

RESOLUTION

LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ

DATE: March 18, 2026

RESOLUTION: 26-11

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

Carried  Defeated  Tabled

LUB APPLICATION - 2026-01

LAND USE BOARD OF THE BOROUGH OF ALLENDALE  
RESOLUTION APPROVING  
APPLICATION FOR MINOR SUBDIVISION FOR  
CAESAR BALDI  
345 E. Allendale Avenue, – Block 702, Lot 10

**WHEREAS**, Caesar Baldi (“Applicant”), owner of the Property located at 345 E. Allendale Avenue, known as Block 702, Lot 10 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 Minor Subdivision relief from provisions of the Borough of Allendale Land Use Code;

**WHEREAS**, the Applicant sought to subdivide the existing vacant single-family residential property into a total of two (2) lots, with the rear lot, adjoining Laino Woods, to be dedicated to the Borough as deed-restricted open space.

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

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**WHEREAS**, the Applicant appeared before the Board on February 11, 2026, was represented by John Rizzo, Esq., and together with the Applicant's sworn and qualified witness, to prosecute the application;

**WHEREAS**, the Applicant sought Minor Subdivision and Plot Plan Approval;

**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 Applicant commenced prosecution on February 11, 2026;

**WHEREAS**, the Applicant presented Tibor Latincics, PE, PP who was sworn and qualified as an expert in the field of engineering and planning;

**WHEREAS**, Mr. Latincics testified as to the details of the proposal, citing to the filed Minor Subdivision and Plot Plan, prepared by Conklin Associates and Michael H. Darmstatter, PLS, dated October 2, 2025 and last revised 12.9.25;

**WHEREAS**, Mr. Latincics testified as to the property history, noting the Applicant has been the owner of the property since 1967;

**WHEREAS**, Mr. Latincics testified that although it is a 51,993 SF lot, the site is deficient as to both minimum lot area (26,000 SF) and minimum lot width (200') within 200 feet of the street, which would require variance relief if not pre-existing. Mr. Latincics also testified that the requested subdivision approval would result in creation of a land-locked lot that would be deed-restricted for conservation, wetlands mitigation, and open space;

**WHEREAS**, Mr. Latincics testified further as follows:

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- A) Applicant has owned the property since 1967.
- B) The property is an irregularly-shaped oversized lot of 51,993 SF in the AA Zone which requires 26,000 SF lots.
- C) Applicant wishes to build a new single-family home in a conforming location on the front 26,000 SF portion of the property with an on-site turnaround driveway.
- D) The property contains wetlands and requires a Wetlands Individual Permit to construct the home. The wetlands in the front portion of the lot are due in large part to the runoff from the homes and driveways on the two adjacent lots. The NJDEP Permit Application is pending, and wetlands mitigation is a requirement.
- E) Applicant is in the unique position of having owned the property well before the 1986 enactment of the Freshwater Wetlands Protection Act.
- F) Applicant proposes a Land Donation under NJAC 7:7A-11.16 for mitigation of wetlands impacts of the rear 25,993 SF (0.61 acres), adjacent to the 7.3 Acre Laino Woods Nature Preserve. Applicant believes this land donation to be meaningful to Laino Woods, the Borough, and neighbors, and is meaningful as wetlands mitigation and open space. The donation is subject to NJDEP approving the mitigation offer and issuing an Individual Wetlands Permit.
- G) As East Allendale Avenue is a Bergen County Roadway, a similar Minor Subdivision Application shall be submitted to the Bergen County Planning Board.
- H) The Plot Plan proposes an onsite hammerhead turnaround for car movements and essential public safety, which is a real positive planning element, as backing out onto heavily traveled East Allendale Avenue is not ideal and the turnaround also provides needed off-street parking. No parking is permitted on East Allendale Avenue. There are two (2) No Parking signs on the property frontage.
- I) The Minor Subdivision would be perfected by a Deed with a copy of the Minor Subdivision Plat attached. A copy of the recorded Deed will be provided to the Borough. The Minor Subdivision will be perfected prior to issuance of Building Permit.
- J) The Property corners of proposed adjoining Lots 10.01 and 10.02 will be staked by a Licensed Land Surveyor with steel rods. A split rail fence is to be installed along the proposed common property line.

Mr. Latincsics further testified that the existing 51,993 SF lot, due to its irregular shape and converging sidelines, has 20,455 SF within 200' of the roadway ROW where the ordinance required 26,000 SF. This existing variance condition, due to the irregular lot shape and converging sidelines, would be continued. A variance from sections 270-54E (min lot area of 26,000 SF within 200' of ROW) and 270.54F (lot width within 200' of ROW) is requested, if required.

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Mr. Latincsics further testified that the rear of Applicant's property directly adjoins the 7.307-acre Laino Woods Nature Preserve. The Applicant seeks to subdivide the rear 25,993 SF (0.596 acres) of his property to create a new proposed lot, Lot 10.02, which the Applicant will then donate to Laino Woods and the Borough of Allendale. As such, the donated property would be a landlocked, deed-restricted conservation open space lot of 25,993 SF. On a technical level, variances for lot area, frontage, and lot area within 200' of a public roadway may be required for that open space lot. Post Subdivision, the front Lot 10.01 would have a gross area of 26,000 SF.

