

**WALDWICK ZONING BOARD OF ADJUSTMENT
FORMAL SESSION
August 26, 2026**

The Formal Session of the Waldwick Zoning Board of Adjustment was held on Wednesday, August 26, 2026 at 8:00 p.m. and was called to order by Marty Nieman, Chairman, who made the announcement of adequate notice of all meetings.

ROLL CALL:

Mr. Nieman	present	Mr. Cericola	present
Mr. Walsh	present	Ms. Luppino	present
Mr. Wekarski	present	Mr. Centineo	present
Mr. Sanzo	present	Mr. Hartmann	present
Mr. Myerjack	present		

Also Present:

Cliff Singer, Board Attorney
Joyce Sinclair, Board Secretary
Joe Mysliwiec, Zoning Officer
Joseph Dunn, Board Engineer
Spach Trahan, Board Planner

GREETINGS TO THE PUBLIC:

No one appeared.

APPROVAL OF MINUTES:

A motion was made by Mr. Sanzo and seconded by Mr. Walsh for the approval of the Minutes of July 22, 2026. The Minutes were approved as submitted.

RESOLUTIONS:

COAN	5 Highwood Avenue
26-T	Block 7, lot 90
Ed Sherman, Architect	Addition, Add-a-level, Carport
	RESOLUTION

A motion for approval of the Resolution was made by Mr. Walsh and seconded by Ms. Luppino. A unanimous vote was taken. The Resolution was approved.

MERSCH
26-U
Ed Sherman, Architect

26 Roberta Lane
Block 162.05, Lot 1
Attached Garage, Sunroom, Portico
RESOLUTION

A motion for approval of the Resolution was made by Mr. Walsh and seconded by Ms. Luppino. A unanimous vote was taken. Mr. Nieman, Mr. Cericola, Mr. Wekarski and Mr. Centineo abstained. The Resolution was approved.

REED
26-V
Ed Sherman, Architect

54 Evergreen Street
Block 134.03, Lot 4
Addition, Add-a-level, Portico
RESOLUTION

A motion for approval of the Resolution was made by Mr. Walsh and seconded by Ms. Luppino. A unanimous vote was taken. The Resolution was approved.

LAMBERTI-MESSINA
26-W

49 Smithfield Road
Block 134.04, Lot 11
Rear Addition, Add-a-Level, Deck
RESOLUTION

A motion for approval of the Resolution was made by Mr. Walsh and seconded by Ms. Luppino. A unanimous vote was taken. The Resolution was approved.

APPLICATIONS:

TONNESEN
26-X

108 White Pond Road
Block 153.02, Lot 11.01
Inground Pool, patio, walkway, pavilion
NEW APPLICATION

Erica Tonnesen appeared before the Board. Jason Hollar, permit manager, appeared before the Board. Mr. Hollar explained that the applicant would like to install a pool with pavilion and patio. The proposed open-air pavilion is 15' x 20' with a solid roof and outdoor kitchen.

Mr. Mysliwiec noted that a 10' side yard is required and proposed is 8.25'. A 10' rear yard is required and 9' is proposed. The impervious lot coverage is proposed at 48.3% and required is 40%.

Mr. Hollar noted that it is a conservative size pool on an irregular shaped property. A rendering was shown to the Board. It was noted that a soil moving permit is not needed as it will be ministerial. Mr. Mysliwiec noted that all water must be contained on the property.

Mr. Walsh questioned whether consideration was given to the space between the deck and the pool. Mr. Hollar noted that for mobility access it is as tight as it can be. The deck is pre-existing.

Mr. Tonnesen noted that her daughter uses a wheelchair following an injury in 2019 and the turning radius is needed. There is a wooded area behind their property.

There were no further questions from the Board. There was no one in the audience to address this application.

Ms. Tonnesen read a statement in closing regarding the medical need for the pool for her daughter.

The Board noted the irregular shape of the property and were in favor of the Application. A motion for approval was made by Mr. Sanzo and seconded by Mr. Walsh. A unanimous vote was taken. The Application was approved.

MICCINILLI
26-Y

49 Schuler Avenue
Block 150, Lot 24
Build 1st and 2nd floor addition
NEW APPLICATION

Mr. Miccinelli and his father appeared before the Board. An addition to the side of their home is proposed so that his father can move in with them. They will be extending back and on top. They are in an R-1 zone and are under in lot coverage. The Applicant is asking for a continuation of the front yard variance as when making the house bigger it is exacerbated.

