

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE: March 14, 2022

RESOLUTION: 22-11

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

Carried  Defeated  Tabled

RESOLUTION 22-11

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
 RESOLUTION APPROVING  
 APPLICATION FOR VARIANCE FOR  
 CHRISTINA & JACK JASKO  
 BLOCK 1503.01, LOT 15  
 (a/k/a 321 BROOKSIDE AVENUE)

WHEREAS, the applicants, CHRISTINA & JACK JASKO, the owners of the property located at 321 Brookside Avenue, known as Block 1503.01, Lot 15 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 December 22, 2021 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

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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 story addition above the existing structure in the rear of the house; and

**WHEREAS**, the application seeks specific variance relief for front yard and side yard encroachments, height, and for addition to the non-conforming structure; and

**WHEREAS**, the Land Use Board considered the matter at the February 16, 2022 regular meeting of the Land Use Board at which time the applicants and their 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 321 Brookside Avenue, known as Block 1503.01, Lot 15, 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, "Jasko Residence, 321 Brookside Avenue, Allendale, NJ". The plans prepared by Z+ Architects (Mary Fitzpatrick Scro, R.A) consist of seven (7) sheets and are dated August 5, 2020; various photographs, maps and correspondence. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 10, 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 and has a pre-existing, non-conforming condition, due to the structure in place, shape of the lot and proposed addition, as follows:

§270-37A – Additions to Non-Conforming Structures

Alteration and improvements are proposed above existing nonconformities (i.e., encroachment into the front yard area).

§270-54A – Height

The existing dwelling height of 35.6 ft exceeds the maximum allowable height of 35 ft. The proposed improvements increase the height to 36.66 ft.

§270-54B – Front Yard

The existing dwelling encroaches ±15.1 ft into the required 40 ft. front yard setback. The proposed improvements do not appear to alter this condition.

§270-54E – Area

The existing lot area is ±5,086 sf less than the required 26,000 sf lot area. The proposal does not appear to alter this condition.

§270-54F – Width

The existing lot width is ±46 ft less than the required 130 ft lot width. The proposal does not appear to alter this condition.

§270-64B(2) – Side Yard Setbacks

The existing dwelling encroaches ±1.1 ft (R) and ±17.4 ft (L) into the required ±20.4 ft enhanced side yard setback. The proposed addition increases the enhanced side yard setback. The dwelling will encroach ±3.6 ft (R) and ±19.9 ft (L) into the expanded ±22.9 ft enhanced side yard setback.

6. The subject property is currently developed with a single family dwelling and associated amenities. The application and plans propose to construct additions and renovations to the existing dwelling (including front porch, rear addition and rear deck).

7. The applicants and their professional architect, Mary Fitzpatrick Scro, were sworn and testified as to the existing conditions of the property. Ms. Scro testified that the

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addition/renovation would consist of bumping out the kitchen and adding a breakfast area and bedroom, mudroom, and adding a walk-out basement on the first floor. The addition/renovation was contemplated to upgrade the home and better accommodate their family. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. It was noted that the property is in an older section of the Borough, with an oddly shaped and undersized lot. The house structure is also located off-center on the lot, with a severe grade differential from the front to the rear. The addition, which adds twenty-four feet height, would be in the rear of the structure, in the area with the maximum setback area. The addition is within FAR requirements and coverage requirements of the Code. The addition would not increase the current side yard encroachment, nor would it extend beyond the existing encroachment. However, due to the enhanced setbacks triggered by the increase in floor area ratio, the current setbacks would create a greater encroachment.

The request for height variance relief was testified to by Ms. Scro, and she explained that there were no better alternatives for accommodating the height, which would be 36.66 feet, where 35 is the height limit in the zone. However, she also testified that due to the extreme grading of the property, and the placement of the additional height in the rear of the structure, it would not be noticeable from the street or neighboring properties. In fact, the grading created a unique situation which minimized the appearance of the enhanced height.

Ms. Scro testified that there was adequate screening on the side of the property with existing landscaping, and that the application did not call for the removal of any existing buffer screening or trees on the property. The addition would be aesthetically pleasing to the property, in that new siding and roofing would be added throughout, and consistent with the existing style and design of the premises, functional for the family and shielded from neighbors by existing vegetation and open space which would remain. Ms. Scro 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 non-conforming condition in connection with side or front yard encroachments, and that the benefits of the variance relief would outweigh any detriments. Various alternatives were reviewed, especially with regard to the height variance, and the application as presented was deemed the best alternative for development.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 10, 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. The applicant specifically agreed to incorporate the recommendations of the Borough Engineer's review letter and testimony into the renovation plans.

9. No members of the public appeared in connection with the application.

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**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 professional 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 odd shape of the property, the extreme natural grading of the property, the placement of the home on the lot, and the undersized condition and undersized width of the lot relative to the Code and the AA Zone (N.J.S.A. 40:55 D-70C.(1)), which are all deemed hardships by the Board. It is specifically determined by the Land Use Board that the request for the height variance was reviewed and approved solely due to the nature of the natural grading and severe elevation change present on the lot, and that this is a unique characteristics of this property and this application which is dissimilar to other properties in the Borough.

**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.

B. Applicant and their 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 4.4.7 of Mr. Vreeland's February 10, 2022 review letter.

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 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.

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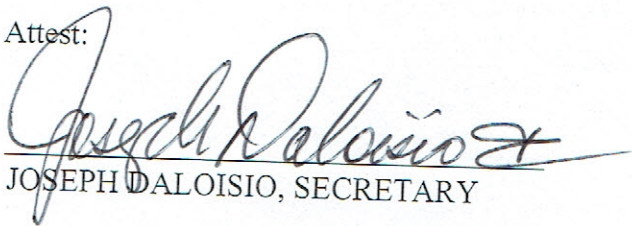
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: March 14, 2022