

LAND USE BOARD
BOROUGH OF ALLENDALE
Municipal Building
500 West Crescent Ave.
Allendale, NJ

The Regular Meeting of the Allendale Land Use Board will be held in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, NJ 07401 on December 21, 2022 at 7:30 p.m. Formal action will be taken.

- I. CALL TO ORDER
 - A. Open Public Meetings Act Announcement
 - B. Salute to Flag
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 - October 19, 2022 and November 14, 2022 Land Use Board Regular Meetings
- IV. RESOLUTIONS:

Application File No: LUB 2022-21
Resolution No.: 22-27
Applicant: Alex Atamian
Address: 66 Valley Road, Allendale, NJ 07401
Block: 1203 Lot: 16
Proposed: Addition to the rear of the house for a new kitchen and covered entertaining space, new front porch and an addition over the existing garage.
Pursuant to 270-64B (3). Approval to remove 28 trees.

Application File No: LUB 2022-20
Resolution No.: 22-28
Applicant: World Class Wireless, LLC
Address: 240 & 260 West Crescent Avenue, Allendale, NJ 07401
Block: 1005 Lots: 1 & 2
Proposed: Conditional Use, Site Plan & Variance approval to install a wireless communications facility on the property. Pursuant to 270-48. Denied

Application File No: LUB 2022-22
Resolution No.: 22-29
Applicant: Nicholas & Kristine Luisi
Address: 735 W. Crescent Avenue, Allendale, NJ 07401
Block: 2204 Lot: 1
Proposed: Second Floor Addition and Poolhouse. Pursuant to 270-64B (2)

V. PUBLIC HEARINGS:

Application File No: LUB 2022-23

Applicant: Andrew Nimmo & Jennifer Sedgley

Address: 39 Montrose Terrace, Allendale, NJ 07401

Block: 406 Lot: 18

Proposed: Renovation and expansion of second floor of a single family home

Applicant: C.J. & Leslie Foster

Address: 146 Park Avenue

Block: 1703 Lot: 11

Proposed: Courtesy review – Purchase of property on Third Street

Application File No: LUB 2021-17

Applicant: Eric & Lisa Nef

Address: 47 Homewood Avenue

Block: 2005 Lot: 6

Proposed: Extension of time - Variance Application – Second story addition

VI. OPEN TO THE PUBLIC FOR COMMENT

VII. OTHER

VIII. ADJOURNMENT

****AGENDA & AGENDA MATERIALS SUBJECT TO CHANGE****

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Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen						
Daloisio						
Kistner						
Lovisolo						
Yaccarino						
Sirico						
Bernstein						
Quinn						
Forbes - Alt. #1						
Putrino – Alt. #2						

Carried ☐ Defeated ☐ Tabled ☐

RESOLUTION 22-27

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
ALEX ATAMIAN
BLOCK 1203, LOT 16
(a/k/a 66 VALLEY ROAD)

WHEREAS, the applicant, ALEX ATAMIAN, the owner of the property located at 66 Valley Road, known as Block 1203, 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 October 25, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AA residential zone, from the Allendale Code, Zoning; and

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WHEREAS, variance relief is necessary since the property is pre-existing non-conforming, and the proposed addition/renovation requires variance relief from bulk standards in the Allendale Code; and

WHEREAS, the application and plans specifically seek approval to construct an addition and renovations to the existing dwelling, including an addition to the rear of the structure for a new kitchen and covered entertaining space, a new front porch and addition over the existing garage; and

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

WHEREAS, the Land Use Board considered the matter at the November 14, 2022 regular meeting of the Land Use Board at which time the applicant and his 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 applicant in accordance with applicable law.
2. The property is located at 66 Valley Road, known as Block 1203, Lot 16, 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 the Land Use Application and associated documents; Architectural plan set entitled, "Atamian Residence, 66 Valley Road, Allendale, NJ" consisting of 19 sheets. The plans prepared by Z+ Architects (Mary Fitzpatrick Scro, RA) are dated October 21, 2022; Survey entitled, "Survey of Property, Tax Lot 16 – Block 1203, 66 Valley Road, Borough of Allendale, Bergen County, New Jersey,". The survey prepared by Lakeland Surveying (Jeffrey S. Grunn, PLS) is dated August 8, 2022.

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4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated November 9, 2022. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

5. Variance relief is required because this property located in the AA residential zone has pre-existing, non-conforming conditions, due to the side yard encroachment, as follows:

§270-64B(3) – Side Yard Setbacks

The zoning data table indicates the existing required enhanced side yard setback is 28.8 ft. The existing right side yard setback to Lot 2 is non-conforming at 20 ft. The existing left side yard setback to Lot 8.01 is conforming at 39.4 ft. The proposal increases the GBA and expands the required enhanced side yard to 40 ft. This exacerbates the existing non-conforming right setback and creates a non-conforming left setback. The proposed front porch also reduces the right setback to ± 18.4 ft. The renovated dwelling will encroach ± 21.6 into the required enhanced right setback and ± 0.6 ft into the required enhanced left setback.

6. The subject ± 0.88 acre lot is located on the northwestern side of Valley Road. The property is developed with a single-family dwelling and associated amenities. The application and plans propose a number of additions and renovations to the dwelling (including: first and second floor expansions; removing and replacing pool and patio; and removing existing shed and water feature). The application description also notes the project proposes to remove 28 trees.

7. The applicant and his architect, Mary Fitzpatrick Scro, AIA, were sworn and testified as to the existing conditions of the property. They testified that the application is a renovation of an older home that needs TLC. The homeowner is expanding the living space on the first floor and adding an exterior covered area. They are proposing a larger open floor plan. Four bedrooms will be made larger and a home office added. The variance relief requested is for a side yard setback. The lot is uniquely shaped, and encumbered by a large drainage easement. The site plan shows the irregular shape. There is a 15 feet drainage easement on the left hand side of the house. The right side setback is 20 feet which is existing non-conforming. A front porch is proposed, it is open. On the floor plan, page SK-9, the front entrance is shown which is in the 40 foot setback. This is a hardship C1 variance request. Exterior lighting will be installed at the exterior doors. Downspouts will be addressed by a civil engineer and there will be no run-off. There will be new siding and design elements associated with the addition which will be an aesthetic improvement to the home. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. The addition would be aesthetically pleasing to the property and consistent with the neighborhood.

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8. The applicant testified about the need to remove trees on the property, and requested that the Board approve the removal of 28 trees, due to the danger posed by the trees, disease and the impact on the development. Mr. Atamian stated 6 trees are affecting the foundation, walkway and driveway. Others are leaning over the structure and some are onto the neighbors' properties and are generally overgrown. He produced a letter from his insurance company concerning the trees.

9. The Board determined that the tree removal issue would be dealt separately from the variance application and construction plan, and that the landscaping/tree removal plan would be handled administratively and through enforcement by the Engineer, Building Department and Property Maintenance officer.

10. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated November 8, 2022. 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. Mr. Vreeland testified that the proposed addition would have no impact on surrounding properties. The applicant specifically agreed to incorporate the recommendations of the Borough Engineer's review letter and testimony into the renovation plans.

11. One member 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 relief, and to permit the addition and renovations as proposed in the application, not including the request for tree removal; 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, his professional and the Borough Engineer, in connection with the testimony that the applicant is entitled to variance relief, due to the unique nature of the

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property, namely the irregular shape, presence of drainage easements, physical placement of the home on the lot, and the pre-existing non-conforming conditions, namely the existing side yard setback, which are all deemed hardships by the Board. In addition, 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. Further, the addition will be aesthetically pleasing, it will conform with FAR regulations, and will not be obtrusive due to the placement and location of the proposed improvements and minimal encroachments; 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 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, so as not to negatively impact any surrounding properties and to minimize and address any stormwater or drainage issues, and comply with Mr. Vreeland's November 8, 2022 review letter, specifically points 4.1 through 4.6.4.
- C. Applicant and his professionals shall submit a detailed tree removal and landscape plan for review by the Borough Engineer, Arborist, Building Department and Property Maintenance officer, and comply with any recommendations as to tree removal and landscaping as set forth by those Borough officials.
- D. Applicant shall prepare and submit an "As-Built" survey plot and plan as a condition of issuance of a Certificate of Occupancy.

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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 applicant 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

Adopted: December 21, 2022

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Bergen						
Daloisio						
Kistner						
Lovisolo						
Yaccarino						
Sirico						
Bernstein						
Quinn						
Forbes - Alt. #1						
Putrino – Alt. #2						

Carried ☐ Defeated ☐ Tabled ☐

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION DENYING APPLICATION OF WORLD
CLASS WIRELESS, LLC FOR CONDITIONAL USE,
SITE PLAN APPROVAL & VARIANCE RELIEF
BLOCK 1005, LOT 1 & 2
(a/k/a 240/260 WEST CRESCENT AVENUE)

WHEREAS, the applicant, **WORLD CLASS WIRELESS, LLC**, the contract-tenant of the property located at 240/260 West Crescent Avenue, known as Block 1005, Lots 1 & 2 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 September 8, 2022, seeking preliminary and final site plan as well as multiple variance approval to construct a wireless communication facility, including a 180 foot tower and associated equipment, where two single-story masonry buildings currently exist; and

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WHEREAS, the site is located in the D-1 Industrial Zone District, wherein communication towers are a conditionally permitted use. The application is seeking eight (8) variances, as well as site plan approval.

WHEREAS, the Land Use Board considered the matter at the October 19, 2022 and November 14, 2022 regular public meetings of the Land Use Board at which the applicant was represented by counsel, and at which the applicant's various professionals 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 subject property is located on West Crescent Avenue at the Myrtle Avenue signalized T-intersection. A shared driveway provides access to the lots. The New Jersey Transit rail line is located to the west (the Recycling Center and Crestwood Park are further west beyond the rail line). Residential uses are located to the south and east. The West Crescent Avenue Redevelopment area is located to the north. The subject property is located within the Borough's D-1 Industrial Zone District, where wireless communications facilities are permitted as a conditional use.

3. The subject property is developed with two multi-use commercial buildings and associated amenities. A large portion of the site is utilized by Borst Landscape and Design. Storage bins, racks, containers, equipment, landscape materials as well as a salt storage accessory structure are located on the property. The Board previously approved a rear building addition on Lot 2 (a/k/a No. 240) as well as modifications to site parking and the contractor yard.

4. The application and plans propose a 180-ft wireless communications tower, associated equipment cabinet with canopy shelter and chain link fence enclosure in the north corner of the subject property. The tower and amenities are meant to provide low-frequency communications for the securities industry.

5. The proposed application sought variance relief, since communication towers are a

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conditionally permitted use in the zone, under certain conditions and with certain restrictions. In sum, a total of eight (8) variances were requested as a component of the application. Specifically, the application sought variance relief for the following:

- “D(3)” conditional use variance-proposed monopole height. A wireless communications facility in the D-1 Industrial Zone is permitted subject to conditions as identified in §270-48.6A(1). The proposed monopole height is 180 feet whereas the maximum height of the telecommunications tower shall not exceed 150 feet.
- “C” variance for separation distance from another wireless tower. The applicant requires relief for proposing the construction of a new wireless communications facility within 172 feet from the existing Crown Castle Tower, whereas the separation distance between these two towers should be at least 1,500 feet as specified in §270-48.6.A.(5)(b).
- “C” variance for separation distance to a residential use/zone. The location of the wireless communication facility is noted to be 334 feet away from the nearest existing residential property when §270-48.6 states a required setback of 200 feet or 300% of the height of the monopole (whichever is greater) in accordance with §270-48.6.A.(5)(a)[2]. This would equate to a minimum setback requirement of 540 feet in the case of this 180 foot proposed monopole.
- “C” variance for separation distance to a park. The wireless regulations require the same setback requirement of 540 feet between monopoles and park property whereas the application is proposing a monopole at 77.5 feet from Crestwood Park (§270-48.6.A.(5)(a)[2]).
- “C” variance for side and rear yard setback to tower. The “C” variance for side yard setback of 23 feet and a rear yard setback of 14.1 feet are proposed when monopoles are required to be set back at distance equal to at least 100% of the height of the monopole from any adjoining lot line, in this case 180 feet, in accordance with §270-48.6.A.(4)(a).
- “C” variance for the equipment shelter’s proposed height. The equipment shelter structure is proposed to be 11 feet tall when only 10 feet is permitted in accordance with §270-48.7.C.

6. In connection with the application, the applicant submitted the following:

- Application with Attachments;

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- Survey consisting of one (1) sheet entitled, “Topographic Survey, Map of Property for Hoss Consulting, Inc., Lots 1 & 2 in Block 1005 Tax Map, Borough of Allendale, Bergen County, New Jersey,” prepared by Thomas G. Stearns III, PLS of GB Engineering LLC, dated July 22, 2022, without revision;
- Site Plan Set consisting of eight (8) sheets entitled, “240 West Crescent Avenue, Borough of Allendale, Bergen County, New Jersey, 07401, Block: 1005, Lot: 1 & 2,” prepared by James C. Murawski, PE of E2 Project Management LLC, dated August 5, 2022, last revised September 6, 2022;
- Alternatives Site Analysis Report, prepared by Gotham Communications, not dated;
- Twist and Sway / Tilt Analysis Report, prepared by Michael Strickland, RF Engineer, World Class Wireless LLC , not dated; and
- Existing Condition & Proposed Photo Simulation, prepared by TK Design Associates, not dated.

