

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE: 6/19/2024

RESOLUTION: LUB 24-13

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen	<del>✓</del>		✓			
Warzala					✓	<del>✓</del>
Putrino					✓	<del>✓</del>
Agugliaro			✓			
Daloisio	✓		✓			
Dalo			✓			
Sirico			✓			
Wilczynski		✓	✓			
Butler-Alt.#1			✓			
Conte-Alt. #2						X

Carried  Defeated  Tabled

RESOLUTION LUB 24-13

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
 RESOLUTION APPROVING  
 APPLICATION FOR VARIANCE FOR  
 KENNETH MAGRO  
 BLOCK 101, LOT 7  
 (a/k/a 345 HILLSIDE AVENUE)

**WHEREAS**, the applicant, KENNETH MAGRO, the owner of the property located at 345 Hillside Avenue, known as Block 101, Lot 7, 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 in an application dated March 27, 2024 for approval of variance relief from the Allendale Code, Zoning to remove the current gravel driveway and replace with a paved driveway for the Property that is greater than 35 feet; and

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6. The Property is ±0.682 acres and is located within the Borough's AA Residence Zone District. The Property is developed with a single-family dwelling and associated amenities. The application and plans propose renovations to the existing driveway, which shall include removing the current gravel driveway and replacing it with a paved driveway to accommodate an irregularly shaped lot and fix any safety issues when exiting the driveway.

7. The applicant was sworn in and testified as to his need for the proposal due to safety issues when exiting the Property and onto the main road.

8. The applicant did not offer any expert testimony.

**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 variance relief, and to permit the 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, in connection with the testimony that the applicant is entitled to variance relief, due to the unique nature of the property, namely the lot configuration and the existing location and size of driveway, 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; 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:

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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.

**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



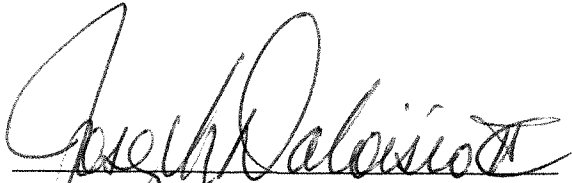
MICHAEL A. SIRICO, Chairman

Attest:

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JOSEPH DALOISIO, SECRETARY

Adopted: June 19, 2024