

LAND USE BOARD
BOROUGH OF ALLENDALE
500 West Crescent Avenue
Allendale, New Jersey 07401

A Regular Meeting of the Allendale Land Use Board was held in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, New Jersey 07401 on July 18, 2018. The meeting was called to order at 7:33 pm by Chairman Quinn who read the Open Public Meetings Act statement and stated the requirements had been satisfied.

Chairman Quinn led those present in a salute to the flag.

ROLL CALL:

The following individuals answered roll call:

Board Member Bergen
Secretary Daloisio
Board Member Davis
Board Member Kistner
Board Member O'Toole
Vice Chairman Sirico
Mayor White
Chairman Quinn
Alternate Kearl
Alternate Lovisolo

ABSENT:

Councilman Sasso

The following individuals were also present:

Board Attorney Christopher C. Botta, Esq.
Board Engineer Michael Vreeland
Board Planner Ed Snieckus
Deputy Municipal Clerk Michelle Ryan
Land Use Administrator Linda Garofalo

APPROVAL OF MINUTES:

Chairman Quinn stated the Minutes from the May 16, 2018, and three (3) June 20, 2018 Meetings will be voted on at the August 15, 2018 meeting.

RESOLUTIONS:

- A. LUB 18-17: Resolution of Denial
Application File No: LUB 2018-03
Applicant: Paul Grosso and Adriana Cifuentes
Address: 151 Park Avenue, Allendale, New Jersey 07401
Block: 1702 Lot: 16

Application:

1. Appeal of Zoning Official's March 2, 2018 Decision regarding provisions of Section 270-14, Accessory Buildings A & B (1) of the Code of the Borough of Allendale
2. Variance – Section 270-18, Garages in Residential Districts, of the Code of the Borough of Allendale

A Motion was made by Board Member Kistner, seconded by Board Member O'Toole to approve the Resolution of Denial, Resolution LUB 18-17.

On a roll call, the vote on Resolution LUB 18-17 was recorded as follows:

Board Member Bergen	abstain	Vice Chairman Sirico	aye
Secretary Daloisio	aye	Mayor White	abstain
Board Member Davis	aye	Chairman Quinn	aye
Board Member Kistner	aye	Alternate Kearl	aye
Board Member O'Toole	aye	Alternate Lovisolo	abstain

B. LUB18-18 Resolution – Approval of Extension of Time

Application file No.: ZBA 2016-1

Address: 191 Macintyre Lane

Applicant: Matthew Zrebiec & Kristen Zrebiec

Block: 1201.01, LOT 9

Application:

1. Extension of Time – Variance Relief

A Motion was made by Board Member Daloisio, seconded by Board Member Davis to approve the Extension of Time Resolution LUB18-18.

On a roll call, the vote on Resolution LUB 18-18 was recorded as follows:

Board Member Bergen	aye	Vice Chairman Sirico	aye
Secretary Daloisio	aye	Mayor White	aye
Board Member Davis	aye	Chairman Quinn	aye
Board Member Kistner	aye	Alternate Kearl	aye
Board Member O'Toole	aye	Alternate Lovisolo	abstain

PUBLIC HEARING:

A. Application File No: LUB 2018-06

Applicant: Allendale Corporate Center, LLC

Address: 40 Boroline Road, Allendale, New Jersey 07401

Block: 702 Lot: 14

Application: Amended Minor Site Plan Approval

Variance – Section 270-40A (Off-Street Parking Requirements)

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Attorney: Jim Jaworski
Wells, Jaworski & Liebman, LLP
12 Route 17
Paramus, NJ 07652

Mr. Jaworski stated he will try to keep this brief. Mr. Botta reviewed the affidavit of service and they are ready to proceed.

