

**APPLICATION TO  
BOROUGH OF UPPER SADDLE RIVER  
PLANNING BOARD**

**SECTION I.**

PLEASE PROVIDE THE FOLLOWING INFORMATION:

1. Name of Applicant(s): 80 Lake Street LLC

Telephone #: c/o 201-587-0888 Fax#: c/o 201-587-8845 E-Mail c/o akohut@wellslaw.com

2. Address of Applicant(s) \_\_\_\_\_

3. Applicant is a: Corporation \_\_\_\_\_ Partnership \_\_\_\_\_ LLC X Individual \_\_\_\_\_

**DISCLOSURE STATEMENT N/A – Limited Liability Company**

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% or more interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% or more ownership criterion have been disclosed. (Attach pages as necessary to fully comply).

Name: Thomas Caleca Address 235 So. Harrison Street, #100, East Orange, NJ 07018  
Interest Sole Manager/Member

4. Name, Address and Telephone/Fax Number of Applicant's Attorney: Andrew S. Kohut, Esq.  
c/o Wells, Jaworski & Liebman, LLP, 12 Route 17 North, Paramus, NJ 07652; 201-587-0888  
Fax 201-587-8845

5. Name, Address & Telephone/Fax Number of Applicant's Engineer: \_\_\_\_\_

6. Name and Address of Owner of Premises: 80 Lake Street LLC  
(If other than applicant, consent of owner must be obtained and Sec 27, must be completed.)

7. Relationship of Applicant to Owner of Premises: Same

8. The property which is the subject of this application is known as

Block # 1005 Lot # 1  
Address: 80 Lake Street

9. The size of lot +/- .86 acres.

10. Restrictions, covenants, easements, association by-laws, existing or proposed on the property:  
Yes (attach copies)  N/A  No   Proposed

11. Present use of the premises:  Two family dwelling

12. Description of proposed change:  No change

13. The Zoning District in which the property is located:

14. Date of Acquisition of Property (owner):  December 11, 2020

15. Description of present structure:  Two family dwelling

16. Size of present structure(s) footprint  N/A. See Exhibit A  S.F.

17. Size of proposed addition footprint: **N/A. See Exhibit A.**

(dimensions)   S.F. (height)   (no.of stories)

18.	Current Structure	Proposed Structure	Requirements per Zoning Ordinance
Left Side Yard Setback	<b>N/A – SEE EXHIBIT A</b>		
Right Side Yard Setback	<u> </u>	<u> </u>	<u> </u>
Front Yard Setbacks	<u> </u>	<u> </u>	<u> </u>
Rear Yard Setbacks	<u> </u>	<u> </u>	<u> </u>
% of Building Coverage	<u> </u>	<u> </u>	<u> </u>
% of Improvement Coverage	<u> </u>	<u> </u>	<u> </u>
Height	<u> </u>	<u> </u>	<u> </u>

**19. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:**

**SUBDIVISION:**

Minor Subdivision Approval

Subdivision Approval (Preliminary)

Subdivision Approval (Final)

Number of lots to be created   Number of proposed dwelling units    
(including remainder lot) (if applicable)

**SITE PLAN:**

Minor Site Plan Approval

Preliminary Site Plan Approval (Phases (if applicable)  )

Final Site Plan Approval (Phases (if applicable)  )

Request for Waiver From Site Plan Review and Approval

Reason for request: \_\_\_\_\_

- \_\_\_\_\_ Appeal decision of an Administrative Officer (N.J.S. 40:55D-70a)
- \_\_\_\_\_ Map or Ordinance Interpretation of Special Question (N.J.S.40:55D-70b)
- \_\_\_\_\_ Variance Relief (hardship) (N.J.S. 40:55D-70c(1))
- \_\_\_\_\_ Variance Relief (substantial benefit) (N.J.S. 40:55D-70c(2))
- \_\_\_\_\_ Variance Relief (use) (N.J.S. 40:55D-70d)
- \_\_\_\_\_ Conditional Use Approval (N.J.S. 40:55D-67)
- 0 Total Number of Variances Requested
- X Certificate for valid nonconforming structures/use (N.J.S.A. 40:55D-68)

20. Section(s) of Borough Ordinance from which a variance is requested: N/A

21. Waivers Requested of Development Standards and/or Submission Requirements: (attach additional pages as needed) N/A

**SECTION II.**

22. Does the current owner or the applicant now own or have any interest in any other property which adjoins the property which is the subject of this application?

