Zoning Board of Adjustment

May 21, 2025
Meeting
Minutes

THESE PROCEEDINGS WERE HELD VIRTUALLY

CALL TO ORDER

7:07pm

ATTENDANCE

Present
Joseph Bianco, RA/PP- Chairman
Wayne Sabo- Vice Chairman
Leslie Brunell, PE- Secretary
Heena Dhorajia, EIT- Full Member
Dharamraj Baboo- Full Member
Kristie Davida- Full Member
Zachary Messinger- Alternate #1
Yuval Tal- Alternate #3
Hani Samaan- Alternate #4
Christopher Cho- Council Liaison
Daniel Steinhagen, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent
Evan Elias- Full Member
Cochi Ho- Alternate #2

CORRESPONDENCE

Secretary Brunell read mail received by the Board into the record.

OPEN TO PUBLIC

n/a;

MINUTES

A motion was made by Mr. Messinger and seconded by Ms. Davida to approve the minutes for the April 16, 2025 Meeting. The motion passed (6-0-0):

Yes- Tal; Messinger; Davida; Dhorajia; Sabo; Bianco;

No- n/a;

Abstain- n/a;

RESOLUTIONS

A motion was made by Mr. Tal and seconded by Mr. Messinger to memorialize the Resolution for Case Z-2024-06 (31 Maple Avenue/Dahhan). The motion passed (6-0-0):

Yes- Tal; Messinger; Davida; Dhorajia; Sabo; Bianco;

No- n/a;

Abstain- n/a;

A motion was made by Mr. Tal and seconded by Mr. Messinger to memorialize the Resolution for Case Z-2024-09 (10 Clarke Street/Beyder). The motion passed (6-0-0):

Yes- Tal; Messinger; Davida; Dhorajia; Sabo; Bianco;

No- n/a;

Abstain- n/a;

CASELOAD

#1 CASE Z-2024-10

APPLICANT:	GILMAR & PATRICIA CANEVA
SUBJECT PROPERTY:	517 CLOSTER DOCK ROAD
BLOCK/LOT:	1708/21
ZONING DISTRICT:	2 (RESIDENTIAL B)
REPRESENTATION:	WILLIAM RUSH, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2024/4TH QUARTER
AFFIDAVIT OF SERVICE:	MARCH 7, 2025
AFFIDAVIT OF PUBLICATION:	MARCH 7, 2025

Synopsis

The applicant is seeking a Certificate of Nonconforming Structure and/or Use, or Use Variance in the alternative, for the continuation of a 2-family use as well as a Use Variance, relating to floor area ratio, and Bulk Variance Relief for the construction of an addition (with basement access modification), steps/landing and driveway expansion to supplement a 2-family house; the application was received December 17, 2024 and scheduled for the January 28, 2025 Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the February 25, 2025 Work Session, at which time, it was deemed complete; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the March 19, 2025 Meeting; the applicant's architect and planner testified and were cross-examined, and the case was adjourned to the April 16, 2025 Meeting; the applicant's architect and planner, as well as the applicant, testified and were cross-examined, and the case was adjourned, pending the Board's receipt of requested items, to the **May 21, 2025 Meeting**.

Relief Sought

1.) Certificate of Nonconforming Structure and/or Use (Use Variance if denied): continued use of 2-family house pre-dating inception of Borough's Limiting Schedule adopted December 19, 1940;
2.) Use Variance: floor area ratio (0.45 maximum allowed/0.49 provided);
3.) Bulk Variance: side yard <left-facing> setback (15' minimum required/10.50' provided);
4.) Bulk Variance: side yard <right-facing> setback (15' minimum required/14.10' provided);

5.) Bulk Variance: side yard setback aggregate (30' minimum required/24.60' provided);
6.) Bulk Variance: impervious coverage (30% maximum allowed/53.80% provided);

Witnesses
n/a;

Exhibits
n/a;

Prior Subcommittee Requests
1.) provide Governing Body authorization, zoning and construction permit records, etc. held by Borough to decipher when existing 2-family use came into existence (provided by Board Coordinator);
2.) consider retaining both attorney and planner given relief being sought includes Use Variance for excessive floor area ratio (FAR);
3.) provide parking space calculations;
4.) provide new concrete curb and sidewalk along street frontage;
5.) depict existing buildings located on adjacent/right-facing parcel (521 Closter Dock Road) along with their distances to property line shared with subject property;
6.) determine type of relief to be sought in order to sanction existing/proposed 2-family use given validity of Zoning Permit #24-91Z issued July 23, 2024 for 2-family use ratification is in question (pay additional $200.00 application fee if Certificate of Nonconforming Use/Structure is opted for);
7.) pay additional $350.00 application fee for Use Variance request relating to floor area ratio (FAR);
8.) reconfigure proposed driveway to include turnaround area to enhance safety of exiting onto Closter Dock Road (county thoroughfare);
9.) provide underground electric and telecommunication utility services;