The facilities are still owned by the same people as 30 years ago. There is a 108,000 square foot building on the site and it is kept in pristine shape, well maintained, new roof and new striping. The property is located in the EM zone. The use is permitted. We are here tonight for a minor amendment to the approved site plan. There is a representative here tonight from Toshiba and they just renewed their Lease. The site has 319 parking spaces, 469 are required. Two spaces will be lost.

Andrew Missey, Engineer, Lapatka Associates, 12 Route 17, Paramus was sworn in and his credentials accepted by Mr. Botta. Mr. Missey stated:

Exhibit A1 – Plan dated September 15, 2018 showing the proposed roll-up door.
Exhibit A2 – Minor Site Plan for Allendale Corporate Center, LLC dated September 17, 2017, revised March 21, 2018 prepared by Mr. Missey. The Toshiba space is shown in the middle third of the plan. They propose the addition of an overhead door and space for two refuse containers to the existing loading dock area of the building. One refuse container is for cardboard and will be picked up two times a week. The other container is for packing material and will be picked up once a week.

The applicant plans to remove 400 square feet of lawn area and convert it to asphalt. There will be a loss of two parking spaces as a result of this proposal.

Exhibit A3 – A parking count was done on February 27, 2018 and March 15, 2018. The average amount of cars parked was 103. There is no impact on the parking.

LUB-1- Memorandum from Michael Vreeland was reviewed by Mr. Missey. The parking spaces will be monitored for 6 months after completion. The curbs will be upgraded and the applicant will accept this as a condition of approval. The containers will not be covered because the employees will open the door and put the items in the containers.

Mr. Botta asked if there will be any other waste.

Mr. Missey responded possibly lunch room garbage but no food.

Michael Vreeland stated he visited the site and the traffic report reflects the same he observed. He feels they should be able to grant the variance and leave the parking spaces there. The grates and curbs should be redone when the parking lot is regraded. Covers on the containers are not necessary, unless required. Mr. Vreeland suggested that Board consider a variance for 4 parking stalls to provide sufficient space for servicing the refuse containers and to preclude the need for another site plan amendment in the future for this applicant.

Secretary Daloisio stated there are 2 bollards there, would they consider one more bollard?

Mr. Missey responded yes.

Secretary Daloisio asked about the downspout.

Mr. Missey stated this is an architectural feature.

Chairman Quinn asked if the parking calculation is for all tenants of the building.

Mr. Jaworski stated yes.

Chairman Quinn asked about moving the receptacles outside, they are currently inside.

Mr. Missey stated yes.

Vice Chairman Sirico stated he is concerned with the packing materials, the bins are open.

Mr. Jaworski stated they are covered when they are taken away. There are no problems with this now.

Mr. Missey stated this is packing materials, including Styrofoam and banding materials.

Mr. Jaworski gave his summation to the Board.

Chairman Quinn suggested they grant the variance for 4 parking spaces instead of 2 to allow sufficient room for the refuse bins to be serviced by the carting company.

Mayor White stated the grates, curbs and bollard are a condition of approval.

A Motion was made by Vice Chairman Sirico, seconded by Secretary Daloisio to approve the application for Allendale Corporate Center, LLC.

On a roll call, the vote for application LUB 18-06 was recorded as follows:

Board Member Bergen	aye	Vice Chairman Sirico	aye
Secretary Daloisio	aye	Mayor White	aye
Board Member Davis	aye	Chairman Quinn	aye
Board Member Kistner	aye	Alternate Kearl	aye
Board Member O'Toole	aye	Alternate Lovisolo	abstain

B. Application File No: LUB 2018-05

Applicant: Bank of America ATM Operations

Address: 22 Maple Street, Allendale, New Jersey 07401

Block: 1808 Lot: 2

Application: Interpretation of Borough's Zoning Ordinance pursuant to N.J.S.A. 40:55D-70(b)
Use Variance pursuant to N.J.S.A. 40:55D-70d(1)

Attorney: Diane Hickey
Riker Danzig, LLP
One Speedwell Avenue
Morristown, NJ 07962-1981

Mayor White and Board member O'Toole are recused from this application. The Affidavit of Service is in order.