7. In connection with the application, the applicant presented testimony from Michael Strickland, RF Engineer, World Class Wireless LLC, who was accepted by the Board as an expert in the field of Radio Frequency Engineering. Mr. Strickland testified as to the business of he applicant, and existing conditions of the property. The applicant controls a number of wireless networks in New Jersey, and is building a wireless network to connect a large data center facility in Mahwah with a data center facility in Secaucus. The applicant is in possession of a FCC license for the proposed network (Exhibit A-1), which is proposed as “line of sight” communication with parabolic antennas. The network is proposed to run from Mahwah to Secaucus (Exhibit A-2), and terrain issues along this route lead to the requirement for the tower height to be 180 feet. The basic path of the network was presented as Exhibit A-3, and since there are obstructions, the requested height is required along this path.

8. Mr. Strickland also testified that efforts were made to use the existing tower on Borough property near the proposed site, but that a “sway and tilt” analysis and structural report (Exhibit A-4) determined that the existing tower could not accommodate the applicant’s needs, and that the tower on Borough property would have to be extended to be made higher. It was further stated that it was not economically feasible to “drop and swap” the existing Borough tower for a larger tower to accommodate the applicant. Mr. Strickland also testified as to other locations and other options that were examined by the applicant in place of the proposed 180 foot tower, none of which were deemed acceptable or feasible by the applicant. Nevertheless, there was a need for this facility and network, as set forth in Exhibit A-5.

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9. The applicant further presented testimony from Eric Sudman, Civil Engineer, who was accepted by the Board as an expert in the field of Civil Engineering. Mr. Sudman testified as to the existing conditions of the property, and the proposed improvements to the site as part of the application. Mr. Sudman also presented and explained Exhibits A-6 through Exhibit A-9, which show the site plan and proposed structure to be built on and around the tower. Mr. Sudman explained the setbacks from other properties and the Borough tower, and safety, fencing and security around the tower and facilities. The tower and associated amenities are proposed for the northwest corner of the property, and may require removal of two small trees. The tower as proposed is 180 feet, wherein the height limit in the Borough Ordinance for the zone is 150 feet. Other bulk variances are required for the ground structure/facility.

10. The applicant presented testimony from Tim Ball, a contractor for World Class Wireless, who handles site acquisition for the applicant. Mr. Ball was sworn in and his credentials were accepted by the Board. Mr. Ball testified that he had reached out to Borough officials about possible alternative site locations, and presented communications citing his efforts (Exhibits A-9 through A-13). He also testified about efforts to procure other suitable sites in the vicinity of Allendale, and eventually the applicant came to the conclusion that the present site as proposed was most suitable and available for the company's needs, since it was leasable and zonable and not within a residential district. This determination was made after other sites within the search area were examined and ruled out for various reasons. Testimony was presented as to these other potential sites and their shortcomings.

11. The applicant also presented Mr. Tim Kronk, Planner, and he was sworn in and his credentials accepted by Board as an expert in the field of Planning. Mr. Kronk stated he visited the property on June 15, 2022 and other dates, reviewed the MLUL ordinance, Borough Master Plan and re-examination plans and professionals' reports. He conducted a conditional use analysis. The property is in the D-1 zone, which is appropriate for the tower since it is a conditionally permitted use. The maximum height in the Borough Ordinance is 150 feet. The applicant's proposal is for a 180 foot tower. There are as proposed 8 bulk variances. The D-1 zone is a small zone which does not allow for the proposal to meet the required setbacks, but the proposed location is the best alternative on the site and in the zone. It is also a better alternative than building the tower in a residential zone. Mr. Kronk presented graphics from a "balloon test" that was conducted on site to show the proposed height of the tower from various perspectives. (Exhibit A-14). Mr. Kronk concluded that he did not think there was any detriment to the public good if the application was approved, since there would be benefits to the economy and the possibility of municipal co-location in the future, and there would be no substantial detriment to the zone plan or ordinance.

12. In connection with the interpretation of the existing use and the variance application, Borough Planner, Edward Snieckus, P.P., L.L.A., A.S.L.A. reviewed the submissions by the applicant, listened to the testimony of the applicant's professional and prepared a

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Memorandum dated October 11, 2022. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board. Mr. Snieckus also asked questions of the applicant's professionals.

Mr. Snieckus also reviewed the Borough Master Plan, and stated that one of the goals of the Master Plan was to preserve and enhance the suburban character of the existing one and two family residential neighborhoods through establishing and maintaining zone districts and use, lot, bulk and intensity of use regulations based on existing neighborhood development patterns and good design practices.

13. The Borough's Engineer, Michael Vreeland, P.E., reviewed the submissions by the applicant, asked questions of the applicant's professionals, and prepared a Memorandum dated October 13, 2022. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

14. Land Use Board members asked questions of the applicants' Radio Frequency Engineer, Civil Engineer, Site Acquisition representative, Planner, the applicant's counsel, and the Borough professionals relative to the merits of the application. Particular concerns were raised as to the size and scope of the proposed tower and development, the visual impact of a 180 foot tower, especially so close to an existing tower, the large number of variances required and requested by the applicant, insufficient setbacks, the benefit to the public good of the proposed development, buffering with nearby residential development, and the proximity to the nearby Borough tower.

15. Members of the public appeared in connection with the application and asked questions of the applicant's professionals, the applicant's counsel, and the Borough professionals relative to the merits of the application, and provided testimony related to the merits of the application.

NOW THEREFORE, BE IT RESOLVED, based upon the factual and legal evidence, testimony and contentions set forth herein, that the Allendale Land Use Board hereby denies the applicant's request for a "D(3)" use variance and "C" bulk variances to permit the development of the site for a 180 foot communications tower and associated ground amenities. In connection thereto, the preliminary and final site plan approval is also denied.

BE IT FURTHER RESOLVED that the Municipal Land Use Law (MLUL) and relevant caselaw sets forth the statutory criteria for variance relief. It permits a Land Use Board to grant a

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'd' variance, as with a 'c' variance, "in particular cases and for special reasons." In the context of a wireless communications facility application, the positive criteria may be met by an applicant through the showing of the possession of a FCC license, and that the use is "particularly suited" to the proposed site. Where the site proposed allows for conditional use of the facility, as in this instance, the applicant must show that the site remains suitable for the use *notwithstanding* any nonconformity. This is the "positive criteria" of the statute.

To address the "negative criteria" of variance relief, the applicant must demonstrate that the proposed variance can be granted "without substantial detriment to the public good" nor will the granting of the variance "substantially impair the intent and the purpose of the zone plan and zoning ordinance" of the municipality.

BE IT FURTHER RESOLVED that one of the a goals of the Borough's Wireless Communications Facility Ordinance is "to minimize the number of towers throughout the community" and to "require the joint use of towers as a primary option rather than construction of additional single-use towers", and that the application as proposed is contrary to this goal;

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby specifically determines that the applicant has not met its burden of proof and it has not shown that the proposed development and requested variances can be granted without substantial detriment to the public good, especially since the result would be two towers in very close proximity to one another, and the Board has determined, after a rigorous site plan review, that an approval would substantially

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impair the intent and the purpose of the zone plan and zoning ordinance, despite the fact that the use is conditionally permitted in the D-1 Industrial Zone; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board specially rejects the testimony of the applicant's Professional Planner that the proposed development would be particularly well-suited for the zone and site, in light of the close proximity of the existing tower, insufficient setbacks from a residential zone which are contrary to the language and intent of the Ordinance, and the need for multiple bulk variances to allow the conditional use at this location. In fact, the Borough Ordinance requires that a wireless tower must be separated by at least 1500 feet from another wireless tower. The application as presented proposes a separation of only 172 feet from the existing wireless tower on Borough property.

Likewise, the Ordinance provides that a wireless tower be at least 554 feet, based upon the tower's height, from a residential development, and the application proposed a separation of only 334 from the nearest *existing* residential property, and would be within 315 feet from the approved but not yet constructed multi-family development on the adjacent lot at 220/230 West Crescent Avenue. It is also only 77.5 feet from the AAA residential zone.

The proposed tower would also only be 127 feet from Crestwood Lake and Park, a Borough facility and park, wherein the Ordinance requires a separation of 554 feet from a monopole to a park.

BE IT FURTHER RESOLVED that the Allendale Land Use Board specially rejects the testimony of the applicant's Professional Planner, and concludes that the site is not suitable for the tower and amenities as proposed, as it does not promote the health, safety and welfare of the

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community, does not promote a desirable visual environment, and does not promote the provision of sufficient light, air and space in appropriate locations, all due to the fact that it is so close to an existing tower. In addition, the tower is sought for the benefit of the applicant and its commercial endeavors, since the testimony presented was that the applicant has outgrown capacity on existing towers and networks. However, the applicant's service does not provide a significantly beneficial use for the general public, only a benefit to those clients of the applicant involved in high-speed and high-capacity securities trading, thus not providing functionally equivalent services as other providers currently existing in the Borough; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board finds and concludes that although the criteria for a D(3) variance is less stringent than a D(1) variance, since the Ordinance permits the use under certain circumstances, it is determined that the site is not an appropriate location for the use since the application does not meet the established conditions of the Borough Zoning Ordinance, namely due to the excessive height (a total of thirty feet, or 20%, larger than that permitted by Ordinance in the zone), proximity to existing tower, and insufficient buffers and screening with adjacent properties, including residential. Wireless communications facilities regulations are established and acceptable to protect adjacent residential property with specific heights and setbacks, and this application fails to do so.

BE IT FURTHER RESOLVED that the Board further finds that approval of the variance would result in a substantial detriment to the public good, and that the benefits of the proposed deviation do not substantially outweigh the various detriments, including the excess height of the tower, the number of variances required for the proposed ground facility, the location of residences

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surrounding the site, and the impact on light, air and space in the zone, in light of the placement of the tower in the zone as proposed in the application. 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 since the proposed lack of buffer and adequate setbacks, appropriate to protect residential development and zoning, for the height proposed were not sufficient to adequately support the goals of the Master Plan. It is determined that there is not sufficient zoning benefit to the proposed variances and use as proposed by the applicant. Further, the applicant has not shown through sufficient proofs that there are no other technological alternatives to solve the problem of coverage detailed in their application.

BE IT FURTHER RESOLVED, for the foregoing reasons, that the Allendale Land Use Board hereby denies the application and determines that the evidence presented in support of the requested variance relief does not meet the factual or legal criteria for a use variance under N.J.S.A. 40:55D-70(d)(3) or “C” bulk variances; and

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.

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: December 21, 2022

RESOLUTION: 22-28

Approved:

ALLENDALE LAND USE BOARD

KEVIN QUINN, Chairman

Attest:

JOSEPH DALOISIO, SECRETARY

Adopted: December 21, 2022

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: December 21, 2022

RESOLUTION: 22-29

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen						
Daloisio						
Kistner						
Lovisolo						
Yaccarino						
Sirico						
Bernstein						
Quinn						
Forbes - Alt. #1						
Putrino – Alt. #2						

Carried ☐ Defeated ☐ Tabled ☐

RESOLUTION 22-29

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
NICHOLAS & KRISTINE LUISI
BLOCK 2204, LOT 1
(a/k/a 735 WEST CRESCENT AVENUE)

WHEREAS, the applicants, **NICHOLAS & KRISTINE LUISI**, the owners of the property located at 735 West Crescent Avenue, known as Block 2204, Lot 1 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 October 27, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AA zone, from the Allendale Code, Zoning; and

RESOLUTION
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BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

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WHEREAS, variance relief is necessary since the property is pre-existing non-conforming, and the proposed addition/renovation requires variance relief from bulk standards in the Allendale Code; and

WHEREAS, the application and plans specifically seek approval to construct an addition and renovations to the existing dwelling, including a second floor addition to the rear of the dwelling and a pool house.

WHEREAS, the application seeks specific variance relief for accessory building placement, lot width and side yard encroachments; and

WHEREAS, the Land Use Board considered the matter at the November 14, 2022 regular meeting of the Land Use Board at which time the applicants and their professional architect 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 735 West Crescent Avenue, known as Block 2204, Lot 1, on the Tax Map of the Borough of Allendale. The property is located on the eastern side of West Crescent Avenue within the Borough's AA Residence Zone District. The property is developed with a single-family dwelling and associated amenities. The application was in evidence.

3. As part of the application, the applicant submitted a Land Use Application and associated documents; Architectural plan set entitled, "Luisi Residence, Block 2204 Lot 1, 735 West Crescent Avenue, Allendale, NJ" consisting of 5 sheets. The plans prepared by Chris Blake Architect (unsigned) are dated October 17, 2022; Survey entitled, "Survey of Property, Tax Lot 1 – Block 2204, 735 West Crescent Avenue, Borough of Allendale, Bergen County, New Jersey". The survey prepared by Schmidt Surveying (Andrew A. Schmidt, PLS) is dated July 9, 2021.

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BERGEN COUNTY, NJ

DATE: December 21, 2022

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These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.

