

Costanzo  
320 Lexington Drive  
Block 1106, Lot 26

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

**RESOLUTION**

**GRANTING VARIANCE RELIEF TO CHRISTINA COSTANZO FOR  
320 LEXINGTON DRIVE, RIVER EDGE, NJ  
BLOCK 1106, LOT 26**

**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**, Christina Costanzo (the “Applicant”) filed an application with the Municipal Land Use Board of the Borough of River Edge (the “Board”) for property known as Block 1106, Lot 26 on the tax map of the Borough of River Edge, located at 320 Lexington Drive (the “Property”), for variance relief to construct a one and two-story additions, a wood deck and steps, patio, covered front porch, and walkways on the Property; and

**WHEREAS**, the Applicant is the owner of the Property; and

**WHEREAS**, the Board deemed the application to be complete on May 27, 2026 and a public hearing was on May 27, 2026 via hybrid meeting (in person and via Zoom video conference); and

**WHEREAS**, the Applicant was not represented by counsel; and

**WHEREAS**, Charlene Costanzo (“Ms. Costanzo”) was present, in person, at the public hearing and was duly sworn to provide fact testimony in support of the application; and

**WHEREAS**, the Applicant’s Licensed Architect, Scott C. Bella, RA (“Mr. Bella”), 65 Glen Avenue, Glen Rock, NJ 07452, 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 Applicant 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 Applicant 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 Applicant 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 Applicant submitted an application and the following supporting documents:

1. Architectural Plans, signed and sealed by Scott C. Bella, RA, 65 Glen Avenue, Glen Rock, NJ 07452, dated November 25, 2025, consisting of 5 sheets.
2. Property Survey, signed by John Hooyman, Jr., PLS., of Hooyman Surveying Associates, P.O. Box 53, Wyckoff, NJ 07481, dated November 10, 2004, consisting of 1 sheet.

**WHEREAS**, the Applicant also submitted a Letter of Noncompliance issued by Stephen A. Depken, the Borough Construction Official / Zoning Officer; 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 May 27, 2026; and

**WHEREAS**, after carefully considering the evidence and testimony presented by the Applicant, 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 7,619.10 square feet and is situated in the Residential (R-1) Zoning District. The Property is a slightly oversized, trapezoidal-shaped interior lot that is conforming with all bulk requirements of the R-1 Zone. The Property is bounded by Lexington Drive to the south and single-family dwellings to the north, east and west. Existing site improvements include a one-story frame dwelling, macadam driveway, concrete patio, concrete walkways and concrete walls.

2. The Property has a pre-existing non-conforming condition with respect to combined side yard setback, where 18 feet is required and 17.85 feet is existing and proposed to remain.

The Proposal

3. The Applicant are proposing to construct one and two-story additions, a wood deck and steps, patio, covered front porch, and walkways on the Property. The proposed improvements will require variance relief for building coverage, lot coverage (excluding yard amenities), lot coverage (including yard amenities) and rear yard setback.

4. Based on the initial documents submitted by the Applicant 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 32% is proposed; (2) maximum lot coverage (without yard

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amenities), where 30% is permitted and 33.08% is proposed; (3) maximum lot coverage (with yard amenities), where 35% is permitted and 39.30% is proposed; and (4) minimum rear yard setback, where 25 feet is required and 19 feet is proposed.

Public Hearing May 27, 2026

5. The Board reviewed the application and deemed it complete on May 27, 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 coverages and rear yard setback, which required variance relief.

7. Ms. Costanzo was duly sworn to provide testimony in support of the application.

8. The Board heard testimony from the Applicant's Architect, Mr. Bella, who was duly sworn and qualified. Mr. Bella testified regarding the existing conditions on the Property, the proposed variances, and proposed improvements. Mr. Bella testified that the existing dwelling on the Property is modest. The proposed improvements will expand living space for the property owner.

9. Mr. Bella testified that the proposed project is a rear addition to the home that will be 1 story only. The front porch will be updated and does not require a variance under the Borough Code. Mr. Bella opined that the front porch improvements will enhance aesthetics, curb appeal and charm of the home.