**WHEREAS**, the Applicant proposes development of a fully conforming single family residence, on a site with confirmed delineated wetlands;

**WHEREAS**, the Applicant's ownership predates the enactment of state wetland regulations;

**WHEREAS**, Mr. Latincsics advised that an NJDEP wetlands permit is pending with the agency, with the proposed wetlands mitigation effort being a proposed dedication of land (25,993 sf) at the rear of the property, to the Borough. The proposed land dedication has been previewed with the Allendale Mayor and Council, and was received positively. The dedication is contingent upon NJDEP approving the Wetlands Individual Permit application;

**WHEREAS**, Mr. Latincsics testified as to an alternate plan proposal, which would result in the proposed residential dwelling structure to be located closer to the street, necessitating bulk variance relief pursuant to N.J.S.A. 40:55D-70c, in an effort to minimize impact on wetlands. These alternative plans were shown on Applicant's exhibit J as plans A, B, C, and D. The primary plan, plan A, showed a design that conforms to the zoning ordinance and features a proper, functional onsite hammerhead turnaround driveway to enhance public safety. The alternate plans, plans B, C, and D, showed the house at various locations closer to Allendale Avenue. These alternatives would reduce the impact on the wetlands, but would trigger front-yard variance requirements and would render the onsite hammerhead turnaround driveway impractical and non-functional;

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WHEREAS, the Applicant presented the following exhibits, and this Exhibit List was entered into the record:

<u>Exhibit</u>	<u>Title</u>	<u>Date</u>	<u>Last Revised</u>	<u>Meeting Date</u>
A	Minor Subdivision Plot Plan and Land Donation Plan for the proposed home as well as the land proposed to be donated to Laino Woods, dated 6/1/18 last revised December 9, 2025.	6/1/2018	12/9/2026	2/11/2026
B	Soil Movement and Tree Removal Plan, dated 6/1/18, last revised December 9, 2025.	6/1/2018	12/9/2026	2/11/2026
C	Van Cleef Engineering memo.	2/6/2026		2/11/2026
D	Prior Zoning Approval for Proposed Home Memorandum dated March 18, 2019.	3/18/2019		2/11/2026
E	NJDEP Wetlands LOI, 0201-19-0002.1, dated July 29, 2025.	7/29/2025		2/11/2026
F	SCD Non-Jurisdiction Determination, dated 5/8/2019.	5/18/2019		2/11/2026
G	Roadway frontage photo and adjoining homes.			2/11/2026
H	Allendale Tax Map with property and land donation indicated.			2/11/2026
I	Celery Farm and Laino Woods Plan with property location shown.			2/11/2026
J	Home Location Alternative Analysis Plan with home 20' and 30' from right-of-way which would require a front yard variance and compromise on-site parking and turnaround.	12/9/2026		2/11/2026

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K	Architectural Plans by Fred Klenk, AIA dated December 18, 2018.	12/18/2018		2/11/2026
L	Caesar Baldi Deed, April 12, 1967, DB 5031, Pg 404	4/12/1967		2/11/2026

Exhibit A-1: photo of site (from across street)

Exhibit A-2: sidewalk condition in front of site (denoting state of current repair);

**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 Applicant is the owner of the Property.
2. The Application was duly noticed, conferring statutory jurisdiction over the Board to commence proceedings.
3. The Applicant submitted a complete Land Use Application and associated documents, all filed plans and exhibits as noted herein;
4. 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 minor subdivision relief.
5. The deficiencies as to both minimum lot area and minimum lot width within 200 feet of the street are pre-existing conditions, so variance relief is not required.

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6. The creation of a land-locked lot by virtue of approval of this subdivision does not require variance relief because the land-locked lot will be for environmental conservation purposes only, and will not be a building lot.
7. The better land use alternative for the site is the development of the zoning-compliant plan, avoiding encroachment into the yard setbacks, providing a front-yard driveway turnaround, and avoiding an unreasonably dangerous design relative to vehicle egress onto the public roadway and, for these reasons, the Applicant-presented alternate layouts did not meet the statutory criteria to support a variance for a front yard setback, given the composition of the property, proposed development thereon, and public safety considerations. The Board rejects the alternative plans B, C, and D for zoning and public safety reasons.
8. The site is most appropriately served by a hammerhead turnaround drive to egress the Property.
9. No member of the public appeared in connection with the application.

**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 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.

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2. Applicant shall comply with the terms and recommendations of the Board Engineer Report dated February 6, 2026 prior to issuance of any permits.
3. Applicant shall submit to the Governing Body, proposing a formal dedication of land as depicted on the approved subdivision plan.
4. Applicant shall obtain Bergen County Planning Board approval.
5. Applicant shall ensure all site lighting is properly shielded, to avoid impermissible light spill over the property line.
6. Any installed HVAC equipment will be in compliance with all bulk standards.
7. Applicant shall submit a minor subdivision deed and description, which shall be subject to board staff review and approval prior to perfecting the subdivision.
8. Applicant shall undertake sidewalk repair as necessary, per the recommendation of the Borough Engineer.
9. The 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.
10. 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.
11. 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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12. The development and use of the Property shall be wholly consistent with the terms and conditions of this approval, including the representations made related to all business operations.
13. Applicant shall provide a certification that Property taxes are paid current.
14. Applicant 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.
15. 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.
16. The Applicant shall be bound by any and all other conditions set forth during the hearing.
- 17.

**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.

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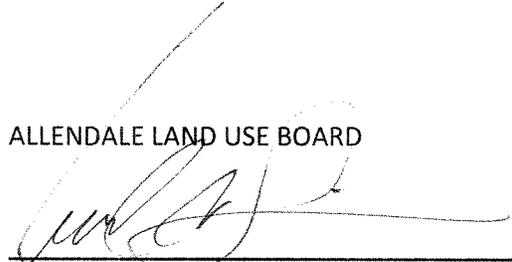
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Approved:

ALLENDALE LAND USE BOARD



MICHAEL SIRICO, Chairman

Attest:



JOHN DALO, Vice Chairman

Adopted: March 18, 2026