

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 4/21/2025

RESOLUTION: LUB 25-14

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Warzala		✓	✓			
Putrino	✓		✓			
Agugliaro			✓			
Yaccarino			✓			
Dalo			✓			
Sirico			✓			
Wileczynski					✓	
Butler			✓			
Conte-Alt.#1						✓
-Alt. #2						

Carried ☐ Defeated ☐ Tabled ☐

LUB 25-14

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR  
STEFANIE & SEAN MORTON  
BLOCK 1203, LOT 11  
(a/k/a 73 FOREST ROAD)

**WHEREAS**, Stefanie and Sean Morton, ("Applicant") the owner of the Property located at 73 Forest Road, known as Block 1203, Lot 11 on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey (the "Property"), applied to the Land Use Board of the Borough of Allendale, seeking variance plan relief from provisions of the Borough of Allendale Land Use Code;

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

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**WHEREAS**, the Applicant sought to develop a one-story addition, over the existing garage of the existing, to be developed within the existing footprint of the existing single-family residential dwelling structure, to remain;

**WHEREAS**, the Applicant sought the following variance relief pursuant to N.J.S.A. 40:55D-70c:

- Deviation from the applicable side yard setback requirement – Section 270-64A(2) (proposed GBA requires enhanced setback of 38.8') which was confirmed to be violated at the time of issuance of zoning permit denial and during the course of the hearing relative to portions of the addition;

**WHEREAS**, an Affidavit of Service and Publication, dated January 10, 2024, was timely tendered to the Board, which, upon review and confirmation of proper notice, conferred jurisdiction over the Board to commence public hearings on the Application;

**WHEREAS**, the Application commenced with prosecution on March 19, 2025;

**WHEREAS**, the Applicant presented architect, John Musinski, who was sworn and qualified as an expert in architecture, to testify in connection with and support of the application;

**WHEREAS**, Mr. Musinski presented the previously submitted / filed architectural plans, dated October 25, 2024 and the previously submitted / filed property survey, prepared by Christopher J. Lantelme, PE & LS, dated March 26, 2024;

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

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RESOLUTION: LUB 25-14

**WHEREAS**, Mr. Musinski offered the following testimony which was particularly relevant to the Board's consideration for the grant of relief:

- The proposed addition will be located over the existing garage;
- There are existing side yard encroachments (to the west side yard area) which will not be further exacerbated by the proposal, rather the proposed addition will match the existing established setback of the structure in this area;
- The proposed addition is nominal, at approximately 528 square feet;
- The top height of the ridge of the addition will, as proposed, remain lower than the ridge of the highest portion of the existing house structure;
- The proposed addition finish materials will match and compliment that of the existing house structure;

**WHEREAS**, the Applicant, Sean Morton, was sworn in and testified as to the need of the addition due to the home being undersized for the existing single-family use of the family;

**WHEREAS**, no members of the public appeared during the course of the entire Application;

**WHEREAS**, the Board engineer, observed that the Applicant / Property has addressed and met requisite stormwater management controls following prior site work at the Property, occurring on or around 2022.

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

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RESOLUTION: LUB 25-14

**WHEREAS**, the Borough of Allendale Land Use Board that it hereby makes the following findings of fact and conclusions:

1. The Applicant is the owner of the Property.
2. The Application was duly noticed, conferring statutory jurisdiction over the Board to commence proceedings.
3. The Property is located at 73 Forest Road, known as Block 1203, Lot 11, on the Tax Map of the Borough of Allendale.
4. The Property is located in the AAA Single-Family Residence District.
5. The Applicant submitted a complete Land Use Application and associated documents, including November 4, 2024 Borough of Allendale Code Enforcement Office correspondence (prepared by Anthony Hackett, Construction & Zoning Official); Plan set entitled, "Proposed Addition & Renovations – Morton Residence" prepared by John F. Musinski of JMA Architects, LLC, dated October 25, 2024; Property Survey prepared by Christopher J. Lantelme, P.E. & L.S. of Lantelme, Kurens & Associates, PC dated March 26, 2024; copy of tax map showing location of Property; and photographs of the existing dwelling / Property.
6. The Property is developed with a single-family residential dwelling and associated amenities.

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 4/21/2025

RESOLUTION: LUB 25-14

7. Due to the existing configuration of the Property and structures thereon, proposed improvements, which are otherwise contemplated as permitted within the zone, Code and Master Plan, are difficult, if not impossible to effectuate without necessitating relief from the Code.
8. The Applicant's proposal is de minimis, in that the proposed addition would not further encroach into the setback than the existing structure.
9. The Applicant's proposal is de minimis, in that the proposed addition top height would not exceed that of the existing principal structure.
10. The Applicant's proposal is not out of character with the composition of the surrounding area uses or improvements.
11. The Applicant's sworn and qualified professional, through testimony and presentation of plans and exhibits, met the statutory standard, to the satisfaction of the Board, warranting the grant of variance relief, pursuant to N.J.S.A. 40:55D-70c.
12. No members of the public appeared in connection with 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 grants the Applicant's request for relief from the Borough of Allendale Code, 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: 4/21/2025

RESOLUTION: LUB 25-14

1. 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.
2. The addition finish materials shall match and compliment that of the existing dwelling.
3. There shall be no new outdoor lighting appended to the area of the addition / garage, within the setback.
4. Applicant shall satisfy any and all approvals, permits, waivers or other disposition as may be required from any other agency having jurisdiction, prior to the issuance of any permits.
5. 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, prior to the issuance of any permits.
6. 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.

RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
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RESOLUTION: LUB 25-14

**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

  
\_\_\_\_\_  
MICHAEL SIRICIO, Chairman

Attest:

  
\_\_\_\_\_  
MELISSA BERGEN, Vice Chair

Adopted:      April 21, 2025