Zoning Board of Adjustment

July 15, 2026
Meeting
Minutes

THESE PROCEEDINGS WERE HELD VIRTUALLY

CALL TO ORDER

7:02pm

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
Cochi Ho- Alternate #2
Yuval Tal- Alternate #3
Hani Samaan- Alternate #4
Daniel Steinhagen, Esq.- Board Attorney
Paul Demarest- Board Coordinator

Absent
Evan Elias- Full Member
Zachary Messinger- Alternate #1
Christopher Cho- Council Liaison
Jeffrey Morris, PE- Board Engineer

CORRESPONDENCE

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

OPEN TO PUBLIC

n/a;

MINUTES

A motion was made by Secretary Brunell and seconded by Mr. Tal to approve the minutes for the June 17, 2026 Meeting. The motion passed (7-0-0):

Yes- Tal; Ho; Davida; Baboo; Brunell; Sabo; Bianco;

No- n/a;

Abstain- n/a;

RESOLUTIONS

n/a;

CASELOAD

n/a;

CLOSED SESSION

A motion was made by Mr. Ho and seconded by Secretary Brunell to have the Board go into closed session at 8:12pm. The motion passed by unanimous consent.

A motion was made by Ms. Davida and seconded by Secretary Brunell to have the Board reopen the meeting to the public at 10:08pm. The motion passed by unanimous consent.

The minutes for this closed session will be released upon the resolution of the matter(s) discussed.

MISCELLANEOUS

Regarding Case Z-2025-07 (104 High Street/238 East State, LLC), the applicant's attorney, Matthew Capizzi, Esq., 205 Fairview Avenue, Westwood, New Jersey, requested a 2nd 6-month extension to comply with a condition of the Board granting Use Variance Approval, Minor Subdivision Approval and Planning Variance Approval (relating to lot not abutting public thoroughfare) for the creation of 2 lots and the construction of a new 2-family house and associated appurtenances upon each of the 2 newly-created parcels; he said state law mandates that the condition in question, the recording of the subdivision plat with the County Clerk (which can only occur after the applicant obtains Major Soil Movement Approval from the Planning Board, which it has, and Bergen County Planning Board approval being the subject property fronts on a county thoroughfare), must be completed no later than 190 days from when the Zoning Board of Adjustment memorialized its Resolution, which it did on August 20, 2025. Mr. Capizzi reminded that the 1st request for a 6-month extension was granted by the Board on February 18, 2026 and expires on August 26, 2026; he said the applicant now seeks to extend that deadline to February 18, 2027. Mr. Capizzi explained that the 2 requests to extend the deadline relate to not only outstanding Bergen County-level approvals, but also that the applicant has since gone into contract to sell the subject property conditioned upon all Developer's Agreement stipulations being addressed. To alleviate the Board's concern about a change to certain insurance requirements appearing in the revised Agreement, which now reflects the contract purchaser (V&R Investors, LLC) as the Developer, Mr. Steinhagen said the Borough Attorney and the Borough's Risk Management Consultant will be reviewing said changes before the Agreement is executed by the Governing Body. Chairman Bianco reiterated that the Board, in approving the application, expected that as many trees as possible be retained on-site during the course of construction.

A motion was made by Mr. Ho and seconded by Secretary Brunell to adopt a revised Developer's Agreement for Case Z-2025-07 (104 High Street/238 East State, LLC) indicating V&R Investors, LLC as the Developer. The motion passed (7-0):

Yes- Tal; Ho; Davida; Baboo; Brunell; Sabo; Bianco;

No- n/a;

Abstain- n/a;

A motion was made by Mr. Ho and seconded by Ms. Davida to grant a 2nd 6-month extension to February 18, 2027 to allow the applicant for Case Z-2025-07 (104 High Street/238 East State, LLC) to record the subdivision plat with the County Clerk, with Mr. Steinhagen codifying the Board's decision in writing. The motion passed (7-0):

Yes- Tal; Ho; Davida; Baboo; Brunell; Sabo; Bianco;

No- n/a;

Abstain- n/a;

As a follow-up to the Board's prior feedback to the Governing Body's Ordinance Committee with respect to a draft ordinance which would amend Chapter 176-2 of the Borough Code to require hardscape having a minimum width of 3' (excluding coping) around the perimeter of swimming pools in their entirety, the idea for which originated from the Board's prior Annual Reports to the Governing Body and Planning Board as a means to increase safety as well as both lessen the likelihood of requests for Board relief and unauthorized construction, Chairman Bianco said the draft has since been revised to reflect a 4'-width minimum requirement, and he noted the Board's prior Reports recommended the hardscape be around 2 sides/50% of a swimming pool, not all sides/100%, depending on whether the shape is right-angled or free-form.

All Board voting members present endorsed the updated draft ordinance while reiterating/making the following additional recommendations, with the exception of Mr. Samaan, who felt the proposal to be too restrictive:

1.) incorporate proposed ordinance into both Chapter 176 (Swimming Pools) and Chapter 200 (Zoning) of Borough Code;
2.) indicate Zoning Officer and Construction Official, not "Building Inspector", as parties responsible for issuing associated permits;
3.) indicate design professional or homeowner (under certain conditions), not "architect", as party responsible for preparing calculations;
4.) repeat stating "private swimming pool, wading pool, tank or plunge" throughout body of proposed ordinance to be consistent with which appurtenances are subject to proposed regulations;
5.) clarify what is meant by "maintenance" for purposes of triggering proposed regulations;
6.) require at least 2 sides/50% of swimming pool, not all sides/100%, to be surrounded with minimum of 4'-wide hardscape (excluding coping);
7.) apply hardscape requirement to in-ground swimming pools only (not above-ground);

Also based on its prior Annual Reports, the Board reviewed a draft ordinance being considered by the Governing Body's Ordinance Committee which would amend Chapter 200-5 of the Borough Code to define "building coverage" as the following:

1.) structures (attached or detached) having roof;
2.) decks/decking (attached, detached, floating/on-grade and elevated/raised);
3.) roofed structures shall be considered both building and impervious coverages;
4.) decks/decking shall be considered solely building coverage (not impervious coverage);

The Board endorsed the above definition, specifically as it relates to Item #'s 1 and 3 indicated above. However, with respect to Item #'s 2 and 4 and based upon Mr. Steinhagen advising on the definition of "building" as prescribed in both the New Jersey Municipal Land Use Law and Borough Code, the Board opined that decks/decking should be considered impervious coverage only (not building coverage).

ADJOURNMENT

10:09pm