

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

DATE: July 17, 2019

RESOLUTION# LUB 19-18

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen		✓	✓			
Daloisio						✓
Davis						✓
Kistner					X	
Lovisolo	✓	✓				
Sasso						✓
Sirico		✓				
Bernstein		✓				
Quinn		✓				
Yaccarino – Alt. #2		✓				

Carried Defeated Tabled

RESOLUTION 19-18

LAND USE BOARD OF THE BOROUGH OF ALLENDALE

**RESOLUTION APPROVING
APPLICATION FOR MINOR SUBDIVISION OF
FRANK PAPAROZZI
BLOCK 907, LOT 13 & 14
(a/k/a 25 VREELAND PLACE)**

WHEREAS, the applicant, Frank Paparozzi, the owner of the property located at 25 Vreeland Place, known as Block 907, Lot 13 & 14 on the Tax Map, in the Borough of Allendale, has applied for minor subdivision approval and site plan approval, in connection with the property commonly known as 25 Vreeland Place, which is located in the A residential zone of the Allendale Zoning Code; and

WHEREAS, the applicant, Frank Paparozzi, purchased the adjoining lots in December 2018, which are currently improved with one single family residence and associated amenities.

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Lot 14 has the single-family dwelling; Lot 13 has a swimming pool associated with the single-family dwelling. A portion of the existing single-family residence straddles the line dividing the lots and encroaches onto Lot 13. Both lots are undersized for the zone and pre-existing non-conforming. Due to the present common ownership of the lots, and previous common ownership which pre-dated zoning, the lots have merged by operation of law, thereby requiring a subdivision to divide the lots into two buildable parcels. The lots have been taxed as one lot by the Borough, but divided into two parcels on the Borough Tax Map; and

WHEREAS, the applicant requests the subdivision of the properties to reestablish the two separate lots; remove the existing dwelling, swimming pool and other amenities, and to develop each lot with a new single-family dwelling; and

WHEREAS, the Land Use Board considered the matter at the June 19, 2019 regular meeting of the Land Use Board at which the applicant, Frank Paparozzi, through counsel and by the presentation of evidence from the applicant's retained professional, personally appeared;

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 25 Vreeland Place, known as Block 907, Lot 13 & 14, on the Tax Map of the Borough of Allendale. The properties are located in the A residential zone, which permits single family structures and uses. Due to the present common ownership of the lots, and previous common ownership which pre-dated zoning, the lots have merged by operation of law, thereby requiring a subdivision to divide the lots into two buildable parcels. The application was in evidence.

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3. As part of the application, the applicant submitted a survey and plot plan by Paparozzi Associates (Gary Paparozzi, LS & PP), entitled "Proposed Site Plan/Minor Subdivision Lot 13 & 14 Block 907, Borough of Allendale, Bergen County New Jersey", dated February 14, 2019. The plans include a description of the existing conditions and the proposed preliminary minor subdivision. These plans and exhibits were in evidence, marked as Exhibit A-1, and reviewed and examined by the members of the Land Use Board and its professionals.

4. As part of the application, the applicant also submitted architectural plans by Edward T. Chudzinski, Jr, AIA, entitled "Proposed Residence for Frank Paparozzi, Lot 14 Vreeland Place Allendale NJ" dated April 8, 2019. These plans and exhibits were in evidence, marked as Exhibit A-2, and reviewed and examined by the members of the Land Use Board and its professionals.

5. The tax bill for the properties was submitted as Exhibit A-3 in evidence. Various photographs of the property were submitted as Exhibits A-4 through A-7.

6. The applicant, Frank Paparozzi, was sworn and testified that he purchased the properties in December 2018 intending to reside on one of the properties. The existing single-family residence is an older Cape-style home with little architectural integrity and in need of updates and improvements. He further testified that he could have applied to build a larger, variance free home on the combined lot, but instead has chosen to sub-divide the property to build two similar style smaller homes on the lots, and to reside in one of the homes. He testified that the proposed two lots would be similar in size and nature to homes in the area, and that the two new homes would have an approximate square footage of 2500 square feet, which would be keeping with the size of homes in the area. The only variance relief requested would be for the size and width of the lots, as setbacks would be compliant with the A zone requirements.

