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 April 18, 2022 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  
March 14 and March 16, 2022 Land Use Board Regular Meetings

IV. RESOLUTIONS:
Application File No: LUB 2022-08  
Resolution No.: 22-14  
Applicant: Peter & Lindsay Doris  
Address: 72 Homewood Road  
Block: 2004 Lot: 30  
Proposed: Second floor dormer to include a bathroom and walk-in closet, Pursuant to Sec. 270-37A

Application File No: LUB 2022-06  
Resolution No.: 22-15  
Applicant: Minaris Regenerative Medicine  
Address: 75 Commerce Drive, Allendale, NJ 07401  
Block: 702 Lot: 17  
Proposed: Preliminary & Final Minor Site Plan review to install various entrance/exits on the existing building, construct a cold storage and waste holding enclosure, install HVAC equipment, install a roll-up lock door as well as other associated interior/exterior site improvements.

V. PUBLIC HEARINGS:  
Application File No: LUB 2022-07  
Applicant: Marc & Bridget Adler  
Address: 22 Bonnie Way  
Block: 201 Lot: 14  
Proposed: Addition of new recreation room, office, expanded kitchen, deck and new pool cabana. Pursuant to Sec. 270-64(A)  
(carried from the meeting of March 16, 2022)
Application File No: LUB 2022-09
Applicant: Vincent Pergola & Anna Peterson
Address: 38 E. Crescent Avenue, Allendale, NJ 07401
Block: 511 Lot: 7
Proposed: Two story addition, adding a car port and expanding the driveway.
Pursuant to 270-37, 270-54C, 270-54B & 270-54A

Application File No: LUB 2022-10
Applicant: Shoaeb Raziuddin & Shaziya Shaikh
Address: 109 E. Orchard Street, Allendale, NJ 07401
Block: 1901 Lot: 10
Proposed: New single family dwelling with walk out basement, driveway, walkway, rear patio and in ground swimming pool with patio surround. Pursuant to 270-64 B(2) and 270-54A

VI. OPEN TO THE PUBLIC FOR COMMENT

VII. OTHER

VIII. ADJOURNMENT

**AGENDA & AGENDA MATERIALS SUBJECT TO CHANGE**
RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022
RESOLUTION: 22-14
Carried ☐  Defeated ☐  Tabled ☐

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<th>Land Use Board</th>
<th>Motion</th>
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RESOLUTION 22-14

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
PETER & LINDSEY DORIS
BLOCK 2004, LOT 30
(a/k/a 72 HOMEWOOD AVENUE)

WHEREAS, the applicants, PETER & LINDSEY DORIS, the owners of the property located at 72 Homewood Avenue, known as Block 2004, Lot 30 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 February 9, 2022 for approval of variance relief for a proposed addition and renovations to the premises, which is located in the A residential zone, from the Allendale Code, Zoning; and
RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022
RESOLUTION: 22-14

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 a second story shed dormer addition above the existing structure in the rear of the house; and

WHEREAS, the application seeks specific variance relief for front yard, rear yard, side yards, lot size, lot width, floor area ratio ("FAR") and addition to a non-conforming structure; and

WHEREAS, the Land Use Board considered the matter at the March 16, 2022 regular meeting of the Land Use Board at which time the applicants 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 72 Homewood Avenue, known as Block 2004, Lot 30, 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 a survey entitled, “Map of Property Of Donald T. Hsieh & Mary Ann Hsieh”. The applicant also submitted architectural plans entitled, “Peter & Lindsay Doris, 72 Homewood Avenue, Allendale, New Jersey”, prepared by Christopher J. Greimel, PE, PR, PP consist of two (2) sheets and are dated January 30, 2022. The application and various photogrphs and diagrams were also submitted as part of the application.

4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated March 8, 2022. 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
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5. Variance relief is required because this property located in the A residential zone and has pre-existing, non-conforming conditions, due to the undersized lot condition and undersized lot width, structure in place, and proposed addition, as follows:

§270-57B D E & F – Front Yard, Rear Yard, Lot Area and Width. The plans indicate the existing dwelling encroaches: ±14 ft into the required 35 ft front yard and ±6 ft into the required 50 ft rear yard. The existing lot is undersized. The plans indicate the lot is 11,000 sf less than the required 20,000 sf area and 40 ft less than the required 115 ft width. The subject application does not alter these conditions.

§270-63A(1) – Floor Area Ratios. The plans indicate the existing FAR exceeds the allowable 25% FAR by ±2.7%. The proposal increases the GBA and will exceed the allowable 25% FAR by ±4.7%.

§270-64C(1) – Side Yard Setbacks. The proposal triggers the enhanced side yard requirement. The dwelling will encroach ±5.1 ft into the required ±16.1 ft side yard setback.

§270-37A(4) – Additions to Nonconforming Structures. Alteration and improvements are proposed above existing nonconformities (i.e., encroachments into required yard areas).

6. The subject property is currently developed with a single family dwelling, detached garage and associated amenities. The application and plans propose to construct and addition and renovation to the existing dwelling (including a second story shed dormer over the existing footprint). The subject property is located within Allendale’s A (Residential) Zone. The Applicant is seeking variance relief for conflicts with §270-63A(1), §270-64C(1) and §270-37A of the Code.

7. The applicants were sworn and testified as to the existing conditions of the property. They testified that the lot was undersized and the lot width was undersized. The proposed addition/renovation would consist of adding a shed dormer to the back of the house to accommodate a new bathroom and walk-in closet. The addition/renovation was contemplated to upgrade the home and better accommodate their family. Any improvements on the property would require variance relief, due to the pre-existing non-conforming conditions. It was noted that the property is in an older section of the Borough with a severely undersized lot, and the addition was de minimus, consisting of only 150 square feet. The addition would not be visible from the front of the house or the street, and it would have no impact on neighbors or any surrounding properties. There will be no exterior lighting added to the premises. The applicants testified that there was adequate screening on the side of the property with existing landscaping, and that the application did not call for the removal of any existing buffer screening or trees on the property. The addition would be aesthetically pleasing to the property, and consistent with the existing style and design.
RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022

RESOLUTION: 22-14

of the premises, functional for the family and shielded from neighbors by existing vegetation which would remain.

8. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated March 8, 2022. 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 the Borough Engineer, in connection with the testimony that the applicant is entitled to a variance, due to the unique nature of the property, namely the undersized condition and undersized width of the lot relative to the Code and the A Zone (N.J.S.A. 40:55 D-70C.(1)), which are all deemed hardships by the Board. 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 *de minimus*, and will not be obtrusive due to the placement in the rear of the premises, and the location of the proposed improvements and encroachments; 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. Applicants and their 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 comply with Mr. Vreeland’s March 8, 2022 review letter.

**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 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: April 18, 2022
RESOLUTION: 22-14

Approved:

ALLENDALE LAND USE BOARD

__________________________________
KEVIN QUINN, Chairman

Attest:

______________________________
JOSEPH DALOISIO, SECRETARY

Adopted: April 18, 2022
ADLER RESIDENCE
22 BONNIE WAY, ALLENDALE, NJ

DRAWING LIST
SK-1 TITLE SHEET
SK-2 PROPOSED BASEMENT PLAN
SK-3 1ST FLOOR DEMO PLAN
SK-4 PROPOSED FIRST FLOOR
SK-5 PROPOSED SECOND FLOOR
SK-6 PROPOSED ROOF PLAN
SK-7 PROPOSED EXTERIOR ELEVATIONS
SK-8 PROPOSED EXTERIOR ELEVATIONS
SK-9 PROPOSED CABANA PLANS
SK-10 PROPOSED CABANA ELEVATIONS
SK-11 EXISTING PHOTOS
SK-12 EXTERIOR VIEWS
SK-13 EXTERIOR VIEWS

PROJECT DESCRIPTION
ADDITION AND RENOVATION TO EXISTING SINGLE-FAMILY RESIDENCE
CONSTRUCTION OF A NEW CABANA.

ZONING BOARD APPLICATION
PROJECT #: 2119
PROJECT: ADLER RESIDENCE
22 BONNIE WAY
ALLENDALE, NJ

TITLE: TITLE SHEET
DATE: 04/01/22
SCALE:

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21A01591800

ARCHITECTS:
240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855  F: 201.785.8866

PROGRESS PRINTS
NOT FOR CONSTRUCTION

DRAWING #: SK-1
EXG COVERED DECK AND FOUNDATION TO REMAIN.

EXISTING WALL TO REMAIN

NEW WALL CONSTRUCTION

PROPOSED BASEMENT

1/8" = 1'-0"

LEGEND

NEW SLAB ON GRADE

UNFINISHED BASEMENT

FLEX

LAUNDRY

PLAY

MECH

STORAGE

NEW CRAWL SPACE WITH 3" RAT SLAB

NEW CRAWL SPACE

PROGRESS PRINTS
NOT FOR CONSTRUCTION

ARCHITECTS:

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21A0159180

ZONING BOARD APPLICATION
PROJECT #: 2119
PROJECT: ADLER RESIDENCE
22 BONNIE WAY
ALLENDALE, NJ

TITLE: PROPOSED BASEMENT PLAN
DATE: 04/01/22
SCALE: 1/8" = 1'-0"

DRAWING #: SK-2

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21A01591800

PROGRESS PRINTS
NOT FOR CONSTRUCTION

ARCHITECTS:

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21A0159180

ZONING BOARD APPLICATION
PROJECT #: 2119
PROJECT: ADLER RESIDENCE
22 BONNIE WAY
ALLENDALE, NJ

TITLE: PROPOSED BASEMENT PLAN
DATE: 04/01/22
SCALE: 1/8" = 1'-0"

DRAWING #: SK-2
REMOVE EXISTING WALL CONSTRUCTION AS INDICATED. TEMPORARILY SHORE STRUCTURE AS NECESSARY. SEE FLOOR PLAN FOR NEW CONFIGURATION AS REQUIRED.

