

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: 3/14/22

RESOLUTION: 22-12

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio	✓		✓			
Davis			✓			
Kistner			✓			
Lovisolo						✓
Yaccarino		✓	✓			
Sirico			✓			
Bernstein						✓
Quinn			✓			
Forbes - Alt. #1			✓			
Putrino - Alt. #2					✓	

Carried Defeated Tabled

RESOLUTION 22-12

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 LORI & SEENA SHEKARI
 BLOCK 203, LOT 8
 (a/k/a 81 FAIRHAVEN DRIVE)

WHEREAS, the applicants, LORI & SEENA SHEKARI, the owners of the property located at 81 Fairhaven Drive, known as Block 203, Lot 8 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 27, 2021 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AAA 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 a second story addition above the existing garage; and

WHEREAS, the application seeks specific variance relief for side yard encroachments, and for addition to the non-conforming structure; and

WHEREAS, the Land Use Board considered the matter at the February 16, 2022 regular meeting of the Land Use Board at which time the applicants and their professional 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 81 Fairhaven Drive, known as Block 203, Lot 8, on the Tax Map of the Borough of Allendale. The property is located in the AAA residential zone. The application was in evidence.

3. As part of the application, the applicant submitted Plans entitled, "Shekari Residence, 81 Fairhaven Drive, Allendale, NJ". The plans prepared by Z+ Architects (Mary Fitzpatrick Scro, R.A) consist of thirteen (13) sheets and are dated January 7, 2022 and various correspondence. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 11, 2022. 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 and has a pre-existing, non-conforming condition, due to the structure in place, shape of the lot and proposed addition, as follows:

§270-64B(2) – Side Yard Setbacks

The existing dwelling triggers the enhanced side yard setback. The proposal will increase the enhanced side yard setback requirement and the dwelling will encroach ±3.3 ft (L) into the expanded setback requirement.

6. The subject property is currently developed with a single family dwelling and associated amenities. The application and plans propose to construct an addition and renovations to the existing dwelling (including front porch, 2 floor addition over garage, rear addition and rear patio).

7. The applicants and their professional architect, Mary Fitzpatrick Scro, were sworn and testified as to the existing conditions of the property. Ms. Scro testified that the addition/renovation would consist of 778 square feet and would be a rebuild of the existing porch in the rear of the home to add a mudroom and kitchen area. There would also be an addition consisting of a master bedroom suite above the existing garage and associated interior renovations. The addition/renovation was contemplated to upgrade the home and better accommodate their family. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. It was noted that the property is oddly shaped and sits on a corner lot with two front yards. The house structure is also located off-center on the lot. The addition is within FAR requirements and coverage requirements of the Code. The addition would not increase the current side yard encroachment, nor would it extend beyond the existing encroachment. However, due to the enhanced setbacks triggered by the increase in floor area ratio, the current setbacks would create a greater side yard encroachment. Ms. Scro testified that there was adequate screening on the side of the property with existing landscaping, and that the application did not call for the removal of any existing buffer screening or trees on the property and would include minor landscaping improvements. The addition would be aesthetically pleasing to the property, in that new architectural details, siding and roofing would be added throughout, and consistent with the existing style and design of the premises, functional for the family and shielded from neighbors by existing vegetation and open space which would remain. Ms. Scro also testified that there would be no impact on any surrounding properties or the zone, since there would be no expansion of the presently existing non-conforming condition in connection with side yard encroachment, other bulk requirements were well-within AAA zone standards, no work would be undertaken in the non-conforming side yard area, and that the benefits of the variance relief would outweigh any

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detriments. Various alternatives were reviewed, and the application as presented was deemed the best alternative for development.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 11, 2022. 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. 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 applicant, the applicant's professional architect and the Borough Engineer, in connection with the testimony that the applicant is entitled to a variance, due to the unique nature of the property, namely the odd shape of the property, the corner lot/two front yard condition, the existing non-conforming condition, and the placement of the home on the lot (N.J.S.A. 40:55 D-70C.(1)), which are all deemed hardships by the Board.

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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 their 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 comply with points 4.1 through 4.6 of Mr. Vreeland's February 11, 2022 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.

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.

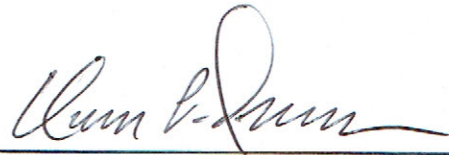
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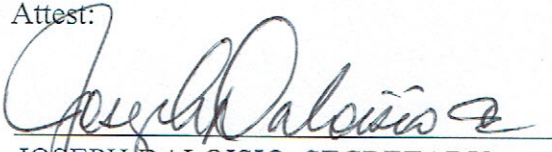
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:


JOSEPH DALOISIO, SECRETARY

Adopted: March 14, 2022