

RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

July 15, 2026

RESOLUTION: LUB 2026-16

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

Carried ☒ Defeated ☐ Tabled ☐

LUB 2026-16

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
KIM AND BART BARGIEL
138 CRESCENT PLACE
Block 301, Lot 38.02

WHEREAS, Kim and Bart Bargiel (“Applicants”), owners of the Property located at 138 Crescent Place, known as Block 301, Lot 38.02 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 Applicants sought approval for improvements to their single-family residence, namely to construct a covered roof / portico over the existing front steps;

WHEREAS, the Property is located in the AA Residential zone;

WHEREAS, the Applicants appeared and commenced prosecution on June 17, 2026;

WHEREAS, the Applicants appeared pro se and were not represented by counsel;

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WHEREAS, the Applicants sought bulk variance relief pursuant to N.J.S.A. 40:55D-70c, from Borough Land Development Code Section 270-54B related to:

- Front yard setback - where a minimum of 40' is required and approx. 35.1' is existing and proposed to remain;

WHEREAS, the approx. 35.1' front yard setback is an existing non-conformity;

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 Applicants filed the below plans and supporting documents:

- Land Use Board Application and associated documents;
- Zoning determination, dated March 2, 2026, prepared on behalf of the Borough of Allendale Code Enforcement Office, by Anthony Hackett;
- Detail Plan, undated; and
- Site photographs of current and proposed conditions, undated.

WHEREAS, the Applicants were not represented by counsel, nor did they present any professional witnesses to provide testimony at the public hearing;

WHEREAS, the Applicants did not enter any exhibits into the record, but rather relied on the plans and renderings filed with the application;

WHEREAS, Mr. Bargiel was sworn in as a lay witness, testifying as the property owner;

WHEREAS, Mr. Bargiel testified as to the details of the proposal, citing to the filed plans, and describing the site conditions;

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WHEREAS, Mr. Bargiel testified as to the need for a covered portico due to inclement weather conditions degrading the front steps as well as rendering them unsafe at times;

WHEREAS, Mr. Bargiel testified that the front yard setback is a pre-existing non-conformity;

WHEREAS, Mr. Vreeland, Board Engineer, noted that the orientation of the existing residence lends to the need for variance relief;

WHEREAS, Mr. Bargiel testified that any proposed lighting will comply with the Borough's ordinance;

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 Applicants are the owners of the Property.
2. The Application was duly noticed, conferring statutory jurisdiction over the Board to commence proceedings.
3. The Property is approximately 1.2 acres, located at 138 Crescent Place, known as Block 301, Lot 38.02, on the Tax Map of the Borough of Allendale.
4. The Property is located in the AA Residential Zone.
5. The Applicants submitted a complete Land Use Application and associated documents, including a zoning determination, dated March 2, 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 residence with associated improvements.
7. Existing conditions on the Property render it nonconforming to the zone's bulk standards.

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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.
9. Mr. Bargiel's sworn testimony and presentation of the filed plans 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.

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 Applicants' 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 Applicants' plans, shall be paid in full to the Borough of Allendale by the Applicants, prior to the issuance of any permits.
2. The Applicants 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.
3. 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 Applicants' plans, shall be paid in full to the Borough of Allendale by the Applicants, prior to the issuance of any permits.
4. Construction shall proceed in strict accordance with this Resolution, the approved plans and drawings marked in evidence, the testimony of the Applicants in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

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5. Applicants shall provide a certification that Property taxes are paid current.
6. Applicants 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.
7. 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.
8. The Applicants shall be bound by any and all other conditions set forth during the hearing.
9. The Applicants 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.
10. The Applicants shall comply with any recommendations made by the Board Engineer over the course of the public hearing process even if those recommendations 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 Applicants 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 Applicants.

Approved:

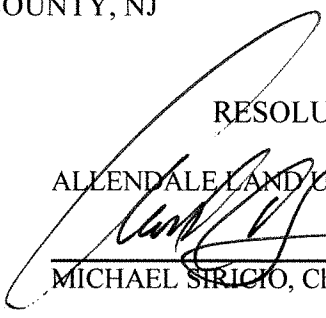
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ALLENDALE LAND USE BOARD



MICHAEL STRICCO, Chairman

Attest:



JOHN DALO, Vice Chairman

Adopted: 7/15/26