

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE: February 15, 2023

RESOLUTION: 23-12

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen		✓	✓			
Putrino						✓
Kistner	✓		✓			
Daloisio			✓			
Dalo			✓			
Sirico			✓			
Wilczynski			✓			
Quinn			✓			
-Alt. 1						
-Alt. 2						

*Carried*

RESOLUTION 23-12

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
 RESOLUTION APPROVING  
 APPLICATION FOR VARIANCE FOR  
 BRIANNE & GREGORY SZEP  
 BLOCK 1403, LOT 2  
 (a/k/a 79 EDGEWOOD ROAD)

**WHEREAS**, the applicant, BRIANNE & GREGORY SZEP, the owners of the property located at 79 Edgewood Road, known as Block 1403, Lot 2 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 29, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AA residential zone, from the Allendale Code, Zoning; and

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: February 15, 2023

RESOLUTION: 23-12

**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 an addition to the rear of the structure for a new master bedroom and home office space, rear deck, steps, walkway and basement; and

**WHEREAS**, the application seeks specific variance relief for rear yard setbacks; and

**WHEREAS**, the Land Use Board considered the matter at the January 18, 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 79 Edgewood Road, known as Block 1403, Lot 2, 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; Architectural plan set entitled, "Proposed Addition, & Renovations, Szep Residence, 79 Edgewood Road, Allendale, New Jersey" consisting of 2 sheets. The plans prepared by JMA Architects (John F. Musinski, AIA) are dated November 29, 2022; Survey entitled, "Location Survey For, Gregory And Brianne Szep, #79 Edgewood Road, Tax Lot 2, Block 1403, Borough of Allendale Bergen County New Jersey". The survey prepared by SurTech (Peter C. Kirch, PLS) is dated November 19, 2018.
4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated January 9, 2023. 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: February 15, 2023

RESOLUTION: 23-12

5. Variance relief is required because this property located in the AA residential zone has pre-existing, non-conforming conditions, due to the rear yard encroachment, as follows:

§270-54D – Rear Setback. The noted  $\pm 43.1$  ft existing rear setback is  $\pm 6.9$  ft less than the required 50 ft setback. The proposal further reduces the setback to  $\pm 34.7$  ft.

6. The property is located on the eastern side of Edgewood Road within the Borough's AA Residence Zone District. The property is developed with a single-family dwelling and associated amenities. The application and plans request relief for conflict with §270-54D (rear yard) of the Code.

7. The applicants were sworn and testified as to the existing conditions of the property. They testified that the existing structure is a raised ranch with an exposed garage. They are seeking an addition to the rear of the home to create a larger master bedroom and a home office space. The variance relief requested is solely for a rear yard setback encroachment, which exists presently. The lot is uniquely shaped (trapezoidal), and is narrow in the rear. The site plan and survey show the irregular shape. The pre-existing rear yard setback is 43.1 feet, wherein 50 feet is required under the Code. The addition proposes to increase the encroachment at the rear to 34.7 feet wherein 50 feet is required. No other variance relief is requested. This is a hardship C1 variance request. There will be new siding and design elements associated with the addition which will be an aesthetic improvement to the home. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. The addition would be aesthetically pleasing to the property and consistent with the neighborhood. The vegetation at the rear of the property is to remain, which will lessen any impact of the addition 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.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated January 9, 2023. 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. One member 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

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: February 15, 2023

RESOLUTION: 23-12

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 variance relief, due to the unique nature of the property, namely the irregular shape, physical placement of the home on the lot, and the pre-existing non-conforming condition, namely the existing rear yard setback encroachment, 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 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 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.

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: February 15, 2023

RESOLUTION: 23-12

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 and to minimize and address any stormwater or drainage issues, and comply with Mr. Vreeland's January 9, 2023 review letter, specifically points 4.1 through 4.5.3.

C. Applicant shall prepare and submit an "As-Built" survey plot and plan as a condition of issuance of a Certificate of Occupancy.

**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.

Approved:

ALLENDALE LAND USE BOARD

  
\_\_\_\_\_  
KEVIN QUINN, Chairman

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: February 15, 2023

RESOLUTION: 23-12

Attest:

  
\_\_\_\_\_  
JOSEPH DALOISIO, SECRETARY

Adopted: February 15, 2023