

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 July 19, 2023 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](#)

June 21, 2023 Land Use Board Regular Meeting

IV. RESOLUTIONS:

Application File No: LUB 2023-06

Resolution No.: 23-16

Applicant: Lauren & Rick Goldberg

Address: 118 Green Way, Allendale, NJ 07401

Block: 801 Lot: 39

Application: Addition and renovation of existing home. Pursuant to Section 270-64A (2)

Application File No.: LUB 2023-09

Resolution No.: 23-17

Applicant: Veolia Water New Jersey, Inc.

Address: 664 West Crescent Avenue, Allendale, NJ 07401

Block 1503.01 Lot: 6

Application: Preliminary & Final Site Plan and Variance Relief. A temporary water treatment facility is proposed to be added in the northeast corner of the property.

V. PUBLIC HEARINGS:

Application File No.: LUB 2023-05

Applicant: Michael Zeoli & Samantha Danubio

Address: 41 Elmwood Avenue, Allendale, NJ 07401

Block 2009 Lot: 4

Application: Two story addition in rear and side yards. Pursuant to Section 270-37A.

(continued from the public hearing of June 21, 2023)

Picture of machinery

Plot Plan, soil

VII OPEN TO THE PUBLIC FOR COMMENT

VIII OTHER

IX. ADJOURNMENT

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

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Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen						
Putrino						
Kistner						
Daloisio						
Dalo						
Sirico						
Wilczynski						
Warzala						
Butler						

Carried ☐ Defeated ☐ Tabled ☐

RESOLUTION 23-16

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
LAUREN GOLDBERG & RICHARD GOLDBERG
BLOCK 801, LOT 39
(a/k/a 118 GREEN WAY)

WHEREAS, the applicant, LAUREN GOLDBERG & RICHARD GOLDBERG, the owners of the property located at 118 Green Way, known as Block 801, Lot 39, 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 22, 2023 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the AAA 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 footprint and first floor expansion; and

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

WHEREAS, the Land Use Board considered the matter at the June 21, 2023 regular meeting of the Land Use Board at which time the applicant and their retained 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 118 Green Way, known as Block 801, Lot 39, on the Tax Map of the Borough of Allendale. The property is currently developed with a single-family dwelling and associated amenities. The property is located in the AAA residential zone. The application was in evidence.
3. As part of the application, the applicant submitted a Land Use Application and associated documents; February 6, 2023 Allendale Code Enforcement Office correspondence (Anthony Hackett) to applicant deny zoning application; and Architectural Plan Set (including copy of survey), entitled, "Paterno-Goldberg Residence, 118 Green Way, Allendale, NJ,". The plans prepared by Z+ Architects, LLC (Mary Fitzpatrick Scro, AIA) consist of 20 sheets and are dated January 6, 2023. Additional plans prepared by Z+ Architects, LLC (Mary Fitzpatrick Scro,

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AIA), consisting of 3 sheets and dated June 21, 2023 were submitted by the applicant at the public hearing, and marked as Exhibit A-1.

4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated June 3, 2023. 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 AAA residential zone has pre-existing, non-conforming conditions, due to the undersized lot size, and side yard setbacks, as follows:

§270-51B(1) – Minimum Lot Area. The zoning table indicates the existing 27,129 sf lot is less than the required 40,000 sf. The application does not appear to alter this condition.

§270-64A(2) – Side Yard Setbacks. The zoning table indicates the existing gross building area is 3,282 sf and requires ± 26.3 ft enhanced side yard setback. The existing setbacks are conforming (± 27.7 ft left; ± 37.9 ft right). The proposal increases the GBA and expands the required enhanced side yard to ± 29.35 ft. The plans propose to maintain the existing 27.7 ft left setback. The renovated dwelling will encroach ± 1.7 ft into the expanded left setback.

6. The subject ± 0.623 acre property is commonly known as 118 Green Way. The property is currently developed with a single-family dwelling and associated amenities. The property is located within the Borough's AAA Residence Zone District and is surrounded by residential uses. The application and plans propose addition and renovations to the dwelling (including rear footprint and first floor expansions).

