

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE: September 18, 2024

RESOLUTION: LUB 24-17

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
<b>Bergen</b>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
<b>Warzala</b>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
<b>Putrino</b>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
<b>Agugliaro</b>						<input checked="" type="checkbox"/>
<b>Daloisio</b>						<input checked="" type="checkbox"/>
<b>Dalo</b>			<input checked="" type="checkbox"/>			
<b>Sirico</b>			<input checked="" type="checkbox"/>			
<b>Wilczynski</b>						<input checked="" type="checkbox"/>
<b>Butler-Alt.#1</b>						<input checked="" type="checkbox"/>
<b>Conte-Alt. #2</b>			<input checked="" type="checkbox"/>			

Carried  Defeated  Tabled

RESOLUTION LUB 24-17

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
 RESOLUTION APPROVING  
 APPLICATION FOR VARIANCE APPROVAL FOR  
 CRAIG FOSTER  
 BLOCK 1703, LOT 11  
 (a/k/a 146 PARK AVENUE)

**WHEREAS**, the Applicant, CRAIG AND LESLIE FOSTER, the owners of the property located at 146 Park Avenue, known as Block 1703, Lot 11, on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey (the "Property"), applied to the Land Use Board of the Borough of Allendale in an application dated August 6, 2024 for variance relief from the Allendale Code to construct a shed on the Property; and,

**WHEREAS**, the Applicant was not represented by counsel, but appeared on record to give testimony as to their need for variance relief; and,

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**WHEREAS**, the proposal requires variance relief from certain bulk standards in the Allendale Code; and,

**WHEREAS**, the application and plans specifically seek approval to construct a shed on the Property; and,

**WHEREAS**, the application specifically seeks variance relief from Section 270-14(B)(2) of the Allendale Code, in which an interior lot fronting upon two or more streets shall have no accessory building erected or altered to encroach upon the fourth [portion] of the lot depth nearest each and every street; and,

**WHEREAS**, the Applicant seeks to construct a shed that shall be 6 feet from the side property line, 9 feet from the rear property line, and 20 feet from the edge of Mallinson Street, where the Code requires a setback of 48 feet per Section 270-14(B)(2); and,

**WHEREAS**, the Land Use Board considered the matter at the August 21, 2024 regular meeting of the Land Use Board at which time the Applicant personally appeared on record;

**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 146 Park Avenue, known as Block 1703, Lot 11, on the Tax Map of the Borough of Allendale.
3. As part of the application, the applicant submitted a Land Use Application and associated documents; a Final As-Built Survey prepared by Lakeland Surveying, dated August 3, 2022; and photographs of the Property. The application was in evidence.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and visited the Property. He had no objections to the installation of the shed.

5. The Property is ± 0.43-acre and is located within the Borough's A Residential Zone District. The Property is developed with a two-story dwelling and masonry porches.

6. Applicant did not offer any expert testimony but did appear on record to testify that variance relief is warranted under both the statutory hardship and flexible criteria, in light of the location of existing improvements on the Property and the nature of the proposed improvement being a permitted accessory structure within the zone district, and proposes a deviation from the required bulk requirements as follows:

§270-14(B)(2) – Accessory buildings. In the case of an interior lot fronting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon the fourth [portion] of the lot depth nearest each and every street. This would require a setback of 48 feet as the lot is 193 feet in length.

5. Following a motion and second, the Board voted unanimously to approve the variance relief from the Allendale Code, under N.J.S.A. 40:55D-70c1-c2.

6. The testimony and representations of the Applicant and its witnesses shall be binding upon the Applicant and its successors, as if more fully set forth herein.

**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 variance approval; and,

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board specially adopts and accepts the testimony of the Applicant in connection with the testimony that the Applicant is entitled to variance approval; and,

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby grants approval for variance relief, subject to the following conditions, which shall be complied with prior to the issuance of any permits:

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- 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. There shall be no electric or lighting in the accessory structure.
- C. There shall be no trash or storage items located between the rear of the accessory structure and the fence line.
- D. There shall be no concrete used in erecting the shed. Only gravel shall be used as the base.
- E. The fence shall be relocated, as necessary, such that neither it nor any other structural improvements are located within the designated Right-of-Way. Completion of the relocation shall be a precondition to obtaining a final Certificate of Occupancy / permit release from the Borough under this approval.

**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.

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Approved:

ALLENDALE LAND USE BOARD



MICHAEL A. SIRICO, Chairman

Attest:



~~JOSEPH DALOISIO, SECRETARY~~  
Melissa Bergen, Vice Chairwoman

Adopted: September 18, 2024