

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE: December 21, 2022

RESOLUTION: 22-29

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>Putrino - Alt. #2</b>			✓			

Carried  Defeated  Tabled

RESOLUTION 22-29

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
 RESOLUTION APPROVING  
 APPLICATION FOR VARIANCE FOR  
 NICHOLAS & KRISTINE LUISI  
 BLOCK 2204, LOT 1  
 (a/k/a 735 WEST CRESCENT AVENUE)

**WHEREAS**, the applicants, **NICHOLAS & KRISTINE LUISI**, the owners of the property located at 735 West Crescent Avenue, known as Block 2204, Lot 1 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 October 27, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AA 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 floor addition to the rear of the dwelling and a pool house.

**WHEREAS**, the application seeks specific variance relief for accessory building placement, lot width and side yard encroachments; and

**WHEREAS**, the Land Use Board considered the matter at the November 14, 2022 regular meeting of the Land Use Board at which time the applicants and their professional architect 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 735 West Crescent Avenue, known as Block 2204, Lot 1, on the Tax Map of the Borough of Allendale. The property is located on the eastern side of West Crescent Avenue within the Borough's AA Residence Zone District. The property is developed with a single-family dwelling and associated amenities. 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, "Luisi Residence, Block 2204 Lot 1, 735 West Crescent Avenue, Allendale, NJ" consisting of 5 sheets. The plans prepared by Chris Blake Architect (unsigned) are dated October 17, 2022; Survey entitled, "Survey of Property, Tax Lot 1 – Block 2204, 735 West Crescent Avenue, Borough of Allendale, Bergen County, New Jersey". The survey prepared by Schmidt Surveying (Andrew A. Schmidt, PLS) is dated July 9, 2021.

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These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.

4. Variance relief is required because this property is located in the AA residential zone, and the proposed development conflicts with §270-64B and §270-14B(1) of the Code due to side yard encroachment and placement of an accessory structure in the front half of the lot. Specifically:

§270-14B(1) – Accessory Building Front Setback. Accessory buildings are to be located in the rear half of the lot. The pool house is proposed within the front half of the lot.

§270-54F – Lot Width. The average lot width is 30 ft less than the required 130 ft width. The application does not appear to alter this condition.

§270-64B(3) – Side Yard Setbacks. The existing required enhanced side yard setback is calculated to be ±23 ft. The existing left side yard setback to Lot 2 is non-conforming at 7.7 ft. The existing right side yard setback to Lot 12 is conforming at 32.9 ft. The second floor addition is proposed within the left side yard setback. Moreover, the proposal increases the GBA and expands the required enhanced side yard. The zoning data table indicates the required enhanced side yard setback is 32.6 ft. This exacerbates the existing non-conforming setback.

5. The proposed renovation proposes a second floor addition to the rear of the dwelling and a pool house.

6. The applicants and their architect, Chris Blake, AIA, were sworn and testified as to the existing conditions of the property, and that the applicants were seeking to renovate and expand the second story of the house and construct a pool house near the existing pool. It was noted that the property is uniquely shaped, deep and narrow. Mr. Luisi stated that they like old homes and they fell in love with this house. The upstairs bedrooms are small, the bathroom is awkward. The applicants' families are both large and they need room for entertaining. Mr. Blake stated the proposal is to expand the second floor which includes the bedrooms and bathroom. It's a traditional house. They propose to increase the bedroom level to the rear, extend the side walls. The house is on a long, narrow property. The first floor is bigger than the second floor. This is a simple addition to the rear of the property. The hardship is based on the fact that the house is located where it is on the property and the property is 100 feet wide where 130 feet is required in the AA zone. The applicant also proposes to add a pool house. Another variance is required as the pool house is not located on the back half of the rear property. Property is narrow but very deep. Mr. Luisi stated the pool house will cover the existing pool equipment as well as to provide shelter/entertainment space, therefore it cannot be moved further back in the yard. This is a hardship C1 variance request. Exterior lighting will be installed at the exterior doors. Downspouts

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will be addressed by a civil engineer and there will be no run-off. 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.

7. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated November 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. 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.

8. 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 architect, the Borough Engineer and Borough Planner, in connection with the testimony that the applicant is entitled to a variance, 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 conditions, namely the existing side yard setback, which are all deemed hardships by the Board. In addition, the hardships associated with the present

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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 encroachments; 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 November 11, 2022 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 applicants and their 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

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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: December 21, 2022