REMOVE EXISTING DOOR/WINDOW AND INFILL/PATCH OPENING TO MATCH ADJACENT AS REQUIRED.

CAREFULLY REMOVE EXISTING KITCHEN IN ITS ENTIRETY, AND SAFELY STORE/PROTECT FOR RE-INSTALLATION. CAP AND SAFE ALL PLUMBING AND ELECTRICAL ELEMENTS AS REQUIRED.

REMOVE EXISTING DECK AND ASSOCIATED DECKING, RAILING, STEPS, STRUCTURE, AND SUPPORTING FOOTINGS.

REMOVE EXISTING PORCH AND ASSOCIATED STEPS, FOOTINGS, AND SLAB AS REQUIRED.

REMOVE EXISTING ROOF IN ITS ENTIRETY. TEMPORARILY SHORE STRUCTURE AS NECESSARY.

REMOVE EXISTING ROOF DROPPED DROP CEILING AND CEILING TILES IN FINISHED BASEMENT.

REMOVE EXISTING FIREPLACE, CHIMNEY, MANTLE, AND ASSOCIATED ELEMENTS.

PROPOSED DEMO FLOOR PLAN

1/8" = 1'-0"
EXG ROOF STRUCTURE TO REMAIN, G.C. TO INSTALL NEW LIFETIME TIMBERLINE ASPHALT ROOF SHINGLES, TYP.

LIFETIME TIMBERLINE ASPHALT ROOF SHINGLES W/ DOUBLE LAYER OF #30 FELT AT LOW SLOPES (2/12)

AZEK FASCIA, TYP.

1/8" = 1'-0"
CABANA - 3' x 2"

STRUCTURAL 10" COMPOSITE COLUMN

AZEK TRIM & FASCIA, TYP. UNDER 5" CONT. ALUMINUM GUTTER.

HARDIE BOARD AND BATTEN, TYP. RETRACTABLE RECESSED WALL SCREEN BY PHANTOM SCREENS. PROVIDE REMOVABLE AZEK TRIM ON INTERIOR FOR ACCESS TO MOTOR COUNTER TOP EXTEND, SUPPORT W/ BRACKETS.

LIFETIME TIMBERLINE ASPHALT ROOF SHINGLES, TYP.

AZEK CORNER BOARD, TYP.

AZEK TRIM & PANEL, TYP.

AZEK CLAD STRUCTURAL BEAM 3" x 12"

AZEK TRIM & PANEL, TYP.

AZEK CLAD STRUCTURAL BEAM 3"

7" EXPOSURE HARDIE CLAPBOARD SIDING, SELECT CEDARMILL, TYP. KEEP ABOVE GRADE AS PER MANUF. SPECS.

ALL EXPOSED FOUNDATION WALLS TO BE PARGED WITH "S" STYPE MORTAR, TYP.

7/8" = 1'-0"

CABANA FRONT ELEVATION

CABANA REAR ELEVATION

CABANA LEFT ELEVATION

CABANA RIGHT ELEVATION

PROGRESS PRINTS
NOT FOR CONSTRUCTION

ZONING BOARD APPLICATION

PROJECT #: 2119
PROJECT: ADLER RESIDENCE

TITLE: CABANA ELEVATIONS
DATE: 04/01/22
SCALE: 7/8" = 1'-0"

MARY FITZPATRICK SCRO, ARCHITECT
LICENSE # 21AI01591800

240 W. CRESCENT AVE., SUITE D
ALLENDALE, NJ 07401
T: 201.785.8855   F: 201.785.8866
RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022

RESOLUTION: 22-15

RESOLUTION 22-15

LAND USE BOARD OF THE BOROUGH OF ALLENDALE

RESOLUTION APPROVING
SITE PLAN AMENDMENT FOR
MINARIS REGENERATIVE MEDICINE
BLOCK 702, LOT 17
(a/k/a 75 COMMERCE DRIVE)

WHEREAS, the applicant, MINARIS REGENERATIVE MEDICINE, with a business address of 75 Commerce Drive, Allendale, NJ (Block 702, Lot 17) and has applied for a site plan amendment to install various entrance/exits on the building, construct new cold storage and waste holding enclosures, add HVAC equipment, install a proposed roll-up lock door for box trucks, as well as other associated interior and exterior 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 Architectural plans and photographs, and the testimony of the Borough Engineer, at its public meeting on March 16, 2022; and

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 EM Zone District. This zone provides for mixed industrial uses, among other uses. The application was submitted in evidence. No variance relief was necessary nor requested for this application.

3. As part of the application, the applicant submitted Engineering Plans entitled “Minor Site Plan” for Minaris Regenerative Medicine, Block 702, Lot 17, 75 Commerce Drive, Borough of Allendale, County of Bergen, New Jersey, prepared by Lapatka Associates, Inc., dated December 30, 2021 and a “Location Survey” for Minaris Regenerative Medicine, Block 702, Lot 17, 75 Commerce Drive, Borough of Allendale, County of Bergen, New Jersey, prepared by Lapatka Associates, Inc., dated August 28, 2018. Applicant also submitted Architectural Plans entitled “75 CD Expansion”, prepared by Michael T. Marone, AIA, dated January 17, 2022. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.

4. The applicant’s architect, Michael T. Marone, was sworn and testified that the applicant was seeking to amend the site plan to make various improvements to the site to compliment expanded operations at the site. He further testified that this is a two story building and that the plans called for expanding to a vacated section of the building. There would be new employee entrances in the front and the back, with new stairs to be constructed at both areas as well. The new entrance would be segregated for employees only, and no visitors would be allowed to enter in these locations. Segregated waste docks for “clean” and “dirty” waste would also be added to the rear of the premises. Additional trees and landscaping would also be added around the building.

6. The applicant’s professional engineer, Andrew Missey, P.E., was sworn and accepted as an expert in the field of engineering. He testified that this is an 8.9 acre site with 3 tenants in the building. There are 305-310 parking spaces on site. The amended site plan does not change the parking figures, and that existing parking spaces were adequate for the premises and
its current operations. Square footage of the applicant’s premises is increasing by approximately 400 square feet. The present impervious coverage is 57% and the proposal bring it to 57.1%. He testified as to the specifications of the updated survey and engineering plans, which included new sidewalks, entrances/exists and associated stairways. Further, he testified that new trees and replacement trees are to be planted. This landscaping consists of accent trees and foundation plantings. There is no impact of any importance to the surrounding area, and no impact on drainage or stormwater management. The applicant did agree to upgrade and retrofit all the existing stormwater inlets on site to bring into compliance with current regulations.

7. Constantino Rodriguez, Operations Manager for Minaris, was sworn and testified as to the operations of the applicant on site. Mr. Rodriguez stated they are an organization that provides development of cell therapy. There are 220-240 employees, and there are few visitors on a daily basis.

8. 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 were minor and would have no negative impact, and that all performance standards in connection with the unit had been met. He also testified that stormwater management controls would need to be complied with, and the applicant confirmed on the record that all stormwater management controls would be in compliance with State standards.

9. 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 site plan amendment to allow the improvements referenced in the application, to wit, installation of various entrance/exists on the building, construction of new cold storage and waste holding enclosures, additional HVAC equipment, installation of a proposed roll-up lock door for box truck, as well as other associated interior and exterior site improvements to its premises as proposed in the application; and
RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: April 18, 2022
RESOLUTION: 22-15

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval of the site plan amendment, 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. The applicant agrees as part of the approved site plan amendments to be constructed that it will upgrade/retrofit the existing stormwater inlets on site to bring into compliance with current regulations.

C. Stormwater and drainage improvements on the amended Site Plan shall be addressed in the field in consultation with the Borough Engineer in order to minimize any impact on surrounding properties, including the adjacent Celery Farm Nature Preserve.

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 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: April 18, 2022
RESOLUTION: 22-15

Approved:

ALLENDALE LAND USE BOARD

KEVIN QUINN, Chairman

Attest:

JOSEPH DALOISIO, SECRETARY

Adopted: April 18, 2022
NAME: Pergola, Vincent & Peterson, Anna  BLOCK: 511  LOT: 7
ADDRESS: 38 East Crescent Avenue, Allendale, New Jersey
ZONE: AA  TYPE OF VARIANCE:

BRIEF DESCRIPTION OF APPLICATION:

SPECIFIC VARIANCE(S) REQUIRED: Side yard setback of 5.7 feet and 13.5 feet, where 20 feet is required; front yard setback of 25 feet, where 40 feet is required; height of 37.1 feet, where a maximum of 35 feet is permitted.

ADMINISTRATIVE REQUIREMENTS

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<td>3. Denial by Building Inspector</td>
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<td>4. Affidavit of Service</td>
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<td>5. Proof of Publication</td>
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<td>6. Taxes Current</td>
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<td>7. Plot Plan</td>
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<td>9. Photographs</td>
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3/9/22  Date

Applicant's Signature

Bruce E. Whitaker, Esq. Attorney for Applicant
REQUIRED MATERIALS AND CHECKLIST FOR
ALLENDALE LAND USE BOARD HEARINGS

This checklist and attached sample drawings are provided to ensure that you or your professionals are prepared for your hearing and that your application is complete. All items should be supplied to the extent that they are applicable to the specific application. If information is insufficient or missing, the board may deem your application incomplete and adjourn your hearing until it receives all necessary documentation. Please create 15 packets of the below information.

I. PROVIDE AN ACCURATE SURVEY FOR THE PROPERTY IN QUESTION WHICH CONTAINS THE FOLLOWING INFORMATION:

☐ 1. Footprint of existing buildings or structures.

