

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

DATE: May 18, 2022

RESOLUTION: 22-18

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 22-18

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE FOR
 MARK & BRIDGET ADLER
 BLOCK 201, LOT 14
 (a/k/a 22 BONNIE WAY)

WHEREAS, the applicants, MARK & BRIDGET ADLER, the owners of the property located at 22 Bonnie Way, known as Block 201, Lot 14 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 February 8, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AAA residential zone, from the Allendale Code, Zoning; and

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: May 18, 2022

RESOLUTION: 22-18

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 front porch, removing rear deck, side and rear additions, new rear deck, new rear patio, as well as cabana and pool patio expansion; and

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

WHEREAS, the Land Use Board considered the matter at the March 16, 2022 and April 18, 2022 regular meetings 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 22 Bonnie Way, known as Block 201, Lot 14, 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 the following:
 - Application with Attachments;
 - Plans entitled, “Adler Residence, 22 Bonnie Way, Allendale, NJ”. The plans prepared by Z+ Architects (Mary Fitzpatrick Scro, R.A) consist of thirteen (13) sheets and are dated February 4, 2022;

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: May 18, 2022

RESOLUTION: 22-18

- Plan entitled, "Plot Plan, Block 201 – Lot 14, 22 Bonnie Way, For, Marc Adler & Bridget Adler, Borough of Allendale, Bergen Co., N.J.". The plan prepared by Schwanewede / Hals Engineering (Joseph F. Vince, PE, LS, PP) is dated February 3, 2022;
- Drainage calculations prepare by Schwanewede / Hals Engineering (David A. Hals, PE, PS, PP, CME) dated February 4, 2022;
- Revised Engineering drawings by plans prepared by Schwanewede / Hals Engineering, with last revision date March 28, 2022 (Exhibit A-1);
- Revised Architectural drawings by Z+ Architects (Mary Fitzpatrick Scro, R.A), with last revision date April 1, 2022 (Exhibit A-2).

4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated March 8, 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 AAA residential zone and has pre-existing, non-conforming conditions, due to the existing side yard setback conditions and proposed addition, as follows:

§270-64A – Side Yard Setbacks

The zoning table indicates the existing dwelling slightly encroaches into the required ±38.2 ft enhanced side yard setback(R). The proposal increases the enhanced side yard setback. The dwelling will encroach ±3.1 ft (L) and ±1.9 ft (R) into the expanded 40 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, removing rear deck, side and rear additions, new rear deck, new rear patio, as well as cabana and pool patio expansion.

7. The applicants and their architect, Mary Fitzpatrick Scro, R.A., were sworn and testified as to the existing conditions of the property. They testified that the lot was irregularly shaped, and that the house was set deep on the left side of the lot at an angle. Mrs. Scro stated this application is for a side yard setback variance, it is a first floor addition to an existing two-story home. The lot is irregularly shaped. The house is set far back. The entire house will be resided. The exterior landscaping will remain the same but the applicant will install new foundation

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: May 18, 2022

RESOLUTION: 22-18

landscaping also. Exterior lighting will be installed where required, at the exit doors and on the porch. No flood lights to be installed. The roof downspout will be addressed and seepage pit added to the property. Testimony was given as to the cabana and pool patio to be added, and that as proposed it was conforming in all respects with the Borough Code. The addition is going into the easement space. After initial questioning from the Board and the public, the application was adjourned and carried to the April 18, 2022 meeting.

8. At the April 18, 2022 meeting, revised plans were produced and admitted into evidence (Exhibit A-1 and A-2). The revised plans eliminated the need for variance relief on the left side of the property, and maintained but did not increase the pre-existing non-conforming condition on the right side of the property. The applicant agreed to reduce the size of the proposed addition and relocate the improvements so as to avoid the necessity of variance relief on the left side of the existing home. All other bulk requirements were in conformity with the Borough Code, including the accessory structure (cabana) to be added to the property. The proposed plans would be an aesthetic improvement, and an upgrade the home to better accommodate the applicant's family. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. The addition would be minimally visible from the front of the house or the street, and it would have no impact on neighbors or any surrounding properties. There will be no exterior lighting added to the premises. The applicants 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. Drainage issues on the property would be improved with the addition of seepage pit or pits on the property, which the applicant agreed to address in conjunction with the Borough Engineer in the field in order to mitigate and avoid any negative impact on surrounding properties. The addition would be aesthetically pleasing to the property, and consistent with the existing style and design of the premises, functional for the family and shielded from neighbors by existing vegetation which would remain.

9. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated March 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.

10. Members of the public appeared in connection with the application and provided comments and suggestions to the Board and applicant on the merits of the application.

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: May 18, 2022

RESOLUTION: 22-18

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 addition and renovations as proposed in the application, as amended with the supplemental submissions identified as Exhibit A-1 and A-2, and as testified to at the April 18, 2022 hearing; 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 applicants, their professional 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 irregular shape of the property, and the placement of the home and the pre-existing non-conforming condition, which will not be changed (N.J.S.A. 40:55 D-70C.(1)), 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 not be obtrusive due to the placement in the rear and side of the premises, conformity with bulk standards on the side of the proposed addition and the location of the proposed improvements and 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:

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: May 18, 2022

RESOLUTION: 22-18

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. Applicants 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 drainage impacts any surrounding properties, and comply with Mr. Vreeland's March 8, 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.

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: May 18, 2022

RESOLUTION: 22-18

Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY



Adopted: May 18, 2022