

RESOLUTION

LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: 5/14/25

RESOLUTION: LUB 25-18

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

Carried  Defeated  Tabled

LUB 25-18

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR VARIANCE FOR  
JOSEPH & JENNIFER KIM  
BLOCK 101, LOT 11  
(a/k/a 124 Elbrook Drive)

**WHEREAS**, Joseph and Jennifer Kim, (“Applicant”), the owners of the Property located at 124 Elbrook Drive, known as Block 101, Lot 11 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 to develop a second story addition, deck, patio and alterations to the existing single-family home;

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**WHEREAS**, the Applicant sought the following variance relief pursuant to N.J.S.A. 40:55D-70c:

- Deviation from the applicable front yard setback requirement – Section 270-54B (proposed setback is  $\pm 33.5$  ft where 40 ft is required).
- Deviation from the applicable lot width requirement – Section 270-54F (existing lot width, proposed to remain, at 115 ft, where zone requires 130 ft).
- Deviation from the applicable side yard setback requirement – Section 270-64B (proposed gross building floor area requires enhanced setback of  $\pm 31.36$  ft, exacerbating the existing nonconforming left side yard setback of 16.5 ft).

**WHEREAS**, an Affidavit of Service and Publication, dated April 6, 2025, 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 commenced with prosecution on April 21, 2025 and continued on April 23, 2025;

**WHEREAS**, the Applicants, Joseph Kim and Jennifer Kim were sworn;

**WHEREAS**, the Applicant presented Mary Fitzpatrick Scro, who was sworn and qualified as an expert in the field of architecture;

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**WHEREAS**, Ms. Scro testified as to the details of the proposed addition and alterations, noting that the proposal is similar to both the composition and existing nonconformities of surrounding area structures, relative to use, massing, configuration and appearance;

**WHEREAS**, Ms. Scro testified that the relief sought is de minimis and 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, particularly given the addition would be located within the existing structure footprint;

**WHEREAS**, Ms. Scro presented and testified to the previously submitted and filed architectural plans, inclusive of floor plans, elevations and site photos, dated February 26, 2025;

**WHEREAS**, on April 23, 2025, recalling Ms. Scro presented and testified as to the revised plans, dated April 23, 2025, which were duly marked as an exhibit to the Application as noted herein, which reflected reductions in the relief initially sought relative to the dwelling expansion, relative to the front elevation and related area improvements;

**WHEREAS**, the Applicant introduced the following exhibits in support of the Application during the course of the public hearing:

- Exhibit A-1 – Photos of surrounding area and abutting properties;
- Exhibit A-2 – previously submitted / filed architectural plans with revisions per the Board’s request, dated February 26, 2025, last revised and presented on April 23, 2025;

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**WHEREAS**, Laura Amos (owner of 116 Elbrook Drive), James R. Lewis (owner of 123 Elbrook Drive), and Lawrence J. Friedman (owner of 397 Hillside Ave) appeared as members of the public during the course of the application, having had an opportunity to cross-examine the Applicant and the Applicant's consultant, together with offer sworn testimony and statements regarding the subject Property pertaining to stormwater management and visual aesthetic concerns;

**WHEREAS**, all concerns voiced by members of the public were addressed and satisfied by the conclusion on the application on April 23, 2025;

**WHEREAS**, the Borough of Allendale Land Use Board that it 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 ±35,123 SF, located at 124 Elbrook Drive, known as Block 101, Lot 11, on the Tax Map of the Borough of Allendale.
4. The Property is located in the AA Residence Zone.
5. The Applicant submitted a complete Land Use Application and associated documents, including a zoning determination, dated March 4, 2025 prepared on behalf of the Borough of Allendale Code Enforcement Office, by Anthony Hackett, Construction & Zoning

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Official; site photos; Architectural plans entitled, “Kim Residence, 124 Elbrook Drive, Allendale, NJ 07401” prepared by Z+ Architects (Mary Fitzpatrick Scro), dated February 26, 2025; Property survey entitled “Boundary Survey, Tax Lot 11 – Block 101, 124 Elbrook Drive; Borough of Allendale; Bergen County, New Jersey” prepared by Schmidt Surveying (Andrew A. Schmidt PLS), dated August 16, 2025.

6. The Property is developed with a single-family residential dwelling and associated amenities.
7. Existing conditions on the Property render it nonconforming to the zone’s lot width requirements.
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. 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. Members of the public appeared in connection with the Application. However, all concerns were addressed by the conclusion of the hearing on April 23, 2025.

**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

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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. Applicant shall comply with the terms and recommendations of the Board Engineer Report dated April 16, 2025, prior to issuance of any permits, including, but not limited to, the requirement of the Applicant to submit and address property stormwater management / drainage controls, to the satisfaction of the Board Engineer, including enhanced stormwater management tributary to the right side of the dwelling with the installation of a drywell, or other system, that may be deemed necessary.
3. Applicant shall comply with the plan amendments, prepared Z+ Architects, dated May 6, 2025 (four sheets, identified as SK-7, SK-10, SK-17, SK-18), which shall remain subject to the final review and approval of the Board Staff for consistency with the concessions made during the course of the public hearing, relative to: reduction of front steps and reduction of solid material/ brick massing in the area around the front landing.

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4. Applicant shall add buffer landscaping to the right side of the Property, subject to the review and approval of the Board Engineer.
5. Applicant shall investigate potable water and sanitary sewer connections serving the Property and shall repair / replace as necessary.
6. Applicant shall undertake all reasonable efforts to avoid compromising the loss of the existing tree in the area of the approved improvement.
7. Applicant shall provide for installation of a shade tree on the Property, to the satisfaction of the Borough Shade Tree Commission.
8. 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.
9. 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.
10. Construction shall proceed in strict 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.

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**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



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MICHAEL SIRICIO, Chairman

Attest:



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MELISSA BERGEN, VICE CHAIRWOMAN

Adopted: May 14, 2025