

**RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: October 18, 2023

RESOLUTION# LUB 23-19

Carried Defeated Tabled

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

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LAND USE BOARD OF THE BOROUGH OF ALLENDALE

**RESOLUTION APPROVING
APPLICATION FOR MINOR SUBDIVISION OF
BARRY POSKANZER
BLOCK 1503, LOT 14 & 15
(a/k/a 40 & 42 CARTERET ROAD)**

WHEREAS, the applicant, Barry Poskanzer, the owner of the property located at 40 and 42 Carteret Road, known as Block 1503, Lot 14 & 15 on the Tax Map, in the Borough of Allendale, has applied for minor subdivision approval, in connection with the property commonly known as 40 and 42 Carteret Road, which is located in the AA residential zone of the Allendale Zoning Code; and

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WHEREAS, the applicant, Barry Poskanzer, is the owner of adjoining lots identified as 40 Carteret Road and 42 Carteret Road, which are currently improved with one single family residence and associated amenities. Lot 15 has a single-family dwelling; Lot 15 is vacant land. Both lots are larger than required for the zone and fully conforming; and

WHEREAS, the applicant is proposing a subdivision to realign a lot line between the two adjoining lots. The lot line is an internal lot line in which additional property will be added to Lot 15, which contains the single-family home. The frontage of both lots will remain the same.

WHEREAS, the Land Use Board considered the matter at the September 18, 2023 regular meeting of the Land Use Board at which the applicant, Barry Poskanzer, through counsel and by the presentation of evidence, personally appeared;

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 not required under provisions of the Municipal Land Use Law.

2. The property is located at 40 and 42 Carteret Road, known as Block 1503, Lot 14 & 15, on the Tax Map of the Borough of Allendale. The properties are located in the AA residential zone, which permits single family structures and uses. The application was in evidence.

3. As part of the application, the applicant submitted a survey and plot plan entitled, "Proposed Minor Subdivision Of, Tax Lots 15 And 14, Block 1503.01, A.K.A. 40 Carteret Road and 42 Carteret Road, Borough of Allendale, Bergen County, New Jersey". The plan prepared by DMC Associates, Inc. (Robert L. Cigol, PLS) is dated July 20, 2023. The plans include a description of the existing conditions and the proposed preliminary minor subdivision. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board and its professionals.

4. The applicant, Barry Poskanzer, and counsel presented the plans and explained the relief requested in the application. It was explained that the application sought merely the

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realignment of the lot line between the two properties and requested no variance relief. The subdivision would create and maintain two fully conforming lots in the zone. The new lot would also contain a private Deed restriction, to include a non-disturbance area between the lots, and a 100-foot front yard setback. There were no plans presented and there is no present plan to build on the vacant lot, there will be no soil movement, and there will be no removal of trees as a result of the proposed subdivision. The subdivision will be perfected by the filing of Deeds.

5. The application was reviewed by the Engineer for the Land Use Board, and the Land Use Board considered input from its Engineer in reviewing and considering the application. Mr. Vreeland's Memorandum, dated September 1, 2023, 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 subdivision 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 subdivision plans.

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 application for minor subdivision plan approval of Block 1503, Lot 14 & 15 to realign the lot line between the two lots; and

BE IT FURTHER RESOLVED that the Land Use Board has determined that the proposed subdivision lots, which are fully conforming, will be similar to other lots within the area and not out of character with the neighborhood and that there will be no adverse impact to the overall zone plan or zoning element of the Borough of Allendale and its Master Plan, and such relief is appropriate in this instance; and

BE IT FURTHER RESOLVED that the Land Use Board has determined that the proposed subdivision meets all the requirements of the Borough subdivision Ordinance as is applicable to the application; and

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BE IT FURTHER RESOLVED that in view of the fact that there are no public improvements required, the Applicant shall not be required to enter into a Developer's Agreement. However, the Applicant shall post all necessary fees, and pay all expenses for the Borough's professionals as it pertains to the review of this application. The Applicant shall perfect this subdivision by deed and the deeds are subject to review and approval by the Land Use Board Attorney and/or Borough Attorney and the Land Use Board Engineer; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval of the requested minor subdivision and site plan, subject to the following conditions:

- 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 and comply with Mr. Vreeland's September 1, 2023 review letter, inclusive of Sections 3.1 through 3.5.

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 SIRICO, Chairman

Attest:



Melissa Bergen, Vice Chairwoman

Adopted: October 18, 2023