

RESOLUTION

LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: 2/12/2025

RESOLUTION: LUB 25-12

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Warzala						✓
Putrino			✓			
Agugliaro						✓
Yaccarino					✓	
Dalo	✓		✓			
Sirico			✓			
Wilczynski						✓
Butler		✓	✓			
Conte-Alt.#1						✓
-Alt. #2						

Carried Defeated Tabled

LUB 25-12

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
LOUIS M. CLEMENTS
BLOCK 2204, LOT 17
(a/k/a 65 NEW STREET)

WHEREAS, the Applicant, LOUIS M. CLEMENTS, (“Applicant”) the owner of the Property located at 65 New Street, known as Block 2204, Lot 17 on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey (the “Property”), applied to the Land Use Board of the Borough of Allendale, seeking variance plan relief from provisions of the Borough of Allendale Land Use Code to develop a two-story addition to the existing single-family residential dwelling structure;

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WHEREAS, the Applicant sought the following variance relief pursuant to N.J.S.A. 40:55D-70c:

- Deviation from the applicable front yard setback requirement – Section 270-57B (existing dwelling encroaches 14.4’ into the required 35’ setback); with the nonconforming condition being an existing condition, not to be exacerbated by the proposal, however, portions of the proposed addition would continue to violate the setback and be developed within the existing encroachment;
- Deviation from the applicable lot area requirement – Section 270-57E (existing lot area, proposed to remain, at 15,494 SF, where zone requires minimum 20,000 SF);
- Deviation from the applicable side yard setback requirement – Section 270-64C (proposed GBA requires enhanced setback of 22.18’) which was confirmed to be violated at the time of issuance of zoning permit denial and during the course of the hearing relative to portions of the addition;

WHEREAS, an Affidavit of Service and Publication, dated October 9, 2024, was timely tendered to the Board, which, upon review and confirmation of proper notice, conferred jurisdiction over the Board to commence public hearings on the Application;

WHEREAS, the Application commenced with prosecution on 10.23.24, via presentation of the Applicant’s architect, Emmanuel Kavrakis, who was sworn and qualified, along with the Applicant’s contract-purchaser representative, Susan Luciano;

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WHEREAS, during the course of the Applicant's prosecution of the Application on 10.23.24, the Board advised the contract-purchaser to secure the Applicant / owner's written consent to continue to prosecute the Application on behalf of the Applicant;

WHEREAS, the contract-purchaser obtained said consent and continued prosecution of the Application on 12.16.24, represented by counsel, Gail Price, Esq.;

WHEREAS, on 12.16.24, the Applicant recalled the project architect, Emmanuel Kavrakis and contract-purchaser, Susan Luciano, to testify as to revised plans, dated 12.4.24;

WHEREAS, at the conclusion of the 12.16.24 hearing, the Applicant agreed to consider further plan revisions, in an effort to eliminate bulk variance relief generated at the rear, northwest corner of the structure as proposed, by modifying the dimensions of same for the two-story addition; together with preparing revisions to reconcile scrivener errors as to roofline elevation plan details;

WHEREAS, the Applicant continued prosecution of the Application on 1.15.25, bringing forth, through the continued testimony of the Applicant's architect, additional plan revisions and supplements in response to prior comments of the Board and public, including: supplemental plantings, modified floor plan layout causing the elimination of variance relief in the rear yard area, correcting elevation roofline details, inclusion of a drywell, supplementing screening of HVAC equipment, reducing the square footage of the addition, eliminating structural improvements over the existing garage area;

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WHEREAS, the Applicant, during the 1.15.25 hearing, presented Michael Kauker, PP, a licensed professional planner, who was sworn, qualified and offered testimony in support of the variance relief requested by the Applicant, as modified by the plan revisions presented throughout the course of the Application.

