

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

**DATE: June 19, 2019**

**RESOLUTION# LUB 19-16**

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
<b>Bergen</b>	X		X			
<b>Daloisio</b>						X
<b>Davis</b>					X	
<b>Kistner</b>						X
<b>Lovisolo</b>			X			
<b>Sasso</b>						X
<b>Sirico</b>			X			
<b>Bernstein</b>		X	X			
<b>Quinn</b>			X			
<b>Kearl – Alternate</b>						X
<b>Yaccarino – Alt. #2</b>						

Carried  Defeated  Tabled

**RESOLUTION 19-16**

**LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR TIM GULLA/TJG REALTY  
BLOCK 1102, LOT 26  
(a/k/a 19 VALLEY ROAD)**

**WHEREAS**, the applicant, TIM GULLA/TJG REALTY, the owners of the property located at 19 Valley Road, known as Block 1102, Lot 26 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 April 29, 2019 for approval of a variance for the premises, which is located in the AA zone, from the Allendale Code, Zoning; and

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**WHEREAS**, the application seeks a variance since the property and structure is pre-existing non-conforming. Any improvement or modification to the property triggers the need for variance relief. The application and plans propose to construct an addition, add a two-car garage, and make various interior and exterior improvements to the existing dwelling and surrounding property; and

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

**WHEREAS**, the Land Use Board considered the matter at the May 15, 2019 regular meeting of the Land Use Board at which 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 applicants in accordance with applicable law.

2. The property is located at 19 Valley Road, known as Block 1102, Lot 26, on the Tax Map of the Borough of Allendale. The property is located in the AA residential zone and the dwelling sits off-center on the property. The lot area is 26,119 square feet. The application was in evidence.

3. As part of the application, the applicant submitted Architectural Plans prepared by ArchiFuture PC, last revision April 1, 2019; a Survey Plot Plan prepared by Jeffrey B. Doolittle, dated April 12, 2019; a Tax Map exhibit, various correspondence and several photographs. 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 May 7, 2019. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

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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, requires enhanced minimum side yard setbacks. The proposed addition would result in a side yard encroachment of approximately 7 feet on the right side of the structure.

6. The applicants' project manager and engineering expert, Mr. Aletta, was sworn. He testified that the applicants were seeking to update and expand the premises, which was currently in a state of disrepair and neglect. He specifically referenced the engineering and architectural plans depicting the proposed addition and improvements, and the current state and positioning of the structure off-center on the property. The addition would result in an encroachment on the right side of the structure of approximately seven feet due to the increase in square footage of the proposed structure as a result of the improvements. It was noted that the actual footprint of the property would not change, and that only the right side of the structure would create the need for a variance. The right side is also the pre-existing non-conforming condition. The present placement of the structure on the property, and the fact that any modification to the premises triggers the need for variance relief was cited as the hardship specifically affecting this property. Testimony also was presented that the proposed addition would be aesthetically pleasing to the property, a significant upgrade to the property, and necessary to bring the property more in line with the appearance and condition of the neighborhood.

7. 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 applicants' request for a variance to allow the non-conforming condition to remain at the premises, and to permit the addition as proposed in the application, and plans dated April 1, 2019; 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

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**BE IT FURTHER RESOLVED** that the Allendale Land Use Board specially adopts and accepts the testimony of the applicants' professional 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 off-center positioning of the structure on the property, and the existing non-conformity which creates a condition in which any modification to the property triggers the need for variance relief. The application and variance would improve the property and improve the aesthetics and functionality of the property, without any substantial 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 variance requested will not significantly expand the present non-conforming conditions, will not be obtrusive due to the placement and configuration of the primary structure on the lot, and shielding from the existing vegetation which will remain and/or be enhanced; 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. 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.

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C. All permits and approvals, including but not limited to, tree removal, soil erosion, sediment control measures, soil movement, curb cut, street opening, and roadway repair, must be properly obtained and details shall be provided for on amended plans submitted to the Borough Engineer. Drainage calculations and stormwater drawings must be provided to and approved by the Borough Engineer. These details must be provided prior to issuance of a building permit.

D. Consultation with and approval in the field by the Borough Engineer of appropriate protection for landscaping buffering which shall remain. If existing vegetation is removed or disturbed, it shall be replaced in accordance with the direction and in the discretion of the Borough Engineer.

**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 their professional 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.

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Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

*Michael A. Sines Vice Chairman*

Adopted: June 19, 2019

*(with changes, Page 1, Addendum)*