Ms. Hickey stated in 1995 a use variance was granted for the ATM use housed in a separate structure from the branch. The bank branch was recently closed. The bank seeks an interpretation of the Borough's Zoning Ordinance to allowed continued use of the ATM with restrictions imposed by the 1995 use variance approval.

Jonathan Istrany, Planner, Stonefield Engineering, 92 Park Avenue, Rutherford was sworn in and his credentials accepted by Mr. Botta.

Ms. Hickey stated that banks are permitted uses in the C1 district where the ATM structure is located.

Mr. Istrany stated that the ordinance was written about 25 years ago and now ATM's are the trend in banking and can perform many teller services.

Ms. Hickey stated the ATM has a canopy. It's under 24 hour surveillance. This is a common sense argument.

Mr. Snieckus, Burgis Associates asked if the ATM is outdoors.

Mr. Istrany responded yes, it is outdoors. Before the conversion in 1995 from a teller lane in 1998 which was connected to tubes to the branch. Bank of America has closed the branch in the building across the street now but the ATM is still operational.

Mr. Snieckus read the prohibited use section of the ordinance – 270-67 regarding (D) uses out of doors except licensed outdoor cafes and (F) unattended business uses.

Mr. Istrany stated the ordinance was written 20 years ago before ATM's were in use.

Mr. Snieckus stated in a memorandum he prepared dated July 16, 2018, page 2, we tried to dissect for the Board the permitted use, ATM is a common component associated with a bank.

Alternate Lovisolo asked if the ATM is operational the same hours as the bank.

Mr. Snieckus stated yes.

Ms. Hickey stated the ATM is on its own lot.

Mr. Quinn asked for questions from the public.

Michelle Bonacorte, 30 Maple Street, Allendale stated she purchased her home in 1987 and has questions on lighting. She said it draws people at all hours of the night. She asked about the proposed hours of operation.

Mr. Istrany stated 8AM until 6PM Monday through Saturday. The only light that is on is on the ATM itself, a red light shows it is closed. The same hours are also proposed. There are no Sunday hours. The building lights are on only when the ATM is operational.

Mr. Kistner asked the neighbor about the lights.

Ms. Bonacorte stated now that the bank is closed, she only sees the red light at night.

Mr. Istrany stated the lights will be off, only the ATM red light will be on when the ATM is not open.

Mr. Quinn asked if there are security cameras.

Ms. Hickey stated there are cameras on 24/7.

Ms. Dawn Kozlowski, 45 Maple Street, Allendale stated Tony Carridi (neighbor who wishes to comment) is on his way here tonight. She sees lighting from her bedroom window. This is not an enclosed building.

Ms. Hickey stated the ATM is covered by a canopy, not enclosed. The site is located in the C1 zone.

Exhibit A1 – Aerial exhibit of the site

Mr. Istrany stated there is a solid vinyl fence and landscaping currently there to screen the facility from the residential zone next to it.

Ms. Bonacorte stated the 4 foot fence dips very low. The bank took out all the trees.

Mr. Snieckus asked if the bank is in control of the fence.

Mr. Istrany stated yes.

Vice Chairman Sirico asked if the fence is 6 foot high.

Mr. Istrany stated it is 6 foot and goes to 4 feet.

Vice Chairman Sirico stated the fence appears to be 3 feet high. Site photo 8 from Stonefield Engineering, sent with the application, he is looking at it on Google map on his laptop. Also, how do I know the ATM is not open?

Mr. Istrany responded you have to pull up to the ATM to determine if the ATM is operational.

Exhibit A2 – aerial view

Ms. Hickey stated the bank would be willing to put up a sign listing the hours of operation at the entrance of the driveway into the facility.

