

Funk
204 Wayne Avenue
Block 906, Lot 19

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

RESOLUTION

**GRANTING VARIANCE RELIEF TO JASON & JILL FUNK FOR
204 WAYNE AVENUE, RIVER EDGE, NJ
BLOCK 906, LOT 19**

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, Jason Funk and Jill Funk (the “Applicants”) filed an application with the Municipal Land Use Board of the Borough of River Edge (the “Board”) for property known as Block 906, Lot 19 on the tax map of the Borough of River Edge, located at 204 Wayne Avenue (the “Property”), for variance relief to construct one and two-story additions at the rear of the existing dwelling and a new stone patio with stairs on the Property; and

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

WHEREAS, the Board deemed the application to be complete on September 9, 2026 and a public hearing was on September 9, 2026 via hybrid meeting (in person and via Zoom video conference); and

WHEREAS, the Applicants were not represented by counsel; and

WHEREAS, Jason Funk (“Mr. Funk”) 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

Funk
204 Wayne Avenue
Block 906, Lot 19

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 Plan, entitled “Addition and Alterations to the Funk Residence, 204 Wayne Avenue, River Edge, New Jersey”, consisting of three (3) sheets, signed and sealed by Joseph J. Bruno, A.I.A., dated April 28, 2026.
2. Survey, entitled “Map of Property for Jason Funk & Jill Funk, Husband and Wife”, consisting of one (1) sheet prepared by Thomas G. Stearns III, P.E. & L.S. of GB Engineering, LLC, dated April 14, 2026.

WHEREAS, the Applicants also submitted a Letter of Noncompliance issued by Stephen A. Depken, the Borough Construction Official / Zoning Officer, dated May 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 September 3, 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 September 9, 2026, consisting of 3 sheets (1 cover sheet, 2 photos).

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 6,614 square feet and is situated in the Residential (R-1) Zoning District. The Property an undersized, trapezoidal-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 Wayne Avenue to the south and single-family dwellings to the east, north and west. Existing site improvements include a two-story frame/brick dwelling, woodshed, macadam driveway, paver patio and walkways, wood platforms, bluestone walkways and PVC fence.

2. The Property has pre-existing non-conforming conditions, which will remain unchanged: (1) minimum lot area, where 7,500 square feet is required and 6,614 square feet is existing; (2) minimum

Funk
204 Wayne Avenue
Block 906, Lot 19

lot width, where 75 feet is required and 70 feet is existing; and (3) minimum side yard setback (existing shed), where 4 feet is required and 2.57 feet is existing.

The Proposal

3. The Applicants are proposing to construct one and two-story additions at the rear of the existing dwelling and a new stone patio with stairs 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 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 27.19% is proposed; (2) maximum lot coverage (without yard amenities), where 30% is permitted, 30.19% is existing and 34.83% is proposed; (3) maximum lot coverage (with yard amenities), where 35% is permitted, 41.66% is existing and 40.43% is proposed; and (4) minimum rear yard setback, where 25 feet is required and 24.50 feet is proposed.

Public Hearing September 9, 2026

5. The Board reviewed the application and deemed it complete on September 9, 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 building and lot coverages and rear yard setback, which required variance relief.

7. Mr. Funk 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 slightly undersized. The proposed improvements will expand living space for the property owners and results in a decrease in calculated lot coverage from what is existing and will maintain a rear yard amenity.

9. Mr. Bruno testified that Applicants are proposing to remove the existing patio in order to construct a one- and two-story addition at the rear and construct a new paver patio in the rear yard. The first floor will be expanded for additional living and dining space and the second floor will add a bedroom and primary bathroom and closet space. The elevations mimic the existing architecture of the home and matches the architectural character in the neighborhood. The application will enhance aesthetics through improved architectural features and textures and adding to the streetscape.

10. Mr. Bruno testified that the Applicant would like to amend the application from the initial submission to reduce the coverage slightly. The driveway and rear patio will be constructed with permeable pavers to reduce the total lot coverage (without yard amenities) to 30.26% and the total lot coverage (with yard amenities) to 32.76%.

11. 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 improvements is modest and in line with the neighborhood. The proposed variance relief is minor and the increased coverage is mitigated because runoff for the full footprint of the improvements will be captured and directed to an underground stormwater management system. Further, the Applicants agreed to comply with additional recommendations and comments in the Board Engineer's report.

12. The Board Engineer, Mr. Costa, testified that the Property had a significant amount of lot coverage, which is being reduced through the Borough-approved stormwater reductions and the proposal is an improvement over the existing development. The Applicants agreed to coordinate stormwater management improvements with the Borough Engineer.

13. In response to questions from the Board Engineer, Mr. Bruno testified that the side yard setbacks and roof heights are all conforming.

