

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: December 21, 2022

RESOLUTION: 22-27

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

Carried Defeated Tabled

RESOLUTION 22-27

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 ALEX ATAMIAN
 BLOCK 1203, LOT 16
 (a/k/a 66 VALLEY ROAD)

WHEREAS, the applicant, ALEX ATAMIAN, the owner of the property located at 66 Valley Road, known as Block 1203, Lot 16 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 25, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AA residential zone, from the Allendale Code, Zoning; and

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: December 21, 2022

RESOLUTION: 22-27

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 an addition to the rear of the structure for a new kitchen and covered entertaining space, a new front porch and addition over the existing garage; and

WHEREAS, the application seeks specific variance relief for side yard setbacks; 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 applicant and his 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 66 Valley Road, known as Block 1203, Lot 16, 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 the Land Use Application and associated documents; Architectural plan set entitled, "Atamian Residence, 66 Valley Road, Allendale, NJ" consisting of 19 sheets. The plans prepared by Z+ Architects (Mary Fitzpatrick Scro, RA) are dated October 21, 2022; Survey entitled, "Survey of Property, Tax Lot 16 – Block 1203, 66 Valley Road, Borough of Allendale, Bergen County, New Jersey,". The survey prepared by Lakeland Surveying (Jeffrey S. Grunn, PLS) is dated August 8, 2022.

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: December 21, 2022

RESOLUTION: 22-27

4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated November 9, 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 has pre-existing, non-conforming conditions, due to the side yard encroachment, as follows:

§270-64B(3) – Side Yard Setbacks

The zoning data table indicates the existing required enhanced side yard setback is 28.8 ft. The existing right side yard setback to Lot 2 is non-conforming at 20 ft. The existing left side yard setback to Lot 8.01 is conforming at 39.4 ft. The proposal increases the GBA and expands the required enhanced side yard to 40 ft. This exacerbates the existing non-conforming right setback and creates a non-conforming left setback. The proposed front porch also reduces the right setback to ± 18.4 ft. The renovated dwelling will encroach ± 21.6 into the required enhanced right setback and ± 0.6 ft into the required enhanced left setback.

6. The subject ± 0.88 acre lot is located on the northwestern side of Valley Road. The property is developed with a single-family dwelling and associated amenities. The application and plans propose a number of additions and renovations to the dwelling (including: first and second floor expansions; removing and replacing pool and patio; and removing existing shed and water feature). The application description also notes the project proposes to remove 28 trees.

7. The applicant and his architect, Mary Fitzpatrick Scro, AIA, were sworn and testified as to the existing conditions of the property. They testified that the application is a renovation of an older home that needs TLC. The homeowner is expanding the living space on the first floor and adding an exterior covered area. They are proposing a larger open floor plan. Four bedrooms will be made larger and a home office added. The variance relief requested is for a side yard setback. The lot is uniquely shaped, and encumbered by a large drainage easement. The site plan shows the irregular shape. There is a 15 feet drainage easement on the left hand side of the house. The right side setback is 20 feet which is existing non-conforming. A front porch is proposed, it is open. On the floor plan, page SK-9, the front entrance is shown which is in the 40 foot setback. This is a hardship C1 variance request. Exterior lighting will be installed at the exterior doors. Downspouts 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.

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: December 21, 2022

RESOLUTION: 22-27

8. The applicant testified about the need to remove trees on the property, and requested that the Board approve the removal of 28 trees, due to the danger posed by the trees, disease and the impact on the development. Mr. Atamian stated 6 trees are affecting the foundation, walkway and driveway. Others are leaning over the structure and some are onto the neighbors' properties and are generally overgrown. He produced a letter from his insurance company concerning the trees.

9. The Board determined that the tree removal issue would be dealt separately from the variance application and construction plan, and that the landscaping/tree removal plan would be handled administratively and through enforcement by the Engineer, Building Department and Property Maintenance officer.

10. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated November 8, 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.

11. One member 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, not including the request for tree removal; 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, his professional and the Borough Engineer, in connection with the testimony that the applicant is entitled to variance relief, due to the unique nature of the

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: December 21, 2022

RESOLUTION: 22-27

property, namely the irregular shape, presence of drainage easements, 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 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 8, 2022 review letter, specifically points 4.1 through 4.6.4.
- C. Applicant and his professionals shall submit a detailed tree removal and landscape plan for review by the Borough Engineer, Arborist, Building Department and Property Maintenance officer, and comply with any recommendations as to tree removal and landscaping as set forth by those Borough officials.
- D. 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: December 21, 2022

RESOLUTION: 22-27

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.

Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: December 21, 2022