

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

DATE: July 17, 2019

RESOLUTION# LUB 19-17

Carried  Defeated  Tabled

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

RESOLUTION 19-17

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR LISA PARKER & TODD FLIEGEL  
BLOCK 401, LOT 5  
(a/k/a 705 FRANKLIN TURNPIKE)

**WHEREAS**, the applicants, Lisa Parker & Todd Fliegel, the owners of the property located at 705 Franklin Turnpike, known as Block 401, Lot 5 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 May 23, 2019 for 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 since the property and structure is pre-existing non-conforming, and the application specifically seeks to construct an addition to the

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

**DATE:**

**RESOLUTION# LUB 19-17**

existing dwelling for a new first floor kitchen and breakfast area and a second-floor addition for the master suite; and

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

**WHEREAS**, the Land Use Board considered the matter at the June 19, 2019 regular meeting of the Land Use Board at which the applicant, Todd Fliegel, 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 705 Franklin Turnpike, known as Block 401, Lot 5, on the Tax Map of the Borough of Allendale. The property is located in the A residential zone. The application was in evidence.
3. As part of the application, the applicant submitted Architectural Plans prepared by Peter B. Cooper & Associates, dated April 25, 2019, various photographs and a marked-up tax map. 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 June 18, 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 A residential zone, due to the structure in place, enhanced floor area, and proposed as part of the application, requires minimum side yard setback of 20.49 feet. The current condition and proposed addition would result in a right-side yard setback of 11.5 feet and a left side yard setback of 14.5 feet. The proposed addition does not result in any actual increase in the side yard encroachment existing at present.

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

**DATE:**

**RESOLUTION# LUB 19-17**

6. The applicant was sworn and testified that they were seeking to construct an addition to the home to add to their kitchen with a breakfast area and to expand the second-floor master suite, which would extend to the rear of the structure. The applicant specifically referenced the architectural plans depicting the proposed addition and testified that the additional building coverage would make the setback requirement more burdensome, since they would be enhanced under the provision of the Borough Zoning Code. 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 from neighbors by existing vegetation which would remain. The applicant also testified as to the unique existing property conditions, such as the depth and shape of the lot and the off-center placement of the existing structure in the extreme front of the lot.

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 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 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 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 depth and shape of the lot and the off-center placement of the existing structure in the extreme front of the lot. The application and variance would improve the property and improve the aesthetics and functionality of the property, without any impact on the surrounding properties

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

**DATE:**

**RESOLUTION# LUB 19-17**

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 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 of the proposed addition towards the rear of the existing premises and shielding from the existing vegetation which will remain. In addition, the architecture will be consistent with the present architecture; 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.
- C. The existing landscaping buffers shall remain.

**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.

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

**DATE:**

**RESOLUTION# LUB 19-17**

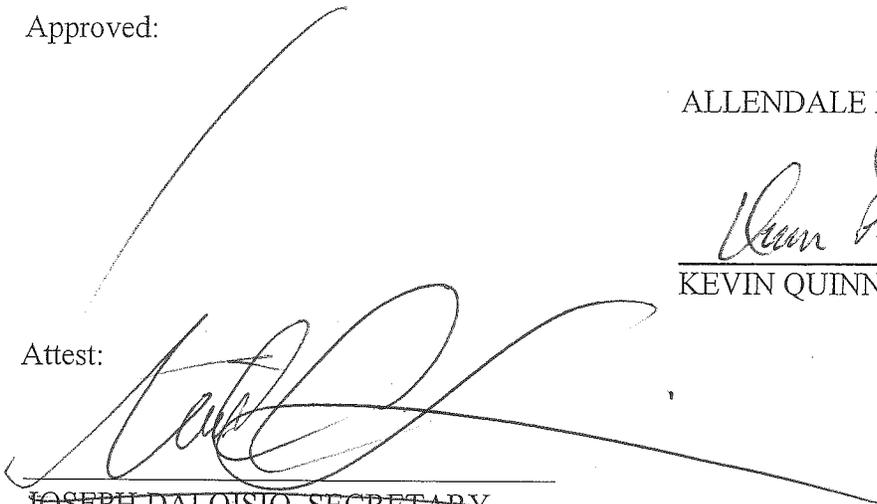
**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee therefore. The Secretary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

*MICHAEL A. Sinico Vice Chair*

Adopted: July 17, 2019