

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

DATE: November 14, 2018

RESOLUTION# LUB 18-24

Carried  Defeated  Tabled

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

LAND USE BOARD OF THE BOROUGH OF ALLENDALE

RESOLUTION APPROVING  
APPLICATION FOR MINOR SUBDIVISION OF  
DANIEL SHOENHOLZ AND CAROL WILKINSON  
BLOCK 1801, LOT 1  
(a/k/a 250 FRANKLIN TURNPIKE)

WHEREAS, the applicants, Daniel Shoenholz and Carol Wilkinson, the owners of the property located at 250 Franklin Turnpike, known as Block 1801, Lot 1.01 on the Tax Map, in the Borough of Allendale, have applied for minor subdivision approval, and associated waivers, in connection with properties commonly known as 250 & 256 Franklin Turnpike, which are located in both the A and the AA zone of the Allendale Zoning Code; and

WHEREAS, the applicant, Daniel Shoenholz, is also the contract purchaser of a 2,894.54 square foot portion of a parcel of property at Block 1801, Lot 1 on the Tax Map, in the Borough

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of Allendale (256 Franklin Turnpike), currently owned by Robert and Tippett Muller, which is directly adjacent to the applicant's property; and

**WHEREAS**, this application is brought by Daniel Shoenholz and Carol Wilkinson, with the consent of Robert and Tippett Muller; and

**WHEREAS**, the applicants request the subdivision of Lot 1 and Lot 1.01, so that a portion of Lot 1, approximately 2,894.54 square feet, or .07 acres, may be added to Lot 1.01 to "square off" Lot 1.01 at the rear of this property; and

**WHEREAS**, the Land Use Board considered the matter at the October 17, 2018 regular meeting of the Land Use Board at which the applicant, Daniel Shoenholz, personally appeared and presented evidence to the Land Use Board;

**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 250 and 256 Franklin Turnpike, known as Block 1801, Lots 1 and Lots 1.01, on the Tax Map of the Borough of Allendale. The properties are located in both the AA and A residential zone, which permits single family structures and uses. The application was in evidence.
3. As part of the application, the applicant submitted a survey and plot plan by Leeper Land Group, LLC, with a last revision date of June 25, 2018, which included a description of the proposed preliminary minor subdivision. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.

**RESOLUTION  
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BOROUGH OF ALLENDALE  
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4. As part of the application, the applicant also submitted a list of waiver requests, dated September 24, 2018, for which the applicant seeks permission, in connection with the proposed minor subdivision.

5. The applicant further testified that the reason for the subdivision request was to allow him to purchase a small portion of property from his adjacent neighbor so that he could "square off" the back of his property line, to improve the functionality and aesthetics of his property. There are no structures on the property proposed to be added to Lot 1.01. The subdivision would not result in any creation of or increased non-conformity, nor any need for variance relief.

6. The application neither requests nor contemplates construction or alteration of any land or structures on the premises, other than the relocation of a fence at the new property line, which shall be relocated and installed in accordance with Borough Ordinances.

7. The application was reviewed by the Engineer for the Land Use Board, and the Land Use Board considered input from its Engineer in reviewing and considering the application; and

8. 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 applicants' application for minor subdivision of Lot 1 and Lot 1.01, so that a portion of Lot 1, approximately 2,894.54 square feet, or .07 acres, may be added to Lot 1.01 to "square off" Lot 1.01 at the rear of this property; and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board has considered the applicants' request for waivers in their September 24, 2018 letter, and does hereby grant the waiver requests, in light of the fact that this application is a minor subdivision with no associated construction or alteration of any land, and that the additional information is not necessary for the consideration and approval of the application; and

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LAND USE BOARD  
BOROUGH OF ALLENDALE  
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**BE IT FURTHER RESOLVED** that the necessity of a Developer's Agreement is also waived; and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby grants approval of the requested minor subdivision, 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. Approval by the Bergen County Planning Board. If any material changes are required by the Bergen County Planning Board to the plans, as approved by this Resolution of the Allendale Land Use Board, such changes will be brought by the Applicant on a forthwith basis before the Allendale Land Use Board which retains jurisdiction over this application and reserves the right to amend or withdraw its approval of this application.

C. Subject to review and approval of proposed Deeds to the new lots by the Land Use Engineer and Land Use Counsel.

**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

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Approved:

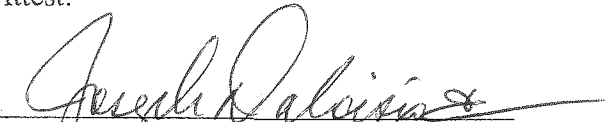
ALLENDALE LAND USE BOARD



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KEVIN QUINN, Chairman

Attest:



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JOSEPH DALOISIO, SECRETARY

Adopted: November 14, 2018