There were no questions from the Board. There was no one in the audience to address this application. The Board noted this is an existing condition and there are no further variances, just a continuation of the non-conformity. The Board was in favor of the Application.

A motion for approval was made by Mr. Walsh and seconded by Mr. Sanza. A unanimous vote was taken. The Application was approved.

Mr. Singer brought to the attention of the Applicant that when they apply for their building permit there will be an additional COAH development fee which has nothing to do with the town. The first payment is due when the permit is issued and the second is due when an approval is issued. The fee structure comes from the State and applies when creating a new living space.

GILBERTSON
26-Z

62 W. Saddle River Road
Block 72.02, Lot 6
Build Inground Pool
NEW APPLICATION

Kevin Gilbertson appeared before the Board. Jordan Barri, pool installer, appeared before the Board. The Applicant currently has an above ground pool and would like to install a 14'x 28' inground pool. Lot coverage is the only issue; all setbacks are fine. Mr. Barri noted there is a ten-foot drainage easement in the rear of the property and a 15' sanitary sewer easement.

Mr. Mysliwiec noted that it is a slightly undersized lot. The Applicant is limited and not allowed to do anything over that 25' easement. For his use it makes it more of an undersized lot. The patio pavers are already existing except for those around the pool. The existing lot coverage is 45%. There is a 14' x 8' shed on the property which will remain. The drainage on the property will keep all water on the property.

There was no one in the audience to address this Application.

Mr. Walsh is in favor of the Application noting it is a slightly undersized lot and affected by the easement. The Board was in agreement and in favor of the Application.

A motion for approval was made by Mr. Sanzo and seconded by Ms. Luppino. A unanimous vote was taken. The Application was approved.

SCHLECHT
26-Za

55 Lindbergh Parkway
Block 144, Lot 73
NEW APPLICATION

Mr. Wekarski recused himself from this Application as he resides within 200' of the property. Mr. Wekarski left the podium.

Mr. Schlecht appeared before the Board. Michael Bet, Architect, appeared before the Board. Mr. Schlecht noted he has a small kitchen and would like to expand the kitchen to the back of the house. He would like to extend his driveway which barely fits car and would like to expand to a two car driveway.

Mr. Mysliwiec noted the denial form needs to be amended to include the driveway expansion and will slightly be over in lot coverage. The new lot coverage including the driveway expansion will be 44.7%. The rear yard setback is 33.6' where 50' is required. It is an undersized lot. The deck does not count towards lot coverage as it is a non conforming deck.

Mr. Myerjack questioned what the setback is with the new driveway expansion. Mr. Mysliwiec noted there is a slight retaining wall and it will be within the requirement at 6.3' from the side of the driveway to the property line.

There were no further questions. There was no one in the audience to address this Application.

Mr. Walsh noted that he is in favor of the application noting it is undersized lot and will be a good improvement. The Board was in agreement and in favor of the Application.

A motion for approval was made by Mr. Sanzo and seconded by Mr. Walsh. A unanimous vote was taken. The Application was approved.

1 SMITH STREET KOC LLC	1 Smith Street
26-0 & SM-2	Block 131, Lot 20
Jennifer Berardo, Esq.	Three-story, Two-family dwelling
	Use Variance & Soil Moving Permit
	CONTINUED

Jennifer Berardo, Esq. appeared before the Board. Ms. Berardo noted that the applicant is the contract purchaser of the property which is located in the R-3 zone. It is an oversized lot with double lot width along Smith Street. It is a corner lot with frontage on Smith Street and W. Prospect Street.

At the prior hearing it was noted that the property is constrained by environmental constraints due to the brook in the rear of the property. The existing property houses the KOC, which has been unused since Covid. They would like to remove this structure and construct a two-family structure.

DEP restraints will not allow the Applicant to subdivide into two lots, which is why they are proposing a two-family dwelling on this property. It is not an overdevelopment of the site. The property is suited for this type of use and advances the goals of the municipal land use law and is in character with Smith Street and offers no detriments to the neighborhood or zoning plan.

Ms. Berardo noted the technical variance for "a story", which after comments from the Board's last meeting, they have revised the interior layout and building to reduce the building structure previously presented.

