

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

DATE: *June 17, 2020*

RESOLUTION# LUB 20-11

Carried  Defeated  Tabled

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio					✓	
Davis			✓			
Kistner			✓			
Lovisolo			✓			
Sasso			✓			
Sirico			✓			
Bernstein	✓		✓			
Quinn			✓			
Yaccarino – Alt. #2		✓	✓			

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LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR WILLIAM VITTI  
BLOCK 1906, LOT 14/15  
(a/k/a 170 POWELL ROAD)

WHEREAS, the applicant, WILLIAM VITTI, the owner of the property located at 170 Powell Road, known as Block 1906, Lot 14/15 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 16, 2020 for approval of a variance for a proposed two-story addition to the premises, which is located in the AA zone, from the Allendale Code, Zoning; and

WHEREAS, the application seeks a variance since the property addition as proposed would result in a 11.5 and 18.6 foot right yard setback, whereas a 28.24 foot setback is required,

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due to the enhanced setback requirements imposed by Code based on the square footage of proposed improvements, and pre-existing non-conforming conditions.

**WHEREAS**, the application specifically seeks approval to construct a two-story addition to the existing dwelling for a new first floor addition for an expanded kitchen and breakfast room, a second-floor addition for a master bedroom, and an open covered exterior porch, along with various aesthetic improvements; and

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

**WHEREAS**, the Land Use Board considered the matter at the May 20, 2020 regular meeting of the Land Use Board at which the applicant appeared through counsel in person and the applicant's architect, Roger Schlicht, AIA, 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 170 Powell Road, known as Block 1906, Lot 14/15, 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 Roger Schlicht, AIA, dated March 10, 2020 and revised May 7, 2020, a survey by Paul J. Troast, P.L.S., dated October 1, 2012, various photographs and correspondence. 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 April 11, 2020. 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 enlarged floor area, requires minimum side yard setbacks of 28.4 feet. The proposed addition would result in a right-side yard setback of 11.5 feet currently existing in the front and 18.6 feet as proposed in the rear area of the addition.

6. The proposed addition is in the rear of the existing premises, and will include a first-floor expanded kitchen and eating area, a second-floor master bedroom, and an exterior covered porch. Variances are required because the property is pre-existing, non-conforming due to deficient lot width and pre-existing right-side yard encroachment.

7. The applicant's architect was sworn and accepted as an expert in the field of architecture. He testified as to the existing conditions of the property, structure and lot, and that the applicant was seeking to construct an addition to the home to better accommodate his family and more efficiently configure the interior and exterior space. The proposed addition would extend to the right and rear of the property only. He testified that there was adequate screening on the side of the property, and that the application did not call for the removal of any existing buffer screening or trees on the property. The applicant's expert 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, and that a pre-existing side yard encroachment already was present. 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 house would also be completely re-sided with cement board, the entire structure would be renovated and upgraded, and the material and colors would be consistent with the neighboring structures. There would be an improvement in the aesthetics. The applicant also testified as to the unique existing property conditions, such as the off-center placement of the existing structure in the front and side of the lot, and depth of the lot. The applicant's architect also testified that there would be no impact on any surrounding properties or the zone, and that the benefits of the variance relief would outweigh any detriments.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated April 11, 2020. 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, and testified that the proposed site plan amendment would have no negative impact on the zone nor visual impact from the street, and that existing drainage conditions were adequate.

9. No members of the public appeared in connection with the application.

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**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 for right side-yard setback relief, 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's architect 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 placement of the existing structure in the extreme front and to the side of the lot, the depth of the lot, and the pre-existing non-conforming nature of the property, namely the undersized lot width and existing non-conforming side yard setback. 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 variance requested 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

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from the existing vegetation which will remain. In addition, the architecture will be consistent with the present architecture in the neighborhood, and it will be an aesthetic improvement; 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 his 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, including any adjustments to drainage, connection with seepage pits, and lighting, so as not to negatively impact any surrounding properties.

**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

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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: June 17, 2020