Anthony Cariddi, 34 Maple Street, Allendale stated regarding the interpretation, this was done in

April of 1995. The town concluded that this was a standalone operation. The limitation stated the ATM was only to be used the same way as the bank tubes. There are no more tubes or bank.

Mr. Cariddi stated he has a receipt from Sunday, March 6, 2016, the ATM was operating. The neighbors are impacted by what's going on here. People come by at 1 AM for cash. This is a quiet street. Landscaping could be used as a hiding place. There is no reason for the bank to have the ATM here nor is there any benefit to the community.

Chairman Quinn closed public comments and returned the meeting to the Board.

Alternate Kearl questioned the definition of "unattended" where 24 hour surveillance exists.

Mr. Snieckus read Ord. 270-67F which references if unattended by a human, it is unattended.

Alternate Lovisolo stated this property was always tied to a bank. There was always someone in the bank.

Board member Kistner stated the use is prohibited by Ordinance 270-67.

Board Member Bergen agrees with Board Member Kistner on his statement.

A Motion was made by Board Member Kistner, seconded by Secretary Daloisio to deny the interpretation part of the application.

On a roll call, the vote on Bank of America, Interpretation of Ordinance, File LUB 18-05 was recorded as follows:

Board Member Bergen	aye	Vice Chairman Sirico	aye
Secretary Daloisio	aye	Mayor White	recused
Board Member Davis	aye	Chairman Quinn	aye
Board Member Kistner	aye	Alternate Kearl	aye
Board Member O'Toole	recused	Alternate Lovisolo	aye

Applicant: Bank of America ATM Operations - Use Variance – D1

Exhibit A3 – Planning Evaluation

Mr. Istrany stated there are no site improvements proposed. For 42 years this site has been used as a bank. They are continuing the ATM use in the separate building. This existing development meets all the criteria of the zone. This is a drive-up facility. The Zoning Ordinance stated this is located in the C1 District where banks are permitted. This is a commercial use that provides service to the community. This location is one of three banks in town. It helps provide variety to the town. They are keeping up with the current trends in the banking industry. The Board did determine that this use was appropriate in the prior Resolution.

He reviewed the letter from the Board Engineer dated July 14, 2018. Comment 4, page 3 in Ed Snieckus' letter regarding Land use impacts. The applicant can shut all lights with the exception of the ATM light. Landscaping was removed for the safety of customers. Accommodations can be made to the fence and landscaping if needed. There have been no police reports or crime at

this site.

Chairman Quinn asked for questions from the Board, the public.

Mr. Snieckus stated purpose G of a D-1 Use Variance has not been addressed.

Mr. Istrany stated existing requirements means all the bulk requirements and this is an appropriate location for this use. The lights will be modified with timers based on hours of operation. The applicant is willing to review the lighting. No proposed site improvements are proposed.

Exhibit A2 – Sign Photo 2 – The sign can be modified to add the hours of operation.

The bank is willing to add additional landscaping if the Board feels this is necessary. There is no promotion of pedestrian traffic to the site. This bank is not on a main downtown strip, it is on a side street. The operation of the ATM is not increasing in any way.

Michael Vreeland stating regarding the negative impact on the neighbors, have you given any thought to relocating the ATM?

Mr. Istrany responded no, only screening.

Mr. Snieckus asked how they are being responsive.

Mr. Istrany stated this meets all the requirements abutting a residential zone. The buffer and lighting will be modified.

Secretary Daloisio asked if this is unique where it is located.

Mr. Istrany stated that they have run into this situation a lot, this is not a unique scenario across the state. There are a lot of facilities in/or adjacent to residential zones.

Secretary Daloisio asked what's to stop a pedestrian from walking up.

Mr. Istrany responded nothing.

Mr. Istrany stated the applicant is willing to install arborvitae for screening.

Alternate Lovisolo stated in site photo 8, is anything going on in this lane (former teller use lane)?

Mr. Istrany stated no, this is a bypass lane.