Prior Board Requests
1.) provide hard copy of Exhibit A-1 (not pre-filed);
2.) consult with Board Engineer on optimal type and location of proposed storm water management system;
3.) provide hard copies of Exhibits A-10 and A-11 (not pre-filed);
4.) provide legal brief synthesizing applicable case law and facts on Board being bound by determination of Zoning Officer to sanction 2-family use as pre-existing/nonconforming (see Exhibit A-2);

New Board Requests
1.) compel Zoning Officer to provide both testimony at June 18, 2025 Meeting as to rationale for issuing Zoning Permit for 2-family use ratification when such was applied for by previous subject property owner and all documentation relied upon <TO BE COMMUNICATED BY BOARD COORDINATOR>;

Public Questions
n/a;

Public Comments
1.) Robert Rinckhoff, 521 Closter Dock Road, Closter, New Jersey;
2.) Margaret Rinckhoff, 521 Closter Dock Road, Closter, New Jersey;

Decision
The case was adjourned to the June 18, 2025 Meeting.

Conditions
n/a;

#2 CASE Z-2025-03

APPLICANT:	ROMEO & EMILIE PUNLA
SUBJECT PROPERTY:	296 PIERMONT ROAD
BLOCK/LOT:	1901/63
ZONING DISTRICT:	2 (RESIDENTIAL B)
REPRESENTATION:	DONNA VELLEKAMP, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2025/1ST QUARTER

AFFIDAVIT OF SERVICE: MAY 8, 2025
AFFIDAVIT OF PUBLICATION: MAY 9, 2025

Synopsis
The applicant is seeking Bulk Variance Relief for the construction of an addition, portico and deck to supplement a 1-family house; the application was received February 13, 2025 and scheduled for the February 25, 2025 Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the March 25, 2025 Work Session, at which time, it was deemed complete; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the **May 21, 2025 Meeting**. **Meeting**.

Relief Sought
1.) Bulk Variance: side yard <left-facing> setback (15' minimum required/10.03' provided);
2.) Bulk Variance: side yard <right-facing> setback (15' minimum required/11.40' provided);
3.) Bulk Variance: side yard setback aggregate (30' minimum required/21.43' provided);
4.) Bulk Variance: impervious coverage (30% maximum allowed/34.83% provided);

Witnesses
1.) Michael Hubschman, PE, 263(A) South Washington Avenue, Bergenfield, New Jersey;
2.) Brendan Leadbeater, RA, 766 Chestnut Street, Kearny, New Jersey;

Exhibits
A-1: 6 photographs depicting existing exterior conditions of subject and surrounding properties, prepared by Witness #1 and dated February 14, 2025;

Prior Subcommittee Requests
1.) provide photographs depicting existing exterior conditions (both land and structures) of subject and surrounding properties with emphasis on views of shared property lines in relation to proposed construction;
2.) post $1,000.00 engineering escrow deposit for Board Engineer's review;
3.) obtain applicable permitting from New Jersey Department of Environmental Protection (NJDEP) given proximity of subject property to nearby regulated waterway;
4.) provide new concrete curb and sidewalk along street frontage;
5.) provide underground electric and telecommunication utility services;
6.) revise design so that site plan and architecturals mirror each other (proposed building footprint depicted on site plan and architecturals is not identical);
7.) consult with Board Engineer on optimal type and location of proposed storm water management system;
8.) provide demolition plan;
9.) consider hip roof style for proposal to ensure surrounding properties have adequate light and air;
10.) calculate percentage of existing house, both interior and exterior components combined, to be demolished in order to determine which bulk items would their lose pre-existing/nonconforming status and instead require Board relief;
11.) correct floor plan to indicate proposed addition contains crawl space (with rat slab) instead of basement;
12.) indicate 2 existing window wells located at front elevation on both elevation and floor plans;
13.) provide existing/proposed floor to ceiling heights for all floors including subterranean level and attic;

Prior Board Requests
n/a;

New Board Requests
1.) provide hard copy of Exhibit A-1 (not pre-filed);
2.) provide shadow study taking into account both existing conditions and proposed improvements to ascertain proposal's impact on sunlight access for neighboring properties;
3.) relocate existing condensing unit from side yard (right-facing) to rear yard;
4.) explore how to architecturally mitigate concerns of Public Questioner #1 regarding mass of proposed addition impacting light and air conditions of 290 Piermont Road;
5.) confirm all trees which exist on-site;

Public Questions
1.) Evelien Zonneveld, 290 Piermont Road, Closter, New Jersey;

Public Comments
n/a;

Decision
The case was adjourned to the June 18, 2025 Meeting.

