

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: February 15, 2023

RESOLUTION: 23-13

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

Carried

RESOLUTION 23-13

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 JACLYN D'ARMINIO & ANDREW MCVEIGH
 BLOCK 502, LOT 9
 (a/k/a 900 FRANKLIN TURNPIKE)

WHEREAS, the applicant, JACLYN D'ARMINIO & ANDREW MCVEIGH, the owners of the property located at 900 Franklin Turnpike, known as Block 502, Lot 9, 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 December 8, 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

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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 upstairs portion of the existing structure; and

WHEREAS, the application seeks specific variance relief for lot size, lot width, front yard setback and rear yard setback; 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 900 Franklin Turnpike, known as Block 502, Lot 9, 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 a Land Use Application and associated documents; Architectural plan set entitled, "Proposed 2nd Floor Addition, Andrew McVeigh & Jaclyn D'Arminio, 900 Franklin Turnpike, Allendale, New Jersey" consisting of 3 sheets. The plans prepared by Christopher J. Greimel P.E., R.A., P.P. are dated September 14, 2022; Survey entitled, "Location And Topographic Survey, Of, 900 Franklin Turnpike, Lot 9 in Block 502, Borough of Allendale County of Bergen, N.J.". The survey prepared by Bertin Engineering (Miloslav Rehak, PLS) is dated April 21, 2022.

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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.

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

§270-54B – Front Setback. The noted 35.9 ft existing front setback (Franklin Turnpike) is ± 4.1 ft less than the required 40 ft. The noted 34 ft existing front setback (Iroquois Avenue) is ± 6 ft less than the required 40 ft. The proposal does not appear to alter this condition.

§270-54D – Rear Setback & §270-37A – Additions to Nonconforming Structures. The noted ± 36.7 ft existing rear setback is ± 13.3 ft less than the required 50 ft. Although the proposal does not appear to alter this condition, proposed alterations would result in a vertical expansion above an existing nonconformity.

§270-54E – Lot Area. The noted $\pm 16,740$ sf existing lot area is $\pm 9,260$ sf less than the required 26,000 sf. The proposal does not appear to alter this condition.

§270-54F – Lot Width. The noted ± 120 ft existing lot width is ± 10 ft less than the required 120 ft. The proposal does not appear to alter this condition.

6. The property is located at the southeast corner of the intersection of Franklin Turnpike and Iroquois Avenue within the Borough's AA 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 (including second floor expansions). The Property is a corner lot facing on both Franklin Turnpike and Iroquois Avenue. As it exists, the residential structure on this property consists of 1.5 stories. The "second story," containing two bedrooms, is currently "dormered" with a varying ceiling height in both bedrooms. The applicant proposes to raise the ceiling on this second story, creating a true second story. In addition, they intend to expand the second story into existing non-livable attic space. Overall, the proposal will create a second story with two main bedrooms, a bathroom, one smaller "guest" bedroom and office space.

7. The applicant were sworn and testified as to the existing conditions of the property. They testified that the lot was significantly undersized in area and width for the zone, and there are existing non-conformities in the front yard setback and rear yard setback. The hardship is the size of the lot, location of the house on the lot, the lot width and the lot is significantly undersized for the zone. The house is on a corner lot and fronts on two separate roads. The applicant is proposing an addition and renovation which would include creating a full and usable second story

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on the home. It was testified that the addition will be above the existing footprint of the home, and the dormered area will be squared off to provide adequate living space on the second floor. There will be no change to the front or the rear yard existing encroachment. There will be new siding and design elements associated with the addition which will be an aesthetic improvement to the home. Landscaping disturbances will be minimal, and any landscaping removed will be replaced. No flood lights to be installed. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. The addition would be minimal, aesthetically pleasing to the property and consistent with the neighborhood. There would be no negative impact on surrounding properties or the neighborhood, and visible impact would be minimal. The applicants testified that they considered other options, but that the proposed additional was the least intrusive and minimal option that was suitable for their needs. There would also be no increase in impervious coverage and no negative impact on water run-off/stormwater management.

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. 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 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

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that the applicant is entitled to variance relief, due to the unique nature of the property, namely the undersized lot area and lot width, the physical placement of the home on the lot, and the pre-existing non-conforming conditions, namely the existing rear and front yard setbacks, 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 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 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.

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.

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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



KEVIN QUINN, Chairman

Attest:


JOSEPH DALOISIO, SECRETARY

Adopted: February 15, 2023