7. The applicant's Surveyor and Planner, Gary Paparozzi, was sworn and testified as to the plans submitted with the application. Mr. Gary Paparozzi was accepted by the Board as an expert in the fields of land surveying and planning. He testified that he had prepared the subdivision plans. He testified that the existing house and property has no drainage improvements, and that the subdivision contemplated a zero increase in current run-off and drainage on each lot due to proposed drywells and gutter connections. He further testified that the lots would be kept at street level, and impervious coverage would be 54%. There were no setback variances proposed, and the FAR was within the limits for the zone. The variance request as part of the subdivision was the lot size and lot width, wherein 20,000 square feet is required for lot size, and 115 feet is required for lot width. The subdivision proposed 10,274 square feet per each lot, and 75-foot lot width per each lot. The subdivision application would increase the existing front yard and side yard setbacks, making them both fully compliant. Existing lot 14 is presently non-conforming for front yard and side yard setbacks.

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8. The applicant's Surveyor and Planner, Gary Paparozzi, also testified in connection with the proposed subdivision's relation with the Borough's Master Plan. He testified that the Master Plan requires homes to be consistent with the surrounding neighborhood, and that the subdivision was a better planning alternative than one larger home on a larger lot, even though the larger home could be built without variance relief. He also testified that there would be no detriments or negative impact on the surrounding properties or the zone, and that the subdivision met the purposes of the MLUL. The subdivision would actually enhance the surrounding zone, by the removal of a non-compliant shed, wire fencing and decaying pool structure, and would result in aesthetic improvements. He specifically referred to the architectural plans submitted with the application and testified that the benefits of the proposed subdivision outweighed the negative impacts, if any.

9. 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. Specifically, the Land Use Board Engineer commented that the subdivision would result in an improvement to drainage conditions at the site. The Land Use Board Engineer also made comments to improve the plans, namely, to remove a connected wall between the two proposed homes, to which the applicant agreed, and to minimize the impact of the subdivision on the surrounding properties.

10. Members of the public appeared in connection with the application, asked specific questions of the applicant and his professionals, and offered opinions on the merits of 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 application for minor subdivision/site plan approval of Block 907, Lot 13 & 14 to reestablish the two separate lots; remove the existing dwelling, swimming pool and other amenities, and to develop each lot with a new single family dwelling; and

BE IT FURTHER RESOLVED that the Land Use Board has determined that the proposed subdivision lots will be similar to other lots within the area and not out of character with the neighborhood and that there will be no adverse impact to the overall zone plan or zoning

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element of the Borough of Allendale and its Master Plan as it pertains to this variance relief, and such relief is appropriate in this instance; and

BE IT FURTHER RESOLVED that the Land Use Board has determined that the proposed subdivision would be a benefit, in that it would greatly improve drainage on the lots, eliminate side yard and front yard existing non-conformities, and be an aesthetic improvement to the neighborhood; and

BE IT FURTHER RESOLVED that the Land Use Board has determined that there are unique aspects of this application, namely the longtime presence of two separate lots which predates zoning, and the common ownership and merger of the lots through operation of law, which weigh towards approval of the subdivision, and would not have any precedential impact on future subdivision or variance applications; and

BE IT FURTHER RESOLVED that in view of the fact that there are no public improvements required, the Applicant shall not be required to enter into a Developer's Agreement. However, the Applicant shall post all necessary fees, and pay all expenses for the Borough's professionals as it pertains to the review of this application. The Applicant shall perfect this subdivision by deed and the deeds are subject to review and approval by the Land Use Board Attorney and/or Borough Attorney and the Land Use Board Engineer; and

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval of the requested minor subdivision and site plan, subject to the following conditions:

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- 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 Soil Conservation District.
- C. 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 negatively impact adjoining properties and/or the street, which may include the installation of additional seepage pits/drywells on the lots.
- D. All permits and approvals, including but not limited to, tree removal, soil erosion, sediment control measures, soil movement, curb cut, street opening, and roadway repair, must be properly obtained and details shall be provided for on amended plans submitted to the Borough Engineer. Drainage calculations, stormwater drawings and a grading plan must be provided to and approved by the Borough Engineer. These details must be provided prior to issuance of a building permit.
- E. Consultation with and approval in the field by the Borough Engineer of appropriate landscaping buffering, which may include regrading of portions of the lot. If existing vegetation is removed or disturbed, it shall be replaced in accordance with the direction and in the discretion of the Borough Engineer.

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 and its experts, 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

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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: July 17, 2019