☐ 2. Precise distances from all property lines to closest point of principal building including steps, deck or other extensions of the building.

☐ 3. The location and precise distances of accessory buildings, such as garages and sheds, to property lines and the principal building or structure.

☐ 4. The location and dimensions of steps, patios, driveways, decks, pools and all other improved impervious areas and their precise distances to nearest property line and structures.

☐ 5. An accurate depiction of the proposed construction or alteration including the information requested in 1, 2, 3 and 4 above.

☐ 6. The precise distances from all property lines to the closest point of the proposed construction.

II. AN ENLARGED TAX MAP DEPICTING PROPERTY IN QUESTION AND ITS RELATIONSHIP TO NEIGHBORING PROPERTIES.

☐ 1. The precise distances from the existing buildings or structure in question to the closest point of all neighboring buildings and structures.

☐ 2. The precise distances from the proposed construction to the closest point of all neighboring buildings and structures.

III. STRUCTURAL DIMENSIONS:

☐ 1. All dimensions of existing building or structure.

☐ 2. All dimensions of proposed building or structure.
3. Height of existing building or structure.*

4. Height of proposed building or structure.*
   *(Height to be measured from lowest point of the ground that abuts the foundation
   of the structure to the highest point on the roof.)

5. Front, rear and side elevations of the proposed structure.

IV. FLOOR PLANS.

1. Floor plans of the existing interior of the building containing all relevant dimensions.

2. Floor plans of the interior of the proposed construction containing all relevant dimensions.

3. Precise square footage of the existing building.

4. Precise square footage of the proposed construction.

5. Floor area ratio calculation pursuant to Section 270-63 of the zoning ordinance
   (required for all applications)

V. PHOTOGRAPHS.

1. Photographs of the property in question and existing improvements may be helpful
   to the Board in presenting your information.

2. Photographs of views from the existing building or structure to neighboring properties
   and buildings which show existing plantings or other buffers are also helpful and may
   be requested by the Board.

   (All photographs should be taken by you or someone who can testify to the Board as to
   when they were taken and that the photographs represent an accurate depiction of what they saw
   at the time.)

VI. LANDSCAPING AND LAND FEATURES.

1. The survey, plat or plan should locate and describe any proposed landscaping to be
   done in connection with the application.

2. The location of any unusual property features should be indicated, such as flood plain,
   streams, wooded areas, rock outcroppings or steep slopes.

VII. PREVIOUS APPLICATIONS. – None

1. Applicants should be prepared to discuss prior applications to the Land Use Board,
   Board of Adjustment and Planning Board and the results thereof.
VIII. Any additional information which may be deemed necessary by the Land Use Board, its Consultants or Borough departments and agencies.

NOTE: ALL DIMENSIONS AND DISTANCES MUST BE DEPICTED TO SCALE ON DRAWINGS AND PLANS.

Any questions regarding your hearing or the checklist should be directed to the Land Use Administrator at the Borough of Allendale Municipal Building 201-818-4400 x202. Please submit fifteen (15) packets with copies of all drawings and plans to the Land Use Administrator at least ten (10) days prior to the hearing. It is suggested that the property owner refer to the appropriate building code to assure proper engineering and construction techniques, or to secure the services of a local, reputable architect and/or engineer.

2/23/22
Date

Signature

2/23/22
Date

Vincent Pergola

Anna Peterson
ADDENDUM

Vincent Pergola and Anna Peterson (hereinafter referred to as the “Applicant”) are the Owners of 38 East Crescent Avenue, Allendale, New Jersey, shown on the Tax Map of the Borough of Allendale as Block 511, Lot 7 (hereinafter referred to as the “Property”). The Property is located in the AA Residential Zone.

The Property is a nonconforming lot having a lot area of 10,817 square feet, where 26,000 square feet is required. There is a single family two-story dwelling unit on the Property that was built prior to the creation of the current Allendale Zoning Ordinances. Besides being deficient in lot area, the Property has the following nonconformities:

A. Lot width of 58.16 feet, where 100 feet is required;
B. Front yard setback of 31.5 feet, where 41.4 feet is required;
C. Side yard setback of 5.7 feet, where 20 feet is required.

The Applicant is proposing to construct a two-story addition to the rear of the existing dwelling unit, and to construct a porte-cochere on the southerly side of the dwelling unit. The porte-cochere is an open structure of 180 square feet, and it is stipulated that it would always remain open. The purpose is to permit a car to be parked there out of the weather for easy access into the dwelling unit recognizing that the detached garage is a considerable distance to the rear of the Property.

There is currently a side yard setback of 5.7. The Applicant proposes the rear two-story addition to continue as an extension of the northerly line of the existing dwelling unit. The dwelling unit itself is skewed on the Property. The 5.7 foot side yard setback is existing. By virtue of the Applicant’s proposal, the left side, side yard setback is following the same nonconformity, but the side yard setback widens to 7.4 feet at the end of the addition.
The porte-cochere would have a side yard setback of 13.5 feet, and a front yard setback of 25 feet.

The Applicant seeks the following variances:

A. Side yard setback existing of 5.7 feet which runs to 7.4 feet, where 20 feet is required for the addition;

B. Side yard setback of 13.5 feet to the porte-cochere, where 20 feet is required;

C. Front yard setback of 25 feet to the porte-cochere, where 40 feet is required, or based upon average setback of neighboring properties, 30 feet is required;

D. Roof height for the addition of 37.1 feet, where 35 feet is the maximum permitted.

The Zoning Officer of the Borough of Allendale reviewed the plans and confirmed that variance relief is required as previously set forth in this Addendum. His review letter is attached.

It is submitted that variance relief can be granted in this instance under N.J.S.A. 40: 55D-70(C)(1), and (C)(2) for the following reasons:

A. **Side yard setback for the proposed addition** - The Property is substandard by way of area, and by way of width. To respect both side yard setbacks in this instance would require a building to be constructed 20 feet off of each side lot line. The 20 foot requirement is based upon and contemplates a lot width of 100 feet which is required under the Allendale Zoning Ordinance. This lot has only 58.16 feet, so to comply with the Ordinance a building width could only be 18.16 feet wide.

   Compliance with the Zoning Ordinance in this instance would constitute a hardship.

There is no detriment to the Zone Plan or Zoning Ordinances of the Borough of Allendale relative to this proposal. The addition is to the rear of the existing dwelling unit. The setback follows the building line that already exists. The current side yard setback is 5.7
feet. The Applicant’s proposed addition based upon the dwelling unit being skewed creates a wider side yard setback and expands it to 7.4 feet. Therefore, there is no exacerbation of the pre-existing nonconforming side yard setback.

B. **Porte-cochere** - As shown on the Architectural Plans, the porte-cochere which is listed as a carport on the Site Plan, is an open area for a car to park to allow people easy access to a car out of weather conditions for entry and exiting the dwelling unit. It is a classic style that fits, architecturally and aesthetically with the style of this old dwelling unit. Most importantly, it is an open structure and the only thing that is infringing into the side yard setback is the roof and the columns holding the roof. It is an open air structure which will always remain open, and that is a stipulation of this proposal for variance relief. The dwelling unit itself has a side yard setback that is conforming of 23.7 feet. This open structure is approximately 10 feet in width, creating a side yard setback to the columns of 13.5 feet. Again, based upon the deficiency in lot width, compliance with the Zoning Ordinance in this instance for the side yard setback, creates a hardship for the Applicant.

There is no substantial detriment to the Zone Plan or Zoning Ordinances in this instance. The structure is an open structure. It fits well within the architectural framework of the dwelling unit itself, and is very characteristic for a structure of this vintage. It is next to an open porch and covered landing area, and can easily be accommodated on a lot with this width.

The proposed porte-cochere requires a front yard setback. Recognizing that the porte-cochere is open, it compliments the covered porch which also has a deficient front yard setback. The front yard setback is comprised of the roof and the columns. The current front yard setback
is 31.5 feet to the structure itself. The front yard setback to the covered porch and the porte-cochere would basically line up and be 25.3 feet.

C. **Height Variance** - The Property has an unusual condition in that it slopes down in the rear beyond the existing dwelling unit. The Applicant is proposing to construct a two-story addition that will follow the roof lines of the existing dwelling. To reduce the roof lines would create an addition that would look like an addition and would not be synthesized with the architectural elements and the roof lines that exist.

It is recognized that height is measured under the Allendale Ordinance from the lowest point around the dwelling unit to the tallest point of the dwelling unit. The unusual topographic conditions in this instance creates the necessity for variance relief. The roof elevation is 149.1 feet, and the elevation to the rear is 112 feet, which equals 37.1 feet. Compliance in this instance with the Zoning Ordinance based upon this unusual condition, would constitute a hardship to the Applicant.

There is no substantial detriment to the Zone Plan or Zoning Ordinances of Allendale relative to this proposal. The addition is to the rear, and is not readily discernible from East Crescent Avenue. Most importantly, the roof lines up between the existing structure and addition so that from an architectural and aesthetic standpoint, the addition fits properly with the existing dwelling unit and respects the architectural elements of this classic style vintage building.

Variance relief is also appropriate for all the variances being sought under N.J.S.A. 40:55D-70(C)(2). It is recognized that aesthetic considerations can be considered for variance relief and in this instance, the total upgrade of this classic building, preserving the style of this building and creating architectural elements for the vintage of this building as it pertains to the
porte-cochere together with creating an addition to upgrade the living space of the dwelling unit, are all appropriate in this instance. The Applicant’s proposal as it pertains to upgrading the dwelling unit, creating the porte-cochere, creates a better streetscape. Interestingly, even though the lot has an area of less than 40% of what is required, the Applicant’s proposal meets the requirements for gross building area and for floor area ratio. In addition, impervious coverage on a lot with this deficiency in area, is only 35.1%, where 51.88% is permitted.

