

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-01

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio			✓			
Davis					✓	
Kistner			✓			
Lovisollo			✓			
Sasso			✓			
Sirico			✓			
Bernstein			✓			
Quinn			✓			
Yaccarino - Alt. #1			✓			
Forbes - Alt. #2					✓	

Carried ☒ Defeated ☐ Tabled ☐

**Order of Voting**

**Be It Resolved** by the Land Use Board of the Borough of Allendale, County of Bergen, State of New Jersey that voting order for board in 2020 will be as follows:

Melissa Bergen  
Joseph Daloisio  
Patty Davis  
Ron Kistner  
Susanne Lovisollo  
Stephen Sasso  
Michael Sirico  
Ari Bernstein  
Kevin Quinn  
Tyler Yaccarino  
Robert Forbes

DATED: Jan 15, 2020



Chair

ATTEST:

  
Secretary

DATED: JAN. 15, 2020

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-02

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio			✓			
Davis			✓		✓	
Kistner			✓			
Lovisollo			✓			
Sasso			✓			
Sirico			✓			
Bernstein			✓			
Quinn			✓			
Yaccarino – Alt. #1			✓			
Forbes – Alt. #2					✓	

Carried ☒ Defeated ☐ Tabled ☐

**Election of Land Use Board Chair**

Be It Resolved that Kevin Quinn is hereby elected Chair of the Land Use Board of the Borough of Allendale for the year 2020.

DATED: Jan 15, 2020



Chair

ATTEST:

  
Secretary

DATED: Jan. 15, 2020

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-03


Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio			✓			
Davis					✓	
Kistner		✓	✓			
Lovisolio			✓			
Sasso			✓			
Sirico			✓			
Bernstein	✓		✓			
Quinn			✓			
Yaccarino – Alt. #1			✓			
Forbes– Alt. #2			✓		✓	

Carried ☒ Defeated ☐ Tabled ☐

**Election of Land Use Board Vice Chair**

**Be It Resolved** that Michael Sirico is hereby elected Vice Chair of the Land Use Board of the Borough of Allendale for the year 2020.

DATED: Jan 15, 2020

  
\_\_\_\_\_  
Chair

ATTEST:

  
\_\_\_\_\_  
Secretary

DATED: JAN. 15, 2020

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-04

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

Carried ☒ Defeated ☐ Tabled ☐

**Election of Land Use Board Secretary**

Be It Resolved that Joseph Daloisio is hereby elected Secretary of the Land Use Board of the Borough of Allendale for the year 2020.

DATED: Jan 15, 2020



Chair

ATTEST:



Secretary

DATED: JAN. 15, 2020

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-05

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

Carried ☒ Defeated ☐ Tabled ☐

**Appointment of Land Use Board Legal Counsel**

**WHEREAS**, there exists a need on the part of the Land Use Board of the Borough of Allendale (the “Board”) to appoint legal counsel to represent the Board in such applications and other matters as may, from time to time, come before the Board; and

**WHEREAS**, the Board has determined that Christopher Botta of the law firm Botta Angeli, LLC is qualified and experienced to be appointed to and to hold such position; and

**WHEREAS**, the New Jersey Public Contracts Law, N.J.S.A. 40A:11-1, et seq. (“NJPCCL”) provides under N.J.S.A. 40A:11-5 that contracts for professionals which exceed the bid threshold in the NJPCCL may be awarded without public advertising and bidding therefore; and

**WHEREAS**, the Board, by adoption of this Resolution wishes to appoint C. Botta as Land Use Board Legal Counsel from and after the date of adoption of this Resolution until December 31, 2020, or such other time as a successor attorney may be appointed.

**NOW THEREFORE BE IT RESOLVED** by the Land Use Board of the Borough of Allendale that C. Botta be and hereby is appointed as Land Use Board Legal Counsel; and

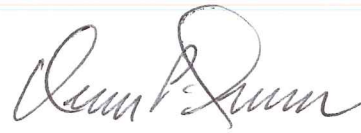
RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-05

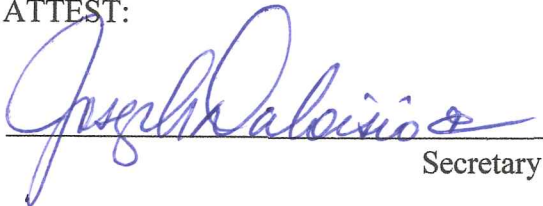
**BE IT FURTHER RESOLVED** that the Land Use Board Chair, the Land Use Board Secretary, Land Use Board Administrator and the Chief Financial Officer are authorized to take all appropriate actions so as to implement this Resolution.

