

RESOLUTION

LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: September 16, 2026

RESOLUTION: LUB 26-20

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Dalo						✓
Warzala			✓			
Putrino	✓		✓			
Agugliaro						✓
Yaccarino		✓	✓			
Conte						✓
Sirico			✓			
Wilczynski			✓			
Butler			✓			
Ensenat - Alt.#1			✓			
Johnson - Alt. #2			✓			

Carried ☒ Defeated ☐ Tabled ☐

LUB Application No. 2026-11

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
WILLIAM COONEY
55 CHEROKEE AVENUE
Block 504, Lot 8

WHEREAS, William Cooney ("Applicant"), owner of the Property located at 55 Cherokee Avenue, known as Block 504, Lot 8 on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey ("Property"), applied to the Land Use Board of the Borough of Allendale, seeking variance relief from provisions of the Borough of Allendale Land Use Code;

WHEREAS, the Applicant sought development of an in-ground swimming pool, spa, and patio, a portion of which would be located within a required front yard on this corner lot;

WHEREAS, the Property is located in the AA zone;

WHEREAS, the Applicant appeared and commenced prosecution on July 15, 2026;

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: September 16, 2026

RESOLUTION: LUB 26-20

WHEREAS, the Applicant sought bulk variance relief pursuant to N.J.S.A. 40:55D-70c, from Borough Land Development Code Sections 270-32B related to the front yard setback requirement, in that the site plan depicts the spa portion of the pool at twenty (20) feet from the Harding Avenue front property line, whereas the AA zone requires a forty (40) foot front yard setback and Borough Code §270-32B requires that a swimming pool be constructed behind the front setback line;

WHEREAS, an Affidavit of Service and Publication was timely tendered to the Board, which, upon review and confirmation of proper notice, conferred jurisdiction over the Board to commence public hearings on the Application;

WHEREAS, the Applicant filed the below plans and supporting documents:

Site Plan, prepared by RDH Design Group, dated 2.6.26, last revised 4.2.26;

Site Images, prepared by RDH Design Group, dated 2.6.26, last revised 4.2.26;

Boundary and Topographic Survey prepared by 3 Wire Surveying LLC dated 1.16.26;

WHEREAS, the Applicant presented the below witnesses, sworn and qualified, where appropriate:

Witness: Robert Hessels, P.E. (qualified as an expert in the field of civil engineering)

Witness: William Cooney (lay witness, testifying as owner / applicant)

WHEREAS, the Applicant did not mark any new exhibits into evidence, but rather relied on the plans filed as part of the application;

WHEREAS, Robert Hessels, P.E., the Applicant's engineer, testified that the Property is a corner lot with two front yards, one along Cherokee Avenue and one along Harding Avenue, that the

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: September 16, 2026

RESOLUTION: LUB 26-20

existing dwelling is an existing nonconforming structure situated on an undersized and narrow lot, thereby creating a hardship, and that the proposed swimming pool and spa must be located within the front-yard setback because of the corner-lot configuration;

WHEREAS, Mr. Hessels further testified that the proposed pool is located behind the covered porch and front house line, approximately twelve (12) feet from the house, and that the Property is essentially flat such that any overflow would drain toward the front yard;

WHEREAS, Mr. Hessels further testified that the Applicant proposes additional landscaping that will fully visually screen the pool on all four sides so that it will not be visible from neighboring properties, and that the proposed pool lighting will serve only the pool with no light spillage onto adjoining properties;

WHEREAS, William Cooney, the owner and Applicant, testified regarding the layout of the lot, identifying the covered-porch side as the side yard and Cherokee Avenue as the front yard, that the existing patio will be removed and replaced with a new patio while remaining under the allowable coverage, and that he is not opposed to the imposition of a drainage seepage-pit condition;

WHEREAS, Mr. Hessels testified that the purposes of the Municipal Land Use Law were advanced by the grant of relief, warranted pursuant to N.J.S.A. 40:55D-70c given the bulk relief can be supported under the hardship / flexible analysis, per N.J.S.A. 40:55D-70c, noting that the Property's undersized, narrow, corner-lot configuration and the location of the existing nonconforming dwelling render compliance with the front-yard setback requirement impractical, and that the requested relief can be granted without substantial detriment to the public good or impairment of the zone plan and zoning ordinance;