It is the Applicant’s position that variance relief can be granted based upon the reasons set forth in this Addendum.
MEMORANDUM

TO: Vincent Pergola & Anna Peterson  
38 E Crescent Ave  
Allendale, NJ 07401

FROM: Anthony Hackett, Zoning Official/Construction Official

CC: Linda Garofalo Land use Administrator

RE: Two story addition, and adding a car port, and expanding the driveway

DATE: January 19, 2022

The Allendale Building/Zoning Department received the following documents:

A. Borough of Allendale Zoning Review Application

B. Drawings prepared by Harry Goldstein Architect, Monsey, NY

C. Site Plan prepared by Lantelme, Kurens & Associates P.C. Surveyors

I have reviewed these documents and the Borough of Allendale Zoning Ordinances and I must deny your application for the following reason(s):

1) 38 E Crescent Ave. is located in the AA Zone, and is considered a non-conforming existing structure. The minimum side yard setbacks for your home are 20'. Currently you have 23.7' on the right side and 5.7' on the left, (Existing Non-conforming). Your proposed addition on the left side is following that same non-conformity. See Borough Ordinance 270-37.

2) Your proposed car port on the right side creates a side yard setback of 13.5' where 20' is required, see Borough Ordinance 270-54C
3) The proposed car port creates a front yard setback of 25' where 40' is required, or possibly 30' depending on the neighbors, See Borough Ordinance 270-54B

4) The maximum height of a structure is 35' measured from the lowest point around the house to the tallest point of the house. The property slopes down in the rear and according to the site plan, the roof peak elevation is 149.1 and the elevation at the rear is 112 which equals 37.1’, not including the basement stairwell which is obviously lower, See Borough Ordinance 270-54A

You are hereby notified that you have the right under N.J.S.A. 40:55D-72 to appeal this decision to the Zoning board of adjustments of the Borough of Allendale within 20 days from the date of the decision. For further information please visit, http://allendalenj.gov/zoning-board-of-adjustments/

Anthony Hackett  
Construction Official
BOROUGH OF ALLENDALE  
500 West Crescent Avenue  
Allendale, New Jersey 07401

DATE: February 24, 2022

VERIFICATION OF TAXES PAID

Pursuant to Municipal Land Use Law:

This is to certify that taxes for the year __2022____ are paid through

the ___1st___ Quarter

BLOCK: 511    LOT: 7

OWNER OF RECORD: Vincent Pergola and Anna Peterson

PROPERTY LOCATION: 38 East Crescent Avenue, Allendale, New Jersey  
Block 511, Lot 7

Gina Wittmaack  
Tax Collector
Ms. Linda Garofalo, Land Use Administrator  
Borough of Allendale  
500 West Crescent Avenue  
Allendale, New Jersey 07401  
Via New Jersey Lawyers Service

Re: 109 East Orchard Street, Allendale, New Jersey  
Block 1901, Lot 10

Dear Ms. Garofalo:

This firm represents the owners of the above-referenced property.

I am enclosing my client’s completed application for variances.

1. Notice of Appeal/Application for Variance, 2 pages plus 3 page Supporting Statement.


3. Required Material and Checklist, 3 pages long.


5. Notice of Hearing to Property Owners, hearing date blank.

6. Affidavit of Proof of Service, blank, will be filled out once service is accomplished.


8. Letter from Thomas G. Stearns, III, PE and LS, dated February 16, 2022, confirming that the property is not in the flood zone.

I am further enclosing my client’s filing fee in the amount of $500.00.

I would appreciate it if you could review the application for completeness, so that we may schedule this matter for a hearing and send out appropriate notices.

Thank you in advance for your assistance.

Very truly yours,

Robert F. Davies, Esq.

RFD/am
Encl.
cc: Clients
NOTICE OF APPEAL AND VARIANCE APPLICATION FORM
BOROUGH OF ALLENDALE, NEW JERSEY

TO THE APPLICANT: COMPLETE SECTIONS IN FULL FOR RELIEF REQUESTED

NOTICE OF APPEAL OF
ZONING ENFORCEMENT OFFICER'S DECISION

TO THE ZONING ENFORCEMENT OFFICER:

The petition of Shoaeb Raziuddin and Shaziya Shaikh shows that on or about the 7th day of February 2022, an application to the Zoning Official for the purpose of demolishing existing dwelling, constructing a new two story single family dwelling with walk out basement, new driveway, front walkway, rear patio, in ground swimming pool with patio surround, on the premises located at (street address) 109 East Orchard Street as shown on the Municipal Tax Maps and owned, or optioned, by the applicant was made; that after due consideration the Zoning Enforcement Officer did on the 7th day of February 2022 decline to issue said permit for the reasons stated in the attached copy of the Zoning Enforcement Officer's Refusal of Permit Form.

Applicant, feeling aggrieved at the action of the Zoning Enforcement Officer, files this notice of appeal with said Officer, together with the required fee of $500.00, and requests that action of the Zoning Enforcement Officer be reversed or modified as the facts may be determined, and applicant further requests that a day be fixed for hearing on this appeal and states that the proper notice will be given to all owners of property situated within two hundred (200) feet of the property specified above, and others as required by Statute.

APPLICATION FOR VARIANCE

TO THE LAND USE BOARD:

An application is hereby made for a (Hardship) (Floor Area Ratio) (Use) variance from the terms of Article(s) and Section(s) Borough Ordinances 270-64 B(2) and 270-54A of the Zoning Ordinance so as to permit sideyard required is 33.01 ft., proposed is 20.5 ft. right side and 32.5 left side. Structure height maximum permitted is 35 ft.; proposed is 39.73 ft. including walk out basement. Height to grade is only 32 feet.

Signature of Applicant
Shoaeb Raziuddin

Shaziya Shaikh
DESCRIPTION OF PROPOSED STRUCTURE OR USE

PREMISES AFFECTED known as Lot(s) 10 Block(s) 1901

Street Address 109 East Orchard Street, Allendale, NJ 07401
Applicant Shoab Raziuddin and Shaziya Shaikh
Owner Same Address
Lessee Same Address

Last Previous Occupancy

Size of Lot 22,044
Floor area ratio calculation 21.6%
Percentage of lot occupied by building(s) 11.2%
Height of building(s) 2 and 1/2 stories 32 feet
Set back from front property line 43 ft. From side (if corner lot) ft.
Zoning requirements - Frontage 115, side yards 20.5, 32, set-back 43, rear yard 93.36.
"Prevailing set-back" of adjoining buildings within one block 40
Has there been any previous appeal involving these premises? No
If so, state character of appeal and date of disposition

Proposed use: Single Family dwelling

This application for a use variance includes an application for subdivision, site plan, conditional use approval.

ATTACHED HERETO AND MADE A PART OF THIS APPLICATION I SUBMIT THE FOLLOWING: (NOTE: All of these papers must be submitted with application.)

(a) The original Zoning Review Application, signed by the Zoning Officer and/or a true copy of the Official order issued by the Zoning Officer and signed by him, where applicable.
(b) Fifteen (15) copies of all application documents
(c) Fifteen (15) copies of a map showing all lots within 200 feet of the property; if buildings exist thereon the map shall be a certified "location map" and clearly indicate such buildings and their approximate location, together with "prevailing set-back" dimensions.
(d) Fifteen (15) copies of a Plot Plan and clearly indicate such buildings thereon with all front, side and rear yard dimensions.
(e) Fifteen (15) copies of List of Property owners served, indicating method of service on each, date of service, together with copies of the post office receipts, if any.
(f) Fifteen (15) copies of Subdivision, Site Plan, or Conditional Use application, when applicable.

(File all copies with the Land Use Administrator when only a variance is sought.)

Date: ____________________________

Signature of Applicant or Agent
Shoaeb Raziuddin

Shaziya Shaikh
Allendale Board of Adjustment

Application of Mr. Shoaeb Raziuddin and Dr. Shaziya Shaikh
Property Address: 109 East Orchard Street, Allendale, New Jersey
Block 1901, Lot 10

Variances Sought: Side Yard Setbacks; Height Variance

SUPPORTING STATEMENT

Mr. Shoaeb Raziuddin and Dr. Shaziya Shaikh, husband and wife, applicants and owners of 109 East Orchard Street, Allendale, New Jersey, have recently purchased the property.

The property is in the AA Residential Zone District. The property is undersized, being 22,044 square feet where 26,000 square feet is required. It is also deficient in width, being 115 feet wide where 130 feet is required. These deficiencies existing long prior to the Applicants purchasing the property.

They wish to demolish the existing dwelling, which was constructed approximately 1962, and replace it with an attractive new dwelling. The Applicants are applying for side yard setback variances, as well as a height variance. They wish to remove the now aging existing split level framed dwelling, and replace it with a two story (with an attic) framed dwelling. At the same time, they will construct a new driveway, a new front walkway from the driveway to the front door, and a rear patio and an in-ground swimming pool. There will be drywells installed to control runoff, and additional landscaping to screen the pool area, and a new fence around the rear yard.

The property is undersized, because it is only 115 feet where the AA Residential Zone District requires 130 feet width. Applicants are requesting variances for the side yard setbacks.

The existing dwelling does not comply with the current requirements for side yard setbacks. The house which Applicants propose will be set back FURTHER from the side property lines than the existing dwelling. Applicants are improving this situation, and setting the new house further from the property lines than what currently exist. Currently, the side yard setback is 19.72 feet at the right side of the dwelling (southeast side property line). The new dwelling will be set back 20.5 feet.

The setback on the left side (northwest side property line) is currently 30.98 feet. Applicants will increase this setback to 32.5 feet.

