

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

DATE: March 20, 2019

RESOLUTION# LUB 19-12

Carried Defeated Tabled

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio						✗
Davis			✓			
Kistner			✓			
Lovisololo		X	✓			
Sasso					✗	
Sirico	X		✓			
Bernstein					✗	
Quinn			✓			
Kearl - Alternate						X
Yaccarino - Alternate					✗	

RESOLUTION #19-12

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR A. & M. KNAPP
BLOCK 1405, LOT 4
(a/k/a 69 CANAAN PLACE)

WHEREAS, the applicants, Andrew & Mitzi Knapp, the owners of the property located at 69 Canaan Place, known as Block 1405, Lot 4 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 11, 2018 for approval of a variance for the premises, which is located in the AA zone, from the Allendale Code, Zoning; and

WHEREAS, the application seeks a variance since the property and structure is pre-existing non-conforming, and the application specifically seeks to construct an addition to the existing dwelling over the existing garage and to add a master suite and mud room; and

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WHEREAS, the application seeks specific variance relief for side yard encroachment; and

WHEREAS, the Land Use Board considered the matter at the February 13, 2019 regular meeting of the Land Use Board at which the applicants, Andrew & Mitzi Knapp, 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 applicants in accordance with applicable law.

2. The property is located at 69 Canaan Place, known as Block 1405, Lot 4, on the Tax Map of the Borough of Allendale. The property is located in the AA residential zone. The application was in evidence.

3. As part of the application, the applicant submitted Architectural Plans prepared by Puzio Architects; a Survey Plan prepared by Rigg Associates, P.A.; and a Zoning Plan, prepared by Rigg Associates, P.A. 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 8, 2019. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

5. A variance is required because this property located in the AA residential zone, due to the structure in place and proposed as part of the application, requires minimum side yard setbacks of 35.1 feet. The proposed addition would result in an encroachment of 12.4 feet on the east side of the structure, and 11.6 feet on the west side of the structure.

6. The applicants were sworn and testified that they were seeking to construct an addition to the home over the garage, namely a master suite, extending to the rear of the structure, as well as a mud room. They specifically referenced the architectural plans depicting the proposed addition. They also testified that the additional building coverage would make the setback requirement more burdensome, since they would be enhanced under the provision of the Borough Zoning Code. The addition would be aesthetically pleasing to the property, functional for their

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family and would not be observable from the roadway since it would extend to the rear, and be shielded by vegetation. They also testified as to the unique existing property conditions, such as the two adjacent driveways and the off-center placement of the existing structure.

7. 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 to expand the non-conforming conditions at the premises, and to permit the addition 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 applicant and the Borough Engineer, in connection with the testimony that the applicant is entitled to a "hardship" variance, due to the unique nature of the property, namely the off-center placement of the existing premises and adjacent driveways. The application and variance would improve the property and improve the aesthetics and functionality of the property, without any impact on the surrounding properties or the zone. 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. In addition, the variance requested will not excessively expand the present non-conforming conditions, and will not be obtrusive due to the placement and configuration of the primary structure on the lot, the location

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of the proposed addition towards the rear of the existing premises, and shielding from the existing vegetation which will remain; 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. Surface and roof run-off must be addressed in consultation with the Borough Engineer so that there is safe and adequate drainage of surface and roof run-off, so as not to impact adjoining properties and/or the street.

BE IT FURTHER RESOLVED 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.

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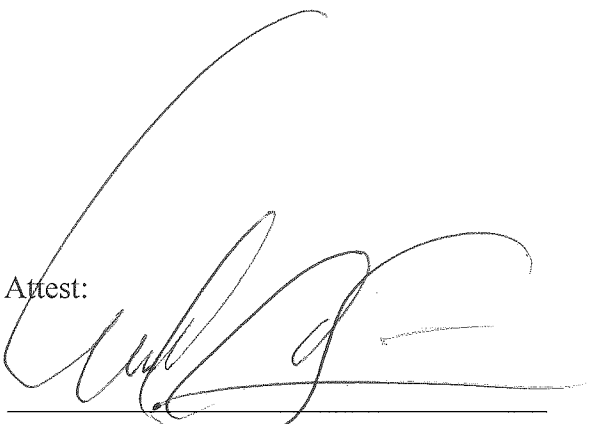
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY
Michael A. Sinico, for J. Daloisio

Adopted: , 2019

3/20/19

