachment; 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.

**BE IT FURTHER RESOLVED** construction shall proceed in accordance with this Resolution, the approved plans and drawings marked in evidence, including Exhibit A-1 annexed hereto, the testimony of the applicant in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

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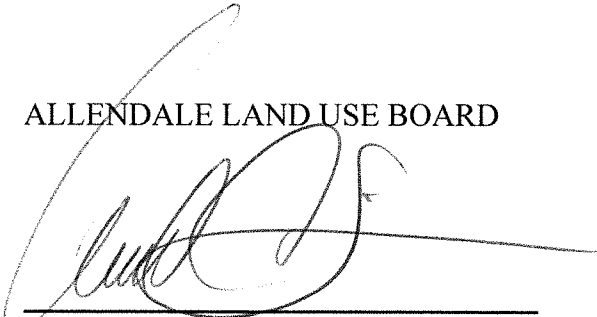
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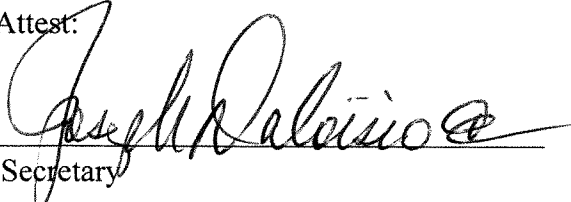
**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee therefore. The Secretary 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

  
\_\_\_\_\_  
Chairman

Attest:

  
\_\_\_\_\_  
Secretary

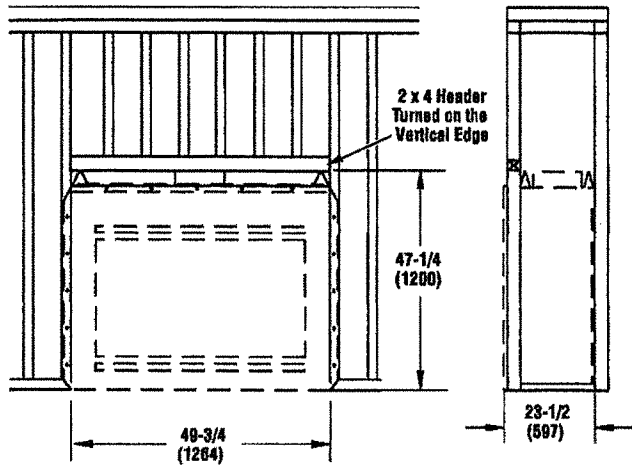
Adopted: January 17, 2024

A-1 12/10/13

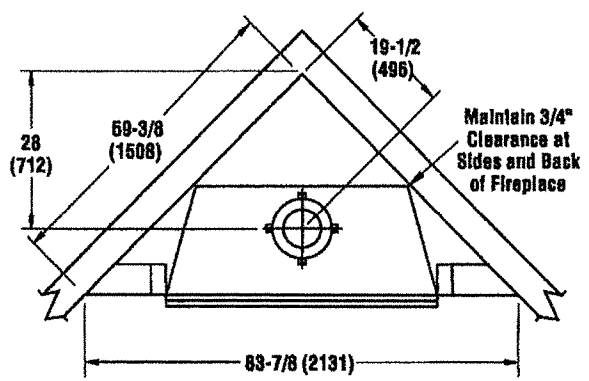
# CRAFTSMAN™ 42 SERIES

## WOOD-BURNING FIREPLACES

Framing Dimensions



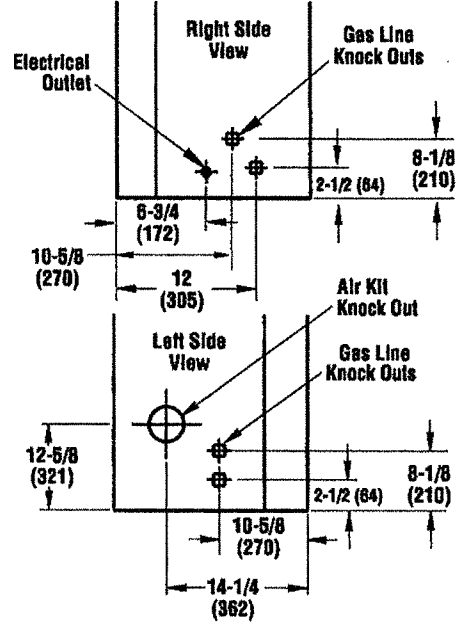
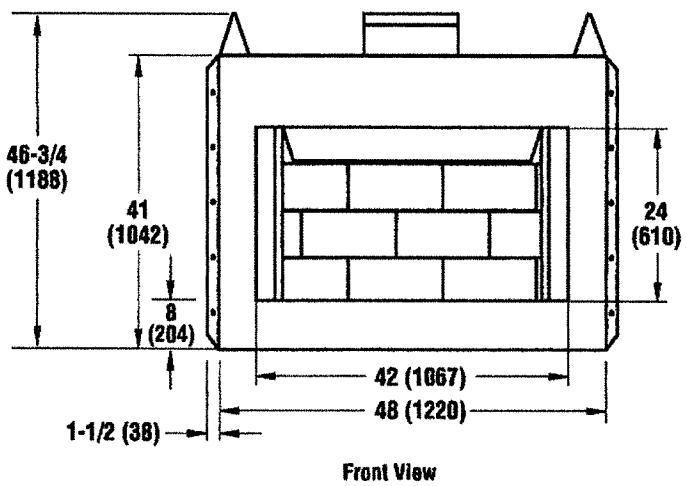
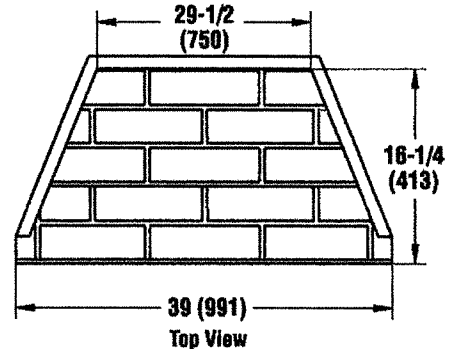
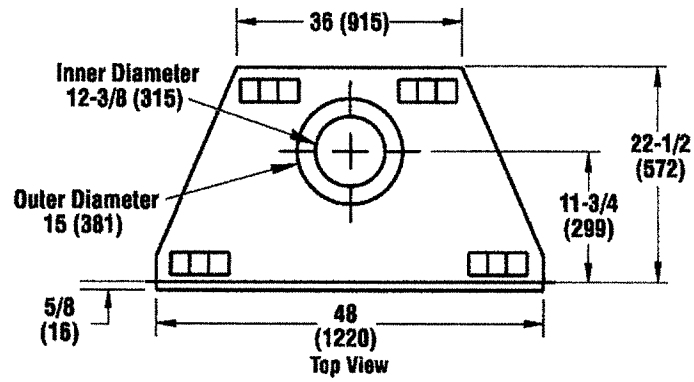
Parallel Framing Dimensions



Corner Framing Dimensions

Inches (millimeters)

Fireplace Dimensions



Inches (millimeters)

NOTE: DIAGRAMS & ILLUSTRATIONS ARE NOT TO SCALE.