Board Member Bergen asked if there is any other banking use for this building.

Ms. Hickey stated not at this time.

Vice Chairman Sirico stated there's no way of knowing when the ATM is closed. An uneven fence, people driving in, only an exposed ATM, and empty parking spaces. This is only my summary. Is this a prudent business?

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Mr. Istrany stated he can't speak for Bank of America.

Ms. Hickey stated there is a public purpose here.

Alternate Lovisolo stated she is confused as to the way this is set up. Is there a reason you can't come in the out area and move the ATM.

Mr. Istrany stated this is to provide an area for cars to line up without blocking the public street.

Mr. Quinn asked for questions from the public.

Ms. Bonacorte stated this block has a lot of pedestrians that walk up to the ATM all day.

Board Member Davis stated there are a lot of cars too.

Mr. Cariddi stated in 1995 a group of Maple Avenue citizens struck a compromise before the Board would move forward. Overflow cars are parked on both sides of the street. The bank has left, we don't need to compromise here tonight.

Chairman Quinn closed the public comment and returned the meeting to the Board.

Alternate Kearl stated the applicant is offering to remedy the issues that exist.

Board Member Davis stated this is a benefit to many customers. Signage is very important. Signage, landscaping, fencing, no lease restrictions on parking spaces, maintain hours 8AM – 6PM, 6 days a week. She then stated this is a benefit to many customers.

Mr. Snieckus requested evergreens as the landscaping.

Board Member Bergen asked what does 24 hour surveillance mean?

Mr. Istrany stated security cannot be discussed. This is between the Police Department and the Bank officials.

A Motion was made by Board Member Davis, seconded by Board Member Kistner to vote on the application.

On a roll call, the vote on Bank of America, Use Variance D1, File LUB 18-05 was recorded as follows:

Board Member Bergen	aye	Vice Chairman Sirico	no
Secretary Daloisio	no	Mayor White	recused
Board Member Davis	aye	Chairman Quinn	aye
Board Member Kistner	no	Alternate Kearl	aye
Board Member O'Toole	recused	Alternate Lovisolo	abstain

The application was denied as 5 affirmative votes are required for approval.

OPEN TO THE PUBLIC FOR COMMENT:

CORRESPONDENCE:

A. Stormwater Management Training

Chairman Quinn advised that there is a form for all members who have taken this training to sign tonight

OTHER:

ADJOURNMENT:

On motion by Secretary Daloisio, second by Board Member Davis, with all members present voting in favor, the meeting was adjourned at 10:22 pm.

Respectfully submitted,

Linda Garofalo

Linda Garofalo
Land Use Administrator

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

DATE: 07/18/2018

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Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Davis		✓	✓			
Daloisio	✓		✓			
Kistner			✓			
O'Toole			✓			
Sasso						✓
Sirico			✓			
White			✓			
Quinn			✓			
Kearl - Alternate			✓			
Lovisolo - Alternate						

Carried Defeated Tabled

**RESOLUTION APPROVING
EXTENSION OF TIME FOR VARIANCE
FOR MATTHEW & KRISTEN ZREBIEC
BLOCK 1201.01, LOT 9
(a/k/a 191 MACINTYRE LANE)**

WHEREAS, the applicants, Matthew and Kristen Zrebiec, owner of the premises at 191 Macintyre Lane, Borough of Allendale, County of Bergen, State of New Jersey (Lot 9, Block 1201.01) have previously been granted approval by the Zoning Board of Adjustment of the Borough of Allendale for side yard setback and enhanced side yard setback variance relief to allow for the expansion of a single-family home; said approval having been memorialized by Resolution of the Zoning Board dated March 23, 2016; and,

WHEREAS, as a condition of the aforesaid Resolution, the applicant was to commence construction within one year of the date of the publication of said Resolution; and,

WHEREAS, the construction was not commenced within the prescribed term provided, due to necessary environmental prerequisites and approvals of the New Jersey Department of