Joseph D'Amato, Architect, River Edge, appeared before the Board. Mr. D'Amato has reviewed the materials previously submitted and reviewed the site and surrounding area. He noted they are removing a non-conforming structure. He noted plans with revised date of August 10, 2026 which were marked as A-1 - A-4.

He explained the reductions from the prior Application. They are still proposing a two family home attached to each other with no common shared elements. The DEP constraints remain the same. They reduced the footprint of the building by 4' in width, reduced the square footage, and reduced the size of the deck. The two car garage in the basement has been eliminated. They propose a lower level, not a basement, due to the confines of the flood elevation. There is required space underneath for water to flow through.

The first proposal had a first floor of 9' and this has been brought down to make it as close as possible. The two car garage is up to grade and the structure looks like a two story structure, not a three story. The height of the previous structure was under 35% and the proposed is 33%, still allowable in height. The idea was to reduce the scale and height. They have designed roof lines across the front in reduced scale.

The prior interior building plan had 4 bedrooms, office and 4 1/2 bathrooms. This has been condensed to 3 bedrooms, 2 1/2 baths. The number of bedrooms has been reduced. The design of the previous structure looked like a 3 story and not in character with homes surrounding. This proposal brought it down to meet the aesthetics of the neighborhood.

Mr. D'Amato noted A-3 and explained the first floor. The garage is on the first floor level, with a mud room and open layout on first floor. Mr. D'Amato explained Sheet A-4, second floor plan, noting the prior plan had 4 bedrooms with 3 baths, this has been revised to 3 bedrooms, 2 bathrooms and laundry room. Since there is no basement there is an open area on the 2nd floor for storage, playroom, etc.

Sheet A-2, foundation plan was explained. Because the first floor has been lowered, they cannot raise the grade with DEP restrictions and must supply a water gate. This is not livable space, it is space you can put storage in, 6' 9" in height. The technical variance is for a basement, technically considered a story.

Exhibit A-6 was noted. It is a comparison rendering and a larger one was marked as A-7. Exhibit A-8 is an elevation comparison.

The homes in the area have dormers, so they have kept the same design flavor of the neighborhood. The side view is broken down with roof peaks to break up the façade and to maintain the residential character along Smith Street. They are in compliance with RSI standards and meet bulk and setback requirements.

The property slopes around the building but not within the building. The attic is 7.6' and stairs are there to get to the storage for ease of access.

Spach Trahan, Board Planner for Paul Grygiel this evening, questioned the definition for basement. The Engineer will address this question.

Frank Petruccelli, 2 Smith Street, appeared before the Board and questioned whether they had taken into account the character of Smith Street homes. Mr. D'Amato explained that the inspiration comes from the combined area, some have dormers, roof peaks. Mr. Petruccelli felt the proposal does not look like any of the homes on this street.

Mr. Petruccelli questioned the proposed windows and expressed concern that residents would be able to look into his backyard. Mr. D'Amato noted that he guesses there is about 150' from the windows of the proposed home to Mr. Petruccelli's backyard and felt strongly that standing at the back yard window you would not be able to see into his property.

Mr. Petruccelli questioned whether a single-family home could be placed on the lot. Mr. D'Amato explained that a single family would be out of place in the neighborhood.

Bruce Rigg, Engineer, appeared before the Board. He explained the dimensional differences from the last plan. The building itself is shorter. None of the grades in the back of the building have changed. Nothing can be below the flood hazard. The framing of the first floor has to be above the flood hazard. The driveways are pitched to the street. There are french drains by the street. The only drainage change from the previous is that there will be garage vents through the garage. The ditch in the back connects to the Ho Ho Kus Brook. The soil movement calculations have changed and the impervious numbers slightly reduced. There are no further variances, everything is compliant.

Mr. Rigg explained the story definition noting we have a 6.9' storage area, even though not a basement. Visually, it looks like a two story building. We could subdivide the property, but could only build on one of the lots, the other would need to be vacant.

Each unit has a separate utility. The utility pole will be added to that side of the street. The landscape plan noted 5 shade trees with added trees between the driveways. There is a buffer of arborvitae. A Norway spruce has been added to block from the street. There is full landscaping around the front and side. Aesthetic improvements have been made to mitigate and soften the property. They are in compliance with all reports from Boswell Engineering with no exceptions.

