

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: 2/16/2022

RESOLUTION: 22-10

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

Carried Defeated Tabled

RESOLUTION 22-10

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 PAUL SPRUNK
 BLOCK 1005, LOT 12
 (a/k/a 78 HAMILTON STREET)

WHEREAS, the applicant, **PAUL SPRUNK**, the owner of the property located at 78 Hamilton Street, known as Block 1005, Lot 12 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 November 29, 2021 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the A residential zone, from the Allendale Code, Zoning; and

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

RESOLUTION
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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 above the existing two-car garage; and

WHEREAS, the application seeks specific variance relief for side yard encroachment and for addition to the non-conforming structure; and

WHEREAS, the Land Use Board considered the matter at the February 14, 2022 regular meeting of the Land Use Board at which time the applicant 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 78 Hamilton Street, known as Block 1005, Lot 12, on the Tax Map of the Borough of Allendale. The property is located in the A residential zone. The application was in evidence.
3. As part of the application, the applicant submitted Plans entitled, "Sprunk Residence, 78 Hamilton Street, Allendale, New Jersey". The plans prepared by Coastal Design Group Architecture (Jeffrey Wells, P.A.) consist of five (6) sheets and are dated August 26, 2021; Property Survey prepared by Frank W. Koestner Associates, dated August 19, 2002; zoning denial letter dated October 5, 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 January 5, 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 A residential zone and has a 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:

RESOLUTION
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BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

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§270-37A(2) – Additions to Non-Conforming Structures.

The existing dwelling encroaches into the required side-yard setback. The proposed alterations trigger the enhanced side yard setback and creates additional encroachment.

§270-37A(4) – Additions to Non-Conforming Structures .

Alteration and improvements are proposed above existing nonconformities (i.e., encroachments into required yard area).

§270-64C(2) – Side Yard Setbacks.

The existing dwelling encroaches ± 7.47 ft into the required ± 16.8 ft side yard setback. The proposed addition triggers the enhanced side yard setback. The proposed addition will encroach ± 9.74 ft into the required ± 19.04 ft enhanced side yard setback.

6. The proposed addition and renovations will include a second story addition above an existing two-car garage.

7. The applicant was sworn and testified as to the existing conditions of the property, and that the applicant was seeking to construct an addition to the home to better accommodate his 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 bi-level style home with an existing two-car garage. The proposed addition would add a master suite above the existing two-car garage, adding living space in this area alone. 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 applicant 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. The applicant 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 yard encroachment, and that the benefits of the variance relief would outweigh any detriments. Various alternatives were reviewed 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 January 5, 2022. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board. Mr. Vreeland also provided

RESOLUTION
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BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

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RESOLUTION: 22-10

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, inclusive of providing updated architectural plans with the building permit application which would accurately depict the existing driveway condition, which includes a parking cut-out on the side of the driveway.

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 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)) off the cul-de-sac, 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.

RESOLUTION
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BOROUGH OF ALLENDALE
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RESOLUTION: 22-10

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.

C. Applicant shall prepare and submit updated architectural plans with the building permit application which accurately depict the existing driveway condition, which includes a parking cut-out on the side of the driveway.

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



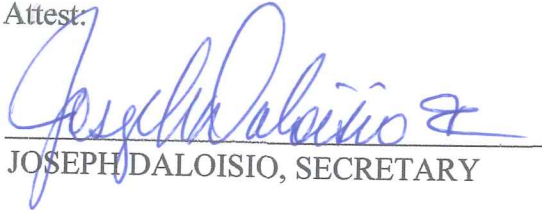
KEVIN QUINN, Chairman

RESOLUTION
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BOROUGH OF ALLENDALE
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RESOLUTION: 22-10

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: February 16, 2022