

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

DATE: 03/28/2018

RESOLUTION# LUB 18-11

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Davis					✓	
Daloisio	✓		✓			
Kistner						✓
O'Toole						✓
Sasso			✓			
Sirico		✓	✓			✓
White		✓	✓			
Quinn			✓			
Kearl - Alternate						✓
Lovisololo - Alternate						✓

Carried Defeated Tabled

**RESOLUTION APPROVING APPLICATION FOR VARIANCE FOR
CAROL RIKER
BLOCK 301, LOT 3
(a/k/a 21 WOODLAND AVENUE)**

WHEREAS, the applicant, Carol Riker, the owner of the property located at 21 Woodland Avenue, known as Block 301, Lot 3 on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey, applied to the Land Use Board of the Borough of Allendale in an application dated December 21, 2017 for approval of variances from the Allendale Code, Zoning, to construct a portico along the side of the principal residence, which is located in the A zone, which would result in a right side yard building setback of 5 feet, where 15 feet is the minimum required; and

WHEREAS, the Land Use Board considered the matter at the February 13, 2018 regular meeting of the Land Use Board at which the applicant, Carol Riker, and her architect, Gary Indyk, personally appeared and testified;

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

1. Notice of the public hearing was given by the applicant in accordance with applicable law.
2. The property is located at 21 Woodland Avenue, known as Block 301, Lot 3, on the Tax Map of the Borough of Allendale. The property is located in the A residential zone. The application was in evidence.
3. The applicant submitted Architectural Plans, dated December 15, 2017, prepared by Gary Indyk (Exhibit A-1); a narrative report by Gary Indyk (Exhibit A-2); a Survey (Exhibit A-3); and various photographs. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.
4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 9, 2018 (Exhibit A-4). The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.
5. A variance is required because an A residential zone requires a minimum side yard setback of 15 feet.

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6. The applicant was sworn and testified that she was seeking to construct a portico which was aesthetically pleasing to the property, functional for their family and which fits in with the character of the neighborhood.

7. The applicant's professional, Gary Indyk, was sworn and recognized by the Board as an expert in his field. He testified as to the unique existing property conditions and the proposed improvements at the property. He testified that the applicant was seeking to attach the proposed portico to the main residence. He testified that the application would result in a right side yard encroachment, and requested a variance to allow a 5 foot setback, where 15 feet is required. The application and variance would improve the curb appeal of the property and improve the aesthetics and functionality of the property. The property is a uniquely shaped lot, the residence is situated on the far right side of the property, is bordered by woods and utility company property, and the variance requested is minor and will not be obtrusive due to the existing lot size.

8. One member of the public, a neighbor, appeared in favor of the application. There were no members of the public who appeared in opposition to the application.

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:

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A. All fees and assessments required by ordinances and due and owing to the Borough of Allendale for this site shall be paid in full to the Borough of Allendale for professional review and approval of the applicant's plans not previously paid shall be paid in full by the applicant.

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), due to the unique characteristics of the property, the existing situs of the main residence, and the existing non-conformities.

BE IT FURTHER RESOLVED that in granting such variance the Board finds and concludes that the grant of approval of this variance advances the purposes of the Municipal Land Use Law, that there is no substantial detriment to the public good and that the benefits of the deviation substantial outweigh any detriment. The Board also concludes that the grant of the variances will not substantially impair the intent and purpose of the Allendale zone plan and zoning Ordinances, as the proposed development will improve the aesthetics of the zone and neighborhood.

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

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

Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:


JOSEPH DALOISIO, SECRETARY

Adopted: March 28, 2018