Zoning Board of Adjustment

May 20, 2026
Meeting
Agenda

THESE PROCEEDINGS WILL BE HELD VIRTUALLY (VIA ZOOM VIDEO COMMUNICATIONS, INC.)
****SEE LOGIN INSTRUCTIONS BELOW****

Video Conferencing	Audio Conferencing
Meeting Identification Number: **4244650146**	Telephone Number: **(646) 558-8656**
Meeting Password: **1212**	Meeting Identification Number: **4244650146**
Link: https://us02web.zoom.us/j/4244650146?pwd=Slk2ZG1pTEY0K1AzYmtSV3h5TFF5UT09	Meeting Password: **1212**

A.) **Call to Order**
- **1.)** Meeting @ 7:00pm- ***PUBLIC***;

B.) **Pledge of Allegiance**

C.) **Attendance**

D.) **Correspondence**
- **1.)** April 16, 2026 to May 20, 2026;

E.) **Minutes**
- **1.)** April 15, 2026 Meeting;

F.) **Resolutions**
- **1.)** Case Z-2025-11 (437-439 Durie Avenue/Diamond Engineers & Developers, Inc.);
- **2.)** Case Z-2026-04 (37 Sherman Avenue/Nwachukwu);
- **3.)** Case Z-2026-05 (84 Herbert Avenue/Herbert Avenue Associates, LLC);

G.) **Open to Public**- ***TOPICS CANNOT RELATE TO PENDING BOARD CASELOAD AND/OR LITIGATION***;

H.) **Caseload**

I.) **Closed Session**

J.) **Miscellaneous**
- 1.) Ordinance Proposal (Chapter 176-2: Hardscape Requirement Around Newly-Constructed Swimming Pools);

K.) **Adjournment**

#1 CASE Z-2026-03

APPLICANT:	ZIV BERGER
SUBJECT PROPERTY:	15 DIVISION STREET
BLOCK/LOT:	907/4
ZONING DISTRICT:	2 (RESIDENTIAL B)
REPRESENTATION:	MATTHEW CAPIZZI, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2026/1ST QUARTER
AFFIDAVIT OF SERVICE:	MAY 7, 2026
AFFIDAVIT OF PUBLICATION:	MAY 10, 2026

The applicant originally-sought Bulk Variance Relief for the construction of an addition (cantilever inclusive), porch (alcove), trellis, (2) steps/landings and patio (on-grade) as well as driveway and walkway reconfigurations to supplement a

1-family house; the application was received March 12, 2026 and scheduled for the March 23, 2026 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 April 15, 2026 Meeting; the applicant subsequently retained legal counsel and amended the proposed scope of work to the construction of a new 1-family house and associated appurtenances necessitating Use Variance Relief (floor area ratio) as well, and the case was rescheduled for the April 27, 2026 Work Session, at which time, it was deemed complete; pending the Board's receipt of requested items and public noticing requirements, which reflected the elimination of a request for Use Variance Relief (floor area ratio), the application was scheduled for the **May 20, 2026 Meeting**.

#2 **CASE Z-2026-06**

APPLICANT:	NIHAT ALTINTAS
SUBJECT PROPERTY:	454 CLOSTER DOCK ROAD
BLOCK/LOT:	1714/3
ZONING DISTRICT:	2 (RESIDENTIAL B)
REPRESENTATION:	SELF
REAL ESTATE TAX:	CURRENT THRU 2026/1ST QUARTER
AFFIDAVIT OF SERVICE:	MAY 7, 2026
AFFIDAVIT OF PUBLICATION:	MAY 9, 2026

The applicant is seeking a Design Waiver for the installation of a privacy fence to supplement a 1-family house; the application was received April 15, 2026 and scheduled for the April 27, 2026 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 20, 2026 Meeting**.