Yes \_\_\_\_\_ No X

If yes, describe the property by Block \_\_\_\_\_ and Lot \_\_\_\_\_

23. Has the property which is the subject of this application been the subject of any previous appeal, request, or application to this or any other Borough Boards or the Constructional Official?

Yes \_\_\_\_\_ No X (to the best of Applicant's knowledge)

If yes, state the nature, date and the disposition of said matter and attach any prior resolutions.

**SECTION III.**

24. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises.

No changes proposed. See Exhibit A.

25. Set forth any exceptional conditions of the property preventing the applicant from complying with the zoning ordinance.

N/A

26. Supply a statement of facts showing why relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

N/A

27. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.

(If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this  
24 day of June, 2021

80 LAKE STREET LLC  
Thomas Caleca, Sole Manager/Member  
PRINTED NAME OF APPLICANT

*Kathleen A. Zampini*  
NOTARY PUBLIC

SIGNATURE OF APPLICANT

KATHLEEN A. ZAMPINI  
A Notary Public of New Jersey  
My Commission Expires December 18, 2025

*Andrew S. Kohn, Esq.*  
Atty for Applicant

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

(If the owner is a corporation this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this  
24 day of June, 2021

80 LAKE STREET LLC  
Thomas Caleca, Sole Manager/Member  
PRINTED NAME OF OWNER

*Kathleen A. Zampini*  
NOTARY PUBLIC

SIGNATURE OF OWNER

KATHLEEN A. ZAMPINI  
A Notary Public of New Jersey  
My Commission Expires December 18, 2025

*Andrew S. Kohn, Esq.*  
Atty for Owner

## EXHIBIT A

The Applicant purchased the property on December 11, 2020. Innocently, the Applicant relied on the approved two-family Certificate of Continued Occupancy (the "CCO") as confirmation that the two family dwelling is lawfully existing. However, after submitting plans for the renovation of the structure, the Applicant was advised by the Borough Zoning Officer that there are no records confirming that the prior owner(s) of the Property ever received the zoning approvals for this two-family dwelling. While my client reserves any rights related to the CCO issued by the Borough, the Applicant is requesting the Board certify the two-family dwelling as a pre-existing, non-conforming use pursuant to N.J.S.A. 40:55D-68.

In support of this Application, enclosed please find a report prepared by Thomas V. Ashbahian, a Licensed Architect, Engineer and Planner. The report demonstrates that this structure was originally constructed as a two family dwelling. Based on several architectural features, Mr. Ashbahian puts the construction of the two-family dwelling at the 1910s-1920s. This coincides with the Property's tax records which state the structure was built in 1910. Mr. Ashbahian will provide testimony related to his findings and answer any questions of the Board and their professionals. The Borough's website indicated that the ordinances were originally adopted in the "1950s".

THOMAS V. ASHBAHIAN  
Registered Architect  
Professional Engineer  
Professional Planner

AIA



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39 Spring Street  
Ramsley, NJ 07446  
Phone: (201) 825-1220  
tashbahian@verizon.net

June 14, 2021

Thomas Caleca

Ref.: 80 Lake Street, Upper Saddle River, NJ

I have personally visited the above referenced property. Improvements to same included a rectangular frame, two story dwelling structure and a free standing single two car frame, one story garage structure with an associated asphalt driveway. The property has slightly over 300' frontage on Lake St./ Ramsey Road

Upon inspection of the exterior and interior of the buildings it is my professional opinion that the dwelling structure was originally constructed as a side by side two family residence reflecting the following:

- Two separate and distinct rear entry doors to approximately same size units
- Two oil tanks and associated piping on extreme East and West sides of each unit
- Two separate and distinct second floor stairs however sharing a center common wall.
- Two heating boilers centrally located behind stairs
- Two thermostat controls
- Two symmetrical kitchen elements remaining from demolition
- In the garage, two electrical panels and associated exterior electrical meters.

The units exhibit an approximate physical symmetry and features. Each unit has two bedrooms, one bathroom and rear porch. Exterior/ interior window patterns are also similar. There are no basements or crawl spaces.

Further it is my opinion that this structure has existed in this two unit form going back to a 1910's - 1920's time frame prior to known Zoning. Said age is evidenced by frame construction methods and parts of remaining trim left undisturbed.

Photos attached.

