

**RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: October 20, 2021

RESOLUTION# LUB 21-20

Carried Defeated Tabled

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

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LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
JENNIFER & SAMUEL HIGGINS
BLOCK 1403, LOT 19
(a/k/a 2 CARTERET ROAD)

WHEREAS, the applicant, **JENNIFER & SAMUEL HIGGINS**, the owners of the property located at 2 Carteret Road, known as Block 1403, Lot 19 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 August 12, 2021 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AAA zone, from the Allendale Code, Zoning; and

WHEREAS, variance relief is necessary since the property is pre-existing non-conforming; and

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WHEREAS, the application and plans specifically seek approval to construct an addition and renovations to the existing dwelling, including a second story addition to the existing dwelling; and

WHEREAS, the application seeks specific variance relief for side yard encroachment and rear yard encroachment; and

WHEREAS, the Land Use Board considered the matter at the September 13, 2021 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 2 Carteret Road, known as Block 1403, Lot 19, on the Tax Map of the Borough of Allendale. The property is located in the AAA residential zone. The application was in evidence.
3. As part of the application, the applicant submitted Architectural Plans prepared by Canzani Associates Architect, dated August 11, 2021, Property Survey prepared by Lantelme, Kurens & Associates, dated July 21, 2021, various photographs and correspondence. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.
4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated September 2, 2021. 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 AAA residential zone and has several pre-existing, non-conforming condition, due to the structure in place, shape of the lot on a cul-de-sac and proposed addition, as follows:

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§270-51F – Rear yard setbacks: The plans and application indicate the existing dwelling encroaches ±8.9 ft into the required 50 ft rear yard setback. The proposal will continue to encroach into the rear yard setback.

§270-64A(2) – Side yard setbacks: The proposal increases the gross building area and will encroach ±5.6 ft into the required 38.2 ft enhanced side yard setback (left side facing dwelling from street).

§270-37A – Additions to non-conforming structures: The proposal includes alterations and vertical expansion within the required rear and enhanced side yard setback.

6. The proposed addition and renovations will include a second story addition, and added space to the first floor.

7. The applicants and their architect, Kevin Spink, AIA, were sworn and testified as to the existing conditions of the property, and that the applicants were seeking to construct an addition to the home to 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 oddly shaped, tapering in the rear, due primarily to its location on the end of a cul-de-sac. The house structure is also located off-center on the lot. It is presently a ranch style home on one floor. The proposed addition would add approximately 35 square feet to the first floor, and approximately 2015 square feet to the second floor, which would accommodate three bedrooms, a play area, and a storage area over the existing garage. The addition would not increase the current side yard encroachment nor the current rear yard encroachment. The proposed addition would not extend beyond the existing encroachments. The applicant's architect 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, consistent with the existing style and design of the premises, functional for the family and shielded from neighbors by existing vegetation and space which would remain. The applicants 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 rear and side yard encroachments, and that the benefits of the variance relief would outweigh any detriments.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated September 2, 2021. 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

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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.

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 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 tapering of the property in the rear, and the placement of the structure on the lot (N.J.S.A. 40:55 D-70C.(1)), which are deemed hardships by the Board.

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.

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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, including any adjustments to drainage, connection with seepage pits, stormwater management and soil movement, so as not to negatively impact any surrounding properties.

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 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



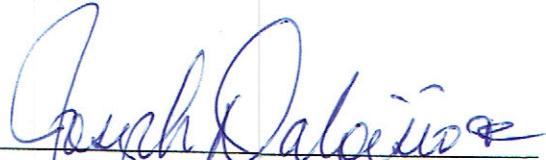
KEVIN QUINN, Chairman

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Attest:


JOSEPH DALOISIO, SECRETARY

Adopted: October 20, 2021