4. Variance relief is required because this property is located in the AA residential zone, and the proposed development conflicts with §270-64B and §270-14B(1) of the Code due to side yard encroachment and placement of an accessory structure in the front half of the lot. Specifically:

§270-14B(1) – Accessory Building Front Setback. Accessory buildings are to be located in the rear half of the lot. The pool house is proposed within the front half of the lot.

§270-54F – Lot Width. The average lot width is 30 ft less than the required 130 ft width. The application does not appear to alter this condition.

§270-64B(3) – Side Yard Setbacks. The existing required enhanced side yard setback is calculated to be ± 23 ft. The existing left side yard setback to Lot 2 is non-conforming at 7.7 ft. The existing right side yard setback to Lot 12 is conforming at 32.9 ft. The second floor addition is proposed within the left side yard setback. Moreover, the proposal increases the GBA and expands the required enhanced side yard. The zoning data table indicates the required enhanced side yard setback is 32.6 ft. This exacerbates the existing non-conforming setback.

5. The proposed renovation proposes a second floor addition to the rear of the dwelling and a pool house.

6. The applicants and their architect, Chris Blake, AIA, were sworn and testified as to the existing conditions of the property, and that the applicants were seeking to renovate and expand the second story of the house and construct a pool house near the existing pool. It was noted that the property is uniquely shaped, deep and narrow. Mr. Luisi stated that they like old homes and they fell in love with this house. The upstairs bedrooms are small, the bathroom is awkward. The applicants' families are both large and they need room for entertaining. Mr. Blake stated the proposal is to expand the second floor which includes the bedrooms and bathroom. It's a traditional house. They propose to increase the bedroom level to the rear, extend the side walls. The house is on a long, narrow property. The first floor is bigger than the second floor. This is a simple addition to the rear of the property. The hardship is based on the fact that the house is located where it is on the property and the property is 100 feet wide where 130 feet is required in the AA zone. The applicant also proposes to add a pool house. Another variance is required as the pool house is not located on the back half of the rear property. Property is narrow but very deep. Mr. Luisi stated the pool house will cover the existing pool equipment as well as to provide shelter/entertainment space, therefore it cannot be moved further back in the yard. This is a hardship C1 variance request. Exterior lighting will be installed at the exterior doors. Downspouts

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BERGEN COUNTY, NJ

DATE: December 21, 2022

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will be addressed by a civil engineer and there will be no run-off. There will be new siding and design elements associated with the addition which will be an aesthetic improvement to the home. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. The addition would be aesthetically pleasing to the property and consistent with the neighborhood.

7. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated November 11, 2022. 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. Mr. Vreeland testified that the proposed addition would have no impact on surrounding properties. The applicant specifically agreed to incorporate the recommendations of the Borough Engineer's review letter and testimony into the renovation plans.

8. 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 relief, and to permit the addition and renovations 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, the applicant's architect, the Borough Engineer and Borough Planner, in connection with the testimony that the applicant is entitled to a variance, due to the unique nature of the property, namely the irregular shape, physical placement of the home on the lot, and the pre-existing non-conforming conditions, namely the existing side yard setback, which are all deemed hardships by the Board. In addition, the hardships associated with the present

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: December 21, 2022

RESOLUTION: 22-29

condition of the property and premises outweigh the negative criteria to the Borough zoning ordinances and the zone plan and neighborhood. Further, the addition will be aesthetically pleasing, it will conform with FAR regulations, and will not be obtrusive due to the placement and location of the proposed improvements and minimal encroachments; 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 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, so as not to negatively impact any surrounding properties and to minimize and address any stormwater or drainage issues, and comply with Mr. Vreeland's November 11, 2022 review letter, specifically points 4.1 through 4.5.3.

C. Applicant shall prepare and submit an "As-Built" survey plot and plan as a condition of issuance of a Certificate of Occupancy.

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 professionals 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

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: December 21, 2022

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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: December 21, 2022

December 1, 2022

To whom it may concern,

My name is Andrew Nimmo, and my fiancé is Jennifer Sedgley. I grew up in Allendale, actually in this house that we plan to renovate – 39 Montrose Terrace. I moved back to Allendale, with my fiancé, in 2021. Over the past year we have worked with Z+ Architects for the plans for our dream home. We are now at the next step in the process where we are coming to you for review and approval to proceed.

In the attached packets, please find our application and materials for the variance.

Thank you,

Andrew Nimmo and Jennifer Sedgley

ALLENDALE LAND USE BOARD
APPLICATION CHECK LIST

NAME Andrew Nimmo
Jennifer Sedgley BLOCK 406 LOT 18
ADDRESS 39 Montrose Terrace

ZONE _____ TYPE OF VARIANCE _____

BRIEF DESCRIPTION OF APPLICATION Renovation and expansion
of ~~second~~ floor of a single family home
second

SPECIFIC VARIANCE(S) REQUIRED _____

ADMINISTRATIVE REQUIREMENTS		STATUS
1.	Application form complete	✓
2.	Fee paid	✓
3.	Denial by Building Inspector	X
4.	Affidavit of Service	✓
5.	Proof of Publication	✓
6.	Taxes Current	✓
7.	Plot Plan	✓
8.	Maps	✓
9.	Photographs	✓
10.	Email address <u>jennifer.sedgley@gmail.com</u>	✓
11.	Miscellaneous	✓

11/30/22
Date

Jennifer Sedgley
Applicant's Signature

DESCRIPTION OF PROPOSED STRUCTURE OR USE

PREMISES AFFECTED known as Lot(s) 18 Block(s) 406
Street Address 39 Montrose Terrace, Allendale, NJ 07401
Applicant Andrew Nimmo + Jennifer Sedgley 39 Montrose Terrace, Allendale
Owner 39 Montrose Terrace LLC Address 39 Montrose Terrace, Allendale
Lessee X Address X
Last Previous Occupancy 2011/11/11 Scott, & Gail Nimmo
Size of Lot 25,754 SF
Floor area ratio calculation 18%
Percentage of lot occupied by building(s) 13.3%
Height of building(s) 2 stories 28.2 feet
Set back from front property line 31.25 ft. From side (if corner lot) - ft.
Zoning requirements - Frontage 130', side yards 31.7', set-back -, rear yard 50'
"Prevailing set-back" of adjoining buildings within one block -
Has there been any previous appeal involving these premises? No
If so, state character of appeal and date of disposition -

Proposed use: Single family residence

This application for a use variance includes an application for subdivision -, site plan -, conditional use - approval. N/A

ATTACHED HERETO AND MADE A PART OF THIS APPLICATION I SUBMIT THE FOLLOWING: (NOTE: All of these papers must be submitted with application.)

- (a) The original Zoning Review Application, signed by the Zoning Officer and/or a true copy of the Official order issued by the Zoning Officer and signed by him, where applicable.
- (b) Fifteen (15) copies of all application documents
- (c) Fifteen (15) copies of a map showing all lots within 200 feet of the property; if buildings exist thereon the map shall be a certified "location map" and clearly indicate such buildings and their approximate location, together with "prevailing set-back" dimensions.
- (d) Fifteen (15) copies of a Plot Plan and clearly indicate such buildings thereon with all front, side and rear yard dimensions.
- (e) Fifteen (15) copies of List of Property owners served, indicating method of service on each, date of service, together with copies of the post office receipts, if any.
- (f) Fifteen (15) copies of Subdivision, Site Plan, or Conditional Use application, when applicable.

(File all copies with the Land Use Administrator when only a variance is sought.)

Date: 11/29/22

Jennifer Sedgley
Signature of Applicant or Agent

NOTICE OF APPEAL AND VARIANCE APPLICATION FORM
BOROUGH OF ALLENDALE, NEW JERSEY

TO THE APPLICANT: COMPLETE SECTIONS IN FULL FOR RELIEF REQUESTED

NOTICE OF APPEAL OF
ZONING ENFORCEMENT OFFICER'S DECISION

TO THE ZONING ENFORCEMENT OFFICER:

The petition of Andrew Nimmo & Jennifer Sedgley
39 Montrose Terrace, Allendale, NJ, 07401
shows that on or about the 21 day of December, 2022
an application to the Zoning Official for the purpose of (describe intended
action) renovation and expansion of 2nd floor
of single family residence

on the premises located at (street address) 39 Montrose Terrace
Allendale NJ Block 400 Lot 18
as shown on the Municipal Tax Maps and owned, or optioned, by the applicant was made; that
after due consideration the Zoning Enforcement Officer did on the ____ day of ____, 20____
decline to issue said permit for the reasons stated in the attached copy of the Zoning Enforcement
Officer's Refusal of Permit Form.

Applicant, feeling aggrieved at the action of the Zoning Enforcement Officer, files this notice of
appeal with said Officer, together with the required fee of \$____, and requests that
action of the Zoning Enforcement Officer be reversed or modified as the facts may be
determined, and applicant further requests that a day be fixed for hearing on this appeal and
states that the proper notice will be given to all owners of property situated within two hundred
(200) feet of the property specified above, and others as required by Statute.

APPLICATION FOR VARIANCE

TO THE LAND USE BOARD:

An application is hereby made for a (Hardship) (Floor Area Ratio) (Use) variance from the terms
of Article(s) and Section(s) Article XII Section 270-64B Side yard setback;
Article IX Sections 270-54B Front yard of the Zoning Ordinance so as to
~~permit~~ renovate and expand 270-54D-Rear yard
270-54E(1)-Min. Lot area

Jennifer Sedgley
Signature of Applicant
AN

BLQ: 406. 18.
Owner Name: 39 MONTROSE TERRACE LLC

Tax Year: 2021 to 2022
Property Location: 39 MONTROSE TERR

Tax Year: 2021	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	4,409.16	4,409.15	4,413.17	4,256.83	17,488.31
Payments:	4,409.16	4,409.15	4,413.17	4,256.83	17,488.31
Balance:	0.00	0.00	0.00	0.00	0.00

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2021 Prin Balance
		Description								
		Original Billed						17,488.31		17,488.31
10/20/20	1	Payment	001	35402391	CK	7202	12 COUNTER	21.26	0.00	17,467.05
01/27/21	1	Payment	001	336	CK	7456	31 COUNTER	4,387.90	0.00	13,079.15
01/27/21	2	Payment	001	336	CK	7456	32 COUNTER	21.26	0.00	13,057.89
04/16/21	2	Payment	001	293	CK	7646	6 COUNTER	4,387.89	0.00	8,670.00
04/16/21	3	Payment	001	293	CK	7646	5 COUNTER	21.26	0.00	8,648.74
07/29/21	3	Payment	001	308	CK	7902	16 COUNTER	4,391.91	0.00	4,256.83
07/29/21	4	Payment	001	308	CK	7902	15 COUNTER	17.25	0.00	4,239.58
11/09/21	4	Payment	001	314	CK	8169	20 COUNTER	4,239.58	0.00	0.00
		Andrew Nimmo								

Tax Year: 2022	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	4,372.08	4,372.08	4,974.31	4,827.70	18,546.17
Payments:	4,372.08	4,372.08	4,974.31	4,827.70	18,546.17
Balance:	0.00	0.00	0.00	0.00	0.00

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2022 Prin Balance
		Description								
		Original Billed						18,546.17		18,546.17
11/09/21	1	Payment	001	314	CK	8169	21 COUNTER	169.57	0.00	18,376.60
		Andrew Nimmo								
01/31/22	1	Payment	001	315	CK	8385	3 COUNTER	4,202.51	0.00	14,174.09
		Andrew Nimmo								
01/31/22	2	Payment	001	315	CK	8385	4 COUNTER	169.57	0.00	14,004.52
		Andrew Nimmo								
05/02/22	2	Payment	001	137	CK	8597	50 COUNTER	4,202.51	0.00	9,802.01
		H/O								
05/02/22	3	Payment	001	137	CK	8597	49 COUNTER	169.57	0.00	9,632.44
		H/O								
08/01/22	3	Payment	001	142	CK	8823	2 COUNTER	4,804.74	0.00	4,827.70
		NIMMO								
11/07/22	4	Payment	001	341	CK	9106	63 COUNTER	4,827.70	0.00	0.00
		h/o								