WHEREAS, the Applicant introduced the following exhibits in support of the Application

- Exhibit A-1 - consisting of a series of sixteen (16) photos of surrounding properties and structures), illustrating the predominant composition of the area with multi-story residential dwelling structures;
- Exhibit A-2 – consisting of updated architectural plan sheet introduced at 1.15.25 hearing, which modified portions of the 12.4.24 revised plan set)

WHEREAS, various members of the public appeared during the course of the entire Application, cross-examined the Applicant and Applicant consultants and offered sworn testimony and statements regarding the subject Property, including the historic and existing unfinished and dilapidated condition of the Property under its current ownership, viewshed, structure massing, stormwater management and drainage concerns;

WHEREAS, the Borough of Allendale Land Use Board that it hereby makes the following findings of fact and conclusions:

1. The Applicant is the owner of the Property and provided valid consent to the contract-purchaser to prosecute the Application before the Board;

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2. The Application was duly noticed, conferring statutory jurisdiction over the Board to commence proceedings;
3. The Property is ±15,494 SF located at 65 New Street, known as Block 2204, Lot 17, on the Tax Map of the Borough of Allendale.
4. The Property is located in the A Residence Zone.
5. The Applicant submitted a complete Land Use Application and associated documents, including October 11, 2024 Borough of Allendale Code Enforcement Office correspondence (prepared by Anthony Hackett, Construction & Zoning Official); and Plan set entitled, "Proposed Renovations and Addition; Single Family Residence 65 New Street Allendale, NJ" prepared by Emmanuel Kavrakakis, RA, originally dated October 8, 2024 and revised as noted herein.
6. The Property is a corner lot, developed with a single-family residential dwelling and associated amenities, having an articulated angle to the intersecting streets.
7. Existing conditions on the Property render it nonconforming to yard setback and lot area requirements.
8. The Applicant's proposed addition would exacerbate and enhance the nonconforming conditions.
9. A majority of the immediately surrounding properties are developed with multi-story, single-family dwelling structures.

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10. The Applicant's sworn and qualified professionals, through testimony and presentation of exhibits, satisfied the requisite statutory standard, to the satisfaction of the Board, warranting the grant of variance relief, pursuant to N.J.S.A. 40:55D-70c.
11. Various members of the public appeared in connection with the Application, with the raised concerns being satisfied by the conclusion of the public hearing presentation of the Applicant.

NOW THEREFORE BE IT 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 relief from the Borough of Allendale Code, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:

1. 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.
2. Applicant shall coordinate with the Board Engineer regarding the final, approvable location of the drywell.
3. No new accessory improvements shall be located along the New Street frontage.
4. Final planting schedule to be submitted for Board staff review and final approval, which may include requisite site inspections and field visits with Applicant, prior to final agreement and implementation.

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5. Front yard setback to be modified from 16' to 27', with plan revisions to be prepared reflecting same, and to be submitted to Board staff for confirmation of consistency with terms of final approval.
6. Plans and bulk table to be updated and submitted for Board staff review and final approval.
7. Architectural plan Sheet 600.02 to be updated to reflect the noted corrections required to same during to the 1.15.25 hearing, and submitted to the Board staff review and confirmation of plan accuracy.
8. Applicant shall comply with the terms and recommendations of the Board Engineer Report dated 10.21.24, including but not limited to the requirement to submit:
 - a. Soil Movement Permit;
 - b. Plot Plan Approval; and,
 - c. As-Built, all prior to submission for a Certificate of Occupancy.
9. Applicant shall satisfy any and all approvals, permits, waivers or other disposition as may be required from any other agency having jurisdiction, prior to the issuance of any permits.
10. 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

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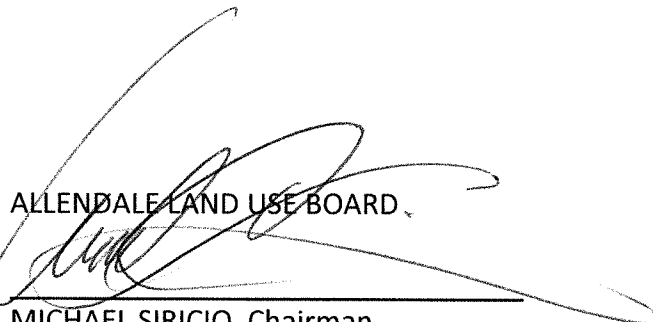
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Applicant's plans, shall be paid in full to the Borough of Allendale by the Applicant, prior to the issuance of any permits.

11. 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.

Approved:

ALLENDALE LAND USE BOARD

MICHAEL SIRICIO, Chairman

Attest:



MELISSA BERGEN, VICE CHAIRWOMAN 2/12/25