7. The applicant and their architect, Mary Fitzpatrick Scro, AIA, were sworn and testified as to the existing conditions of the property. They testified that the lot was significantly undersized in area and there are existing non-conformities. The hardship is the size of the lot, location of the house on the lot, and the lot is significantly undersized for the zone. The applicant is proposing an addition and renovation which would include an addition to the rear of the home, an extended family room/breakfast area, mudroom entrance, and a single-story addition on the short-side and rear of the house. The proposed rear porch has in fact been reduced in the revised plans, and moved further away from the existing pool. The FAR is well below that permitted. There will be no change to the front or the rear yard existing encroachment. There will be new siding and design elements associated with the addition which will be an aesthetic improvement to the home. Landscaping disturbances will be minimal, and any landscaping removed will be replaced. No flood lights are to be installed. Any improvements on the property would require variance relief, due to the pre-existing non-conforming condition. The addition would be minimal, aesthetically pleasing to the property and consistent with the neighborhood. There would be no negative impact on surrounding properties or the neighborhood, and visible impact would be

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minimal, as most of the addition is in the rear of the home and limited to one story. The increased side yard setback encroachment is minimal, and largely the result of the enhanced set back requirements in the Code associated with the proposed addition. The applicants testified that they considered other options, but that the proposed additional was the least intrusive and minimal option that was suitable for their needs. There would also be no increase in impervious coverage and no negative impact on water run-off/stormwater management, and they would consider seepage pits if necessary and recommended by the Borough Engineer.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated June 3, 2023. 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.

9. 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 applicants and their 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 property, namely the undersized lot area, the physical placement of the home on the lot, and the pre-existing non-conforming condition, which are all deemed hardships by the Board.

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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 existing encroachments which will not be expanded; 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 June 3, 2023 review letter, inclusive of Sections 4.6.1 through 4.6.4.

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 and their professional, and in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

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

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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

MICHAEL SIRICO, Chairman

Attest:

JOSEPH DALOISIO, SECRETARY

Adopted: July 19, 2023

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Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen						
Putrino						
Kistner						
Daloisio						
Dalo						
Sirico						
Wilczynski						
Warzala						
Butler						

Carried ☐ Defeated ☐ Tabled ☐

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LAND USE BOARD OF THE BOROUGH OF ALLENDALE

RESOLUTION APPROVING
PRELIMINARY AND FINAL SITE PLAN FOR
VEOLIA WATER NEW JERSEY, INC.
BLOCK 1503.01, LOT 6
(a/k/a 664 WEST CRESCENT AVENUE)

WHEREAS, the applicant, VEOLIA WATER NEW JERSEY, INC., has applied for preliminary and final site plan to construct a temporary wood frame accessory building to house water treatment equipment on 664 West Crescent Avenue, also known as Block 1503.01, Lot 6, as well as other associated site improvements to its premises; and

WHEREAS, the Land Use Board has reviewed the evidence and testimony of the Applicant and its professionals, including Engineering and construction plans and photographs, and the testimony of the Borough Engineer, at its public meeting on July 21, 2023; and

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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 in the AA residential Zone District. The applicant seeks site plan approval and variance relief as part of this application. In particular, the applicant seeks variance relief for Accessory Buildings less than six feet apart on a single lot (Section 270-14); front yard setback, 15.83 feet wherein 40 feet is required (Section 270-54); and Accessory Buildings, one permitted per lot (Section 270-83).
3. As part of the application, the applicant submitted a Land Use Application dated April 27, 2023, which included various correspondence, reports and photographs; Engineering drawings titled "Allendale Well 11 Temporary PFAS Treatment, Block 1503.01, Lot 6", dated April 5 & 6, 2023, prepared by Eugene C. DeStefano, P.E. and Anthony F. Perdo, P.E. and consisting of 12 pages. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.
4. The applicant's engineer, Janice Margaret Grey, P.E., was sworn and testified as to the existing conditions and proposed improvements to the site. She testified that the site is flat and minimal grading is necessary for the improvements. The proposed improvements are directly adjacent to the existing well house. The applicant is proposing construction of a temporary wood frame accessory building to house water treatment equipment on the referenced property, to match the existing structure. The building will be approximately the size of a shed (approximately 12 x 16) and will be constructed adjacent to the existing well house. The project will also include installation of below ground water mains to connect the treatment facility to the well supply.
5. The applicant's engineer also testified that the proposed project was for the installation of unmanned water treatment equipment that will enable recently issued water quality regulations to be met by the applicant. The facility is planned as temporary and will be removed and the site restored when a permanent solution is implemented in the future. The proposed treatment facility will be installed in as close proximity to the existing well house as practical and will be housed in a building the size of a shed. There will be no additional traffic generated or burden on existing infrastructure.
6. Plans prepared on April 20, 2023, and identified as sheet C101 were shown to the Board. This exhibit depicted improvements to be done behind the existing structure which is 12 feet x 15 feet. Landscaping is being added towards the side of the shed for shielding. A colorized