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Environmental Protection, said approvals which have only recently been received, through no fault of the applicants or their professionals; and

WHEREAS, the applicants have requested that the Land Use Board modify and extend the final resolution of approval of March 23, 2016 so that they can begin construction of the previously approved project; and

WHEREAS, this matter was presented to the Land Use Board at a public meeting held on June 20, 2018 at the Borough of Allendale Municipal Building, Allendale, New Jersey; and

WHEREAS, the Land Use Board has determined that the variance relief should be extended to allow construction to commence, and that the required NJDEP permits are now in place, and that the delay was of no fault of the applicants or their professionals, and that no prejudice will inure to the Borough;

NOW THEREFORE BE IT RESOLVED by the Land Use Board of the Borough of Allendale that the Resolution of Memorialization heretofore made by the Zoning Board on March 23, 2016 pertaining to the development of the lands of Matthew and Kristen Zrebiec, owner of the premises at 191 Macintyre Lane, Borough of Allendale, County of Bergen, State of New Jersey (Lot 9, Block 1201.01) be and the same is hereby modified by extending the time to commence construction for the period of time through March 23, 2019; and

BE IT FURTHER RESOLVED that all Resolutions heretofore adopted by the Zoning Board pertaining to the premises in question and to the development thereof shall remain in full force and effect except only for the modifications contained herein.

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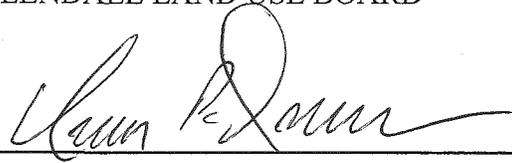
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BE IT FURTHER RESOLVED that construction shall proceed in accordance with the approved plans and drawings submitted to the Construction Department, and approved by the NJDEP, and in accordance with all applicable State, County and Municipal codes, 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.

Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: July 18, 2018

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

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Carried Defeated Tabled

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen						
Davis			✓			
Daloisio			✓			
Kistner	✓					
O'Toole		✓				
Sasso						
Sirico			✓			
White						
Quinn			✓			
Kearl - Alternate			✓			
Lovisololo - Alternate						

**RESOLUTION DENYING APPEAL AND
DENYING APPLICATION FOR VARIANCE OF
PAUL GROSSO & ADRIANA CIFUENTES
BLOCK 1702, LOT 16
(a/k/a 151 PARK AVENUE)**

WHEREAS, the applicants, Paul Grosso & Adriana Cifuentes, the owners of the property located at 151 Park Avenue, known as Block 1702, Lot 16 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 March 21, 2018 for appeal of the zoning officer's decision, and approval of a variance for the premises, which is located in the A zone, from the Allendale Code, Zoning; and

WHEREAS, the application seeks a variance to permit the premises to exist in the A zone without a garage, contrary to Section 270-18 of the Allendale Code, Zoning; and

WHEREAS, the application also seeks appeal of the Allendale Zoning Officer's determination dated March 2, 2018 that a proposed accessory structure is not in compliance with

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the provisions of Section 270-14 Accessory Buildings A. & B.(1) of the Allendale Borough Code; and

WHEREAS, the Land Use Board considered the matter at the June 20, 2018 regular public meeting of the Land Use Board at which the applicant was represented by counsel, and at which the applicant's Professional Planner, Richard Preiss, P.P., 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 given by the applicant in accordance with applicable law.
2. The property is located at 151 Park Avenue, known as Block 1702, Lot 16, on the Tax Map of the Borough of Allendale. The property is located in the "A" residential zone. The application was in evidence.
3. The applicant submitted neither proposed plot plans nor architectural plans or drawings of any proposed accessory structure, or the existing conditions of the property. The only property related material submitted was a survey of the property dated March 13, 2018 with the application. There were no alterations to the survey to indicate the proposed location of any accessory structure, nor were any photographs of the existing condition of the premises submitted with the application. The survey alone was in evidence as part of the application 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 June 5, 2018. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.
5. The applicant's Professional Planner, Richard Preiss, PP, was accepted as an expert in the field of Planning, and testified as to the request for variance relief. Mr. Preiss did not submit a written report. Mr. Preiss testified that the property was located on a small, narrow lot, and that other premises on the block do not have garages. He conceded that the Allendale Zoning Code requires garages for every residence, and that the applicants were seeking variance

