

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE: 3/14/22

RESOLUTION: 22-13

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 22-13

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
 RESOLUTION APPROVING  
 APPLICATION FOR VARIANCE FOR  
 CHARLES & PAMELA STOCK  
 BLOCK 507, LOT 4  
 (a/k/a 210 EAST CRESCENT AVENUE)

**WHEREAS**, the applicants, CHARLES & PAMELA STOCK, the owners of the property located at 210 East Crescent Avenue, known as Block 507, Lot 4 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 23, 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 210 East Crescent Avenue, known as Block 507, Lot 4, 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, "Residence, Stock Residence, Charles & Pamela Stock, 210 East Crescent Avenue, Allendale, NJ 07401". The plans prepared by GL Architecture + Interior Design consist of seven (7) sheets and are dated December 8, 2021 and various photographs 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 11, 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 pre-existing, non-conforming conditions, due to the undersized lot condition and undersized lot width, structure in place, and proposed addition, as follows:

§270-54E – Area

The existing lot area is  $\pm 7,000$  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  $\pm 35$  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 proposal will expand the dwelling footprint by connecting the detached garage (previously an accessory structure) to the house and also increase the enhanced side yard setback requirement. The dwelling will encroach  $\pm 22$  ft (L) and  $\pm 1.1$  ft (R) into the 29.5 ft enhanced setback requirement.

6. The subject property is currently developed with a single family dwelling, detached garage and associated amenities. The application and plans propose to construct additions and renovations to the existing dwelling (including connecting and expanding the garage, front porch, and 2nd story addition over connected garage with rear stairs). The subject property is located within Allendale's AA (Residential) Zone.

7. The applicants and their professional architect, Vincent Laino, were sworn and testified as to the existing conditions of the property. Mr. Laino testified that the lot was undersized, the lot width was undersized and that the property was depressed in grade from the roadway. The addition/renovation would consist of connecting the existing stand-alone accessory structure/garage to the house, enlarging the garage to better accommodate a car and storage, to add a mudroom and living space above the new mudroom and garage. 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 which is depressed from the roadway. The house structure is also located off-center on the lot, with a grade differential from the front to the rear. The addition is within FAR requirements and coverage requirements of the Code. Mr. Laino testified that there was adequate screening on the side of the property with existing landscaping, and that the application did not

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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, roofing and architectural details 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.

Mr. Laino 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 the side encroachment, and that the benefits of the variance relief would outweigh any detriments. Additionally, as viewed from the street, the house is below street grade, which minimizes the impact of the development. 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 February 11, 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.

**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

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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. 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. In addition, the variance requested will not be obtrusive due to the placement and configuration of the primary structure on the lot, 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:

- 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 of Mr. Vreeland's February 11, 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.

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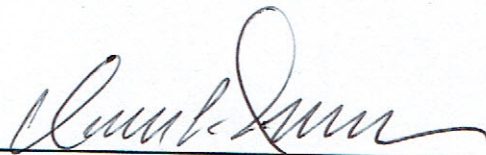
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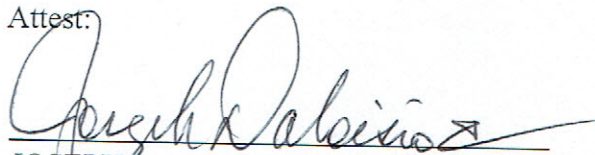
**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee therefore. The Secretary 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

  
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KEVIN QUINN, Chairman

Attest:

  
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JOSEPH DALOISIO, SECRETARY

Adopted: March 14, 2022