

Powers
283 Woodland Avenue
Block 115, Lot 10

**BOROUGH OF RIVER EDGE
MUNICIPAL LAND USE BOARD**

RESOLUTION

**GRANTING VARIANCE RELIEF TO RICH & MARY POWERS FOR
283 WOODLAND AVENUE, RIVER EDGE, NJ
BLOCK 115, LOT 10**

WHEREAS, the Municipal Land Use Board of the Borough of River Edge is a duly constituted body as authorized by statute with responsibility to supervise and be concerned with the orderly development and planning of the Borough, as authorized by the statutes and ordinances made and provided; and

WHEREAS, Richard Powers and Mary Powers (the “Applicants”) filed an application with the Municipal Land Use Board of the Borough of River Edge (the “Board”) for property known as Block 115, Lot 10 on the tax map of the Borough of River Edge, located at 283 Woodland Avenue (the “Property”), for variance relief to construct an uncovered wood deck and stairs to the yard at the rear of the existing dwelling on the Property; and

WHEREAS, the Applicants are the owners of the Property; and

WHEREAS, the Board deemed the application to be complete on April 8, 2026 and a public hearing was on April 8, 2026 via hybrid meeting (in person and via Zoom video conference); and

WHEREAS, the Applicants were not represented by counsel; and

WHEREAS, Mary Powers (“Mrs. Powers”) was present, in person, at the public hearing and was duly sworn to provide fact testimony in support of the application; and

WHEREAS, the Applicants’ Licensed Architect, Joseph J. Bruno, RA, AIA (“Mr. Bruno”), of 29 Pascack Road, Park Ridge, NJ 07656, was present, in person, at the public hearing and was duly sworn and qualified to provide expert testimony in support of the application; and

WHEREAS, the public was given notice of the application and had an opportunity to participate in the hearing and no individuals appeared to be heard; and

WHEREAS, the Applicants submitted proof of notification, by mail or personal service at least 10 days prior to the date set forth for public hearing on all persons owning properties within 200 feet from the extreme limits of the subject property of the subject application, as set forth on a certified list of said owners furnished to the Applicants by the Borough Tax Assessor of the Borough of River Edge and provided proof of service of such notice in accordance with the Zoning Ordinance of the Borough of River Edge, as amended and supplemented, and the Municipal Land Use Law (the “MLUL”), N.J.S.A. 40:55D-1 to -163; and

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WHEREAS, the Applicants submitted proof that a copy of said notification was published at least 10 days prior to the date set forth for public hearing in the official newspaper of the Borough of River Edge in accordance with the Zoning Ordinance of the Borough of River Edge as amended and supplemented and the MLUL; and

WHEREAS, all jurisdictional requirements of the applicable state statutes and local ordinance were met; and

WHEREAS, the Applicants submitted an application and the following supporting documents:

1. Architectural Plans, signed and sealed by Joseph J. Bruno, AIA of 29 Pascack Road, Park Ridge, NJ 07656, dated January 16, 2026, consisting of 1 sheet.
2. Property Survey, signed by Steven L. Koestner, P.E. & L.S., of Koestner Associates, Hackensack, NJ 07602, dated March 22, 2023, consisting of 1 sheet.
3. Attachment #1, prepared by Joseph J. Bruno, AIA of 29 Pascack Road, Park Ridge, NJ 07656, dated March 7, 2026, consisting of 1 sheet.

WHEREAS, the Applicants also submitted a Letter of Noncompliance issued by Stephen A. Depken, the Borough Construction Official / Zoning Officer, dated February 12, 2026; and

WHEREAS, the Borough Engineer, Robert L. Costa, P.E., P.P., & C.M.E. (“Mr. Costa”), issued a review letter on the application, dated March 19, 2026; and

WHEREAS, at the public hearing on the application, the Applicants submitted the following exhibits, which were marked into the record:

1. Exhibit A-1: Photo Exhibit, prepared by Joseph J. Bruno, AIA of 29 Pascack Road, Park Ridge, NJ 07656, dated April 8, 2026, consisting of 2 sheets (1 cover sheet, 1 photo).

