

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

**DATE:** September 21, 2022

**RESOLUTION#** LUB 22-24

Carried  Defeated  Tabled

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
<b>Bergen</b>						✓
<b>Daloisio</b>			✓			
<b>Kistner</b>		✓	✓			
<b>Lovisolo</b>			✓			
<b>Yaccarino</b>	✓		✓			
<b>Sirico</b>			✓			
<b>Bernstein</b>						✓
<b>Quinn</b>			✓			
<b>Forbes - Alt. #1</b>			✓			
<b>Petrino - Alt. #2</b>					✓	

**RESOLUTION 22-24**

**LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR EVAN KARSCH  
BLOCK 1503, LOT 21  
(a/k/a 37 CARTERET ROAD)**

**WHEREAS**, the applicant, **EVAN KARSCH**, the owner of the property located at 37 Carteret Road, known as Block 1503, Lot 21 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 July 26, 2022 for approval of a variance for a proposed addition to the premises, and proposed modifications to a previously approved dwelling addition, which was approved by this Board in Resolution #LUB 21-12 on March 17, 2021; and

**WHEREAS**, the application seeks a variance since the property is pre-existing non-conforming and the addition/modifications as proposed would result in a 20.7-foot left yard

**RESOLUTION  
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BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

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setback, whereas a 40-foot side-yard setback is required, due to the enhanced setback requirements imposed by Code based on the square footage of proposed improvements.

**WHEREAS**, the application specifically seeks approval to construct a second story addition over the existing garage; and

**WHEREAS**, the application seeks specific variance relief for side yard encroachment, due to the pre-existing non-conformance, but does not increase any pre-existing non-conforming condition; and

**WHEREAS**, the Land Use Board considered the matter at the August 24, 2022 regular meeting of the Land Use Board at which time the applicant and the applicant's architect, John Buchholz, AIA, 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 37 Carteret Road, known as Block 1503, Lot 21, 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 Plans entitled, "Karsh Residence, Bedroom/Garage Addition, 37 Carteret Road, Allendale, NJ 07041", consisting of (3) sheets, prepared by Buchholz Architects, dated July 26, 2022; and an unnamed landscape/planting plan transmitted via July 28, 2002 email (from Evan Karsch to Anthony Hackett). Applicant also presented site plan and architectural renderings prepared by Buchholz Architects, dated July 26, 2022, which were marked as Exhibits A-1 and A-2 at the public hearing. These plans and exhibits were 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: September 21, 2022**

**RESOLUTION# LUB 22-24**

4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated August 22, 2022. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

5. A variance is required because this property located in the AA residential zone, due to the structure in place and proposed enlarged floor area, requires minimum side yard setbacks of 40 feet. The present left-side yard setback is 20.7 feet. The proposed addition would result in a left-side yard setback of 20.7 feet, which presently exists and is pre-existing non-conforming.

6. The proposed addition/modification will consist of a second story addition above the existing and previously approved expanded garage.

7. The applicant's architect was sworn and accepted as an expert in the field of architecture. He testified as to the existing conditions of the property, and that the applicant was seeking to construct an addition to the home to better accommodate his family. Any improvements/modifications on the property would require variance relief, due to the pre-existing non-conformity of the side yard setbacks. The proposed addition/modification would add living space above the previously approved garage. The proposed addition would not increase the current left side yard encroachment. He testified that there was adequate screening on the side of the property with existing landscaping. All other bulk requirements and setbacks are in conformance with the existing Zoning code. The applicant's expert specifically referenced the architectural plans and plot plan depicting the proposed addition/modification and testified that the property was unique due to the shape and center placement of the premises towards the left side of the property, as well as the extended frontage due to the long curvature and frontage of the property. The addition/modification would be aesthetically pleasing to the property, consistent with the existing contemporary style and design of the premises, functional for the family and shielded from neighbors by existing vegetation which would remain and would be upgraded and enhanced. The applicant's architect 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 and previously approved non-conforming condition, and that the benefits of the variance relief would outweigh any detriments.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated August 22, 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, and testified that the proposed improvements would have no negative impact on the zone nor visual impact from the street, and that it appropriately blended in with the existing neighborhood. He also testified and advised that the previously approved Resolution should be incorporated into this approval, which included recommended drainage elements which would be incorporated into the renovation. The applicant and his architect specifically agreed to incorporate the recommendations of the Borough

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

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**RESOLUTION# LUB 22-24**

Engineer's review letter and testimony, and the previous conditions of the LUB Resolution #21-12 into the present and proposed 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 for side-yard setback relief, and to permit the additions/modification to previous approval 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 variance under N.J.S.A. 40:55 D-70C.(1) and N.J.S.A. 40:55 D-70C.(2); and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant, the applicant's 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 pre-existing non-conformity on the property and large frontage (N.J.S.A. 40:55 D-70C.(1)), and due to the fact that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and that the benefits would outweigh any detriment to the public good (N.J.S.A. 40:55 D-70C.(2)).

Specifically, the application (1) relates to the specific piece of property at 37 Carteret Road; (2) the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement by allowing the 20.7 foot side yard setback to remain in this instance to construct a second story addition over the previously approved expanded garage structure since the aesthetics

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

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**RESOLUTION# LUB 22-24**

of the property will be significantly improved by the retention of the contemporary architectural design and style; (3) the variance can be granted without substantial detriment to the public good since it will have no negative impact on the surrounding properties or the zone; (4) the benefits of the deviation (or continuation) to permit the addition will substantially outweigh any detriment and (5) the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance, since it will be consistent with the zone plan. As such, in this instance, the granting of the variance will benefit the community in that it represents a better zoning alternative for the property than would a strict adherence to the Zoning Code.

**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 his 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 4.5.4 of Mr. Vreeland's August 22, 2022 review letter.
- C. Applicant shall include Soil Erosion and Sediment Control measures on their plans, and put in place such measures prior to initiating any construction activities and maintain them in place throughout the construction process.
- D. Applicant shall comply with all Ordinances of the Borough, and specifically obtain tree removal permits for any planned tree removal on site.
- E. Applicant shall prepare and submit an "As-Built" survey plot and plan as a condition of issuance of a Certificate of Occupancy.

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

**DATE: September 21, 2022**

**RESOLUTION# LUB 22-24**

**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 and his professionals and 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



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KEVIN QUINN, Chairman

Attest:

  
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JOSEPH DALOISIO, SECRETARY

Adopted: September 21, 2022