Borough Ordinance 270-64B(2) requires a side yard setback of 33.01 feet. In view of the
narrowness of the lot, this would require the new dwelling to be extremely narrow. The building
envelope would simply be too narrow to accommodate a correctly proportioned building. The
proposed dwelling is modest in size, and proportioned to fit Applicant’s property.

For these reasons, Applicants would ask that the side yard variances be granted.

Applicants are seeking a height variance. The actual height of the proposed dwelling is
only 32 feet from grade level to peak. However, Applicants are seeking permission to have a
walkout basement stairway, leading from the basement out onto the rear yard. This will allow
much easier access from the rear yard, patio and pool area, to the basement of the house. It will
make the basement much more useable for the Applicants and their children.

Applicants have been informed that if this walkout basement stairway is constructed, then
the height of the building will be measured from peak of the roof down to the landing pad at the
bottom of the basement stairs. This creates a measured height of 39.73 feet, despite the fact that
the house itself is only 32 feet in height.

Applicants realize that they could install a steel door over the basement stairway, closing
it off and making the height of the dwelling as measured in accordance with the Zoning
Ordinance, as being only 32 feet. The height would then be fully compliant with the Borough’s
Zoning Ordinance.

Applicants believe that these steel doors would be visually unattractive, would impede
access and the use of the basement stairway, and should be avoided.

Applicants propose instead an attractively constructed walkway leading into the
basement, screened by a low proposed wall. The stairway then should be effectively invisible
from any neighboring property, and would have no negative visual or other negative impact of
any kind on the adjoining properties.

Applicants wish to avoid installing steel basement doors, which would be nothing short
of an eyesore.

The zoned district permits a maximum height of 35 feet. This is therefore a variance of
4.73 feet. Because this variance is more than ten percent of the permitted height, this triggers a
‘use’ variance under Section 40:55D-70(d)(6). Applicants believe that they meet the legal
requirements for this Board to grant this ‘use’ variance.

Applicants must show ‘special reasons’ for the grant of the use variance.

Applicants believe that there are sufficient “special reasons” supporting the grant of this
use variance. These reasons include promoting a desirable visual environment (per NJSA
40:55D-2(1); promoting appropriate development of land in the Borough (per NJSA 40:55D-
2)(a): and also allowing additional light and air for the basement of the new dwelling (per NJSA 40:55D-2(c).

Applicants must also show that the proposed construction is not inconsistent with the intent and purpose of the Borough Master Plan and the Borough Zoning Ordinance.

Applicants believe that a screened stairway leading into the basement is not inconsistent with the intent and purpose of the Borough Master Plan and the Borough Zoning Ordinance. The intent and purpose of the height restriction is to prevent construction of dwellings that are inappropriately tall for the zone district. Allowing a screened basement stairway will not contradict that purpose.

Applicants must also show that it will also have no negative impact on adjoining properties. The stairway will be screened by a low wall, and almost not visible from adjoining properties. It will therefore meet the requirements of the 'negative criteria' set out in NJSA 40:55D-70, final paragraph.

For these reasons, Applicants ask that the requested variances be granted.
NAME: Shoaeb Raziuddin and Shaziya Shaikh

ADDRESS: 109 East Orchard Street

ZONE: AA Zone

TYPE OF VARIANCE: Use (height over 10%) and bulk variances

BRIEF DESCRIPTION OF APPLICATION: Applicants will remove existing dwelling and construct a new single family dwelling with a walkout basement, new driveway, front walkway, rear patio, and in-ground swimming pool with patio surround.

SPECIFIC VARIANCE(S) REQUIRED: Side yard setbacks required 33.01 feet, proposed 20.5 right side and 32.5 feet left side; structure height maximum permitted is 35 feet height, proposed is 39.73 feet including the walkout basement stairway. The height variance exceeds 10% of maximum permitted, and is therefore a use variance. See NJSA 40:55D-70(d)(6)

ADMINISTRATIVE REQUIREMENTS

1. Application form complete
2. Fee paid
3. Denial by Building Inspector
4. Affidavit of Service
5. Proof of Publication
6. Taxes Current
7. Plot Plan
8. Maps
9. Photographs
10. Email address
11. Miscellaneous

Date

Applicant's Signature

Shoaeb Raziuddin

Shaziya Shaikh
REQUIRED MATERIALS AND CHECKLIST FOR
ALLENDALE LAND USE BOARD HEARINGS

This checklist and attached sample drawings are provided to ensure that you or your professionals are prepared for your hearing and that your application is complete. All items should be supplied to the extent that they are applicable to the specific application. If information is insufficient or missing, the board may deem your application incomplete and adjourn your hearing until it receives all necessary documentation. Please create 15 packets of the below information.

I. PROVIDE AN ACCURATE SURVEY FOR THE PROPERTY IN QUESTION WHICH CONTAINS THE FOLLOWING INFORMATION:

1. Footprint of existing buildings or structures.
2. Precise distances from all property lines to closest point of principal building including steps, deck or other extensions of the building.
3. The location and precise distances of accessory buildings, such as garages and sheds, to property lines and the principal building or structure.
4. The location and dimensions of steps, patios, driveways, decks, pools and all other improved impervious areas and their precise distances to nearest property line and structures.
5. An accurate depiction of the proposed construction or alteration including the information requested in 1, 2, 3 and 4 above.
6. The precise distances from all property lines to the closest point of the proposed construction.

II. AN ENLARGED TAX MAP DEPICTING PROPERTY IN QUESTION AND ITS RELATIONSHIP TO NEIGHBORING PROPERTIES.

1. The precise distances from the existing buildings or structure in question to the closest point of all neighboring buildings and structures.
2. The precise distances from the proposed construction to the closest point of all neighboring buildings and structures.

III. STRUCTURAL DIMENSIONS:

1. All dimensions of existing building or structure.
2. All dimensions of proposed building or structure.
3. Height of existing building or structure.*
4. Height of proposed building or structure.*
   *(height to be measured from lowest point of the ground that abuts the foundation
   of the structure to the highest point on the roof.)*
5. Front, rear and side elevations of the proposed structure.

IV. FLOOR PLANS.
1. Floor plans of the existing interior of the building containing all relevant dimensions.
2. Floor plans of the interior of the proposed construction containing all relevant dimensions.
3. Precise square footage of the existing building.
4. Precise square footage of the proposed construction.
5. Floor area ratio calculation pursuant to Section 270-63 of the zoning ordinance
   (required for all applications)

V. PHOTOGRAPHS.
1. Photographs of the property in question and existing improvements may be helpful
   to the Board in presenting your information.
2. Photographs of views from the existing building or structure to neighboring properties
   and buildings which show existing plantings or other buffers are also helpful and may
   be requested by the Board.
   (All photographs should be taken by you or someone who can testify to the Board as to
   when they were taken and that the photographs represent an accurate depiction of what they saw
   at the time.)

VI. LANDSCAPING AND LAND FEATURES.
1. The survey, plat or plan should locate and describe any proposed landscaping to be
   done in connection with the application.
2. The location of any unusual property features should be indicated, such as flood plains,
   streams, wooded areas, rock outcroppings or steep slopes.

VII. PREVIOUS APPLICATIONS.
1. Applicants should be prepared to discuss prior applications to the Land Use Board,
   Board of Adjustment and Planning Board and the results thereof.
VIII. Any additional information which may be deemed necessary by the Land Use Board, its Consultants or Borough departments and agencies.

NOTE: ALL DIMENSIONS AND DISTANCES MUST BE DEPICTED TO SCALE ON DRAWINGS AND PLANS.

Any questions regarding your hearing or the checklist should be directed to the Land Use Administrator at the Borough of Allendale Municipal Building 201-818-4400 x202. Please submit fifteen (15) packets with copies of all drawings and plans to the Land Use Administrator at least ten (10) days prior to the hearing. It is suggested that the property owner refer to the appropriate building code to assure proper engineering and construction techniques, or to secure the services of a local, reputable architect and/or engineer.

__________________________________________  ________________________________
Date                                               Signature

Shoaeb Razuddin
NOTICE IS HEREBY GIVEN that the Land Use Board of the Borough of Allendale will hold a public hearing on ______________, 20__, at 7:30 p.m. in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, New Jersey 07401 on the application of Shoab Raziuddin and Shazia Shaikh (Applicant) at 109 East Orchard Street, Allendale, NJ (Address) Block No. 1901, Lot No. 10 for a (hardship, use) variance from Section Borough Ordinances 270-64-B(2) and 270-54A of the zoning ordinance of the Borough of Allendale, and for any other variances or waivers that the Board may deem necessary, for the purpose of demolishing existing dwelling constructing new two story single family dwelling with walk out basement, new driveway front walkway, rear patio, in ground swimming pool with surround.

Proposed dwelling height is 39.73 feet where 35 feet is maximum permitted.

Proposed sideyard setbacks are 20.5 feet right side, 32.5 feet left side, where 33.01 feet is required.

Name and Address of Applicant
Shoab Raziuddin and Shazia Shaikh
501 Whitney Lane
Allendale, NJ 07401

Sample Legal Notice
To be published in The Record or The Ridgewood News at least ten (10) days prior to the scheduled hearing date.

Original notice cut from newspaper must be given to Board Secretary along with all forms.
BOROUGH OF ALLENDALE
LAND USE BOARD

DATE__________________________

NOTICE OF HEARING TO PROPERTY OWNERS
(Cross out inapplicable sections)

TO WHOM IT MAY CONCERN:

In compliance with the Zoning Ordinance of the Borough of Allendale, NJ, notice is hereby served upon you to the effect that (I) (We) Shoaeb Raziuddin and Shaziya Shaikh hereby propose to (give detailed information) demolish existing dwelling and construction of a new single family dwelling with walk out basement, new driveway, front walkway, rear patio, and inground swimming pool with patio surround.