#3 **CASE Z-2026-07**

APPLICANT:	280 KNICKERBOCKER, LLC
SUBJECT PROPERTY:	280 KNICKERBOCKER ROAD
BLOCK/LOT:	520/4
ZONING DISTRICT:	2 (RESIDENTIAL B)
REPRESENTATION:	MATTHEW CAPIZZI, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2026/2ND QUARTER
AFFIDAVIT OF SERVICE:	N/A
AFFIDAVIT OF PUBLICATION:	N/A

The applicant is seeking Bulk Variance Relief for the construction of an addition (including reconstruction utilizing existing foundation), portico and deck as well as driveway and walkway reconfigurations to supplement a 1-family house; the application was received May 14, 2026 and scheduled for the **May 26, 2026 Work Session**.

#4 **CASE Z-2025-11**

APPLICANT:	DIAMOND ENGINEERS & DEVELOPERS, INC.
SUBJECT PROPERTY:	437-439 DURIE AVENUE
BLOCK/LOT:	1003/18.02
ZONING DISTRICT:	2 (RESIDENTIAL B)
REPRESENTATION:	MATTHEW CAPIZZI, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2025/4TH QUARTER
AFFIDAVIT OF SERVICE:	JANUARY 7, 2026; APRIL 1, 2026
AFFIDAVIT OF PUBLICATION:	JANUARY 9, 2026; APRIL 5, 2026

The applicant is seeking Use Variance Relief and Site Plan Approval for the construction of an addition to and the conversion of a detached garage to a 1-family house to supplement a 2-family house; the application was received November 12, 2025 and scheduled for the November 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 December 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 January 21, 2026 Meeting; due to the Board's heavy caseload, the application was postponed to the February 18, 2026 Meeting; the applicant's engineer and architect testified and were cross-examined, and the case was adjourned, pending the Board's receipt of requested items, to the April 15, 2026

Meeting; the application was approved by the Board; **the Board will memorialize a Resolution upon both its completion by the Board Attorney and the Board's receipt of items to which a voice vote may have been conditioned**.

#5 CASE Z-2026-04

APPLICANT:	BENEDICT NWACHUKWU, MD
SUBJECT PROPERTY:	37 SHERMAN AVENUE
BLOCK/LOT:	2204/25
ZONING DISTRICT:	1 (RESIDENTIAL A)
REPRESENTATION:	ERIK DYKEMA, ESQ. (REPLACING ANDREW BOLSON, ESQ.)
REAL ESTATE TAX:	CURRENT THRU 2026/1ST QUARTER
AFFIDAVIT OF SERVICE:	MARCH 30, 2026
AFFIDAVIT OF PUBLICATION:	APRIL 1, 2026

The applicant is seeking Bulk Variance Relief for the construction of a swimming pool (in-ground with automatic cover), patio (on-grade with outdoor kitchen), retaining wall and rockery to supplement a 1-family house; the application was received March 16, 2026 and scheduled for the March 23, 2026 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 April 15, 2026 Meeting; the application was approved by the Board; **the Board will memorialize a Resolution upon both its completion by the Board Attorney and the Board's receipt of items to which a voice vote may have been conditioned**.

#6 CASE Z-2026-05

APPLICANT:	HERBERT AVENUE ASSOCIATES, LLC
SUBJECT PROPERTY:	84 HERBERT AVENUE
BLOCK/LOT:	1207/30
ZONING DISTRICT:	5 (INDUSTRIAL)
REPRESENTATION:	MATTHEW CAPIZZI, ESQ.
REAL ESTATE TAX:	CURRENT THRU 2026/1ST QUARTER
AFFIDAVIT OF SERVICE:	APRIL 2, 2026
AFFIDAVIT OF PUBLICATION:	APRIL 5, 2026

The applicant is seeking Use Variance Relief and Site Plan Approval for the tenancy by a fitness center within 1 of 5 existing non-residential buildings; the application was received March 13, 2026 and scheduled for the March 23, 2026 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 April 15, 2026 Meeting; the application was approved by the Board; **the Board will memorialize a Resolution upon both its completion by the Board Attorney and the Board's receipt of items to which a voice vote may have been conditioned**.