10. Mr. Bella explained the variances requested. The rear yard setback is for the deck. The coverage variances are required due to the addition and outdoor amenity space provided, including the deck and patio. Mr. Bella opined that the scale of the proposed improvements is modest and in line with the neighborhood.

11. Mr. Bella testified that the Applicant would like to amend the application from the initial submission to reduce the coverage slightly. The patio and front walkway will be constructed with permeable pavers to reduce the lot coverage with yard amenities.

12. Mr. Bella opined that the benefits of the proposed improvements outweigh any detriments. The architecture of the addition will have a similar roofline and residential feel and the design fits well within the block.

13. In response to questions from the Borough Zoning Officer, Mr. Bella testified that the deck would be too narrow for a standard table and chairs if it was redesigned to comply with the rear yard setback.

14. In response to questions from the Board Engineer, Mr. Bella testified that the permeable pavers decrease the coverage by approximately 2%. Ms. Costanzo testified that she would like to keep the paved driveway.

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15. In response to questions from the Board, Mr. Bella confirmed that the deck will have open joints and permeable surface below. The reduction in coverage for the deck was already considered in the zoning table calculations.

16. In response to questions from the Board, Ms. Costanzo testified that she would like to keep a patio area for her grill. Ms. Costanzo further testified that the neighbor's yard to the rear is separated by a large fence that's approximately 6 feet tall.

17. Mr. Bella opined that the proposed variance relief is mitigated due to improvements to aesthetics and because runoff can be captured and directed to an underground stormwater management system. Further, the Applicant agreed to comply with additional recommendations and comments in the Board Engineer's report.

18. Ms. Costanzo testified that the topography of the Property is relatively flat and there are no water issues unless there is a very severe rainstorm.

19. In response to questions and concerns from the Board, Mr. Bella testified that the existing front walkway will be removed and replaced. The Applicant further agreed to eliminate a portion of the driveway that jogs to the left property line and replace the area with grass, which eliminate the need for a variance for lot coverage including yard amenities. The total would not exceed 35%, in compliance with the Borough Code. The remaining variances would be for rear yard setback of 19 feet, building coverage of 32%, and lot coverage excluding yard amenities of 31.1%.

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

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

22. A motion to grant the amended application to construct a one and two-story additions, a wood deck and steps, patio, covered front porch, and walkways on the Property with variance relief for: (1) maximum building coverage of 32%; (2) maximum lot coverage (without yard amenities) of 31.1%; (3) minimum rear yard setback to deck of 19 feet, as revised at the public hearing and as otherwise depicted in the drawings submitted by the Applicant, on the conditions that: (1) the rear patio and front walkway will be constructed with permeable pavers or permeable pavement (material to be confirmed with the Borough Engineer); (2) the rear deck will have open joints and will confirm material below with the Borough Engineer to ensure permeability and compliance with the Borough Code; (3) the lot coverage with yard amenities shall not exceed 35%, the Applicant shall reduce lot coverage to achieve same (i.e., removing a portion of the driveway that jogs to the left will be removed and replaced with grass or reducing the size of the rear patio, etc.); (4) the Applicant shall comply with additional recommendations and comments in the Board Engineer's report ; (5) the Applicant shall coordinate stormwater management improvements with the Borough Engineer; (6) the Applicant would revise the zoning table to show the correct existing and

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proposed lot coverage calculations; (7) the Applicant shall comply with all other the Borough Code requirements regarding construction and future development on the Property; was made by Mr. Krey and seconded by Mr. Gautier. A vote was taken and the motion passed by a vote of 9 to 0.

#### Justification for Relief

23. The Board found good cause to grant the Applicant's request for bulk variance relief to construct a one and two-story additions, a wood deck and steps, patio, covered front porch, and walkways on the Property.

24. The Applicant 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 Applicant must establish 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 Applicant 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 Applicant 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.

25. The Board found that the variance relief was appropriate due to the limited size of the proposed addition, the provision of rear yard amenities, the location of the existing dwelling on the Property, the use of permeable pavers, improvements to aesthetics, and the Applicant's agreement to comply with the recommendations of the Board Engineer and willingness to work with the Borough Engineer regarding stormwater management, among other things.