Location 109 East Orchard Street, Allendale, NJ Block 1901 Lot 10

The Zoning Officer of the Borough of Allendale, Bergen County, New Jersey, refused this request by reason of its being in violation of Section Borough Ordinance 270-64B(2) and Borough Ordinance 270-54A of the Zoning Ordinance, from which decision (I) (We) have applied to the Land Use Board for a (hardship), (use) variance, and from any other variances or waivers that the Board may deem necessary.

Any person or persons affected by this (application) may have an opportunity to be heard at the meeting to be held ________________, 20__, at 7:30pm in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, NJ 07401.

All documents relating to this application may be inspected by the public between the hours of 9 a.m. and 4:30 p.m. in the office of the Borough Clerk in the Allendale Municipal Building, 500 West Crescent Avenue, Allendale, New Jersey 07401.

Signature
Shoaeb Raziuddin
Shaziya Shaikh

Note: This Notice must be personally Served or sent by certified or registered mail at least 10 days before the day of the hearing, and proof of service given to the Land Use Administrator.
AFFIDAVIT OF PROOF OF SERVICE

LAND USE BOARD

OF

BOROUGH OF ALLENDALE

PROOF OF SERVICE OF NOTICES REQUESTED BY STATUTE MUST BE FILED AND VERIFIED WITH BOARD SECRETARY AT LEAST 10 DAYS PRIOR TO MEETING OR CASE WILL NOT BE HEARD.

STATE OF NEW JERSEY)
COUNTY OF BERGEN        ) SS.

______________________________________________, of full age, being duly sworn according to law, deposes and says, that (s)he resides at _______________________________ in the municipality of _________________, County of _________________, and State of _________________, and that (s)he is (are) the applicant(s) in a proceeding before the Land Use Board of Allendale, New Jersey, being an appeal or application under the Zoning Ordinance, which relates to premises at ________________________________, and that on ____________, 20______ (s)he gave written notice of the hearing on this application to each and all of the persons upon whom service must be made, in the required form and according to the attached lists, and in the manner indicated thereon.

______________________________________________
Applicant's Signature

Sworn to and subscribed before me this _______ day of ________________
20______

______________________________________________

NOTICE TO APPLICANT: Attach list of all persons served.
SHOAEB RAZIUDDIN
109 E. ORCHARD STREET
ALLENDALE, NJ 07401

RE: LOT: 10 IN BLOCK 1901
NEW SINGLE FAMILY
109 East Orchard Street
ALLENDALE, NJ
RAZIUDDIN - FLOOD DETERMINATION

Dear Mr. Raziuddin:

This letter is to confirm that the above referenced property and proposed dwelling is clear of the Flood Zone. The property is shown to be in Zone X (clear of the Flood) as per FIRM Map Panel: 34003C0088J dated 08-28-2019.

Sincerely,

THOMAS STEARNS, III, PE & LS
GB ENGINEERING, LLC

THOMAS G. STEARNS III
N. J. PROFESSIONAL ENGINEER & SURVEYOR
N. J. LICENSE NO. GB40959

- Location Surveys - Topography - Site Plans - Subdivisions -
MEMORANDUM

TO: Borough of Allendale Land Use Board
   L. Garofalo, Land Use Administrator / C. Botta, Board Attorney

FROM: Michael Vreeland, Board Engineer

CC: S. Raziuddin & S Shaikh, Applicant / N. Almukhtar, Applicant’s Architect / T. Stearns, Applicant’s Engineer

RE: 109 East Orchard Avenue - Variance Application
     Block 1901 Lot 10
     Allendale Borough
     VCEA Project No. ALN-1001.042

DATE: April 4, 2022

We are in receipt of the following information pertaining to the above-referenced application:

A. Application with Attachments;
B. February 7, 2022 Borough of Allendale Code Enforcement Office correspondence;
C. Plans entitled, “Proposed, Single Family Dwelling, 109 East Orchard Street, Allendale, New Jersey”. The plans prepared by Heritage Madison Architecture, LLC (Nassir Almukhtar, RA) consist of 9 sheets and are dated with a latest revision date of January 24, 2022; and
D. Plan entitled, “Plot Plan, 109 E. Orchard Street, Lot 10 In Block 1901 Tax Map, Borough Of Allendale, Bergen County, New Jersey”. The plan prepared by GB Engineering, LLC (Thomas G. Stearns III, PE, LS) is dated with a latest revision date of February 14, 2022.

We have reviewed the information along with the Borough Code (Code), visited the site, and offer the following comments:

1. **INTRODUCTION**
   The subject property was developed with a split level dwelling and associated amenities. The dwelling has been razed and the site has been cleared. The application and plans propose to construct a 2 ½ story dwelling and associated amenities. The subject property is located within Allendale’s AA (Residential) Zone.

   The Applicant is seeking variance relief for conflicts with §270-54A and §270-64B of the Code.
2. TECHNICAL COMPLETENESS
We have reviewed this application for technical completeness in accordance with the Application Checklist. Based on this review we believe the Applicant has addressed each of the applicable technical checklist items.

We defer to the Land Use Administrator and the Board Attorney regarding administrative and legal completeness matters.

3. ZONING
We have reviewed this application in accordance with the requirements of the Borough’s Code. Based on this review we find the following:

3.1. Non-Conforming Conditions:

3.1.1. §270-54A – Height
Comment: The height at the proposed basement stairway exceeds the maximum allowable height of 35 ft by more than 10%.

3.1.2. §270-54E – Lot Area
Comment: The existing lot area is ±3,956 sf less than the required 26,000 sf area. The subject application does not appear to alter this condition.

3.1.3. §270-54F – Lot Width
Comment: The existing lot width is ±15 ft less than the required 130 ft width. The subject application does not appear to alter this condition.

3.1.4. §270-64B(2) – Side Yard Setbacks
Comment: The zone table on the plan indicates an enhanced side yard setback of 33.38 ft. Calculations used to determine this requirement need to be included with the table.

Assuming the value in the table is correct, the proposed dwelling will encroach ±12.9 ft (R) and ±0.9 ft (L) into the noted 33.38 ft enhanced side yard setback.

3.2. Discussion
Since this proposal does not meet the requirements noted above, the Applicant must seek relief from the Board pursuant to the Municipal Land Use Law under N.J.S.A. 40-55D-70d(6) (height of principal structure exceeds the maximum permitted height by 10%) and N.J.S.A. 40-55D-70c.

The Applicant has requested “D” & “C” variances in conjunction with this proposal.

3.2.1. “D” Variance
When considering a “d” variance, relief cannot be grant unless sufficient “special reasons” are shown and there is no substantial impairment of the intent and purpose of the zone scheme and zoning ordinance.

There is no precise formula as to what constitutes special reasons unless the use is determined to be inherently beneficial. Each case must be heard on its own circumstances. Generally, there are sufficient special reasons under two
broad circumstances: (1) where refusal to allow the use would impose an undue hardship and (2) when the project carries out a purpose of zoning as set forth in N.J.S.A. 40:55D-2.

A variance should only be granted if the Board, on the basis of the evidence presented before it, feels that the public interest, as distinguished from the purely private interests of the Applicant, would be best served by permitting the proposed use. In these instances, the Board must also find that the granting of the variance will not create an undue burden on the owners of the surrounding properties.

Furthermore, in most “d” variance cases, the Applicant must satisfy an enhanced quality of proof and support it by clear and specific findings by the Board that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance.

3.2.2. “C(1)” or “Hardship” Variances

In judging an application by the C(1) criteria, the core question presented to the Board is whether there has been a showing of (1) peculiar and exceptional practical difficulties to, or (2) exceptional and undue hardship upon, the Applicant arising out of (a) the exceptional narrowness, shallowness or shape of the subject property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting the subject property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting the subject property or the structures lawfully existing thereon. In all cases the alleged hardship must relate to a specific piece of property.

3.2.3. “C(2)” or “Benefits v. Detriments” Variances

In judging an application by the C(2) criteria, the core questions presented to the Board is whether the grant of a variance would promote or advance the purposes of the Municipal Land Use Law and the benefits of such deviation outweigh any detriment.

As in all variance cases, the Applicant bears the burden of proving both the positive and negative criteria. Relief cannot be granted unless it can be granted without substantial detriment to the public good and unless it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

We specifically note that it is the Applicant’s burden to show the special reasons and satisfy the negative criteria. As such, the Applicant’s qualified professionals will need to present additional information concerning the aforementioned issues as well as the positive and negative elements pertaining to the subject proposal.

4. RENOVATIONS

4.1. We assume the dwelling will be finished similar to the renderings. This should be confirmed by the Applicant;

4.2. We recommend additional landscaping be considered;
4.3. The plans do not include exterior lighting. The Applicant should confirm that additional lighting is not proposed or needed;

4.4. An oil cap is illustrated on the plan and noted to be removed. Based on information provided by the Construction Office, it is unclear if this was completed as part of the demolish work. This should be clarified by the Applicant; and

4.5. Should the Board approve this application:
   4.5.1. The Applicant will need to obtain Bergen County Soil Conservation Certification;
   4.5.2. The Applicant will need to obtain a Soil Movement Permit;
   4.5.3. The Applicant will need to obtain Plot Plan Approval;
   4.5.4. The Applicant will need to obtain a Street Opening Permit;
   4.5.5. Water and sewer connections will need to be replaced;
   4.5.6. A tree removal permit will need to be obtained for trees to be removed; and
   4.5.7. We recommend an “As-Built Plan” be required.
NAME: Pergola, Vincent & Peterson, Anna

ADDRESS: 38 East Crescent Avenue, Allendale, New Jersey

ZONE: AA

TYPE OF VARIANCE:

BRIEF DESCRIPTION OF APPLICATION:

SPECIFIC VARIANCE(S) REQUIRED: Side yard setback of 5.7 feet and 13.5 feet, where 20 feet is required; front yard setback of 25 feet, where 40 feet is required; height of 37.1 feet, where a maximum of 35 feet is permitted.

