

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

DATE: *June 17, 2020*

RESOLUTION# LUB 20-10

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

Carried ☒ Defeated ☐ Tabled ☐

**RESOLUTION 20-10**

**LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR LAURIE SULLIVAN  
BLOCK 911, LOT 20  
(a/k/a 30 PITTIS AVENUE)**

**WHEREAS**, the applicant, LAURIE SULLIVAN, the owner of the property located at 30 Pittis Avenue, known as Block 911, Lot 20 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 January 22, 2020 for approval of a variance for a proposed addition to the premises, which is located in the A zone, from the Allendale Code, Zoning; and

**WHEREAS**, the application seeks a variance since the property addition as proposed would result in a front yard encroachment and a rear yard encroachment.

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

**DATE:**

**RESOLUTION# LUB 20-10**

**WHEREAS**, the application specifically seeks approval to construct a one-story addition to the rear of the existing dwelling for a new first floor addition of 390 square feet; and

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

**WHEREAS**, the Land Use Board considered the matter at the May 15, 2020 regular meeting of the Land Use Board at which the applicant appeared in-person and the applicant's architect, John Musinski, AIA, of JMA Architects, LLC, 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 30 Pittis Avenue, known as Block 911, Lot 20, on the Tax Map of the Borough of Allendale. The property is located in the A residential zone. The application was in evidence.
3. As part of the application, the applicant submitted Architectural Plans prepared by John Musinski, AIA, of JMA Architects, LLC, dated January 8, 2020, a property survey by Christopher J. Lantelme, dated April 11, 2016, and correspondence. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.
4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 1, 2020. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.
5. A variance is required because this property located in the A residential zone, due to the structure in place and unique topographical features of the property, including the pre-existing non-conforming undersized lot area, requires minimum rear yard setback of 50 feet, and front yard setback of 35 feet. The proposed addition would result in a rear yard setback of 46 feet, and a front yard setback of 30 feet.



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

**DATE:**

**RESOLUTION# LUB 20-10**

6. The proposed addition is primarily in the rear of the existing premises, and will include a first-floor addition and basement, along with a reconfiguration of the existing residential space.

7. The applicant's architect was sworn and accepted as an expert in the field of architecture. He testified as to the existing conditions of the property, and that the applicant was seeking to construct a modest addition to the home to provide for additional living space and better configuration of the existing living area. Alternative plans which would not require variance relief were considered but not deemed feasible. The proposed addition would extend to the rear of the property, and the rear of the structure would be 46 feet from the rear property line, where 50 feet is required by the Zoning Code. He testified that there was adequate screening on the side of the property with landscaping, and that the application did not call for the removal of any existing buffer screening or trees on the property. The applicant's expert specifically referenced the architectural plans and survey depicting the proposed addition and testified that the unique and irregular shape of the rear property line, namely a diagonal indent in the rear, is a hardship justifying variance relief. The addition would be aesthetically pleasing to the property, functional for the family and would not be observable from the roadway since it would extend to the rear and be shielded from neighbors by existing vegetation which would remain. The material and colors would be consistent with the existing structure. There would be an improvement in the aesthetics. The applicant also testified as to the unique existing property conditions, such as the rear property line and undersized lot area. The applicant's architect also testified that there would be no impact on any surrounding properties or the zone, and that the benefits of the variance relief would outweigh any detriments.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 1, 2020. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board. Mr. Vreeland also provided testimony relative to the application to the Land Use Board, and testified that the addition was very modest, the proposed site plan amendment would have no negative impact on the zone nor visual impact from the street, and that existing drainage conditions were adequate.

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

**BE IT FURTHER RESOLVED**, based upon the factual and legal evidence, testimony and contentions set forth herein, that the Allendale Land Use Board hereby grants the applicant's request for a variance for rear-yard and front-yard setback relief, and to permit the addition as proposed in the application; and

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

**DATE:**

**RESOLUTION# LUB 20-10**

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby determines that the variance hereby granted constitutes a "hardship" variance under N.J.S.A. 40:55 D-70C.(1); and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant's architect and the Borough Engineer, in connection with the testimony that the applicant is entitled to a "hardship" variance, due to the unique nature of the property, namely the irregular shape of the rear property line and the pre-existing, non-conforming undersized lot area. The application and variance would improve the property and improve the aesthetics and functionality of the property, without any impact on the surrounding properties or the zone. The hardships associated with the present condition of the property and premises outweigh the negative criteria to the Borough zoning ordinances and the zone plan and neighborhood. In addition, the variance requested will not be obtrusive due to the placement and configuration of the primary structure on the lot, the location of the proposed addition towards the rear of the existing premises and shielding from the existing vegetation which will remain. In addition, the architecture will be consistent with the present architecture in the neighborhood, and it will be an aesthetic improvement; and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby grants approval of the requested variance, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:



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

**DATE:**

**RESOLUTION# LUB 20-10**

A. All fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the applicant's plans, shall be paid in full to the Borough of Allendale by the applicant.

B. Applicant and his professionals shall work with the Borough Engineer in the event that any field adjustments shall be required for the proper construction of the proposed addition, including any adjustments to drainage and lighting, so as not to negatively impact any surrounding properties.

**BE IT FURTHER RESOLVED** construction shall proceed in accordance with this Resolution, the approved plans and drawings marked in evidence, the testimony of the applicants and in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee therefore. The Secretary shall also file a copy of this Resolution in the offices of the Borough Clerk, Building Inspector, Construction Code Official, Tax Assessor and the Borough Attorney and shall publish a brief notice of the decision in the official newspaper, the cost of which shall be paid for by the applicant.

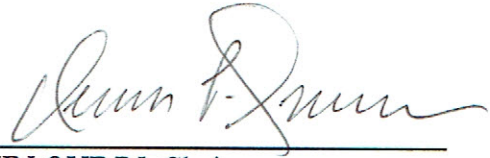
RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE:

RESOLUTION# LUB 20-10

Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: June 17, 2020