26. The Board found that the proposed development and conditions agreed to by the Applicant would advance purpose (a) of the MLUL, to encourage appropriate development in a manner which will promote the public health, safety, morals and general welfare and purpose (i) of the MLUL, to promote a desirable visual environment.

27. 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 Applicant reduced the amount of impervious surface on the Property and further agreed to work with the Borough Engineer regarding drainage on the Property, as necessary.

28. The Board found that the requested variance relief may be granted pursuant to N.J.S.A. 40:55D-70(c)(2), for the reasons discussed herein. The Board found that the purposes of the MLUL are advanced by the grant of the variance relief and that the benefits of the deviation substantially outweigh any detriments, and the variance relief can be granted without substantially impairing the intent and purpose of the Master Plan and/or Zoning Ordinance. The Applicant demonstrated a basis for the grant of the

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variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) and Kaufman v. Warren, 110 N.J. 551 (1998). The Applicant 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 Applicant's 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 Applicant shall post all required application fees and provide sufficient funds with the Borough to satisfy any deficiency in the Applicant's 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 Applicant's escrow account balance is not paid current, which shall be set forth by certification by the Board Clerk. The Applicant 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 Applicant 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 Applicant 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 Applicant 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 Applicant's 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 Applicant 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 Applicant are permitted to the following variances to construct a one and two-story additions, a wood deck and steps, patio, covered front porch, and walkways 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 32%; (2) maximum lot coverage (without yard amenities) of 31.1%; (3) minimum front yard setback to portico of 19 feet. The variance relief is expressly conditioned upon the following:

- a. The front walkway will be constructed with permeable pavers or permeable pavement (material to be confirmed with the Borough Engineer).
- b. The Applicants shall construct the rear deck with open joints and will confirm material below with the Borough Engineer to ensure permeability and compliance with the Borough Code.
- c. The lot coverage with yard amenities shall not exceed 35%, the Applicant shall reduce the size of the proposed improvements to achieve same (i.e., removing a portion of the driveway that jogs to the left will be removed and replaced with grass or reducing the size of the rear patio, etc.).
- d. The Applicant shall comply with additional recommendations and comments in the Board Engineer's report.
- e. The Applicant shall coordinate stormwater management improvements with the Borough Engineer, as needed. The Applicant 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.
- f. The Applicant shall revise the zoning table to show the correct existing and proposed lot coverage calculations.

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- g. The Applicant shall comply with all other the Borough Code requirements regarding construction and future development on the Property.
  - h. The Applicant's 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 Applicant 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 Applicant 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 Applicant commences work on the project, same shall constitute acceptance of the above conditions.

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**Vote on the Application**

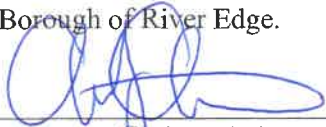
<b><u>MEMBER</u></b>	<b><u>M</u></b>	<b><u>2D</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>RECUSE</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Mayor Thomas Papaleo			X				
Councilman Glass			X				
Chris Caslin			X				
Michael Krey	X		X				
Ryan Gibbons			X				
Eileen Boland			X				
Dario Chinigo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

**Vote on the Memorialization**

<b><u>MEMBER</u></b>	<b><u>M</u></b>	<b><u>2D</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>	<b><u>INELG</u></b>
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]							

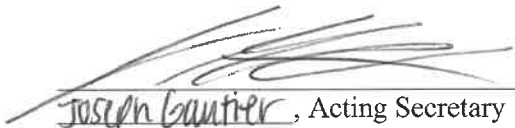
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**BE IT FURTHER RESOLVED** that the Resolution adopted on this 24th day of June, 2026 memorialized the action taken by the Board in accordance with N.J.S.A. 40:55D-10(g), as set forth above, at its May 27, 2026 meeting, and that **a copy of this Resolution be provided to the Applicant, 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.

  
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Christopher Caslin, Chairman

**CERTIFICATION**

I, Joseph Gantier, Acting Secretary, do hereby certify that the above Resolution was adopted by the Board at its meeting held on June 24, 2026. This Resolution memorializes the Board's approval of this matter at its meeting held on May 27, 2026.

  
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Joseph Gantier, Acting Secretary  
Borough of River Edge  
Municipal Land Use Board