14. In response to questions from the Board,

15. In response to questions from the Board Planner, Mr. Bruno testified that the majority of the improvements are at the rear of the Property. The front façade will also be improved, but the expansion is to the rear. The Applicants agreed to add the location of AC units to the plans and agreed that they would be installed in compliant locations in accordance with the Borough Code.

16. In response to questions from the Board, Mr. Bruno clarified that there is a slight encroachment into the rear yard setback for the wood stair platform, which is not a deck but a platform leading down to the patio. The Applicants amended the application to request a rear yard setback variance of 23.86 feet to the rear staircase.

17. Several Board members made comments commending the Applicants for using permeable pavers and reducing the proposed coverage on the Property.

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

19. Mr. Bruno confirmed the variance relief requested: rear yard setback of 23.5 feet; building coverage of 27.2%; and lot coverage (without yard amenities) of 31%.

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

21. A motion to grant the amended application to construct one and two-story additions at the rear of the existing dwelling and a new stone patio with stairs on the Property with variance relief for: (1) maximum building coverage of 27.2%; (2) maximum lot coverage (without yard amenities) of 31%; and (3) minimum rear yard setback of 23.5 feet, as revised at the public hearing and as otherwise depicted in the drawings submitted by the Applicants, on the conditions that: (1) the Applicants shall install permeable pavers for the rear patio and driveway; (2) the Applicants shall add the location of AC units to the plans and agreed that they would be installed in compliant locations in accordance with the Borough Code; (3) the Applicants shall comply with additional recommendations and comments in the Board Engineer's report; (4) the Applicants shall coordinate stormwater management improvements with the Borough Engineer, including location of stormwater chambers; was made by Mr. Gibbons and seconded by Mr. Salva. A vote was taken and the motion passed by a vote of 8 to 0.

Justification for Relief

22. The Board found good cause to grant the Applicants' request for bulk variance relief to construct one and two-story additions at the rear of the existing dwelling and a new stone patio with stairs on the Property.

23. 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 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.

24. The Board found that the variance relief was appropriate due to the limited size of the proposed addition, the undersized lot area, the provision of rear yard amenities, the location of the existing dwelling on the Property, the use of permeable pavers, 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.

25. 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.

26. 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 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 one and two-story additions at the rear of the existing dwelling and a new stone patio with stairs 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 27.2%; (2) maximum lot coverage (without yard amenities) of 31%; and (3) minimum rear yard setback of 23.5 feet. The variance relief is expressly conditioned upon the following:

- a. The Applicants shall install permeable pavers for the rear patio and driveway (material to be confirmed with the Borough Engineer).
- b. The Applicants shall add the location of AC units to the plans and agreed that they would be installed in compliant locations in accordance with the Borough Code.
- c. The Applicants shall comply with additional recommendations and comments in the Board Engineer's report.
- d. The Applicants shall coordinate stormwater management improvements with the Borough Engineer, including location of stormwater chambers. 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.
- e. The Applicants' contractor will comply with all permit requirements.
- f. The Applicants shall comply with all other the Borough Code requirements regarding construction and future development on the Property.
- g. 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.

Funk
204 Wayne Avenue
Block 906, Lot 19

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.

Funk
204 Wayne Avenue
Block 906, Lot 19

Vote on the Application

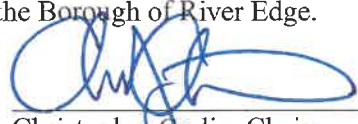
<u>MEMBER</u>	<u>M</u>	<u>2D</u>	<u>YES</u>	<u>NO</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mayor Thomas Papaleo			X				
Councilman Glass			X				
Chris Caslin			X				
Michael Krey			X				
Ryan Gibbons	X		X				
Eileen Boland			X				
Dario Chinigo							X
Joseph Gautier							X
Jorge Salva		X	X		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

Funk
204 Wayne Avenue
Block 906, Lot 19

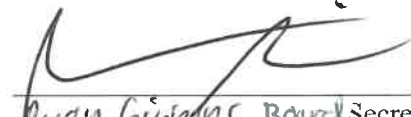
BE IT FURTHER RESOLVED that the Resolution adopted on this 23rd day of September, 2026 memorialized the action taken by the Board in accordance with N.J.S.A. 40:55D-10(g), as set forth above, at its September 9, 2026 meeting, and that **a copy of this Resolution be provided to the Applicants, the Borough 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 Gaslin, Chairman

CERTIFICATION

I, Ryan Gibbons, Board Secretary, do hereby certify that the above Resolution was adopted by the Board at its meeting held September 23, 2026. This Resolution memorializes the Board's approval of this matter at its meeting held on September 9, 2026.



Ryan Gibbons, Board Secretary
Borough of River Edge
Municipal Land Use Board