ADMINISTRATIVE REQUIREMENTS

1. Application form complete
   STATUS: X

2. Fee paid
   STATUS: X

3. Denial by Building Inspector
   STATUS: X

4. Affidavit of Service

5. Proof of Publication

6. Taxes Current
   STATUS: X

7. Plot Plan
   STATUS: X

8. Maps
   STATUS: X

9. Photographs

10. Email address
    STATUS: X

11. Miscellaneous

Date: 3/9/22

Applicant's Signature: [Signature]

Bruce E. Whitaker, Esq. Attorney for Applicant
REQUIRED MATERIALS AND CHECKLIST FOR ALLENDALE LAND USE BOARD HEARINGS

This checklist and attached sample drawings are provided to ensure that you or your professionals are prepared for your hearing and that your application is complete. All items should be supplied to the extent that they are applicable to the specific application. If information is insufficient or missing, the board may deem your application incomplete and adjourn your hearing until it receives all necessary documentation. Please create 15 packets of the below information.

I. PROVIDE AN ACCURATE SURVEY FOR THE PROPERTY IN QUESTION WHICH CONTAINS THE FOLLOWING INFORMATION:

   X  1. Footprint of existing buildings or structures.

   X  2. Precise distances from all property lines to closest point of principal building including steps, deck or other extensions of the building.

   X  3. The location and precise distances of accessory buildings, such as garages and sheds, to property lines and the principal building or structure.

   X  4. The location and dimensions of steps, patios, driveways, decks, pools and all other improved impervious areas and their precise distances to nearest property line and structures.

   X  5. An accurate depiction of the proposed construction or alteration including the information requested in 1, 2, 3 and 4 above.

   X  6. The precise distances from all property lines to the closest point of the proposed construction.

II. AN ENLARGED TAX MAP DEPICTING PROPERTY IN QUESTION AND ITS RELATIONSHIP TO NEIGHBORING PROPERTIES.

   X  1. The precise distances from the existing buildings or structure in question to the closest point of all neighboring buildings and structures.

   X  2. The precise distances from the proposed construction to the closest point of all neighboring buildings and structures.

III. STRUCTURAL DIMENSIONS:

   X  1. All dimensions of existing building or structure.

   X  2. All dimensions of proposed building or structure.
3. Height of existing building or structure.*
4. Height of proposed building or structure.*
   *(height to be measured from lowest point of the ground that abuts the foundation of the structure to the highest point on the roof.)*
5. Front, rear and side elevations of the proposed structure.

IV. FLOOR PLANS.
1. Floor plans of the existing interior of the building containing all relevant dimensions.
2. Floor plans of the interior of the proposed construction containing all relevant dimensions.
3. Precise square footage of the existing building.
4. Precise square footage of the proposed construction.
5. Floor area ratio calculation pursuant to Section 270-63 of the zoning ordinance (required for all applications)

V. PHOTOGRAPHS.
1. Photographs of the property in question and existing improvements may be helpful to the Board in presenting your information.
2. Photographs of views from the existing building or structure to neighboring properties and buildings which show existing plantings or other buffers are also helpful and may be requested by the Board.
   (All photographs should be taken by you or someone who can testify to the Board as to when they were taken and that the photographs represent an accurate depiction of what they saw at the time.)

VI. LANDSCAPING AND LAND FEATURES.
1. The survey, plat or plan should locate and describe any proposed landscaping to be done in connection with the application.
2. The location of any unusual property features should be indicated, such as flood plain, streams, wooded areas, rock outcroppings or steep slopes.

VII. PREVIOUS APPLICATIONS. – None
1. Applicants should be prepared to discuss prior applications to the Land Use Board, Board of Adjustment and Planning Board and the results thereof.
VIII. Any additional information which may be deemed necessary by the Land Use Board, its Consultants or Borough departments and agencies.

NOTE: ALL DIMENSIONS AND DISTANCES MUST BE DEPICTED TO SCALE ON DRAWINGS AND PLANS.

Any questions regarding your hearing or the checklist should be directed to the Land Use Administrator at the Borough of Allendale Municipal Building 201-818-4400 x202. Please submit fifteen (15) packets with copies of all drawings and plans to the Land Use Administrator at least ten (10) days prior to the hearing. It is suggested that the property owner refer to the appropriate building code to assure proper engineering and construction techniques, or to secure the services of a local, reputable architect and/or engineer.

2/23/22
Date

Signature

Vincent Pergola

2/23/22
Date

Anna Peterson
ADDENDUM

Vincent Pergola and Anna Peterson (hereinafter referred to as the “Applicant”) are the Owners of 38 East Crescent Avenue, Allendale, New Jersey, shown on the Tax Map of the Borough of Allendale as Block 511, Lot 7 (hereinafter referred to as the “Property”). The Property is located in the AA Residential Zone.

The Property is a nonconforming lot having a lot area of 10,817 square feet, where 26,000 square feet is required. There is a single family two-story dwelling unit on the Property that was built prior to the creation of the current Allendale Zoning Ordinances. Besides being deficient in lot area, the Property has the following nonconformities:

A. Lot width of 58.16 feet, where 100 feet is required;
B. Front yard setback of 31.5 feet, where 41.4 feet is required;
C. Side yard setback of 5.7 feet, where 20 feet is required.

The Applicant is proposing to construct a two-story addition to the rear of the existing dwelling unit, and to construct a porte-cochere on the southerly side of the dwelling unit. The porte-cochere is an open structure of 180 square feet, and it is stipulated that it would always remain open. The purpose is to permit a car to be parked there out of the weather for easy access into the dwelling unit recognizing that the detached garage is a considerable distance to the rear of the Property.

There is currently a side yard setback of 5.7. The Applicant proposes the rear two-story addition to continue as an extension of the northerly line of the existing dwelling unit. The dwelling unit itself is skewed on the Property. The 5.7 foot side yard setback is existing. By virtue of the Applicant’s proposal, the left side, side yard setback is following the same nonconformity, but the side yard setback widens to 7.4 feet at the end of the addition.
The porte-cochere would have a side yard setback of 13.5 feet, and a front yard setback of 25 feet.

The Applicant seeks the following variances:

A. Side yard setback existing of 5.7 feet which runs to 7.4 feet, where 20 feet is required for the addition;

B. Side yard setback of 13.5 feet to the porte-cochere, where 20 feet is required;

C. Front yard setback of 25 feet to the porte-cochere, where 40 feet is required, or based upon average setback of neighboring properties, 30 feet is required;

D. Roof height for the addition of 37.1 feet, where 35 feet is the maximum permitted.

The Zoning Officer of the Borough of Allendale reviewed the plans and confirmed that variance relief is required as previously set forth in this Addendum. His review letter is attached.

It is submitted that variance relief can be granted in this instance under N.J.S.A. 40: 55D-70(C)(1), and (C)(2) for the following reasons:

A. **Side yard setback for the proposed addition** - The Property is substandard by way of area, and by way of width. To respect both side yard setbacks in this instance would require a building to be constructed 20 feet off of each side lot line. The 20 foot requirement is based upon and contemplates a lot width of 100 feet which is required under the Allendale Zoning Ordinance. This lot has only 58.16 feet, so to comply with the Ordinance a building width could only be 18.16 feet wide.

Compliance with the Zoning Ordinance in this instance would constitute a hardship. There is no detriment to the Zone Plan or Zoning Ordinances of the Borough of Allendale relative to this proposal. The addition is to the rear of the existing dwelling unit. The setback follows the building line that already exists. The current side yard setback is 5.7
feet. The Applicant’s proposed addition based upon the dwelling unit being skewed creates a wider side yard setback and expands it to 7.4 feet. Therefore, there is no exacerbation of the pre-existing nonconforming side yard setback.

B. **Porte-cochere** - As shown on the Architectural Plans, the porte-cochere which is listed as a carport on the Site Plan, is an open area for a car to park to allow people easy access to a car out of weather conditions for entry and exiting the dwelling unit. It is a classic style that fits, architecturally and aesthetically with the style of this old dwelling unit. Most importantly, it is an open structure and the only thing that is infringing into the side yard setback is the roof and the columns holding the roof. It is an open air structure which will always remain open, and that is a stipulation of this proposal for variance relief. The dwelling unit itself has a side yard setback that is conforming of 23.7 feet. This open structure is approximately 10 feet in width, creating a side yard setback to the columns of 13.5 feet. Again, based upon the deficiency in lot width, compliance with the Zoning Ordinance in this instance for the side yard setback, creates a hardship for the Applicant.

There is no substantial detriment to the Zone Plan or Zoning Ordinances in this instance. The structure is an open structure. It fits well within the architectural framework of the dwelling unit itself, and is very characteristic for a structure of this vintage. It is next to an open porch and covered landing area, and can easily be accommodated on a lot with this width.

The proposed porte-cochere requires a front yard setback. Recognizing that the porte-cochere is open, it compliments the covered porch which also has a deficient front yard setback. The front yard setback is comprised of the roof and the columns. The current front yard setback
is 31.5 feet to the structure itself. The front yard setback to the covered porch and the porte-cochere would basically line up and be 25.3 feet.

C. **Height Variance** - The Property has an unusual condition in that it slopes down in the rear beyond the existing dwelling unit. The Applicant is proposing to construct a two-story addition that will follow the roof lines of the existing dwelling. To reduce the roof lines would create an addition that would look like an addition and would not be synthesized with the architectural elements and the roof lines that exist.