WHEREAS, after carefully considering the evidence and testimony presented by the Applicants, as well as the Letter of Noncompliance issued by the Zoning Officer and the Engineering Review Letter issued by Mr. Costa, the Board has made the following factual findings and conclusions:

The Property

1. The Property contains approximately 6,000 square feet and is situated in the Residential (R-1) Zoning District. The Property is an undersized, rectangular-shaped interior lot that does not conform to the minimum lot width and lot area requirements of the R-1 Zone. The Property is bounded by Woodland Avenue to the north and single-family dwellings to the north, east and west. Existing site improvements include a two-and-a-half-story vinyl dwelling, shed, covered porch, macadam driveway and wood fence.

2. The Property has pre-existing non-conforming conditions: (1) minimum lot area, where 7,500 square feet is required and 6,000 square feet is existing; (2) minimum lot width, where 75 feet is required and 50 feet is existing; (3) minimum front yard setback, where 30 feet is required and 24.48 feet is existing; (4) minimum side yard setback, where 5 feet is required and 4.76 feet is existing; and (5)

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maximum lot coverage (excluding yard amenities), where 30% is permitted and 33.47% is existing and proposed to remain.

The Proposal

3. The Applicants are proposing to construct an uncovered wood deck and stairs to the yard at the rear of the existing dwelling on the Property. The proposed improvements will result in an increase in coverage, requiring variance relief.

4. Based on the initial documents submitted by the Applicants and the testimony provided at the public hearing, the application required variance relief for the following: (1) maximum building coverage, where 25% is permitted and 30.58% is proposed; (2) maximum lot coverage (without yard amenities), where 30% is permitted and 33.47% is proposed; and (3) maximum lot coverage (with yard amenities), where 35% is permitted and 36.3% is proposed.

Public Hearing April 8, 2026

5. The Board reviewed the application and deemed it complete on April 8, 2026. The Board began conducting a public hearing on the application, in person and via Zoom, immediately following the work session.

6. The Board considered the Letter of Noncompliance issued by Mr. Depken, which indicated that the application proposed non-conforming coverage, which required variance relief.

7. Mrs. Powers was duly sworn to provide testimony in support of the application.

8. The Board heard testimony from the Applicants' Architect, Mr. Bruno, who was duly sworn and qualified. Mr. Bruno introduced Exhibit A-1 and testified regarding the existing conditions on the Property, the proposed variances, and proposed improvements. Mr. Bruno testified that the existing dwelling on the Property is modest and the lot is undersized. The proposed deck will expand outdoor living space for the property owners.

9. Mr. Bruno testified that Applicants are proposing to construct a new 20-foot by 16-foot uncovered wood deck and stairs with open joints at the rear of the existing dwelling. The deck will match the height of the existing rear sliding door and is safer and more convenient usage of outside space for the Applicants. Mr. Bruno testified that if a patio were proposed, the building coverage would be less, but the lot coverage would increase, because there would be less permeability compared to the open joint deck.

10. Mr. Bruno testified that the lot is undersized. The variances requested are created due to the constraints of the lot, which is a hardship on the development of the Property. Mr. Bruno opined that the scale of the proposed deck is modest and in line with the neighborhood. The proposed variance relief is minor and the increased coverage is mitigated because runoff can be captured and directed to an existing underground stormwater management system. Further, the Applicants agreed to confirm the material under the deck with the Borough Engineer to ensure permeability and compliance with the Borough Code. The

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Applicants further agreed to comply with additional recommendations and comments in the Board Engineer's report.

11. The Board Engineer commented that the proposal would increase lot coverage by approximately 84 square feet. If the Property had a conforming lot size, the project would not require variance relief for lot or building coverage.

12. In response to questions from the Board, Mrs. Powers testified that the Property is near the corner of the block and is higher up on the road so they have not experience flood issues. Mr. Bruno further testified that the existing roof leaders would not be impacted by the deck construction, because they are located at the side of the dwelling.

13. In response to additional questions from the Board, Mr. Bruno testified that the deck would be approximately 48 inches above grade. It will be wood frame with synthetic surface and open joints. Below the deck there will be footings with gravel and filter fabric. The existing shed on the Property is proposed to remain and was included in the coverage calculations.

14. In response to questions and concerns from the Board, Mrs. Powers testified that the rear yard fence on the Property is approximately 6 feet in height and was previously approved by the Borough.