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relief to permit their residence to exist without a garage. The previously existing garage had been converted through a renovation in the home to living space, thereby eliminated the space for the garage. Mr. Preiss further testified that in his opinion the application met the criteria for a C(1) "hardship" variance since the building department had been unclear and/or inconsistent as to the requirements for an accessory structure; the applicants were unaware of the need for a garage when they developed their renovation plans and completed their renovation; the lot was narrow; the layout of the lot was not conducive to a garage; there was space to park cars on the front and side of the existing structure; it would be a hardship to comply with the requirement for a garage since it would require extending the driveway along the side of the existing structure to provide for an accessory structure and parking in the rear of the lot. Mr. Preiss also testified that in his opinion it would be a hardship to the applicants to add a garage, and that there would be no substantial benefit of the garage since it would add impervious coverage to the lot. He further testified that in his opinion there would be no adverse impact on the zone plan or neighborhood, and that the Master Plan does not identify driveway parking without a garage as a zoning problem.

6. The Borough's Planner, Edward J. Snieckus, Jr. LA, PP, LLA, ASLA, asked questions of the applicant's Planner relating to his testimony, including his assertion that the applicant had met the requirements for a C(1) "hardship" variance and the intent of the Borough Ordinance requiring a garage.

7. The Borough's Engineer, Michael Vreeland, P.E., testified as to the details of the application, including the lack of information about the accessory structure proposed by the applicant, the elements and requirements of the Ordinance pertaining to garages, and the requirements for variance relief under the Municipal Land Use Law.

8. Land Use Board members asked questions of the applicants' Planner, the applicants' counsel, and the Borough professionals relative to the merits of the application.

9. Members of the public appeared in connection with the application and asked questions of the applicants' Planner, and provided testimony related to the merits of the application.

NOW THEREFORE, BE IT RESOLVED that the Allendale Land Use Board hereby denies approval of the requested variance and denies the appeal of the Zoning Officer's determination; and

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BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby determines that the requested variance does not meet the factual or legal criteria for a "hardship" variance under N.J.S.A. 40:55D-70C.(1); and

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby determines that the applicants have failed to prove a hardship that would permit variance relief under the circumstances of the application, in that the hardship would appear to have been self-created; that the alleged hardship does not relate to any exceptional situation uniquely affecting the specific piece of property or the structures lawfully existing thereon; and the criteria for a C(1) "hardship" have not been demonstrated by the applicants and their professional through the evidence submitted and the testimony elicited at the public hearing; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board finds and concludes that no "special reasons" exist for the granting of the variance, and that the grant of the variance would not advance the purposes of the Municipal Land Use Law. The Board further finds that there would be substantial detriment to the public good, and that the benefits of the deviation do not substantially outweigh any detriment. The Board also concludes that the grant of the variance will substantially impair the intent and purpose of the Allendale zone plan and zoning Ordinances. In fact, there is no zoning benefit to the proposed variance since the general intent of the garage Ordinance is to keep cars off of roadways and driveways, which is a valid intent and goal of zoning.

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RESOLUTION# LUB 18-17

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.

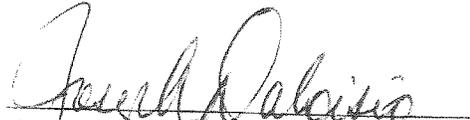
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:


JOSEPH DALOISIO, SECRETARY

Adopted: July 18, 2018