Joseph Dunn, Engineer for Jim McGinnis this evening, requested that all plans comply with Boswell Engineering's letter and with any subsequent letters.

Ms. Trahan questioned whether there is room for the proposed trees to grow properly and what the long-term effects on the driveway would be. Mr. Rigg noted that the trees are specifically chosen to set up between the driveways and are the same trees along parkways.

There were no further questions from Board. There was no one in the audience to question the engineer's testimony.

Katherine Gregory, Planner, Fort Lee, appeared before the Board. The site is in the R-3 residential district, and the Applicant proposes a two-family duplex, taking the surrounding area into consideration. Photographs of the existing structures of the neighborhood and photos taken from Google Earth were marked as A-9. Ms. Gregory noted all of the stars indicate a two-family home. The neighborhood is very varied in structure. The property is a corner lot, so we are not only talking about Smith Street but about W. Prospect Street. There is one single family home on Smith Street, the majority are two or two and 1 half stories. On West Prospect Street we have an older home and business property.

Ms. Gregory noted the reduction in size of the current design based on the feedback from the Board at the last meeting. She noted the variety of uses that are permitted by zone for this property which include single family, professional and assisted living. An office

building could be put on this property, but they do not feel that is appropriate, it is much better as a two-family home.

Ms. Gregory noted they are seeking a use variance as in the 2018 Master Plan it indicates no more two-family homes. The Applicant is asking for this variance as they are restrained to one structure because of DEP restraints. The site is suited for this use. An undue hardship exists because the site cannot be reasonably adapted to a use. She feels the proposal is a better planning alternative for the property. In terms of C variance, which is the number of stories, this falls under a hardship. The purpose of the zoning is advanced because the first floor has to be 1 foot above flood level. It is a technical variance due to the definition of a basement in the ordinance. She feels the architect did a great job bringing the scale of this building down and it fits in within the character of the neighborhood.

The proposal meets all setback requirements, and they are not exceeding some, so there is adequate air light and space. It is a very attractive product. The building which currently exists has no setbacks and is an eyesore. The proposal offers a great visual improvement to the neighborhood. There is no detriment to the public good. There are a number of two families around the property. There is no impairment to the intent of the master plan. The hardship is if we did not have the DEP restraints we could subdivide and put two single family homes.

There was no one in the audience to question the Planner's testimony.

Comments from the public were taken.

Mr. Petruccelli noted he would like the Board not to approve the Application as the 2018 Master Plan calls for no further two-family homes.

Comments from the Board followed.

Mr. Walsh noted he is in favor of the Application noting it would be an improvement, as the current structure is not being used and there are a number of two-family homes in that area and have been for quite some time.

Mr. Myerjack noted that the revised proposal has a softer appearance and is in favor of the application.

Ms. Luppino noted that she appreciates the comments from the surrounding property owner regarding privacy. She feels bringing it down in size has made substantial impact. She is in favor of the Application.

Mr. Hartmann acknowledged the concerns of Mr. Petrucelli's comments and does not know a better use in this place. He does not feel a one family would make any sense as it does not go with the neighborhood. He appreciates the reduction in size and making it more in character.

Mr. Nieman noted the plan has changed a lot of the aspects they were concerned with and fits the area better than previous design.

Mr. Centineo noted it is a major improvement and fits in well. He appreciates how the Applicant paid attention to the Board's comments.

Mr. Cericola noted the architect did a tremendous job in re designing. The Applicant listened to the Board and came back with a very nice presentation.

Mr. Sanza noted there is a variety of homes on Bohnert similar in design. He is thankful for the new plans and is in favor.

Mr. Wekarski noted the presentation was one of the best he has seen and appreciated the planner highlighting the two families in area. There were great efforts made to appease and compromise. He is appreciative of the look of the building, and it allows cars off the street as Smith Street is a bit narrow. He is in favor of the application.

A motion for approval was made by Mr. Walsh and seconded by Mr. Sanzo. A unanimous vote was taken. The Application was approved.

NEW BUSINESS:

None

OLD BUSINESS:

None

ADJOURNMENT:

A motion was made for adjournment at 10:50 pm by Ms. Luppino and seconded by Mr. Walsh.

Joyce C. Sinclair
Secretary