DATED: Jan 15, 2020



Chair

ATTEST:

  
Secretary

DATED: JAN. 15,, 2020

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-06

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio			✓			
Davis						✓
Kistner			✓			
Lovisolio			✓			
Sasso	✓		✓			
Sirico		✓	✓			
Bernstein		✓	✓			
Quinn			✓			
Yaccarino – Alt. #1			✓			
Forbes – Alt. #2						✓

Carried ☒ Defeated ☐ Tabled ☐

**Appointment of Land Use Board Engineer**

**WHEREAS**, there exists a need on the part of the Land Use Board of the Borough of Allendale, (the “Board”) to appoint an engineer to represent the Board in such applications and other matters as may, from time to time, come before the Board; and

**WHEREAS**, the Board has determined that Michael Vreeland of the firm Van deet Engineering is qualified and experienced to be appointed to and to hold such position; and

**WHEREAS**, the New Jersey Public Contracts Law, N.J.S.A. 40A:11-1. et seq. (“NJPCL”) provides under N.J.S.A. 40A:11-5 that contracts for professionals which exceed the bid threshold in the NJPCL may be awarded without public advertising and bidding therefore; and

**WHEREAS**, the Board, by adoption of this Resolution wishes to appoint M Vreeland as Land Use Board Engineer from and after the date of adoption of this Resolution until December 31, 2020, or such other time as a successor engineer may be appointed;

**NOW THEREFORE BE IT RESOLVED** by the Land Use Board of the Borough of Allendale that M Vreeland be and hereby is appointed as Land Use Board Engineer; and



RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-06

**BE IT FURTHER RESOLVED** that the Land Use Board Chair, the Land Use Board Secretary, Land Use Administrator and the Chief Financial Officer are authorized to take all appropriate actions so as to implement this Resolution.

DATED: Jan 15, 2020



Chair

ATTEST:

  
Secretary

DATED: Jan. 15, 2020



RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-07

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio	✓		✓			
Davis						✓
Kistner			✓			
Lovisololo		✓	✓			
Sasso			✓			
Sirico			✓			
Bernstein			✓			
Quinn			✓			
Yaccarino – Alt. #1			✓			
Forbes – Alt. #2				✓		✓

Carried ☒ Defeated ☐ Tabled ☐

**Appointment of Land Use Board Planner**

**WHEREAS**, there exists a need on the part of the Land Use Board of the Borough of Allendale, (the “Board”) to appoint a planner to represent the Board in such applications and other matters as may, from time to time, come before the Board; and

**WHEREAS**, the Board has determined that Edward Smedley of the firm Burgess Assoc is qualified and experienced to be appointed to and to hold such position; and

**WHEREAS**, the New Jersey Public Contracts Law, N.J.S.A. 40A:11-1. et seq. (“NJPCL”) provides under N.J.S.A. 40A:11-5 that contracts for professionals which exceed the bid threshold in the NJPCL may be awarded without public advertising and bidding therefore; and

**WHEREAS**, the Board, by adoption of this Resolution wishes to appoint E Smedley as Land Use Board Planner from and after the date of adoption of this Resolution until December 31, 2020, or such other time as a successor engineer may be appointed;

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

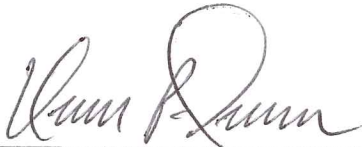
DATE: 1/15/20

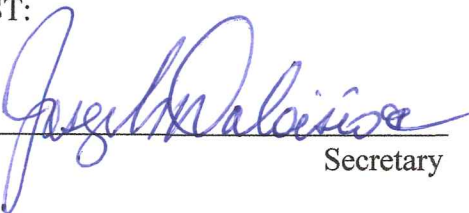
RESOLUTION: LUB 20-07

**NOW THEREFORE BE IT RESOLVED** by the Land Use Board of the Borough of Allendale that Ed Smedins be and hereby is appointed as Land Use Board Planner; and

**BE IT FURTHER RESOLVED** that the Land Use Board Chair, the Land Use Board Secretary, Land Use Administrator and the Chief Financial Officer are authorized to take all appropriate actions so as to implement this Resolution.

DATED: Jan 15, 2020

  
Chair

ATTEST:  
  
Secretary

DATED: Jan. 15, 2020

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-08

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen		✓	✓			
Daloisio			✓			
Davis						✓
Kistner	✓		✓			
Lovisolio			✓			
Sasso			✓			
Sirico			✓			
Bernstein			✓			
Quinn			✓			
Yaccarino – Alt. #1			✓			
Forbes – Alt. #2						✓

Carried ☒ Defeated ☐ Tabled ☐

**Time & Place of Land Use Board Meetings for 2020**

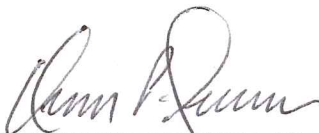
**Whereas**, the Open Public Meetings Act, NJSA 10-4-18 et seq. took effect on January 19, 1976;  
and,

**Whereas**, the Land Use Board of the Borough of Allendale desires to be in complete compliance with the requirements and spirit of that act.