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: September 16, 2026

RESOLUTION: LUB 26-20

WHEREAS, no members of the public appeared during the course of the Application;

WHEREAS, the Borough of Allendale Land Use Board hereby makes the following findings of fact and conclusions:

1. The Applicant is the owner of the Property.
2. The Application was duly noticed, conferring statutory jurisdiction over the Board to commence proceedings.
3. The Property is approximately 9.136 sf, located at 55 Cherokee Avenue, known as Block 504, Lot 8, on the Tax Map of the Borough of Allendale.
4. The Property is located in the AA Zone.
5. The Applicant submitted a complete Land Use Application and associated documents, including a zoning determination, dated April 9, 2026, prepared on behalf of the Borough of Allendale Code Enforcement Office, by Anthony Hackett, Construction & Zoning Official; site photos; and all filed plans as noted herein.
6. The Property is developed with a single-family residential dwelling with associated amenities.
7. Existing conditions on the Property render it nonconforming to the zone's front yard setback requirements on a corner lot.
8. Existing conditions render further development, otherwise consistent with and promoted by the land development code and Master Plan, impractical without the grant of relief.

RESOLUTION

LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: September 16, 2026

RESOLUTION: LUB 26-20

9. The Applicant's sworn and qualified professional, through testimony and presentation of the filed plans and exhibits, satisfied the requisite statutory standard, to the satisfaction of the Board, warranting the grant of variance relief, pursuant to N.J.S.A. 40:55D-70c.
10. No members of the public appeared in connection with the application.

NOW THEREFORE BE IT 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 relief from the Borough of Allendale Code, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:

1. 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, prior to the issuance of any permits.
2. The Applicant shall apply for a Plot Plan.
3. The Applicant shall submit a Soil Movement Application.
4. The Applicant shall satisfy the Board Engineer's recommendations regarding stormwater management and related requirements as raised during the public hearing and may be raised during post-approval resolution-compliance reviews.
5. The Applicant shall satisfy any and all approvals, permits, waivers or other disposition as may be required from any agency having jurisdiction, prior to issuance of permits.

RESOLUTION

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

DATE: September 16, 2026

RESOLUTION: LUB 26-20

6. 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, prior to the issuance of any permits.
7. Construction shall proceed in strict accordance with this Resolution, the approved plans and drawings, the testimony of the Applicant in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.
8. The development and use of the Property shall be wholly consistent with the terms and conditions of this approval, including the representations made during the course of the public hearing.
9. Applicant shall provide a certification that Property taxes are paid current.
10. Applicant shall secure approval from any other agency having jurisdiction and, if so requested by Borough Officials, shall file with the Board and Construction Official an affidavit verifying that the applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
11. The approval shall be subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Allendale, County of Bergen and State of New Jersey.
12. The Applicant shall be bound by any and all other conditions set forth during the hearing.

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: September 16, 2026

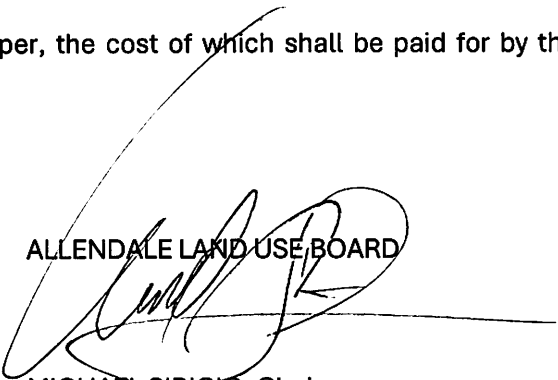
RESOLUTION: LUB 26-20

13. The Applicant shall comply with all representations and stipulations before the Board during the public hearing process even if those representations and stipulations are not set forth or enumerated specifically herein as conditions.

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


MICHAEL SIRICIO, Chairman

Attest:


JOHN DALO, Vice Chairman

Adopted: September 16, 2026