

RESOLUTION  
 LAND USE BOARD  
 BOROUGH OF ALLENDALE  
 BERGEN COUNTY, NJ

DATE: 11/13/2024

RESOLUTION: LUB 24-18

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
<b>Bergen</b>					✓	
<b>Warzala</b>						
<b>Putrino</b>						
<b>Agugliaro</b>		✓	✓			
<b>Daloisio</b>	✓		✓			
<b>Dalo</b>					✓	
<b>Sirico</b>			✓			
<b>Wilczynski</b>			✓			
<b>Butler-Alt.#1</b>			✓			
<b>Conte-Alt. #2</b>					✓	

Carried  Defeated  Tabled

RESOLUTION LUB 24-18

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
 RESOLUTION APPROVING  
 APPLICATION FOR VARIANCE FOR  
 ANTONIO IMBIMBO  
 BLOCK 103, LOT 7  
 (a/k/a 1 EAST ELBROOK DRIVE)

**WHEREAS**, the applicant, ANTONIO IMBIMBO, the owner of the property located at 1 East Elbrook Drive, known as Block 103, Lot 7, on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey (the “Property”), applied to the Land Use Board of the Borough of Allendale in an application dated September 9, 2024 for approval of variance relief from the Allendale Code, Zoning to expand their home; and

**WHEREAS**, the proposal requires variance relief from bulk standards in the Allendale Code; and

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**WHEREAS**, the application and plans specifically seek approval to permit the construction of a second floor addition and a great room addition; and

**WHEREAS**, the application seeks bulk variance relief for existing front yard building setback of 49.20 feet, where 50 feet is required; and

**WHEREAS**, the application seeks bulk variance relief for the existing side yard building setback of 19.7 feet, where 40 feet is required; and

**WHEREAS**, the application seeks bulk variance relief for a second existing side yard building setback of 30.96 feet, where 40 feet is required; and

**WHEREAS**, the Land Use Board considered the matter at the October 23, 2024 regular meeting of the Land Use Board at which time the applicant 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 applicant in accordance with applicable law.

2. The Property is located at 1 East Elbrook Drive, known as Block 103, Lot 7, on the Tax Map of the Borough of Allendale. The property is located in the AA Residence Zone. The application was in evidence.

3. As part of the application, the applicant submitted a Land Use Application and associated documents; "Subdivision Plat of Crestwood Acres Section No.2 Property of Delta Company" dated August 3, 1959; and Tax Assessment Map of Borough of Allendale Sheet 2; Plan set entitled, "2 Story Additions & Renovations, To Existing 1 Family House, Residence At, 1 E. Elbrook Drive, Allendale NJ" prepared by Darin Jon Fernando Architect, A.I.A, dated October 4, 2024.

4. Variance relief is required because the Property is located in the AA Residence Zone and the application proposes a deviation from the required bulk requirements as follows:

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§270-54 – Front Yard Setback. The front yard setback shall be 49.20 feet where the Code requires 50 feet.

§270-54 – Side Yard Setback. The first side yard setback shall be 19.7 feet where the Code requires 40 feet.

§270-54 – Side Yard Setback. The second yard setback shall be 30.96 feet where the Code requires 40 feet.

6. The Property is ±1.009 acres and is located within the Borough’s AA Residence Zone District. The Property is developed with a single-family dwelling and associated amenities. The application and plans propose additions to the home, which shall include the construction of a second story as well as a great room.

7. The applicant was sworn in and testified as to his need for the proposal due to the configuration and location of the dwelling on the property.

8. The applicant did not offer any expert testimony.

**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 variance relief, and to permit the additions as proposed in the application; and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby determines that the variances hereby granted constitute “hardship” variances under N.J.S.A. 40:55 D-70C.(1); and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board especially adopts and accepts the testimony of the applicant, in connection with the testimony that the applicant is entitled to variance relief, due to the nature of the property, which are deemed hardships by the Board. In addition, the hardships associated with the present condition of the property and premises

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outweigh the negative criteria to the Borough zoning ordinances and the zone plan and neighborhood; and

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby grants approval of the requested variances 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. There shall be no unpermitted light spill onto the abutting properties.
- C. Any landscaping or trees disturbed during construction to be restored/replaced.
- D. Revise plans to satisfaction of Board Engineer, to comport with report of 10.15.24.

**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 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



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MICHAEL A. SIRICO, Chairman

Attest:



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MELISSA BERGEN, VICE CHAIRWOMAN

Adopted: November 13, 2024