Total Principal Balance for Tax Years in Range: 0.00

OWNER & ADDRESS REPORT

ALLENDALE

200 FOOT LIST 406/18 - 39 MONTROSE

11/18/22 Page 1 of 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
406	16		2	GERSON, CARL & MILENA 29 MONTROSE TERRACE ALLENDALE, NJ 07401	29 MONTROSE TERR	
406	17		2	HOSFORD, DAVID & DENINE 33 MONTROSE TERR ALLENDALE, NJ 07401	33 MONTROSE TERR	
408	15		2	AUER, DANIEL 2 ALBERT ROAD ALLENDALE, NJ 07401	2 ALBERT RD	
407	5		2	SIM, LISA A 24 MONTROSE TERRACE ALLENDALE, NJ 07401	24 MONTROSE TERR	
407	6		2	LEVINE, KENNETH A & MARCOTTI, DANIELA 36 MONTROSE TERRACE ALLENDALE, NJ 07401	36 MONTROSE TERR	
407	7		2	CLARK, KIPP D & NOLAN, SARAH A 21 ALBERT ROAD ALLENDALE, NJ 07401	21 ALBERT RD	
407	8		2	SMITH, MARK D & TERRA S 17 ALBERT ROAD ALLENDALE, NJ 07401	17 ALBERT RD	
406	19		2	MINICUCCI, MICHAEL & AMANDA 43 MONTROSE TERR ALLENDALE, NJ 07401	43 MONTROSE TERR	
406	20.01		2	AUCLAIR, DANIEL JOHN & KATHRYN E 1 ALBERT RD ALLENDALE, NJ 07401	1 ALBERT ROAD	
406	20.02		2	O'SHEA, SEAN P & JENNIFER 32 ADA PLACE ALLENDALE, NJ 07401	32 ADA PLACE	
406	20.03		2	FITZPATRICK, LUKE & DANIELLE 26 ADA PL ALLENDALE, NJ 07401	26 ADA PLACE	
406	20.04		2	GARTLAND, JAMES J & AMANDA 16 ADA PL ALLENDALE, NJ 07401	16 ADA PLACE	
406	20.07		2	DAVIS, LYNNE M. 27 ADA PLACE ALLENDALE, NJ 07401	27 ADA PLACE	

UTILITIES LISTING

**BOROUGH OF ALLENDALE
500 W CRESCENT AVENUE
ALLENDALE, NJ 07401**

Rockland Electric – 1 Blue Hill Plaza, Pearl River, NY 10965

New Jersey Department of Transportation - POB 600, Trenton, NJ 08625

PSE&G - 20 Van Vooreen Drive, Oakland, NJ 07436

Cablevision of New Jersey - 40 Potash Rd, Oakland, NJ 07436

Verizon New Jersey - 114 Paterson Street, Paterson, NJ 07501

Bergen County Planning Board - 1 Bergen County Plaza, Hackensack, NJ 07601

NIMMO-SEDGLEY RESIDENCE

39 MONTROSE TERRACE, ALLENDALE, NJ

DRAWING LIST

- SK-1 TITLE SHEET
- SK-2 ZONING TABLE
- SK-3 SURVEY
- SK-4 TAX MAP
- SK-5 DEMOLITION PLAN
- SK-6 DEMOLITION PLAN
- SK-7 DEMOLITION PLAN
- SK-8 BASEMENT/ FDN PLAN
- SK-9 1ST FLOOR PLAN
- SK-10 2ND FLOOR PLAN
- SK-11 ROOF PLAN
- SK-12 ELEVATIONS
- SK-13 ELEVATIONS
- SK-14 PROPOSED 3D VIEW
- SK-15 PROPOSED 3D VIEW
- SK-16 EXISTING PHOTO
- SK-17 PROPOSED RENDERING
- SK-18 PROPOSED RENDERING
- SK-19 PROPOSED RENDERING

PROJECT DESCRIPTION

SINGLE-FAMILY RESIDENCE ADDITION AND RENOVATION.

BLOCK 406, LOT 18



3D-FRONT



3D-REAR

PROGRESS PRINTS
NOT FOR CONSTRUCTION



240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: TITLE SHEET
DATE: 08/05/2022
SCALE:

DRAWING #: **SK-1**

ZONING DATA	REQUIRED	EXISTING	PROPOSED
<u>ZONE:</u>	AA		
<u>MIN. LOT REQUIREMENT</u>			
AREA:	26,000 SF	25,745 SF*	25,745 SF*
LOT WIDTH:	130 FT	178 FT	178 FT
<u>MIN. YARD REQUIREMENT</u>			
FRONT:	40 FT	35.9 FT*	31.25 FT*
SIDE:	31.7 FT (24.1 FT EXG)	L = 56.25 FT, R = 26 FT	L = 56.25 FT, R = 26 FT*
REAR:	50 FT	43.25 FT*	42.1 FT*
<u>MAX. BUILDING COVERAGE:</u>	-	3,060 SF	3,435 SF
<u>IMPERVIOUS COVERAGE:</u>	-	1,180 SF	2,580 SF
<u>TOTAL COVERAGE:</u>	34.3%, 8,830.5 SF	16.5%, 4,240 SF	23.4%, 6,015 SF
<u>GROSS BUILDING FLOOR AREA:</u>	5,625.3 SF	3,442 SF	4,534 SF
<u>FLOOR AREA RATIO:</u>	21.85%	13.4%	18%
<u>MAX. BUILDING HEIGHT:</u>	35', 2.5 STORIES	21', 2 STORIES	28.2', 2 STORIES

* - DENOTES NON-CONFORMITY

CALCULATIONS

GBFA/FAR

EXG
1ST + GROUND FLOORS = 2,790 SF
2ND FLOOR = 652 SF
TOTAL = 3,442 SF

PROPOSED
1ST + GROUND FLOORS = 2,820 SF
2ND FLOOR = 1,714 SF
TOTAL = 4,534 SF

BUILDING COVERAGE

EXG
BUILDING = 2,790 SF
DECK = 270 SF
TOTAL = 3,060 SF

PROPOSED
BUILDING = 2,820 SF
LEFT PORCH = 77 SF
COVER FROM FRONT ROOF = 178 SF
DECK = 240 SF
COVER FROM REAR CANTILEVER = 120 SF
TOTAL = 3,435 SF

IMPERVIOUS COVERAGE

EXG
DRIVEWAY = 730 SF
FRONT PATH = 200 SF
PATIO = 250 SF
TOTAL = 1,180 SF

PROPOSED
DRIVEWAY = 730 SF
FRONT PATH = 145 SF
PATIO = 330 SF
POOL = 530 SF
POOL PATIO = 750 SF
SIDE PATH = 95 SF
TOTAL = 2,580 SF

PROGRESS PRINTS
NOT FOR CONSTRUCTION



240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

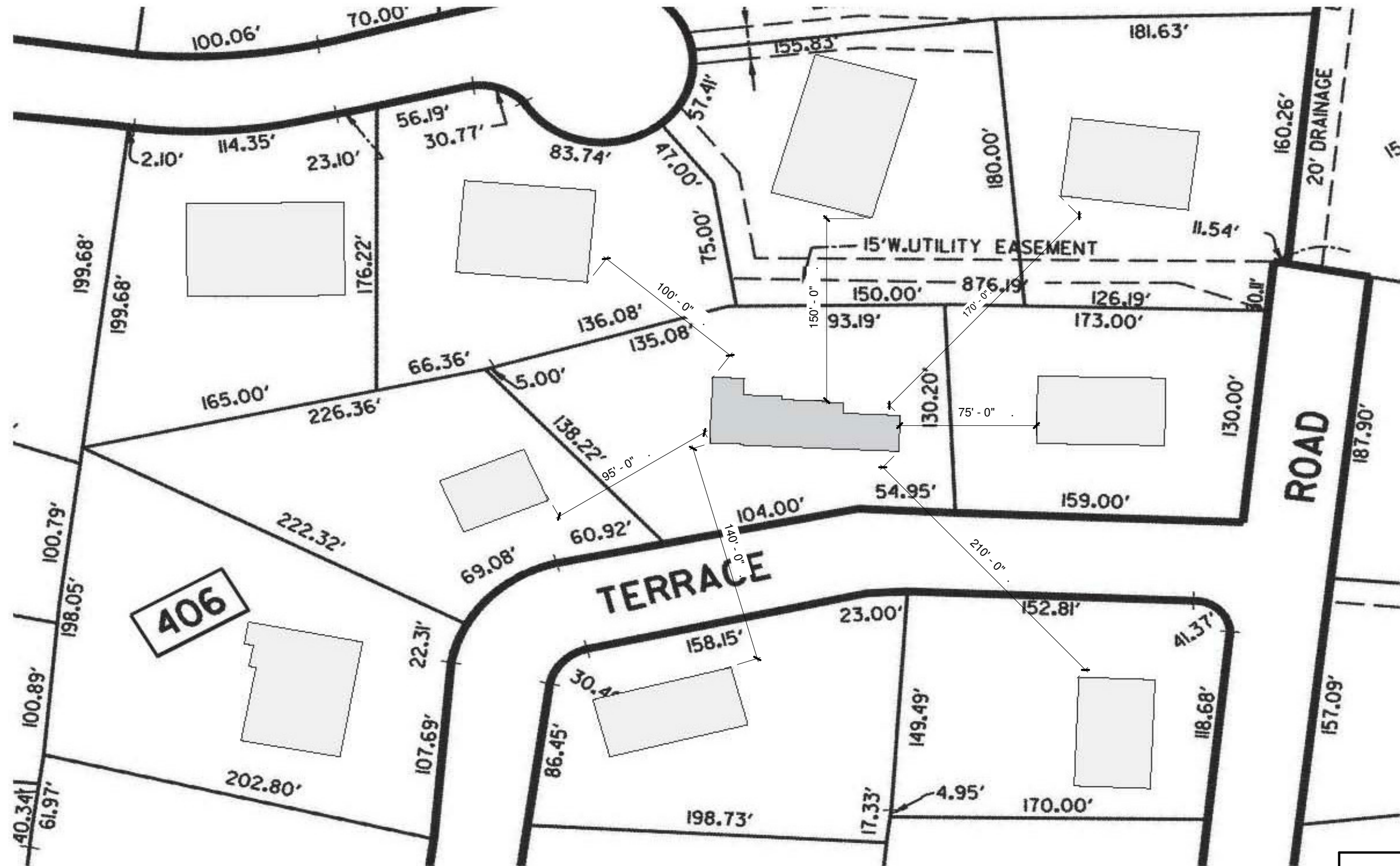
MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21A101591800

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: ZONING TABLE
DATE: 08/05/2022
SCALE:

DRAWING #: **SK-2**



PROGRESS PRINTS
NOT FOR CONSTRUCTION



240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21A101591800

ZONING BOARD APPLICATION

PROJECT #: 2103

PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ






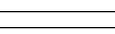
TITLE: TAX MAP

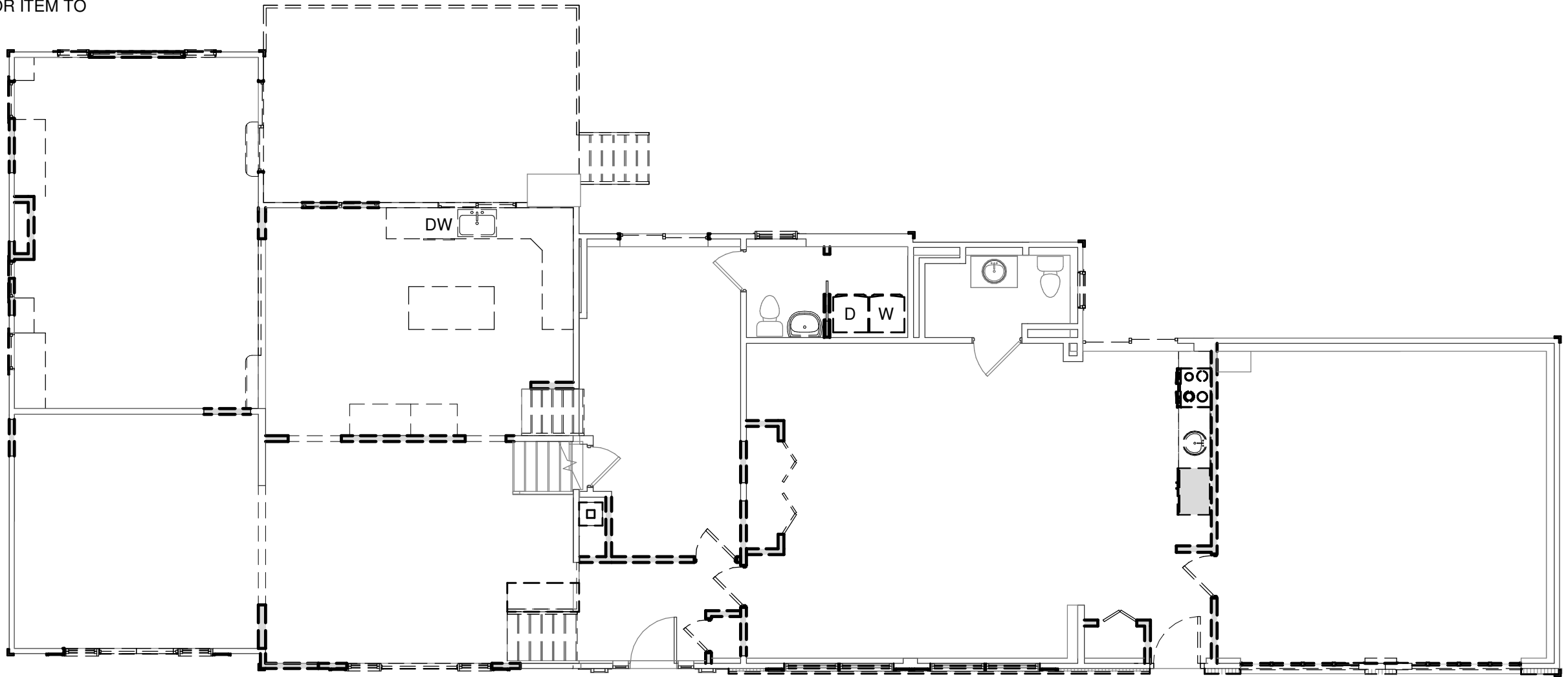
DATE: 08/05/2022

SCALE:

DRAWING #: **SK-4**

DEMOLITION LEGEND

-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO BE REMOVED
-  EXISTING WINDOW TO BE REMOVED
-  ITEM TO BE REMOVED ENTIRELY
-  WALL OR WALL PORTION TO BE REMOVED ENTIRELY
-  WALL, WALL PORTION, OR ITEM TO REMAIN



1 1ST FLOOR DEMO PLAN
SK-5 1/8" = 1'-0"

PROGRESS PRINTS
NOT FOR CONSTRUCTION

Z+ ARCHITECTS
240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866


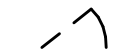

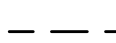


MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

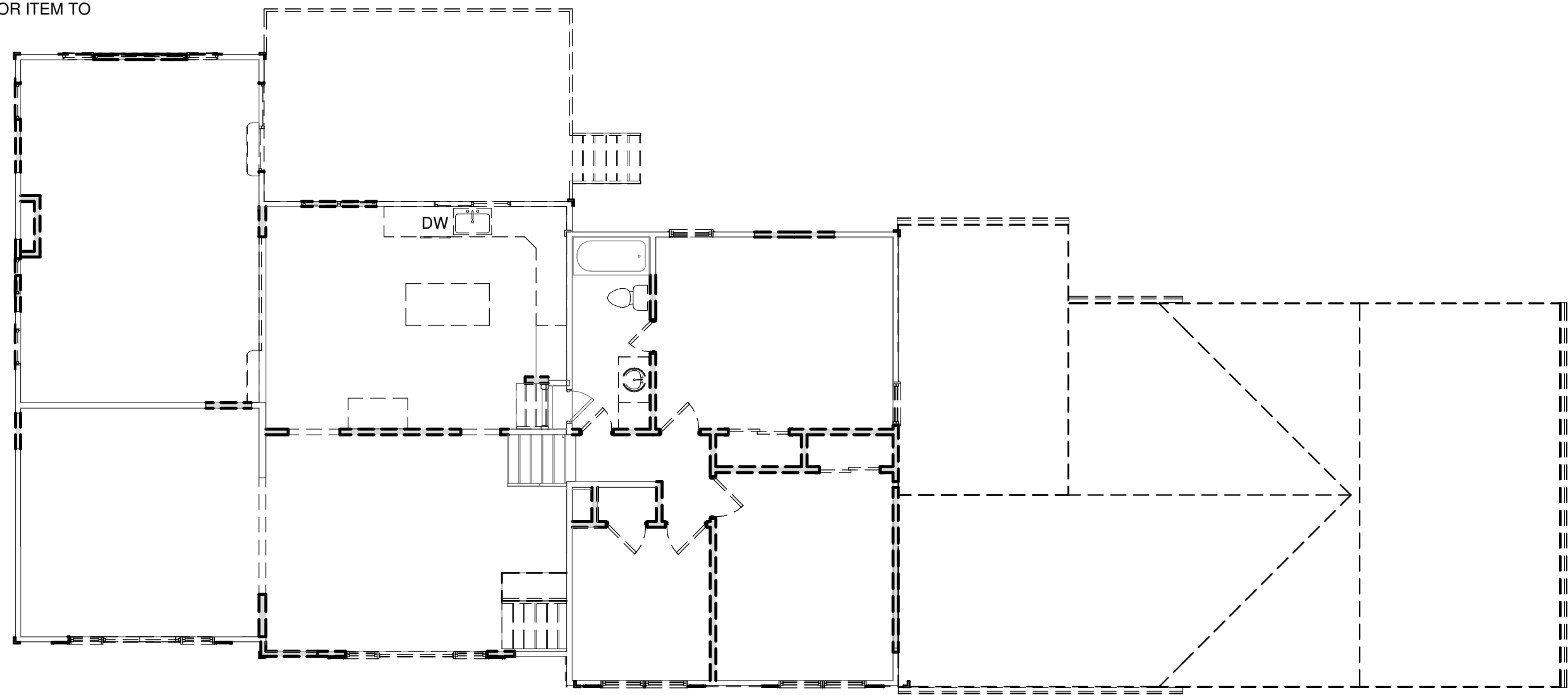
ZONING BOARD APPLICATION
PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: DEMOLITION PLAN
DATE: 08/05/2022
SCALE: 1/8" = 1'-0"

DRAWING #: **SK-5**

DEMOLITION LEGEND

-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO BE REMOVED
-  EXISTING WINDOW TO BE REMOVED
-  ITEM TO BE REMOVED ENTIRELY
-  WALL OR WALL PORTION TO BE REMOVED ENTIRELY
-  WALL, WALL PORTION, OR ITEM TO REMAIN



1 2ND FLOOR DEMO PLAN
SK-6 1/8" = 1'-0"

PROGRESS PRINTS
NOT FOR CONSTRUCTION



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ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800


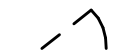
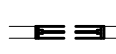
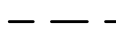


ZONING BOARD APPLICATION

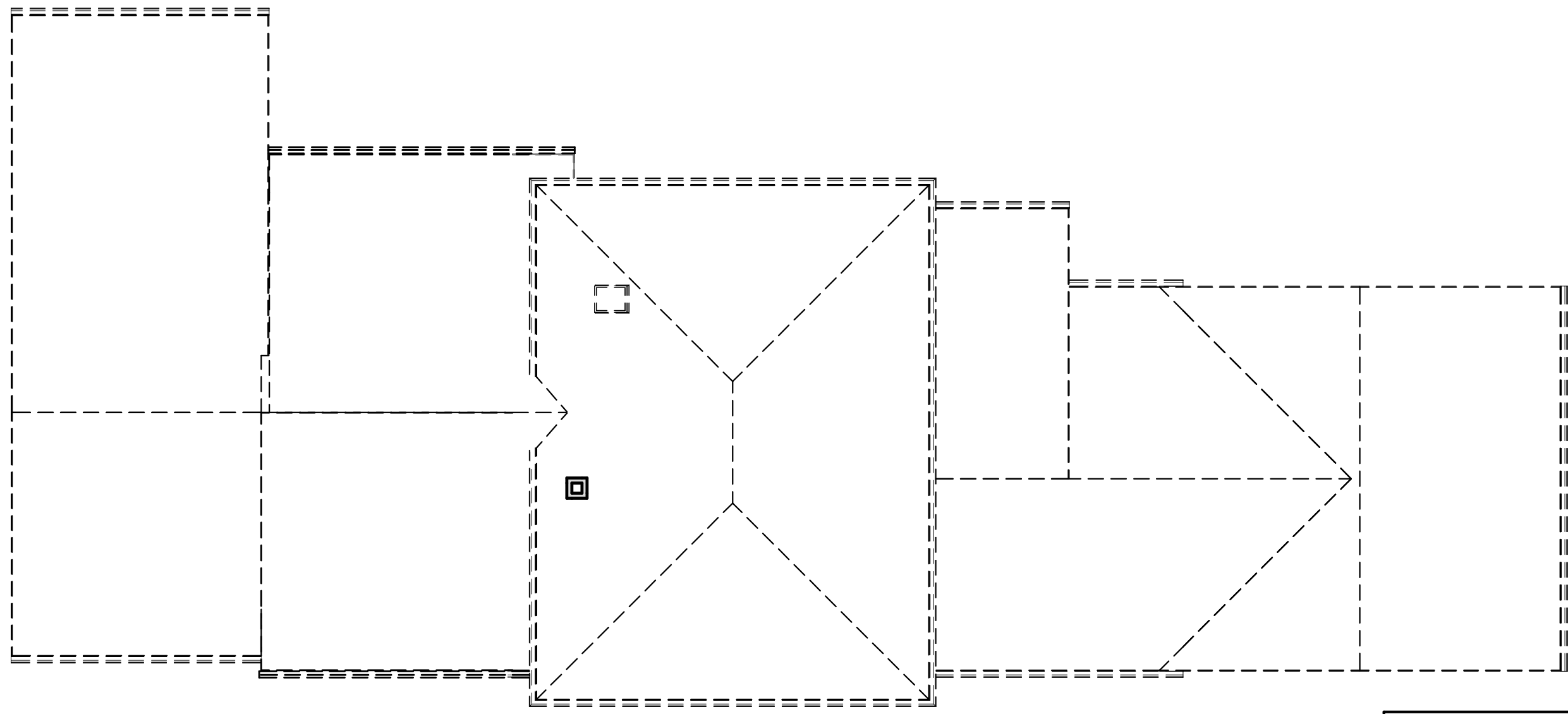
PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: DEMOLITION PLAN
DATE: 08/05/2022
SCALE: 1/8" = 1'-0"

DRAWING #: SK-6

DEMOLITION LEGEND

-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO BE REMOVED
-  EXISTING WINDOW TO BE REMOVED
-  ITEM TO BE REMOVED ENTIRELY
-  WALL OR WALL PORTION TO BE REMOVED ENTIRELY
-  WALL, WALL PORTION, OR ITEM TO REMAIN



1 ROOF DEMO PLAN
SK-7 1/8" = 1'-0"

PROGRESS PRINTS
NOT FOR CONSTRUCTION

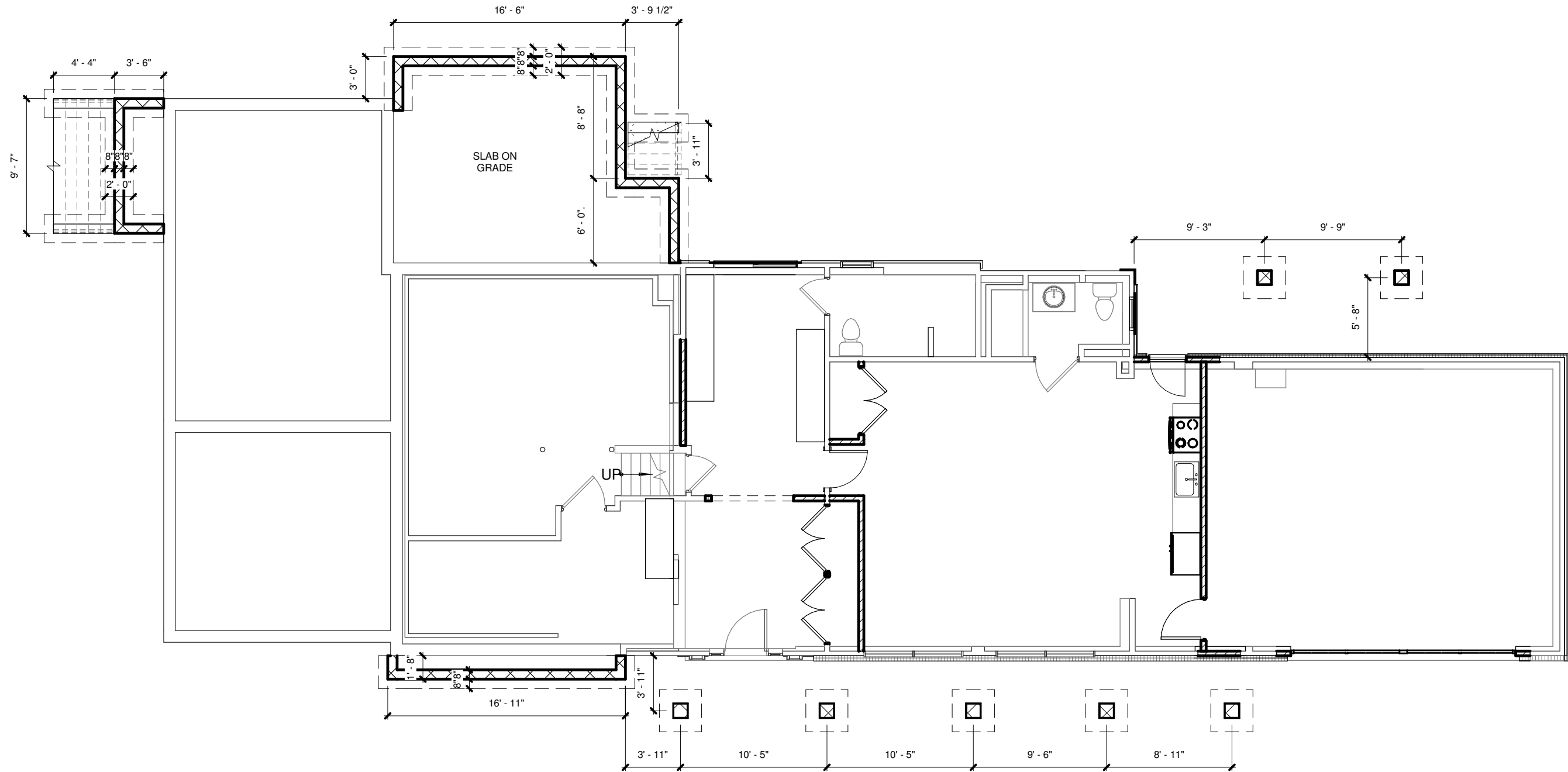
Z+ ARCHITECTS
240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION
PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: DEMOLITION PLAN
DATE: 08/05/2022
SCALE: 1/8" = 1'-0"