**Now, Therefore, Be it Resolved** by the Land Use Board as follows:

1. The schedule of its work session and regular session meetings, copy of which is attached and made part hereof, is hereby adopted for the year 2020;
2. A copy of the schedule shall be:
  - a. Posted and maintained throughout the year on the bulletin board in the Allendale Municipal Building;
  - b. Emailed to The Record and The Ridgewood News newspapers;
  - c. Filed in the Office of the Borough Clerk; and
  - d. Mailed to those who have requested same and have prepaid the sum of \$10.00 fixed to cover the cost of providing such notice.
  - e. Official action may be taken.

DATED: Jan 15, 2020

  
\_\_\_\_\_  
Chair

ATTEST:

  
\_\_\_\_\_  
Secretary

DATED: JAN. 15, 2020

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-08

**BOROUGH OF ALLENDALE  
LAND USE BOARD  
2020 MEETING DATES**

The Land Use Board of the Borough of Allendale will hold its meetings on the following dates at the Allendale Municipal Building, 500 West Crescent Avenue, 2<sup>nd</sup> Floor, Allendale, New Jersey 07401. Meetings begin at 7:30 p.m.

<b>MONTH</b>	<b>WORK SESSION</b>	<b>REGULAR SESSION</b>
<b>January</b>	13 <sup>th</sup>	15 <sup>th</sup>
<b>February</b>	10th	12th
<b>March</b>	16th	18th
<b>April</b>	13th	15th
<b>May</b>	18th	20th
<b>June</b>	15th	17th
<b>July</b>	13th	15th
<b>August</b>	17th	19th
<b>September</b>	14th	16th
<b>October</b>	19th	21st
<b>November</b>	16 <sup>th</sup>	18th
<b>December</b>	14 <sup>th</sup>	16th

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 1/15/20

RESOLUTION: LUB 20-09

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio			✓			
Davis						✓
Kistner			✓			
Lovisolio			✓			
Sasso			✓			
Sirico	✓		✓			
Bernstein			✓			
Quinn			✓			
Yaccarino – Alt. #1		✓	✓			
Forbes – Alt. #2						✓

Carried ☒ Defeated ☐ Tabled ☐

ADOPTION OF BY LAWS OF  
THE LAND USE BOARD OF THE BOROUGH OF ALLENDALE

**Whereas**, the Land Use Board of the Borough of Allendale was established by Ordinance 18-03; and

**Whereas**, N.J.S. 40:55D-8 provides that a municipal agency adopt rules not inconsistent with the provisions of the Municipal Land Use Law; and

**Whereas**, the Land Use Board adopted By Laws on March 28, 2018 and

**Whereas**, the Land Use Board of the Borough of Allendale is desirous or adopting said By Laws for the year 2020 and

**Now, Therefore, Be It Resolved** by the Land Use Board of the Borough of Allendale that the By Laws be and are hereby adopted for the year 2020.

Approved:

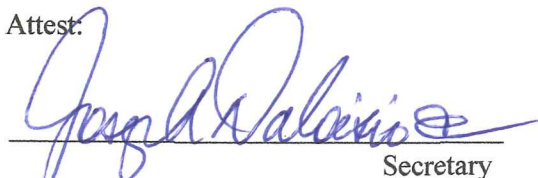
Jan 15, 2020

ALLENDALE LAND USE BOARD



Kevin Quinn, Chairman

Attest:



Secretary

Adopted: January 15, 2020

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

**DATE: January 15, 2010**

**RESOLUTION# LUB 19-22**

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
<b>Bergen</b>			✓			
<b>Daloisio</b>	✓		✓			
<b>Davis</b>						✓
<b>Kistner</b>		✓	✓			
<b>Lovisolio</b>			✓			
<b>Sasso</b>			✓			
<b>Sirico</b>			✓			
<b>Bernstein</b>			✓			
<b>Quinn</b>			✓			
<b>Yaccarino Alt. #1</b>			✓			
<b>Forbes Alt. #2</b>						✓

Carried ☒ Defeated ☐ Tabled ☐

RESOLUTION 2019-22

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR JOSEPH BAGNATO  
BLOCK 1405, LOT 3  
(a/k/a 77 CANAAN PLACE)

**WHEREAS**, the applicant, JOSEPH BAGNATO, the owner of the property located at 77 Canaan Place, known as Block 1405, Lot 3 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 November 15, 2019 for approval of a variance for a proposed addition to the premises, which is located in the AA zone, from the Allendale Code, Zoning; and

**WHEREAS**, the application seeks a variance since the property addition as proposed would result in a 27-foot right yard setback, whereas a 28.1-foot setback is required, due to the



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

**DATE: January 15, 2010**

**RESOLUTION# LUB 19-22**

enhanced setback requirements imposed by Code based on the square footage of proposed improvements.

