

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: 4/21/2025

RESOLUTION: LUB 25-15

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

Carried ☐ Defeated ☐ Tabled ☐

LUB 25-15

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
EDWARD YAEGER AND JENNIFER LAVINE
BLOCK 511, LOT 18
(18 WILTON DRIVE)

WHEREAS, Edward Yaeger and Jennifer Lavine, ("Applicant") the owners of the Property located at 18 Wilton Drive, known as Block 511, Lot 18 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;

WHEREAS, the Applicant sought to develop an addition to the east side of the existing single-family residential dwelling structure;

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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 270-64B(2) (proposed gross building floor area requires enhanced setback of 22.8') 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 March 3, 2025, 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 Adelynn Rabold, AIA, who was sworn and qualified as an expert in the field of architecture to offer testimony in support of the application;

WHEREAS, Ms. Rabold presented and testified to the previously submitted and filed architectural plans, inclusive of floor plans, elevations and site photos, dated January 31, 2025, together with the previously submitted and filed McClellan Engineering site plan, dated September 23, 2024 in support of the application;

WHEREAS, Ms. Rabold provided testimony that there is a hardship, uniquely affecting the Property, occasioned by the location of the existing dwelling, specifically that the dwelling is off-

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center, necessitating side yard variance relief, the grant of which would not have a negative impact to the surrounding area properties, uses and structures;

WHEREAS, Ms. Rabold introduced the following exhibits in support of the application:
Exhibit A-1 (3 sheets), depicting the proposed finish materials;

WHEREAS, the Applicant, Jennifer Lavine, was sworn and provided testimony in support of the application and purpose of the proposed addition to the owner-occupied single-family residential dwelling structure;

WHEREAS, George Crowley, the immediate abutter to the east, appeared as a member of the public during the course of the application, having had an opportunity to cross-examine the Applicant and the Applicant's consultant, together with offering sworn testimony and statements regarding the subject Property pertaining to stormwater management and structure to structure separation concerns;

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 Property is developed with a single-family residential dwelling and associated amenities.
3. The Application was duly noticed, conferring statutory jurisdiction over the Board to commence proceedings.

RESOLUTION
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RESOLUTION: LUB 25-15

4. The Property is located at 18 Wilton Drive, known as Block 511, Lot 18, on the Tax Map of the Borough of Allendale.
5. The Property is located in the AA Residence Zone.
6. The Applicant submitted a complete Land Use Application and associated documents, including January 31, 2025 Borough of Allendale Code Enforcement Office correspondence (prepared by Anthony Hackett, Construction & Zoning Official); Plan set entitled "Lavine – Yaeger Residence, 18 Wilton Drive, Allendale, NJ" prepared by Z+ Architects dated January 31, 2025; and Plan set entitled "Site Plan Jen Lavine" prepared by McClellan Engineering dated September 23, 2024.
7. Existing conditions on the Property render it nonconforming to side yard setback requirements.
8. 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.
9. The Applicant's proposal, while generating setback variance relief, requires same for the west side yard area, where no development is proposed;
10. The proposed addition, which will be developed near the east side yard of the Property, will remain conforming to the applicable setbacks of the zone, as to that yard area.

RESOLUTION
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RESOLUTION: LUB 25-15

11. The Applicant proposes stormwater management improvements to the Property, the design of which will be subject to Board Engineering final review and approval, which shall mitigate any stormwater runoff impacts occasioned by the proposed structural addition.
12. The Applicant's proposal, in purpose, appearance and scale, is not out of character with the composition of the surrounding area uses or improvements.
13. 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.
14. The concern raised by the one member of the public who appeared will be mitigated by the Applicant's development of stormwater management controls to address any increased runoff occasioned by the addition. Further, the proposed addition is not being developed in the violative side yard, rather the addition will be 39' from the shared property line with the member of the public who appeared.

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:

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

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RESOLUTION: LUB 25-15

Applicant's plans, shall be paid in full to the Borough of Allendale by the Applicant, prior to the issuance of any permits.

2. 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.
3. 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.
4. The Applicant shall maximize the implementation and use of the stormwater management system (Cultec Chamber), to ensure the maximum possible and compliant capture of stormwater runoff occasioned by the addition, which shall be subject to the final review and approval of the Board Engineer.

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

RESOLUTION
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BOROUGH OF ALLENDALE
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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