It is recognized that height is measured under the Allendale Ordinance from the lowest point around the dwelling unit to the tallest point of the dwelling unit. The unusual topographic conditions in this instance creates the necessity for variance relief. The roof elevation is 149.1 feet, and the elevation to the rear is 112 feet, which equals 37.1 feet. Compliance in this instance with the Zoning Ordinance based upon this unusual condition, would constitute a hardship to the Applicant.

There is no substantial detriment to the Zone Plan or Zoning Ordinances of Allendale relative to this proposal. The addition is to the rear, and is not readily discernible from East Crescent Avenue. Most importantly, the roof lines up between the existing structure and addition so that from an architectural and aesthetic standpoint, the addition fits properly with the existing dwelling unit and respects the architectural elements of this classic style vintage building.

Variance relief is also appropriate for all the variances being sought under N.J.S.A. 40:55D-70(C)(2). It is recognized that aesthetic considerations can be considered for variance relief and in this instance, the total upgrade of this classic building, preserving the style of this building and creating architectural elements for the vintage of this building as it pertains to the
porte-cochere together with creating an addition to upgrade the living space of the dwelling unit, are all appropriate in this instance. The Applicant’s proposal as it pertains to upgrading the dwelling unit, creating the porte-cochere, creates a better streetscape. Interestingly, even though the lot has an area of less than 40% of what is required, the Applicant’s proposal meets the requirements for gross building area and for floor area ratio. In addition, impervious coverage on a lot with this deficiency in area, is only 35.1%, where 51.88% is permitted.

It is the Applicant’s position that variance relief can be granted based upon the reasons set forth in this Addendum.
MEMORANDUM

TO: Vincent Pergola & Anna Peterson
38 E Crescent Ave
Allendale, NJ 07401

FROM: Anthony Hackett, Zoning Official/Construction Official

CC: Linda Garofalo Land use Administrator

RE: Two story addition, and adding a car port, and expanding the driveway

DATE: January 19, 2022

The Allendale Building/Zoning Department received the following documents:

A. Borough of Allendale Zoning Review Application

B. Drawings prepared by Harry Goldstein Architect, Monsey, NY

C. Site Plan prepared by Lantelme, Kurens & Associates P.C. Surveyors

I have reviewed these documents and the Borough of Allendale Zoning Ordinances and I must deny your application for the following reason(s):

1) 38 E Crescent Ave. is located in the AA Zone, and is considered a non-conforming existing structure. The minimum side yard setbacks for your home are 20’. Currently you have 23.7’ on the right side and 5.7’ on the left, (Existing Non-conforming). Your proposed addition on the left side is following that same non-conformity. See Borough Ordinance 270-37.

2) Your proposed car port on the right side creates a side yard setback of 13.5’ where 20’ is required, see Borough Ordinance 270-54C
3) The proposed car port creates a front yard setback of 25’ where 40’ is required, or possibly 30’
depending on the neighbors, See Borough Ordinance 270-54B

4) The maximum height of a structure is 35’ measured from the lowest point around the house to
the tallest point of the house. The property slopes down in the rear and according to the site plan, the roof
peak elevation is 149.1 and the elevation at the rear is 112 which equals 37.1’, not including the basement
stairwell which is obviously lower, See Borough Ordinance 270-54A

You are hereby notified that you have the right under N.J.S.A. 40:55D-72 to appeal this decision to the
Zoning board of adjustments of the Borough of Allendale within 20 days from the date of the decision.
For further information please visit. http://allendalenj.gov/zoning-board-of-adjustments/

Anthony Hackett
Construction Official
BOROUGH OF ALLENDALE  
500 West Crescent Avenue  
Allendale, New Jersey 07401

DATE: February 24, 2022

VERIFICATION OF TAXES PAID

Pursuant to Municipal Land Use Law:

This is to certify that taxes for the year _2022_____ are paid through
the _____ 1st _____ Quarter

BLOCK: 511    LOT: 7

OWNER OF RECORD: Vincent Pergola and Anna Peterson

PROPERTY LOCATION: 38 East Crescent Avenue, Allendale, New Jersey
Block 511, Lot 7

Gina Wittmaack
Tax Collector
MEMORANDUM

TO: Borough of Allendale Land Use Board
L. Garofalo, Land Use Administrator / C. Botta, Board Attorney

FROM: Michael Vreeland, Board Engineer

CC: V. Pergola & A. Peterson, Applicant / B. Whitaker, Applicant’s Attorney / H. Goldstein, Applicant’s Architect / C. Lantelme, Applicant’s Engineer

RE: 38 East Crescent Avenue - Variance Application
Block 511 Lot 7
Allendale Borough
VCEA Project No. ALN-1001.041

DATE: April 4, 2022

We are in receipt of the following information pertaining to the above-referenced application:

A. Application with Attachments;

B. Plan entitled, “Site Plan For Vincent Pergola, Lot 7 Block 511 38 East Crescent Avenue, Borough Of Allendale, Bergen County, N.J.” The plan prepared by Lantelme, Kurens & Associates, P.C. (Christopher Lantelme, PE, LS) is dated with a latest revision date of March 7, 2022; and

C. Plans entitled, “Pergola Residence Two-Story Addition, 38 E. Crescent Avenue, Allendale, New Jersey”. The plans prepared by Harry J. Goldstein (Harry J. Goldstein, RA) consist of 3 sheet and are dated with a latest revision date of December 23, 2021.

We have reviewed the information along with the Borough Code (Code), visited the site, and offer the following comments:

1. INTRODUCTION
The subject property is currently developed with a two-story dwelling, detached garage and associated amenities. The application and plans propose to construct additions and renovations to the existing dwelling (including rear two-story addition and side attached car port). The subject property is located within Allendale’s AA (Residential) Zone.

The Applicant is seeking variance relief for conflicts with §270-37A, §270-54A and §270-54C of the Code.
2. **TECHNICAL COMPLETENESS**
We have reviewed this application for technical completeness in accordance with the Application Checklist. Based on this review we believe the Applicant has addressed each of the applicable technical checklist items.

*We defer to the Land Use Administrator and the Board Attorney regarding administrative and legal completeness matters.*

3. **ZONING**
We have reviewed this application in accordance with the requirements of the Borough’s Code. Based on this review we find the following:

3.1. **Non-Conforming Conditions:**

3.1.1. §270-37A(4) – Additions to Nonconforming Structures  
**Comment:** Proposed alteration and improvements do not comply with development regulations.

3.1.2. §270-54A – Height  
**Comment:** The existing dwelling height of 35.2 ft exceeds the maximum allowable height of 35 ft. The proposed improvements increase the height to 37.1 ft.

3.1.3. §270-54B – Front Yard  
**Comment:** The existing dwelling encroaches ±8.5 ft into the required 40 ft front yard setback. The subject application does not appear to alter this condition.

3.1.4. §270-54C – Side Yard  
**Comment:** The existing dwelling encroaches ±14.3 ft into the required 20 ft side yard setback (left). The subject application does not appear to alter this condition.

The application will expand the dwelling by connecting the proposed car port to the existing dwelling. The dwelling will encroach ±6.5 ft into the required side yard setback (right).

3.1.5. §270-54E – Lot Area  
**Comment:** The existing lot area is ±15,183 sf less than the required 20,000 sf area. The subject application does not appear to alter this conditions.

3.1.6. §270-54F – Lot Width  
**Comment:** The existing lot width is ±41.84 ft less than the required 100 ft width. The subject application does not appear to alter this condition.

3.2. **Discussion**
Since this proposal does not meet the requirements noted above, the Applicant must seek relief from the Board pursuant to the Municipal Land Use Law under N.J.S.A. 40-55D-70c.
The Applicant has requested “C” variances in conjunction with this proposal.

3.2.1. “C(1)” or “Hardship” Variances
In judging an application by the C(1) criteria, the core question presented to the Board is whether there has been a showing of (1) peculiar and exceptional practical difficulties to, or (2) exceptional and undue hardship upon, the Applicant arising out of (a) the exceptional narrowness, shallowness or shape of the subject property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting the subject property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting the subject property or the structures lawfully existing thereon. In all cases the alleged hardship must relate to a specific piece of property.

3.2.2. “C(2)” or “Benefits v. Detriments” Variances
In judging an application by the C(2) criteria, the core questions presented to the Board is whether the grant of a variance would promote or advance the purposes of the Municipal Land Use Law and the benefits of such deviation outweigh any detriment.

As in all variance cases, the Applicant bears the burden of proving both the positive and negative criteria. Relief cannot be granted unless it can be granted without substantial detriment to the public good and unless it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

We specifically note that it is the Applicant’s burden to show the special reasons and satisfy the negative criteria. As such, the Applicant’s qualified professionals will need to present additional information concerning the aforementioned issues as well as the positive and negative elements pertaining to the subject proposal.

4. RENOVATIONS
4.1. We recommend the Applicant provides testimony regarding the appearance of the proposed addition and alterations;

4.2. We assume the existing landscaping will remain. This should be confirmed by the Applicant;

4.3. The plan does not include exterior lighting. The Applicant should confirm that additional lighting is not proposed or needed;

4.4. Should the Board approve this application:

4.4.1. The Applicant will need to obtain a Soil Movement Permit if more than 50 cy of soil will be moved;

4.4.2. The Applicant will need to obtain Plot Plan Approval since the project includes an expansion a footprint greater than 500 sf;

4.4.3. A tree removal permit will need to be obtained for trees to be removed;
4.4.4. Soil erosion and sediment control measures will need to be provided. The measures need to be in place prior to initiating soil disturbance and maintained until the area of disturbance has been permanently stabilized; and

4.4.5. We recommend an “As-Built Plan” be required.