

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: March 20, 2024

RESOLUTION: LUB 24-12

| Land Use Board | Motion | Second | Yes | No | Abstain | Absent |
|----------------|--------|--------|-----|----|---------|--------|
| Bergen | ✓ | | ✓ | | | |
| Warzala | | | ✓ | | | |
| Putrino | | | ✓ | | | |
| Agugliaro | | | | | | ✓ |
| Daloisio | | | ✓ | | | |
| Dalo | | | | | | ✓ |
| Sirico | | | ✓ | | | |
| Wilczynski | | | | | | ✓ |
| Butler-Alt.#1 | | ✓ | ✓ | | | |
| Conte-Alt. #2 | | | | | | ✓ |
| | | | | | | |

Carried Defeated Tabled

RESOLUTION LUB 24-12

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 LAURA AQUINO
 BLOCK 1708, LOT 14
 (a/k/a 203 WEST ALLENDALE AVENUE)

WHEREAS, the applicant, LAURA AQUINO, the owner of the property located at 203 West Allendale Avenue, known as Block 1708, Lot 14, 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 December 21, 2023 for approval of variance relief from the Allendale Code, Zoning for proposed additions and renovations to the existing dwelling, including a rear addition, convert the existing garage to living space, and construct a new detached garage at the Property which is located in the A Residence Zone; and

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

WHEREAS, the application and plans specifically seek approval to construct a rear addition, convert the existing garage to living space, and construct a new detached garage on the Property; and

WHEREAS, the application seeks specific variance relief for side yard setback and for the driveway to remain in front of the dwelling; and

WHEREAS, the Land Use Board considered the matter at the January 17, 2024 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 203 West Allendale Avenue, known as Block 1708, Lot 14, on the Tax Map of the Borough of Allendale. The property is located in the A Residence Zone. The application was in evidence.
3. As part of the application, the applicant submitted a Land Use Application and associated documents; Soil Movement Application and associated documents; Plan entitled, "Boundary & Topographic Plan of, Lot 14, Block 1708, 203 West Allendale Avenue, Borough of Allendale, Bergen County, New Jersey", prepared by Darmstatter, Inc. (Michael H. Darmstatter, PLS), dated November 27, 2023; Setback and photographic exhibits prepared by Christopher Greimel, dated December 14, 2023 and December 20, 2023, respectively; Plan set consisting of 6 sheets entitled, "Proposed Addition & Detached Garage, Aquino Residence, 203 West Allendale Avenue, Allendale, New Jersey", prepared by Christopher Greimel, PE, RA, PP, dated December 8, 2023; and Plan entitled "Addition Plot Plan, Soil Erosion Control Plan, Lot 14 – Block 1708, 203 West Allendale Avenue, In The, Borough of Allendale, Bergen County, New Jersey, For Aquino Residence", prepared by Conklin Associates (Tibor Latincsics, PE & Michael H. Darmstatter, PLS), dated November 29, 2023.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated January 1, 2024. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

5. Variance relief is required because the Property is located in the A Residence Zone and the application proposes an encroachment into the required side yard setback as follows:

§270-64C(2) – Side yard Setbacks. The dwelling encroached ± 4.2 ft (left) and ± 7.3 ft (right) into the required ± 21.7 ft enhanced side yard setback. The removal of the barn along with the proposal decreases the gross building area and requires ± 19.5 ft enhanced side yard setback. The dwelling would encroach ± 2 ft (left) & ± 5.1 ft (right) into the required ± 19.5 ft enhanced side yard setback.

6. The following non-conforming conditions exist on the Property:

§270-18B(2) – Driveway Width. The illustrated driveway appears to be 48 ft wide at the rear parking/turning area and exceeds the allowable 35 ft width.

§270-18B(3) – Driveway Curb Cuts. The illustrated curb cut appears to be 23 ft wide and exceeds the allowable 20 ft width. The application does not appear to alter this condition.

§270-57(B) – Front Yard Setback. The zoning information indicates the existing dwelling encroaches ± 3 ft into the required 35 ft front yard setback. The application does not appear to alter this condition.

§270-57F – Minimum Lot Width. The zoning information indicates the existing 100 ft width is less than the required 115 ft. The application does not appear to alter this condition.

7. The Property is ± 0.575 acres and is located within the Borough's A 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 (a rear addition, conversion of the existing garage to living space, and a new detached garage).

8. The applicant was sworn in and testified as to her need for the proposal to accommodate her elderly mother.

9. Next, applicant's engineer Tibor Latincics ("Latincics"), was sworn in, accepted as an expert, and testified as to the existing conditions of the Property. More specifically, Latincics testified that the lot was oversized, a barn previously existed on the Property, but was later removed in October 2023. Latincics described the existing non-conformities on the site and

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identified the side yard setback variance required. He also described the proposed site improvements including, stormwater control measures, lighting and driveway details. Greimel also provided testimony as to the setback of structures using photographic exhibits.

10. The applicant's architect Christopher Greimel ("Greimel") was sworn in, accepted as an expert and provided testimony as to his design, including details of the floor plans and elevations.

11. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated January 11, 2024. 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. He confirmed he was satisfied with the location and grade of the seepage pit. The applicant agreed to incorporate the recommendations of the Borough Engineer's review letter and testimony into the renovation plans.

12. Various members of the public appeared in connection with the application. Their concerns were satisfied by the conclusion of the public hearing.

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 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, 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 lot configuration, the physical placement of the home on the lot, pre-existing non-conforming conditions, which are all deemed hardships by the Board. In addition, the hardships associated

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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 additions/renovations 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 existing encroachments which will not be expanded; 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 shall comply with Mr. Vreeland's January 11, 2024 review letter.
- C. No plumbing or heating shall be allowed in the new garage structure.
- D. Applicant shall provide 5' – 6' tall Green Giant arborvitae or Leyland Cypress Spruce along the east sideline in 4ft wide planting strip, running from the front edge of the existing drive to the front edge of the approved garage, spaced at 8' intervals.
- E. No trees shall be removed as part of the proposed development.
- F. Applicant shall soften the radius at beginning of driveway to narrow the dimension in front portion of driveway, which shall be reviewed by the Board Engineer.
- G. Lighting sources detailed on the approved garage structure shall not spill over the lot line.

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

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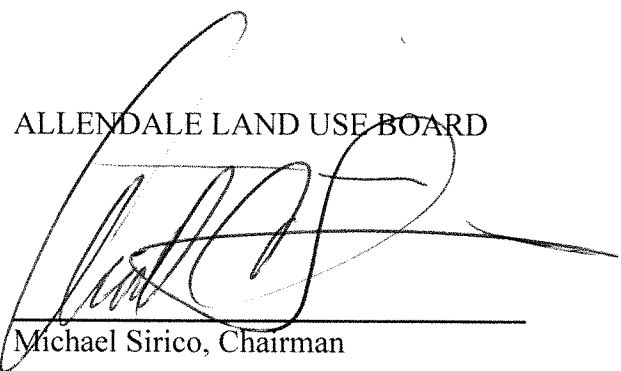
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in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

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.

Approved:

ALLENDALE LAND USE BOARD

Michael Sirico, Chairman

Attest:


JOSEPH DALOISIO, SECRETARY

Adopted: March 20, 2024