Conditions
n/a;

#3 CASE Z-2025-04

APPLICANT:	CECILLE ANNE OCASIO
SUBJECT PROPERTY:	6 WILLOW ROAD
BLOCK/LOT:	1901/19
ZONING DISTRICT:	2 (RESIDENTIAL B)
REPRESENTATION:	SELF
REAL ESTATE TAX:	CURRENT THRU 2025/1ST QUARTER
AFFIDAVIT OF SERVICE:	APRIL 30, 2025
AFFIDAVIT OF PUBLICATION:	MAY 5, 2025

Synopsis
The applicant is seeking Bulk Variance Relief for the construction of an addition, swimming pool (in-ground with spa and fencing), outdoor kitchen, landscape wall and patio (on-grade) to supplement a 1-family house; NOTE: the Governing Body recently instructed the applicant to reposition existing fencing to eliminate its encroachment onto adjacent Borough property; the application was received March 11, 2025 and scheduled for the March 25, 2025 Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the April 22, 2025 Work Session, at which time, it was deemed complete; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the **May 21, 2025 Meeting**.

Relief Sought
1.) Bulk Variance: impervious coverage (30% maximum allowed/38.90% provided);

Witnesses
1.) Sinan Onan, 6 Willow Road, Closter, New Jersey;

Exhibits
A-1: survey (less title block) of subject property, uncredited and dated 1989;
A-2: survey (less title block) of subject property, uncredited and dated June 2023;
A-3: aerial map of subject property and surrounding neighborhood with annotations in red and yellow delineating nearby properties upon which swimming pools exist, uncredited and undated;

Prior Subcommittee Requests
1.) provide real estate certification confirming no delinquency;
2.) post $1,000.00 engineering escrow deposit for Board Engineer's review;
3.) provide testimony on basis (hardship) for seeking Board relief on Meeting date to be assigned by Subcommittee;
4.) consult with Board Engineer on optimal type and location of proposed storm water management system;
5.) reposition existing fence from encroaching onto adjacent/back-facing, Borough property (Block 1901/Lot 18 known as Piermont Road) to subject property or obtain authorization from Governing Body to maintain its current location;
6.) reduce proposed impervious coverage significantly;
7.) provide height of proposed landscape wall;
8.) depict existing buildings located on adjacent/right-facing property (Block 1901/Lot 20.01 known as 12 Willow Road) along with their distances to property line shared with subject property;
9.) revise existing/proposed impervious coverage calculations to include concrete pad(s) upon which existing/proposed mechanical equipment is situated;
10.) depict existing shed to be eliminated on graphic of site plan;
11.) obtain applicable permitting from New Jersey Department of Environmental Protection (NJDEP) given proximity of subject property to nearby regulated waterway (riparian zone data should be indicated on forthcoming engineered site plan);

12.) indicate existing fencing currently encroaching onto adjacent/back-facing, Borough property (Block 1901/Lot 18 known as Piermont Road) will be relocated onto subject property as per determination by Governing Body;
13.) further reduce proposed impervious coverage;
14.) delete Note #2 relating to pre-existing/nonconforming lot size;
15.) provide detail, including height and material, on proposed swimming pool barrier and associated gates;
16.) indicate height of proposed landscape wall will be 24" to 27";

Prior Board Requests
n/a;

New Board Requests
n/a;

Public Questions
n/a;

Public Comments
n/a;

Decision
A motion was made by Ms. Davida and seconded by Vice Chairman Sabo to approve the application. The motion passed (6-0-1):

Yes- Tal; Messinger; Davida; Dhorajia; Sabo; Bianco;

No- n/a;

Abstain- Brunell;

Conditions
1.) provide hard copies of Exhibits A-1, A-2 and A-3 (not pre-filed);
2.) correct Note #3 under "Zoning Analysis" on architecturals to reflect proposed impervious coverage as being 38.90% (not 39.90%);
3.) indicate last revised date on both site plan and architecturals as June 18, 2025 (anticipated date of Resolution being memorialized);

MISCELLANEOUS

Mr. Bianco congratulated Mr. Tal and Mr. Samaan for attending a recent virtual land use seminar administered by New Jersey Planning Officials (NJPO) and passing the associated exam, noting land use board certification from an agency/affiliate recognized by the State of New Jersey is required within 18 months of a Board member's initial appointment by the Governing Body; he said the State will issue them diplomas in the coming weeks.

CLOSED SESSION

n/a;

ADJOURNMENT

11:03pm