

RESOLUTION
 LAND USE BOARD
 BOROUGH OF ALLENDALE
 BERGEN COUNTY, NJ

March 20, 2019

RESOLUTION# LUB 19-13

Carried Defeated Tabled

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen		X	X			
Daloisio					X	X
Davis			X			
Kistner			X			
Lovisolo			X			
Sasso					X	
Sirico	X		X			
Bernstein					X	
Quinn			X			
Kearl - Alternate						X
<i>Yacumino</i>					X	

RESOLUTION #19-13

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
 RESOLUTION APPROVING
 APPLICATION FOR VARIANCE
 RELIEF FOR C. & C. LANZALOTTO
 BLOCK 408, LOT 18
 (a/k/a 18 ALBERT ROAD)

WHEREAS, the applicants, Christopher & Courtney Lanzalotto, the owners of the property located at 618 Albert Road, known as Block 408, Lot 18 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 January 9, 2019 for approval of variances for the premises, which is located in the AA zone, from the Allendale Code, Zoning; and

WHEREAS, the application seeks a variance since the property and structure is pre-existing non-conforming, and the application specifically seeks to construct a rear addition to the

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existing dwelling by removing the existing outdoor deck, and removing the existing garage and replacing it with a new two car garage; and

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

WHEREAS, the Land Use Board considered the matter at the February 13, 2019 regular meeting of the Land Use Board at which the applicants, Christopher & Courtney Lanzalotto, 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 applicants in accordance with applicable law.
2. The property is located at 18 Albert Road, known as Block 408, Lot 18, 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 Architectural Plans prepared by Kevin M. Martin Architecture, LLC, with a last revision dated of January 12, 2018, and a Plot Plan by Omland & Osterkorn, Inc. with a last revision date of January 12, 2018. The applicants also presented photographs of the existing conditions at the premises. 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 February 7, 2019. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.
5. A variance is required because this property located in the AA residential zone, due to the structure in place and proposed as part of the application, will encroach into the required minimum side yard setbacks and the minimum front yard setback. The proposed addition would

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result in an encroachment of 16 feet into the required side yard setback and 5.8 feet into the front yard setback.

6. The applicants and their architect, Kevin Martin, were sworn and testified that they were seeking to construct an addition to the home by removing an existing outdoor deck and expanding a living room in the rear of the premises, and by removing the existing garage and adding a new two car garage. The applicants and their architectural expert, Mr. Martin, specifically referenced the architectural plans depicting the proposed addition in their testimony. They also testified about the existing conditions at the site, in that the site has an irregular shape, with an extreme angle as its side yard border, and that the lot line extends towards the corner of Albert Road and Franklin Turnpike. It is also unique in that the side yard for the subject property is in fact the rear yard of the adjoining three properties to the east on Franklin Turnpike. The addition would be aesthetically pleasing to the property, functional for their family and would not be observable from the roadway since it would extend to the rear and be shielded by substantial vegetation and the existing structure.

7. One member of the public appeared in connection with the application and testified that he was a direct neighbor and that he was in support of the application as presented.

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 to expand the non-conforming conditions at the premises, and to permit the addition as proposed in the application; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby determines that the variances hereby granted constitute 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 expert and the Borough Engineer, in connection with the testimony that the applicant is entitled to a "hardship" variance, due to the unique nature of the property, namely the distinct shape of the lot, and the fact that the side yard of the subject property

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is the rear yard of three adjoining properties. The application and variance would improve the property and improve the aesthetics and functionality of the property, without any impact on the surrounding properties or the zone. 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 variances requested will not excessively expand the present non-conforming conditions, and will not be obtrusive due to the placement and configuration of the primary structure on the lot, the location and rear yard status of adjoining properties, the considerable distances between the structures on adjoining properties, the location of the proposed addition towards the rear of the existing premises, and shielding from the existing vegetation which will remain; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval of the requested variances, 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. Stormwater assessment to be made by Borough Engineer in the field in connection with the existing rain garden, and possible reconfiguration of size and characteristics of the rain garden to integrate with the existing drainage easement on property.
- C. Surface and roof run-off must be addressed in consultation with the Borough Engineer so that there is safe and adequate drainage of surface and roof run-off, so as not to impact adjoining properties and/or the street.
- D. Soil movement permit application.

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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 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.

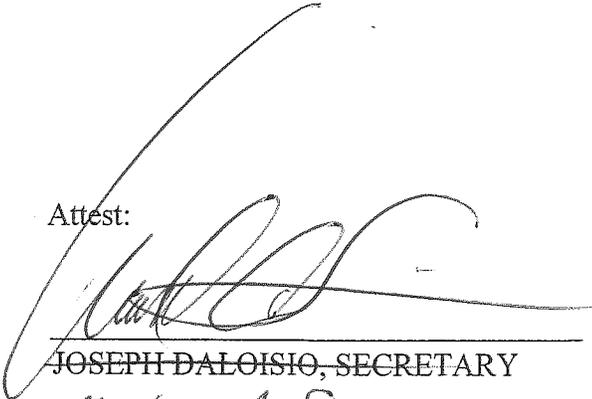
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Michael A. Sisco

Adopted: 3/20, 2019