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sheet was shown which depicted the existing shed and the temporary structure. There is lighting proposed above the door, and it was stated that it will only be on from dusk until dawn. There is a monitor for the facility that is directly connected to Veolia so that any issues can be addressed remotely. It was stated that the anticipated time frame for completion of installation of a permanent system is 2027, at which time the proposed temporary structure will be removed, and the site restored substantially to its original state.

7. It was testified that variance relief is required due to the proposed improvements, which will add a second accessory structure to the site, when only one is permitted in the zone, and the proximity to the existing accessory structure, which requires a six-foot separation in the zone. The front yard setback is also 40 feet required in the zone, and the proposed improvements will be within the front yard setback area. The applicant's engineer testified that the criteria for a C(2) variance had been met by the applicant, since there was no detriment to the lot or zone, and in fact improved water quality was a benefit to the community. Thus, the benefits outweigh the detriments, and the application advanced at least one purpose of the MLUL, which is the promotion of the "health, safety and welfare of the community," among others.

8. The applicant agreed to provide additional buffer landscaping if deemed necessary in the field after consultation with the Borough Engineer.

9. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant. Mr. Vreeland provided testimony relative to the application to the Land Use Board and testified that the proposed site plan amendments would have no detrimental impact and would provide a benefit to the community under the MLUL.

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

BE IT FURTHER RESOLVED, based upon the factual and legal evidence, and testimony and contentions set forth herein by the applicant's professionals and the Borough Engineer, said testimony and evidence which is specifically adopted by the Land Use Board, that the Allendale Land Use Board hereby grants the applicant's request for a preliminary and final site plan approval and variance relief to allow the improvements referenced in the application, to wit, installation of a temporary wood frame accessory building to house water treatment equipment on the

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referenced property, to match the existing structure, as well as other associated interior and exterior site improvements to its premises as proposed in the application; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby determines that the variances hereby granted constitute variance relief under N.J.S.A. 40:55 D-70C.(2); and

BE IT FURTHER RESOLVED that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant, its professional engineer and the Borough Engineer, in connection with the testimony that the applicant is entitled to variance relief, due to the fact that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and that the benefits would outweigh any detriment to the public good (N.J.S.A. 40:55 D-70C.(2)).

Specifically, the application (1) relates to the specific piece of property at 664 West Crescent Avenue; (2) the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement by allowing construction of a temporary water treatment facility on the site; (3) the variances can be granted without substantial detriment to the public good since it will have no negative impact on the surrounding properties or the zone; (4) the benefits of the deviation to permit the improvements will substantially outweigh any detriment, in that it will advance the purposes of the MLUL by promotion the health, safety and welfare of the community by providing water treated as per regulations to the community; and (5) the variance relief will not substantially impair the intent and purpose of the zone plan and zoning ordinance, since it will be consistent with the zone plan and the existing accessory structure on site, and it will be temporary. As such,

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in this instance, the granting of the variance relief will benefit the community in that it represents a better zoning alternative for the property than would a strict adherence to the Zoning Code.

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval of the preliminary and final site plan and variance relief, subject to the following conditions:

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. Landscape improvements on the site shall be addressed in the field in consultation with the Borough Engineer in order to minimize any impact on surrounding properties and provide adequate shielding and buffering of the proposed improvements.

BE IT FURTHER RESOLVED that 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 fee therefore. The Secretary shall also file a copy of this Resolution in the offices of the Borough Clerk, Building Inspector, Construction Code Official, Tax Assessor and the Borough Attorney and shall publish a brief notice of the decision in the official newspaper, the cost of which shall be paid for by the applicant.

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Approved:

ALLENDALE LAND USE BOARD

MICHAEL SIRICO, Chairman

Attest:

JOSEPH DALOISIO, SECRETARY

Adopted: July 19, 2023

TAKEUCHI

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Takeuchi Four Pillars