

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE July 19, 2023

RESOLUTION: 23-17

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
<b>Bergen</b>					✓	
<b>Putrino</b>	✓		✓			
<b>Kistner</b>					✓	
<b>Daloisio</b>						✓
<b>Dalo</b>			✓			
<b>Sirico</b>			✓			
<b>Wilczynski</b>		✓	✓			
<b>Warzala</b>			✓			
<b>Butler</b>			✓			

Carried  Defeated  Tabled

RESOLUTION 23-17

LAND USE BOARD OF THE BOROUGH OF ALLENDALE

RESOLUTION APPROVING  
 PRELIMINARY AND FINAL SITE PLAN FOR  
 VEOLIA WATER NEW JERSEY, INC.  
 BLOCK 1503.01, LOT 6  
 (a/k/a 664 WEST CRESCENT AVENUE)

**WHEREAS**, the applicant, VEOLIA WATER NEW JERSEY, INC., has applied for preliminary and final site plan to construct a temporary wood frame accessory building to house water treatment equipment on 664 West Crescent Avenue, also known as Block 1503.01, Lot 6, as well as other associated site improvements to its premises; and

**WHEREAS**, the Land Use Board has reviewed the evidence and testimony of the Applicant and its professionals, including Engineering and construction plans and photographs, and the testimony of the Borough Engineer, at its public meeting on July 21, 2023; and

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**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 in the AA residential Zone District. The applicant seeks site plan approval and variance relief as part of this application. In particular, the applicant seeks variance relief for Accessory Buildings less than six feet apart on a single lot (Section 270-14); front yard setback, 15.83 feet wherein 40 feet is required (Section 270-54); and Accessory Buildings, one permitted per lot (Section 270-83).
3. As part of the application, the applicant submitted a Land Use Application dated April 27, 2023, which included various correspondence, reports and photographs; Engineering drawings titled "Allendale Well 11 Temporary PFAS Treatment, Block 1503.01, Lot 6", dated April 5 & 6, 2023, prepared by Eugene C. DeStefano, P.E. and Anthony F. Perdo, P.E. and consisting of 12 pages. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.
4. The applicant's engineer, Janice Margaret Grey, P.E., was sworn and testified as to the existing conditions and proposed improvements to the site. She testified that the site is flat and minimal grading is necessary for the improvements. The proposed improvements are directly adjacent to the existing well house. The applicant is proposing construction of a temporary wood frame accessory building to house water treatment equipment on the referenced property, to match the existing structure. The building will be approximately the size of a shed (approximately 12 x 16) and will be constructed adjacent to the existing well house. The project will also include installation of below ground water mains to connect the treatment facility to the well supply.
5. The applicant's engineer also testified that the proposed project was for the installation of unmanned water treatment equipment that will enable recently issued water quality regulations to be met by the applicant. The facility is planned as temporary and will be removed and the site restored when a permanent solution is implemented in the future. The proposed treatment facility will be installed in as close proximity to the existing well house as practical and will be housed in a building the size of a shed. There will be no additional traffic generated or burden on existing infrastructure.
6. Plans prepared on April 20, 2023, and identified as sheet C101 were shown to the Board. This exhibit depicted improvements to be done behind the existing structure which is 12 feet x 15 feet. Landscaping is being added towards the side of the shed for shielding. A colorized

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sheet was shown which depicted the existing shed and the temporary structure. There is lighting proposed above the door, and it was stated that it will only be on from dusk until dawn. There is a monitor for the facility that is directly connected to Veolia so that any issues can be addressed remotely. It was stated that the anticipated time frame for completion of installation of a permanent system is 2027, at which time the proposed temporary structure will be removed, and the site restored substantially to its original state.

7. It was testified that variance relief is required due to the proposed improvements, which will add a second accessory structure to the site, when only one is permitted in the zone, and the proximity to the existing accessory structure, which requires a six-foot separation in the zone. The front yard setback is also 40 feet required in the zone, and the proposed improvements will be within the front yard setback area. The applicant's engineer testified that the criteria for a C(2) variance had been met by the applicant, since there was no detriment to the lot or zone, and in fact improved water quality was a benefit to the community. Thus, the benefits outweigh the detriments, and the application advanced at least one purpose of the MLUL, which is the promotion of the "health, safety and welfare of the community," among others.

8. The applicant agreed to provide additional buffer landscaping if deemed necessary in the field after consultation with the Borough Engineer.

9. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant. Mr. Vreeland provided testimony relative to the application to the Land Use Board and testified that the proposed site plan amendments would have no detrimental impact and would provide a benefit to the community under the MLUL.

10. No members of the public appeared in connection with the application.

**BE IT FURTHER RESOLVED**, based upon the factual and legal evidence, and testimony and contentions set forth herein by the applicant's professionals and the Borough Engineer, said testimony and evidence which is specifically adopted by the Land Use Board, that the Allendale Land Use Board hereby grants the applicant's request for a preliminary and final site plan approval and variance relief to allow the improvements referenced in the application, to wit, installation of a temporary wood frame accessory building to house water treatment equipment on the

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referenced property, to match the existing structure, as well as other associated interior and exterior site improvements to its premises as proposed in the application; and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby determines that the variances hereby granted constitute variance relief 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 engineer and the Borough Engineer, in connection with the testimony that the applicant is entitled to variance relief, 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 664 West Crescent Avenue; (2) the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement by allowing construction of a temporary water treatment facility on the site; (3) the variances 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 improvements will substantially outweigh any detriment, in that it will advance the purposes of the MLUL by promotion the health, safety and welfare of the community by providing water treated as per regulations to the community; and (5) the variance relief will not substantially impair the intent and purpose of the zone plan and zoning ordinance, since it will be consistent with the zone plan and the existing accessory structure on site, and it will be temporary. As such,

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in this instance, the granting of the variance relief 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 preliminary and final site plan and variance relief, subject to the following conditions:

- 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. Landscape improvements on the site shall be addressed in the field in consultation with the Borough Engineer in order to minimize any impact on surrounding properties and provide adequate shielding and buffering of the proposed improvements.

**BE IT FURTHER RESOLVED** that construction shall proceed in accordance with this Resolution, the approved plans and drawings marked in evidence, the testimony of the applicants and their professionals, 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.

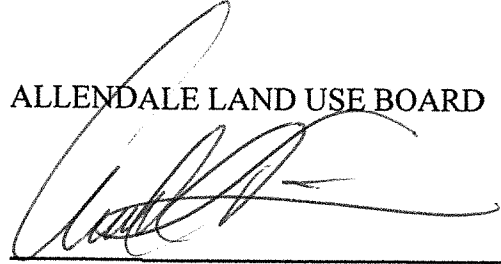
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Approved:

ALLENDALE LAND USE BOARD



MICHAEL SIRICO, Chairman

Attest:

  
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JOSEPH DALOISIO, SECRETARY

*Melissa Boyson, Vice Chairman*

Adopted: July 19, 2023