**WHEREAS**, the application specifically seeks approval to construct an addition to the existing dwelling for a new first floor addition of 637 square feet, a second-floor addition of 282 square feet and a front porch of 241 square feet; and

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

**WHEREAS**, the Land Use Board considered the matter at the December 18, 2019 regular meeting of the Land Use Board at which the applicant appeared through counsel and the applicant's architect, Russell L. Bodnar, AIA, personally appeared and testified;

**NOW THEREFORE BE IT RESOLVED** by the Borough of Allendale Land Use Board that it hereby makes the following findings of fact and conclusions:

1. Notice of the public hearing was properly given by the applicant in accordance with applicable law.
2. The property is located at 77 Canaan Place, known as Block 1405, Lot 3, on the Tax Map of the Borough of Allendale. The property is located in the AA residential zone. The application was in evidence.
3. As part of the application, the applicant submitted Architectural Plans prepared by Russell L. Bodnar, AIA, dated November 8, 2019, various photographs and correspondence. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.
4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated December 9, 2019. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.



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

**DATE: January 15, 2010**

**RESOLUTION# LUB 19-22**

5. A variance is required because this property located in the AA residential zone, due to the structure in place and proposed enlarged floor area, requires minimum side yard setbacks of 28.1 feet. The proposed addition would result in a right-side yard setback of 27 feet and a left side yard setback of 44.8 feet.

6. The proposed addition is primarily in the rear of the existing premises, and will include a first-floor mudroom and reconfigured downstairs living areas. The upstairs addition will reconfigure the upstairs living and utility rooms.

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 an addition to the home to accommodate his family and that this would be the applicant's primary residence. 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 107 feet from the rear property line. He testified that there was adequate screening on the side of the property with existing large arborvitae, and that the application did not call for the removal of any existing buffer screening or trees on the property. The applicant's expert specifically referenced the architectural plans depicting the proposed addition and testified that the additional building coverage would make the setback requirement more burdensome, since they would be enhanced under the provision of the Borough Zoning Code. The addition would be aesthetically pleasing to the property, functional for their family and would not be observable from the roadway since it would extend to the rear and be shielded from neighbors by existing vegetation which would remain. The house would also be completely re-sided with cement board, and the material and colors would be consistent with the neighboring structures. There would be an improvement in the aesthetics. The applicant also testified as to the unique existing property conditions, such as the off-center placement of the existing structure in the front and side of the lot. 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 December 9, 2019. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board. Mr. Vreeland also provided testimony relative to the application to the Land Use Board, and testified that the proposed site plan amendment would have no negative impact on the zone nor visual impact from the street, and that existing drainage conditions were adequate.

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

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

**DATE: January 15, 2010**

**RESOLUTION# LUB 19-22**

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

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

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant's architect and the Borough Engineer, in connection with the testimony that the applicant is entitled to a "hardship" variance, due to the unique nature of the property, namely the off-center placement of the existing structure in the extreme front and to the side of the lot. The 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

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

**DATE: January 15, 2010**

**RESOLUTION# LUB 19-22**

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

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

B. Applicant and his professionals shall work with the Borough Engineer in the event that any field adjustments shall be required for the proper construction of the proposed addition 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: January 15, 2010**

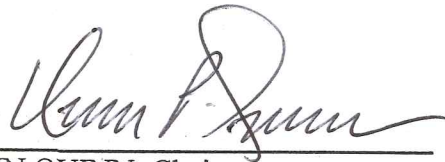
**RESOLUTION# LUB 19-22**

Approved:

*Jan 15, 2020*

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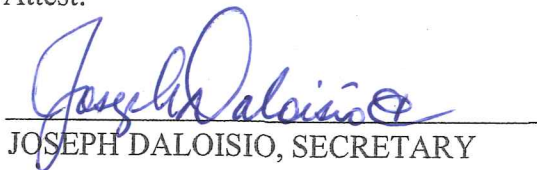
ALLENDALE LAND USE BOARD



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KEVIN QUINN, Chairman

Attest:

  
JOSEPH DALOISIO, SECRETARY

Adopted: January 15, 2020