DRAWING #: **SK-7**



1 BASEMENT/ FDN PLAN
SK-8 1/8" = 1'-0"

PROGRESS PRINTS
NOT FOR CONSTRUCTION



240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21A101591800

ZONING BOARD APPLICATION

PROJECT #: 2103

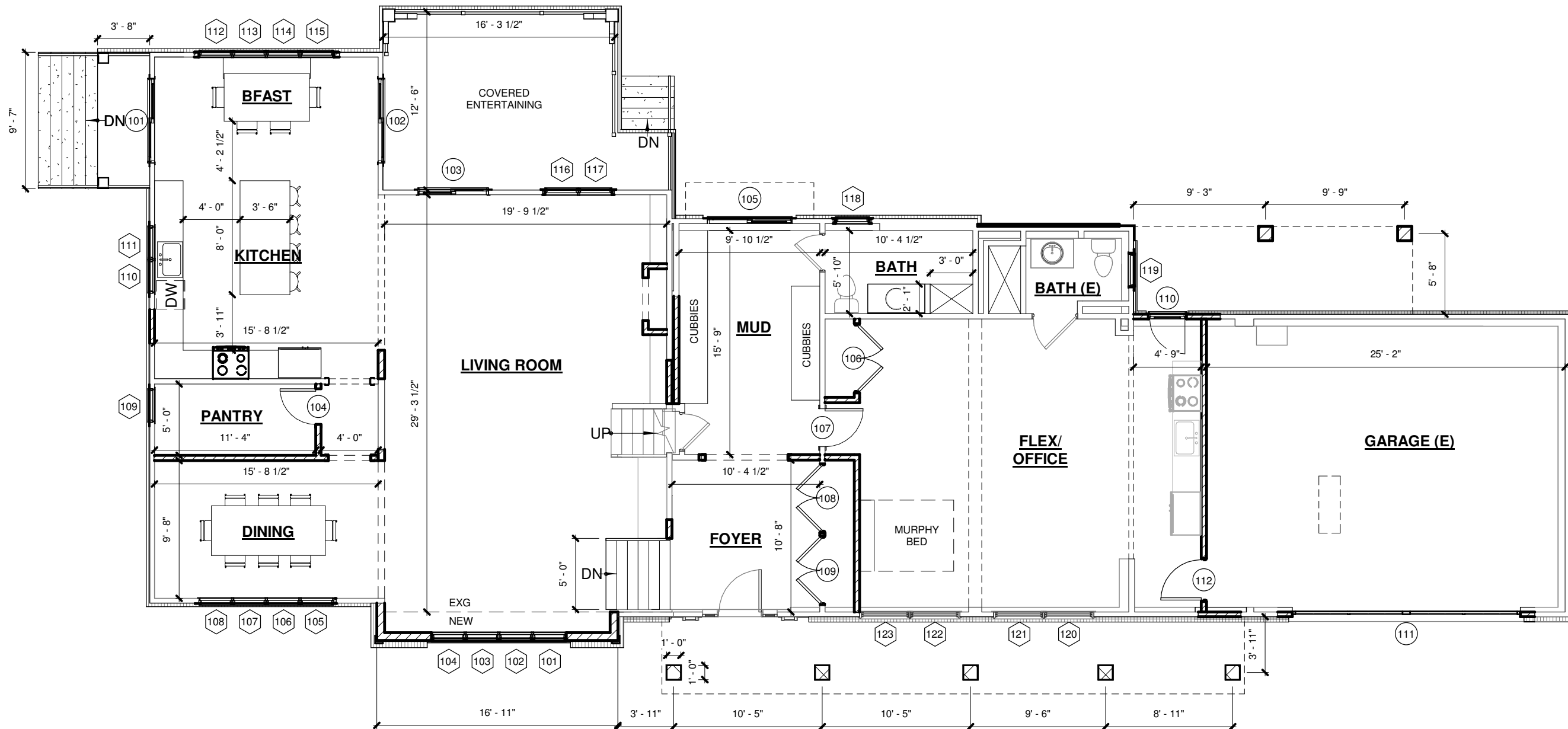
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: BASEMENT/ FDN PLAN

DATE: 08/05/2022

SCALE: 1/8" = 1'-0"

DRAWING #: **SK-8**



1 1ST FLOOR
SK-9 1/8" = 1'-0"

PROGRESS PRINTS
NOT FOR CONSTRUCTION



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MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21A101591800

ZONING BOARD APPLICATION

PROJECT #: 2103

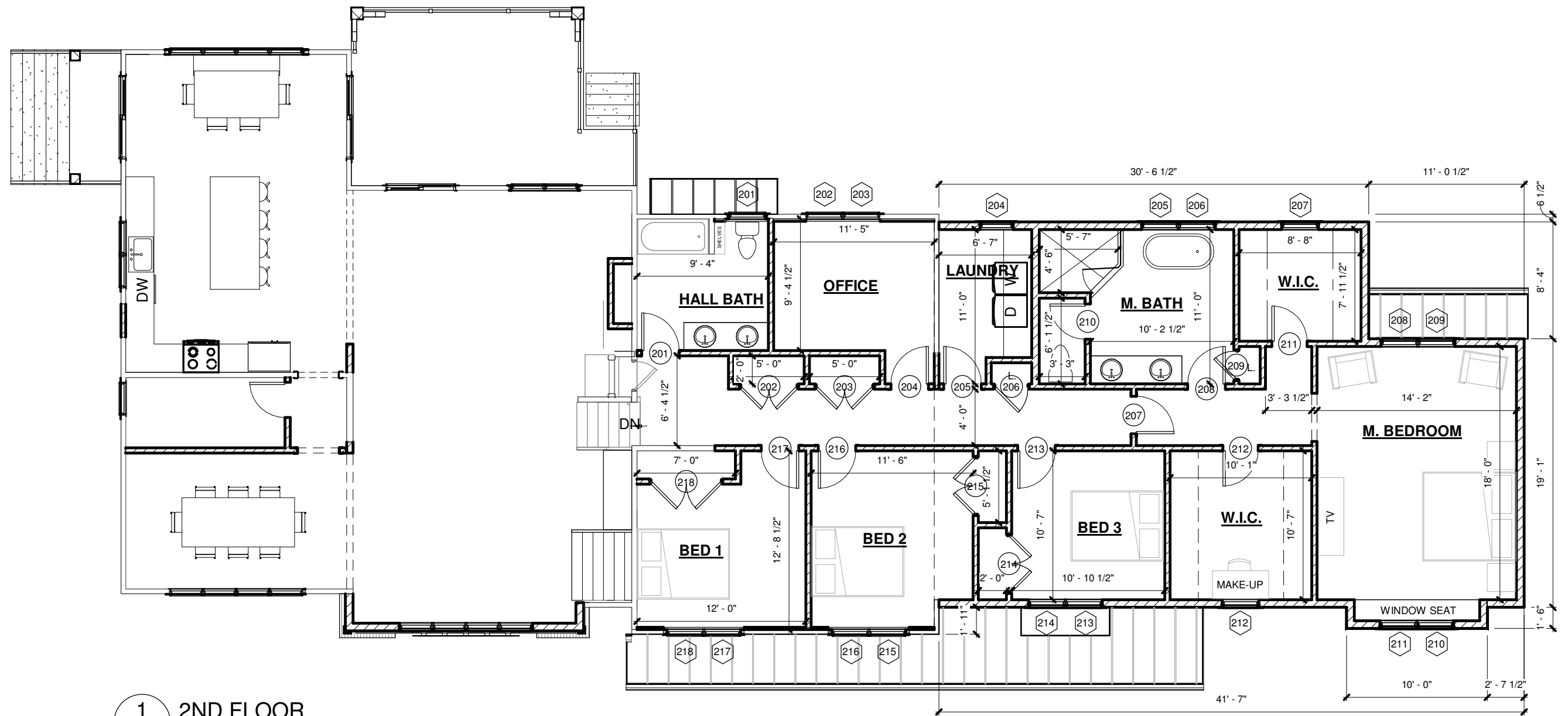
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: 1ST FLOOR PLAN

DATE: 08/05/2022

SCALE: 1/8" = 1'-0"

DRAWING #: SK-9



1 2ND FLOOR
SK-10 1/8" = 1'-0"

PROGRESS PRINTS
NOT FOR CONSTRUCTION



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ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

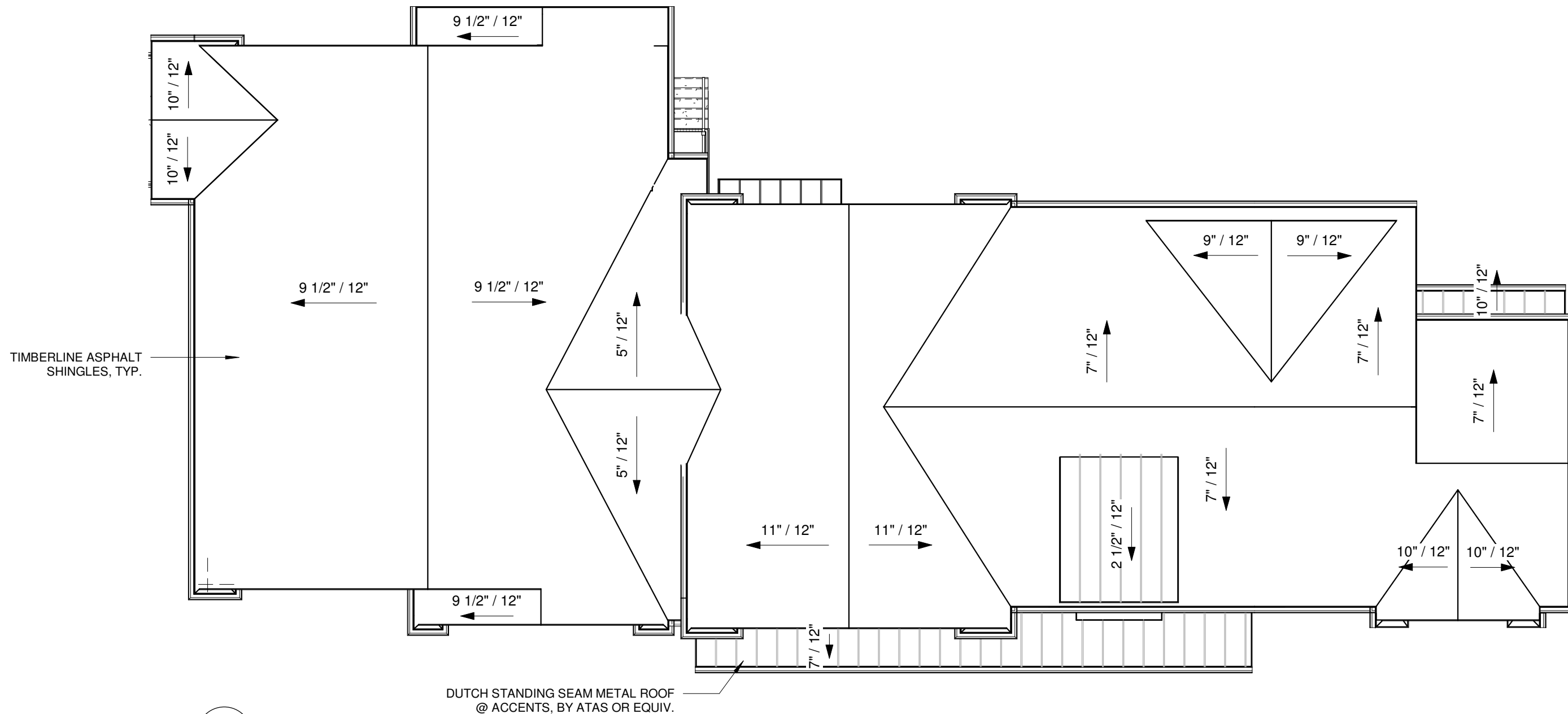
MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: 2ND FLOOR PLAN
DATE: 08/05/2022
SCALE: 1/8" = 1'-0"

DRAWING #: **SK-10**



1 ROOF
SK-11 1/8" = 1'-0"

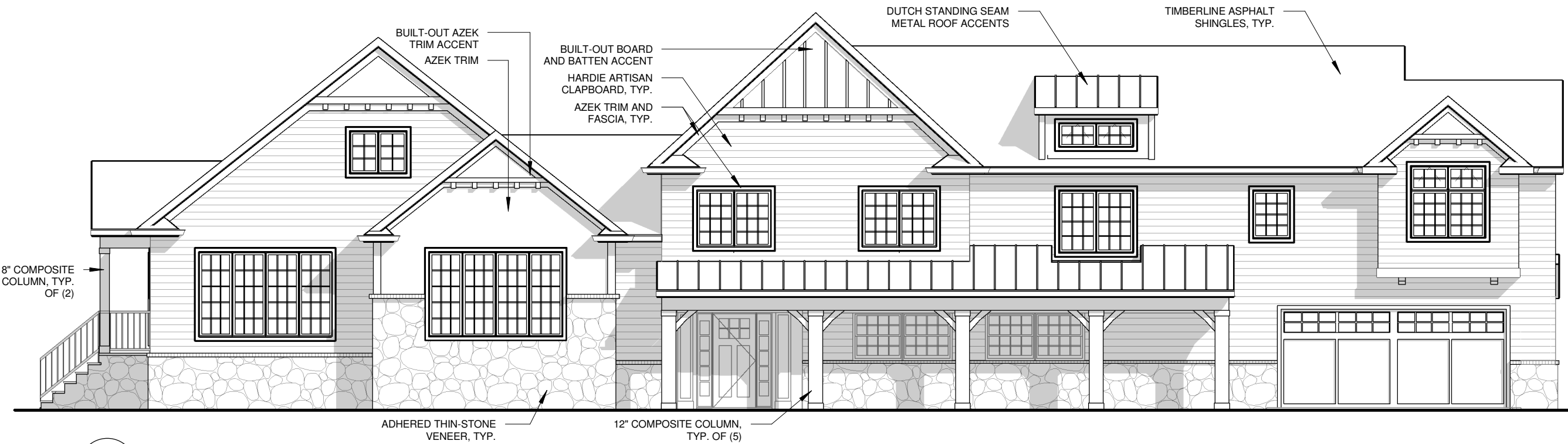
PROGRESS PRINTS
NOT FOR CONSTRUCTION

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: ROOF PLAN
DATE: 08/05/2022
SCALE: 1/8" = 1'-0"