15. The Board opened the meeting to the public and no individuals appeared to be heard.

16. The Board then entertained a motion to grant the application requesting variances with conditions, pursuant to the Borough of River Edge's Zoning Ordinance

17. A motion to grant the amended application to construct an uncovered wood deck and stairs to the yard at the rear of the existing dwelling on the Property with variance relief for: (1) maximum building coverage of 30.58%; and (2) maximum lot coverage (without yard amenities) of 33.47%; and (3) maximum lot coverage (with yard amenities) of 36.3%, as revised at the public hearing and as otherwise depicted in the drawings submitted by the Applicants, on the conditions that: (1) the Applicants would confirm the material under the deck with the Borough Engineer to ensure permeability and compliance with the Borough Code; and (2) the Applicants would comply with additional recommendations and comments in the Board Engineer's report ; (3) the Applicants would revise the zoning table to show the correct existing and proposed lot coverage calculations; and (4) the Applicants would comply with all other the Borough Code requirements; was made by Mr. Gautier and seconded by Councilman Glass. A vote was taken and the application was granted by a vote of 7 to 0.

Justification for Relief

18. The Board found good cause to grant the Applicants' request for bulk variance relief to construct an uncovered wood deck and stairs to the yard at the rear of the existing dwelling on the Property.

19. The Applicants sought a (c) bulk variance, of which there are two types a (c)(1) hardship variance and a (c)(2) benefit/detriment variance. To receive a (c)(1) variance, an Applicants must establish

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that the physical features, topographic features, or extraordinary and exceptional situation uniquely affecting the property or structures lawfully existing thereon necessitates the variance to relieve such hardship. To receive a (c)(2) variance, an Applicants must establish that the purpose of the MLUL would be advanced by the variance and the benefits of any variance would substantially outweigh any detriment. Further, to obtain a (c)(1) or (c)(2) variance, an Applicants must also prove that the relief sought would not be substantially detrimental to the public good and would not substantially impair the intent and purpose of the Borough's zone plan and Zoning Ordinance.

20. The Board found that the variance relief was appropriate due to the limited size of the proposed deck, the undersized lot area, the provision of rear yard amenities, the location of the existing dwelling on the Property, and the Applicants' agreement to comply with the recommendations of the Board Engineer and willingness to work with the Borough Engineer regarding stormwater management, among other things.

21. In addition, the Board found that the grant of the variance would have a minimum impact, if any, on surrounding properties within the R-1 Zone because no individuals appeared in opposition to the application. The Applicants further agreed to work with the Borough Engineer regarding drainage on the Property, as necessary.

22. The Board found that the requested variance relief may be granted pursuant to N.J.S.A. 40:55D-70(c)(1), for the reasons discussed herein. The Board found that due to the shallow lot width, undersized lot area, and location of existing lawful structures on the Property a strict application of the Zoning Ordinance would result in an exceptional practical difficulty and undue hardship to the Applicants. The Applicants met the burden of proof. As aforesaid, the Board was satisfied the variance relief could be granted without any substantial detriment to the public good, as well as the zone plan and Zoning Ordinance of the Borough of River Edge. The Board determined the grant of the variance relief will not impact surrounding properties in the R-1 District.

NOW THEREFORE, BE IT RESOLVED by the Borough of River Edge Municipal Land Use Board, Bergen County, New Jersey, that the Applicants' request for variance relief, as described herein, be and is hereby approved for the reasons set forth herein and subject to the terms and conditions contained in the body of this Resolution, and as follows:

1. The Applicants shall post all required application fees and provide sufficient funds with the Borough to satisfy any deficiency in the Applicants' escrow account. No permits or certificates shall be issued, nor will any work be performed by Board professionals or staff at any time that the Applicants' escrow account balance is not paid current, which shall be set forth by certification by the Board Clerk. The

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Applicants shall have a continuing duty to maintain a positive balance in all escrow accounts until all conditions have been satisfied and all charges have been paid.

2. Before any permits are applied for, it is the responsibility of the owner to see if there are any open permits or violations and to address and resolve those, if any, before a new permit may be issued. When applying for permits, a copy of the signed Resolution and Board-approved plans must accompany the permit application. No certificate of occupancy shall issue unless all inspections have been performed, passed, and all prior approvals have been satisfied, which includes compliance with all conditions imposed by the Board. Prior to the issuance of a certificate of occupancy, the Applicants shall satisfy all amounts due and owing to the Board's professionals.

3. Completion of the improvements and subsequent use of the Property shall be consistent with testimony offered at the public hearing, the plans and renderings submitted with the application, the findings and conclusions of the Board stated herein, and the conditions set forth in this Resolution.

4. The Board's approval is expressly subject to all State, County and Borough statutes, ordinances, rules, regulations and requirements affecting development in the Borough, County and State. The Applicants shall comply with any and all Federal, State, County and local laws, ordinances, codes, rules and regulations with respect to all aspects of the project, property and proposed use, and with all such applicable laws and codes, and shall be responsible for all costs and fees associated therewith. The Applicants shall comply with all laws and regulations related to affordable housing and/or the payment of the non-residential development fee, if applicable.

5. The Applicants' obtaining of approvals from all outside agencies shall be a prerequisite for issuance of a building permit, including but not limited to, obtaining written final approval from the Bergen County Planning Board, Bergen County Soil Conservation District, New Jersey Department of Environmental Protection, and the Borough of River Edge, if applicable. If other agency approvals substantially modify the approved plan, same will trigger a return to the Board.

6. The Applicants shall apply for and obtain a soil movement permit from the Borough, to the extent same may be required, and shall comply with the reasonable recommendations of the Borough Engineer with respect to same.

7. Revised plans, to the extent necessary, shall be submitted to the Board and the Board professionals for review and approval, to the extent applicable.

8. The Applicants are permitted to the following variances to construct an uncovered wood deck and stairs to the yard at the rear of the existing dwelling on the Property, as described in the plans and renderings submitted in the application, revised on the record, and as set forth in this Resolution: (1) maximum building coverage of 30.58%; and (2) maximum lot coverage (without yard amenities) of

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33.47%; and (3) maximum lot coverage (with yard amenities) of 36.3%. The variance relief is expressly conditioned upon the following:

- a. The Applicants shall confirm the material under the deck with the Borough Engineer to ensure permeability and compliance with the Borough Code.
 - b. The Applicants shall comply with additional recommendations and comments in the Board Engineer's report.
 - c. The Applicants shall comply with the reasonable advice and recommendations of the Borough Engineer with respect to any drainage and stormwater management required on the Property, if necessary.
 - d. The Applicants shall revise the zoning table in the submitted plans to show the correct existing and proposed lot coverage calculations.
 - e. The Applicants shall comply with all other the Borough Code requirements.
 - f. The Applicants' use of the Property shall conform to the requirements and conditions of any prior approvals issued by the Board and the Borough, which are not inconsistent with this Resolution.
9. To the extent required, the Applicants shall comply with all recommendations and requirements of the Board Planner and the Board Engineer, subject to the reasonable satisfaction and approval of same and the Board.
10. The Applicants shall comply with all comments and conditions imposed by the Board, the Board Planner and the Board Engineer, as stated on the record and as may be stated in this Resolution.
11. If the Applicants commences work on the project, same shall constitute acceptance of the above conditions.

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Vote on the Application


<u>MEMBER</u>	<u>M</u>	<u>2D</u>	<u>YES</u>	<u>NO</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mayor Thomas Papaleo			X				
Councilman Glass		X	X				
Chris Caslin			X				
Michael Krey							X
Ryan Gibbons							X
Eileen Boland			X				
Dario Chinigo							X
Joseph Gautier	X		X				
Jorge Salva			X				
Tracy Levine [Alternate #1]			X				
Vacant [Alternate #2]							

Vote on the Memorialization

<u>MEMBER</u>	<u>M</u>	<u>2D</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>INELG</u>
Mayor Thomas Papaleo						X	
Councilman Glass						X	
Chris Caslin			X				
Michael Krey							X
Ryan Gibbons							X
Eileen Boland	X		X				
Dario Chinigo							X
Joseph Gautier		X	X				
Jorge Salva			X				
Tracy Levine [Alternate #1]			X				
Vacant [Alternate #2]							

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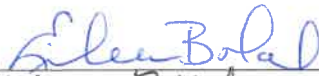
BE IT FURTHER RESOLVED that the Resolution adopted on this 13th day of May, 2026 memorialized the action taken by the Board in accordance with N.J.S.A. 40:55D-10(g), as set forth above, at its April 8, 2026 meeting, and that **a copy of this Resolution be provided to the Applicants, the Borough Engineer, the Construction Code Official of the Borough of River Edge**, and a notice of this decision shall be published in the official newspaper of the Borough of River Edge.



Christopher Caslin, Chairman

CERTIFICATION

I, Eileen Boland, Acting Secretary, do hereby certify that the above Resolution was adopted by the Board at its meeting held on May 13, 2026. This Resolution memorializes the Board's approval of this matter at its meeting held on April 8, 2026.



Eileen Boland Acting Secretary
Borough of River Edge
Municipal Land Use Board