DRAWING #: **SK-11**



1 FRONT ELEVATION
SK-12 1/8" = 1'-0"

T.O. RIDGE
28' - 0"

2ND FLR CLG
16' - 9"

1ST FLR CLG
12' - 4 1/2"

2ND FLOOR
8' - 9"

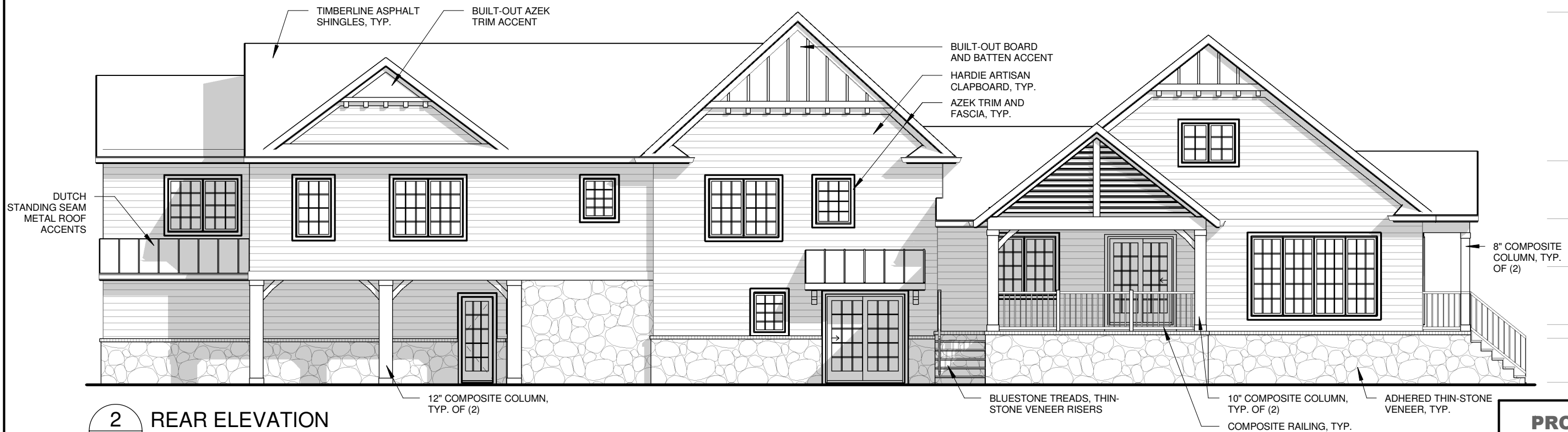
1ST FLOOR
4' - 4 1/2"

FAMILY ROOM
3' - 4"

GROUND LEVEL
0' - 0"

BASEMENT
-4' - 0"

T.O. RIDGE
28' - 0"



2 REAR ELEVATION
SK-12 1/8" = 1'-0"

2ND FLR CLG
16' - 9"

1ST FLR CLG
12' - 4 1/2"

2ND FLOOR
8' - 9"

1ST FLOOR
4' - 4 1/2"

FAMILY ROOM
3' - 4"

GROUND LEVEL
0' - 0"

PROGRESS PRINTS
NOT FOR CONSTRUCTION



240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
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MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION

PROJECT #: 2103

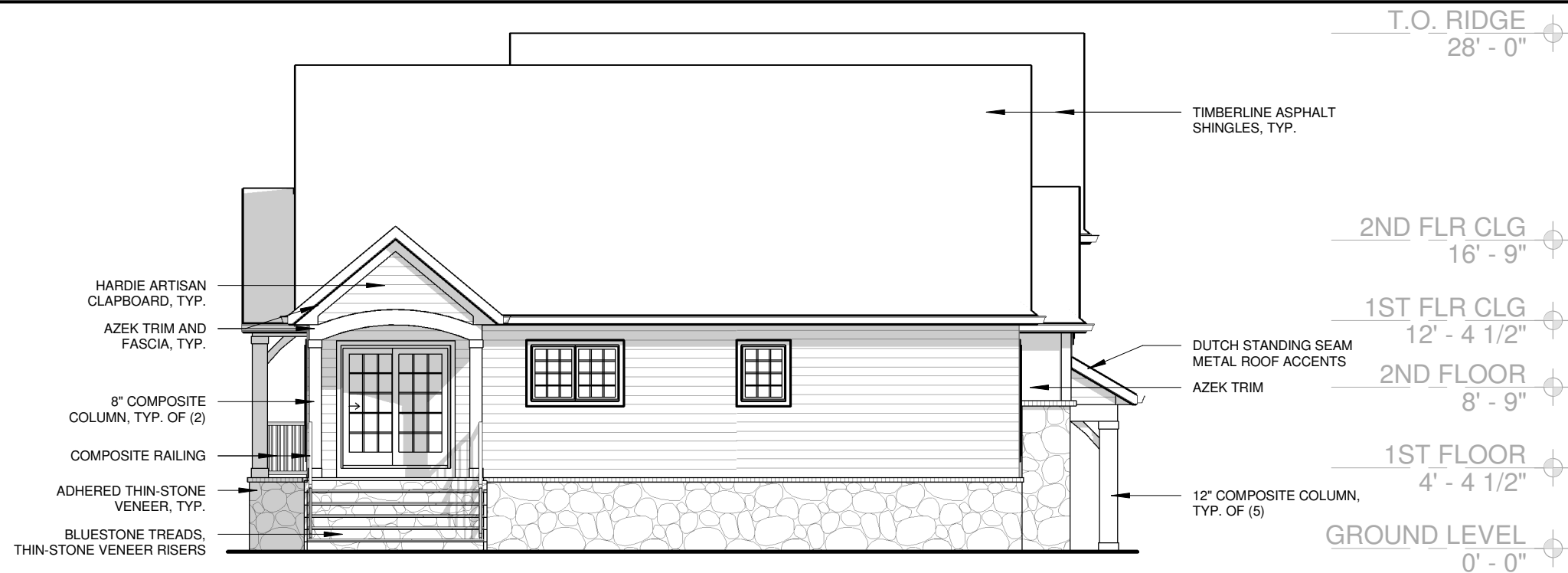
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: ELEVATIONS

DATE: 08/05/2022

SCALE: 1/8" = 1'-0"

DRAWING #: **SK-12**



1 LEFT SIDE ELEVATION
SK-13 1/8" = 1'-0"

T.O. RIDGE 28' - 0"

2ND FLR CLG 16' - 9"

1ST FLR CLG 12' - 4 1/2"

2ND FLOOR 8' - 9"

1ST FLOOR 4' - 4 1/2"

GROUND LEVEL 0' - 0"

BASEMENT -4' - 0"

T.O. RIDGE 28' - 0"



2 RIGHT SIDE ELEVATION
SK-13 1/8" = 1'-0"

2ND FLR CLG 16' - 9"

1ST FLR CLG 12' - 4 1/2"

2ND FLOOR 8' - 9"

1ST FLOOR 4' - 4 1/2"

GROUND LEVEL 0' - 0"

BASEMENT -4' - 0"

PROGRESS PRINTS
NOT FOR CONSTRUCTION

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: ELEVATIONS
DATE: 08/05/2022
SCALE: 1/8" = 1'-0"

DRAWING #: **SK-13**



1 3D FRONT
SK-14

PROGRESS PRINTS
NOT FOR CONSTRUCTION



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MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION

PROJECT #: 2103

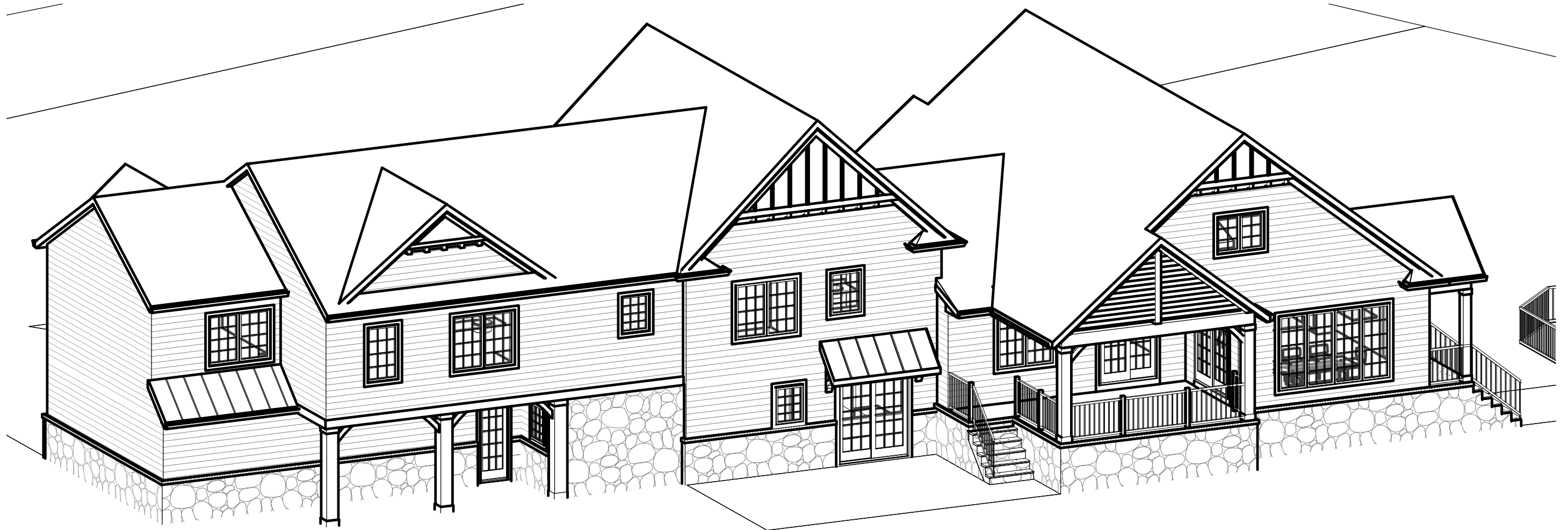
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: PROPOSED 3D VIEW

DATE: 08/05/2022

SCALE:

DRAWING #: **SK-14**



1 3D REAR
SK-15

PROGRESS PRINTS
NOT FOR CONSTRUCTION



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MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: PROPOSED 3D VIEW
DATE: 08/05/2022
SCALE:

DRAWING #: **SK-15**



PROGRESS PRINTS
NOT FOR CONSTRUCTION



240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: EXISTING PHOTO
DATE: 08/05/2022
SCALE:

DRAWING #: **SK-16**



PROGRESS PRINTS
NOT FOR CONSTRUCTION



240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: PROPOSED RENDERING
DATE: 08/05/2022
SCALE:

DRAWING #: **SK-17**



PROGRESS PRINTS
NOT FOR CONSTRUCTION



240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: PROPOSED RENDERING
DATE: 08/05/2022
SCALE:

DRAWING #: **SK-18**



PROGRESS PRINTS
NOT FOR CONSTRUCTION



240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855 F: 201.785.8866

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

ZONING BOARD APPLICATION

PROJECT #: 2103
PROJECT: NIMMO-SEDGLEY RESIDENCE
39 MONTROSE TERRACE,
ALLENDALE, NJ

TITLE: PROPOSED RENDERING
DATE: 08/05/2022
SCALE:

DRAWING #: **SK-19**



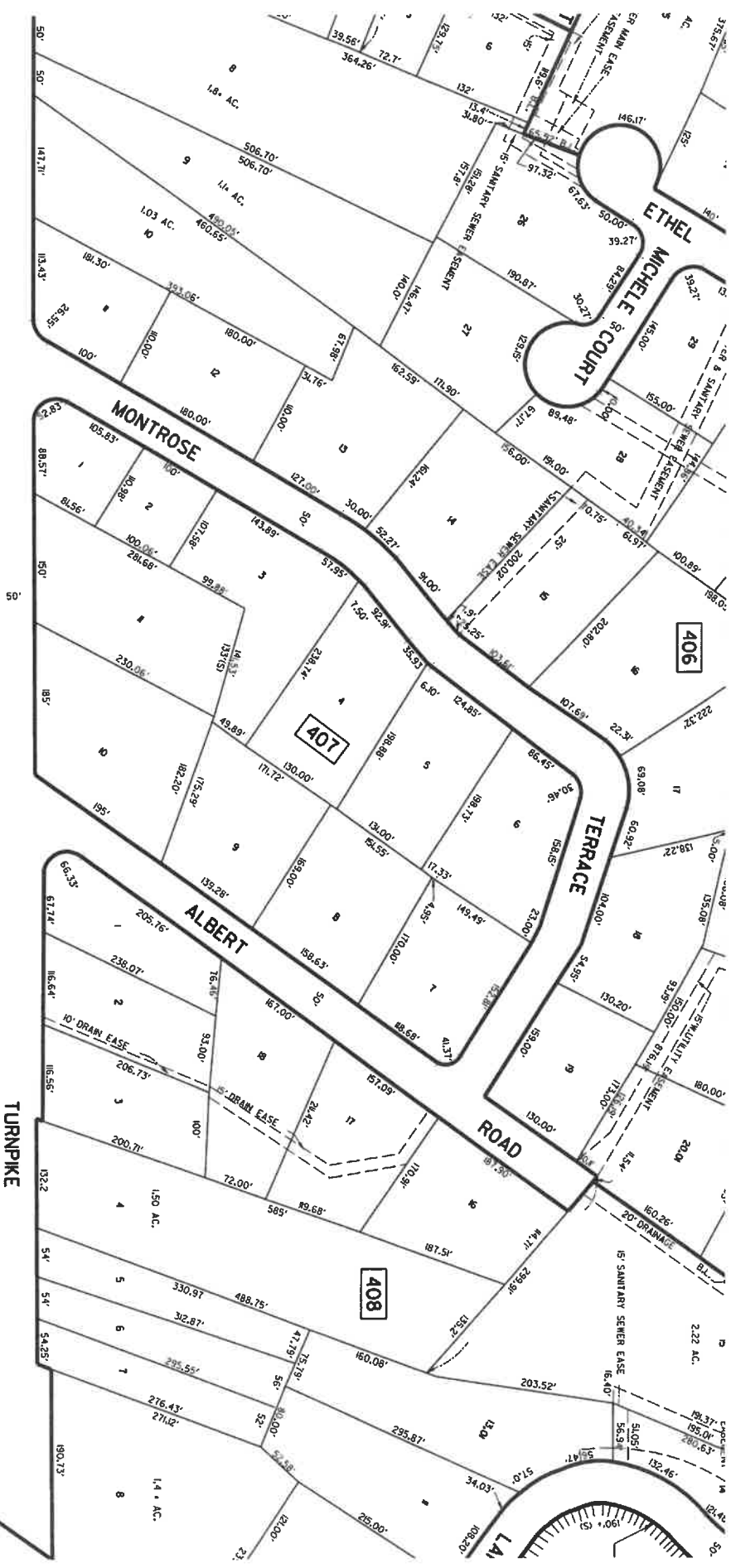
THIS SHEET IS A DIGITIZED COPY OF THE MAP
PREPARED BY GERARD SCOTT, P.L.S., OF
AZZOLINA & FUREY ENG. AND DATED 1/20/94.

1015 AVENUE

ROCKEE AVENUE

TURNPIKE

TAX ASSESSMENT
BOROUGH OF
ATLANTIC



REVIEWS

REV. A.B.	F. AUG. 2, 1994
REV. A.B.	F. JAN. 7, 1994
REV. A.B.	F. JUNE 8, 1993
REV. A.B.	F. MAR. 19
REV. A.B.	F. MAR. 19, 1994
REV. A.B.	F. JAN. 1985
REV. A.B.	DEC. 1977
REV. A.B.	DEC. 1976
REV. A.B.	DEC. 1975
REV. A.B.	SEP. 1975
REV. D.A.	ENG. FEB. 2000
REV. D.A.	ENG. DEC. 1, 2001
REV. D.A.	ENG. JAN. 2001

SHEET 5

SHEET 8

SHEET 9



Certified to SCOTT NIMMO AND GAIL NIMMO; HUNTINGTON MORTGAGE COMPANY, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR; LAWYERS TITLE INSURANCE CORPORATION, NIA TITLE AGENCY, INC. and THOMAS M. ZISA, ATTORNEY, to be correct.

Being Lot 18 in Block 406 on the Tax Map.

F. WILLIAM KOESTNER, JR. - PRESIDENT
FRANK W. KOESTNER ASSOCIATES
Professional Engineers & Surveyors
License No. 8698

A hand-drawn survey map of a property lot, labeled "LOT 18". The map shows the lot's boundaries and internal features. The lot is bounded by "MONTROSE" to the west and "ALBERT" to the east. The lot's dimensions are given as 136.08' (north-south) and 93.19' (east-west). The lot is divided into two main sections: a larger section on the west and a smaller section on the east. The larger section contains a "1 1/2 STY. FR. PT. Bldg. FT. # 39" and a "DECK 2'0\"











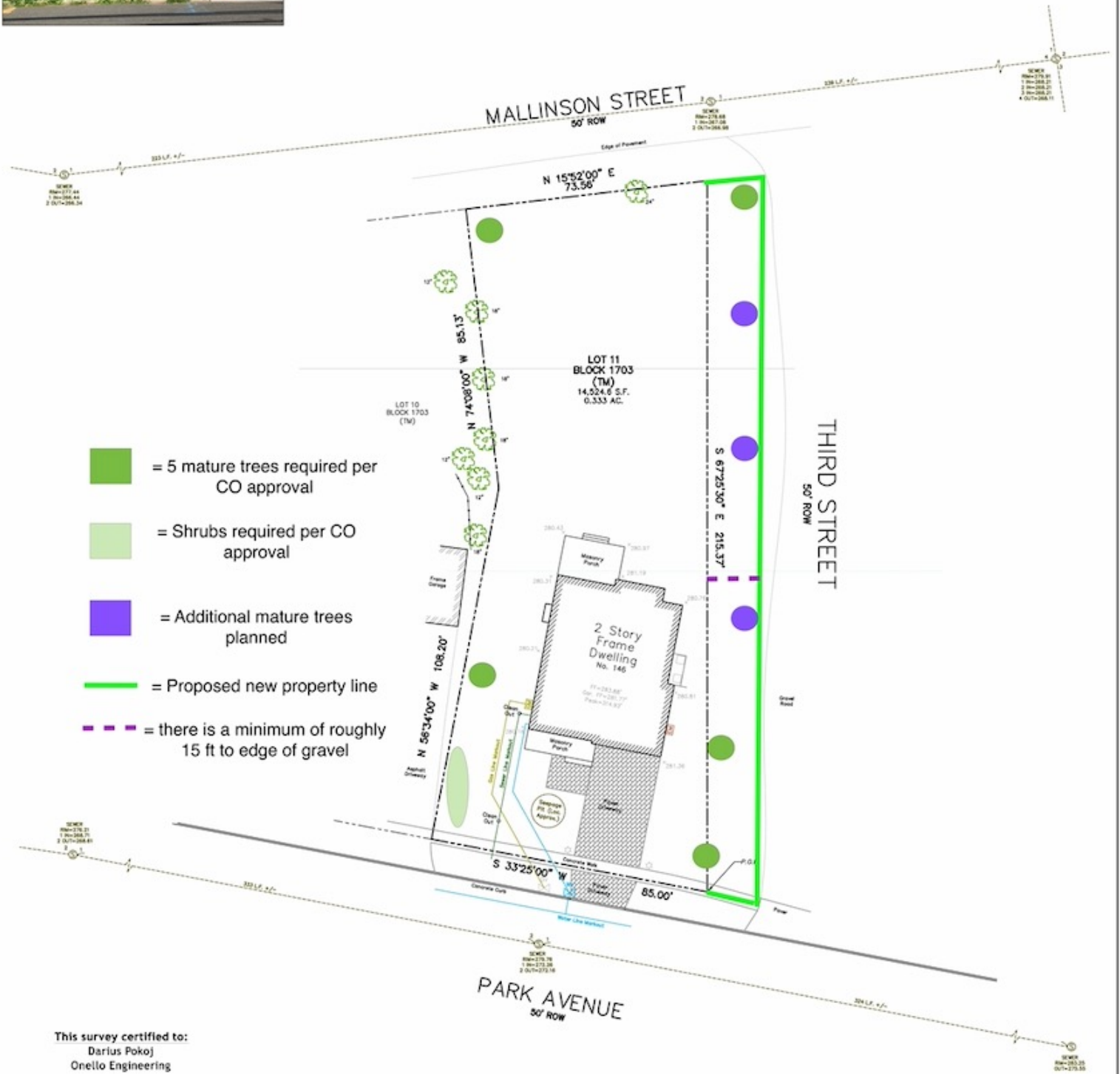




146 Park Avenue – Proposal to Acquire Adjacent Land from Town
Petitioners – C.J. and Leslie Foster
Date – December 9, 2022

- Proposal
 - We are interested in acquiring undeveloped land adjacent to our land along Third Street that is presumably owned by the town.
 - Third Street is minimally used unpaved road along the south end of Memorial Park (most of the low degree of traffic is foot).
 - Our target would be to acquire the land up to the edge of the gravel road. At minimum this is roughly 15 ft on average along our 215 ft property line (implies ~3,225 sq ft / 0.074 acres). The exact size is subject to conversation with this Land Use Board, zoning and regulatory considerations, and cost. We would be open to acquiring more than this minimum target amount pending these factors.
 - The use of the additional land would be to expand our play/relax/entertaining area of our backyard and provide more room for plantings. Note that the house is new construction and the landscaping has not been put in place yet. Approval of the final CO was predicated on the planting of 5 mature trees and a few shrubs. Assuming the acquisition of the land we are targeting we contemplate at least 3 additional mature trees along the Third Street side as well as additional shrubbery. We plan to plant the required trees this coming Spring as part of a larger landscaping plan, which we are in process of developing.
 - What we need to know:
 - Is this land acquisition possible?
 - What form would such a transaction take (i.e. purchase, dedication, long-term easement, etc)?
 - What type of application, if any, would we be required to prepare (i.e. variance request, subdivision etc)?
 - What other process and regulatory considerations would we need to address?
 - Price and potential impact on property tax of our lot?

146 Park Avenue - proposal to acquire adjacent land



This survey certified to:
Dariusz Pokoj
Onello Engineering

This survey references:
Deed Book 8062 Page 176

General Notes:
Original Field Survey Performed on 03/08/21
Topographic Field Survey Performed on 09/29/21
Final As-Built Survey Performed on 08/03/22
Subject to an accurate title search
Subject to documents of record
Vertical Datum NAVD83

A Written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L. 2003, c.14 (C4S-B-36.3) and N.J.A.C. 17:27-S.1 (d).

I declare that this plan is based on actual field survey performed by Lakeland Surveying, Inc., under my direct supervision, in accordance with N.J.A.C. 17:27-S.1 and to the best of my professional knowledge, information and belief, correctly represents the conditions found on the date of the field survey, marked with monuments, if any, before the survey of the land was taken. The declaration is given solely for the above stated parties for this transaction only and is not transferable. Survey is void only if prior to original record and at the underground professional.

FINAL AS-BUILT SURVEY		PROJECT NUMBER		210746	
Tax Lot 11 - Block 1703		REFERENCE NUMBER		210746	
146 Park Avenue, Borough of Alendale		DATE		08/03/22	
Bergen County, New Jersey		SCALE		1"=20'	
FIELD	DATE	CHECKED	DATE	SCALE	
AND	BY	BY	BY	BY	
	JES	JSG			

Lakeland
Surveying

4 West Main Street / Rockaway / NJ / PH: (973) 625-5670 / FX: (973) 625-4721
www.lakelandsurveying.com

Marc J. Clifone Jeffrey S. Grunn
PROFESSIONAL LAND SURVEYOR PROFESSIONAL LAND SURVEYOR

Marc J. Clifone N.J. P.L.S. LIC. No. 240504132900
Jeffrey S. Grunn N.J. P.L.S. LIC. No. 240504132900

GRAPHIC SCALE



REVISIONS

INITIALS AND/DATE	DATE	DESCRIPTION
INITIALS AND/DATE	08/30/21	SURVEY UPDATE FOR TOPOGRAPHY, TREES, AND UTILITIES
INITIALS AND/DATE	08/03/22	FINAL AS-BUILT SURVEY
INITIALS AND/DATE	08/03/22	REVISOR PER CLIENT COMMENTS

View from Park Avenue of 146 Park Ave, Third Street, and south end of Memorial Park



Screenshot

View from Mallinson Street of SW corner of Mermorial Park, Third Street, and backyard of 146 Park Ave







December 12, 2022

To Land Use Board of the Borough of Allendale:

We are writing this letter to formally request a 1-year extension on our 2021 approved Variance Application/Resolution. Due to unforeseen circumstances we were unable to begin construction on our house this past year.

Please let us know if this extension can be applied and the duration is acceptable.

Sincerely,
Eric & Lisa Nef
47 Homewood Ave
Allendale, NJ 07401
201-327-6861