Very Truly Yours,

Thomas V. Ashbahian  
Architect / Engineer/ Planner

c.c.: Andy Kohut



80 LAKE ST. - UPPER SADDLE RIVER, NJ

5/ 5/ 2021





80 LAKE ST. - UPPER SADDLE RIVER, NJ

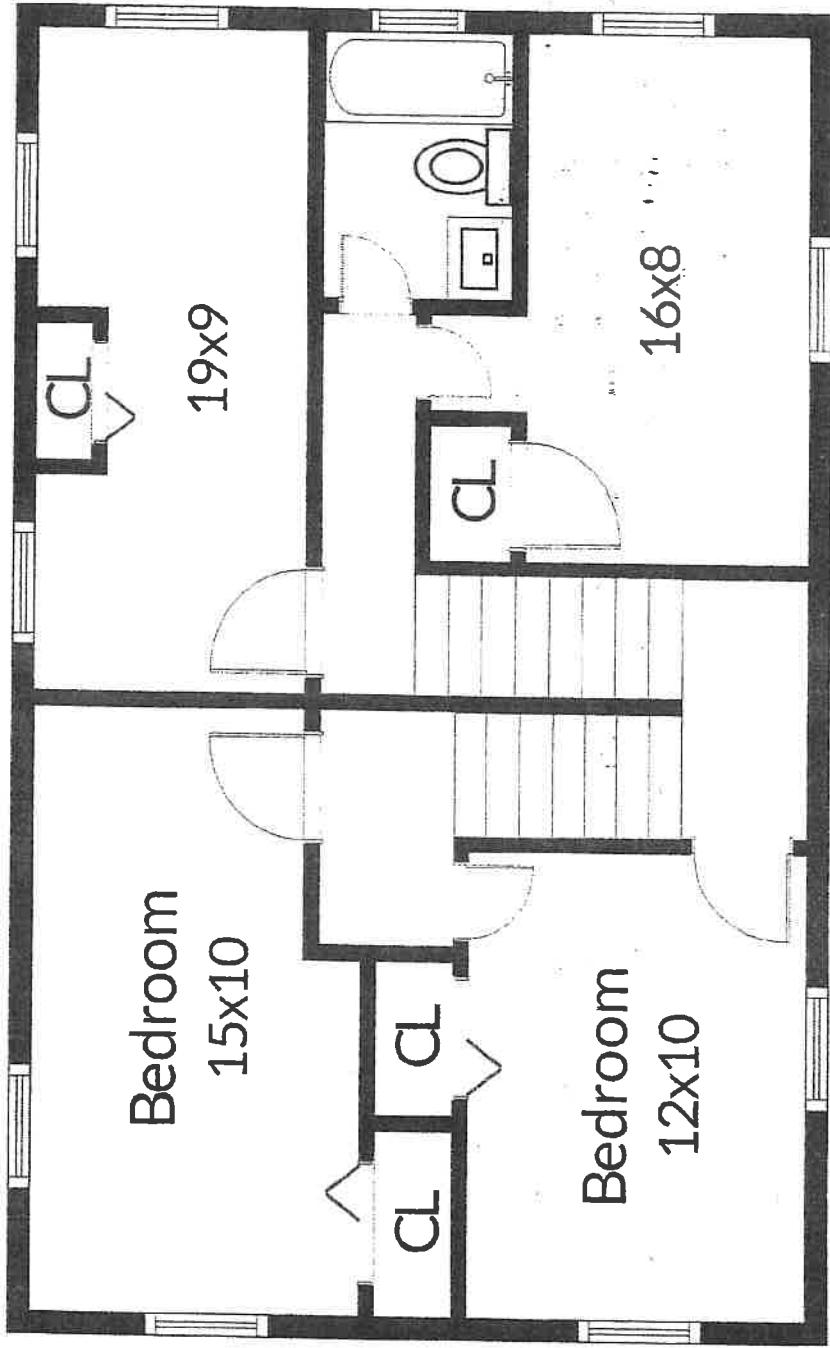
5/5/2021





<p>Presented by  <b>Miriam Lambert</b>          Christie's Northern NJ          237 Closter Dock Road          Closter NJ 07624          Direct Phone: 917.428.1259          Email: <a href="mailto:Miriam@MiriamLambert.com">Miriam@MiriamLambert.com</a></p>	<p><b>80 Lake Street</b></p> <p><b>First Floor</b></p>	<p><b>1 of 3</b></p>
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This floor plan illustration is an approximation of existing structures and features and is provided for convenience only with the permission of the seller. All measurements are approximate and not guaranteed to be exact or to scale. Buyer should confirm measurements using their own sources.



Presented by  
 Miriam Lambert  
 Charlotte Northern NJ  
 237 Closter Dock Road  
 Closter NJ 07624  
 Direct Phone: 917.428.1259  
 Email: Miriam@MiriamLambert.com

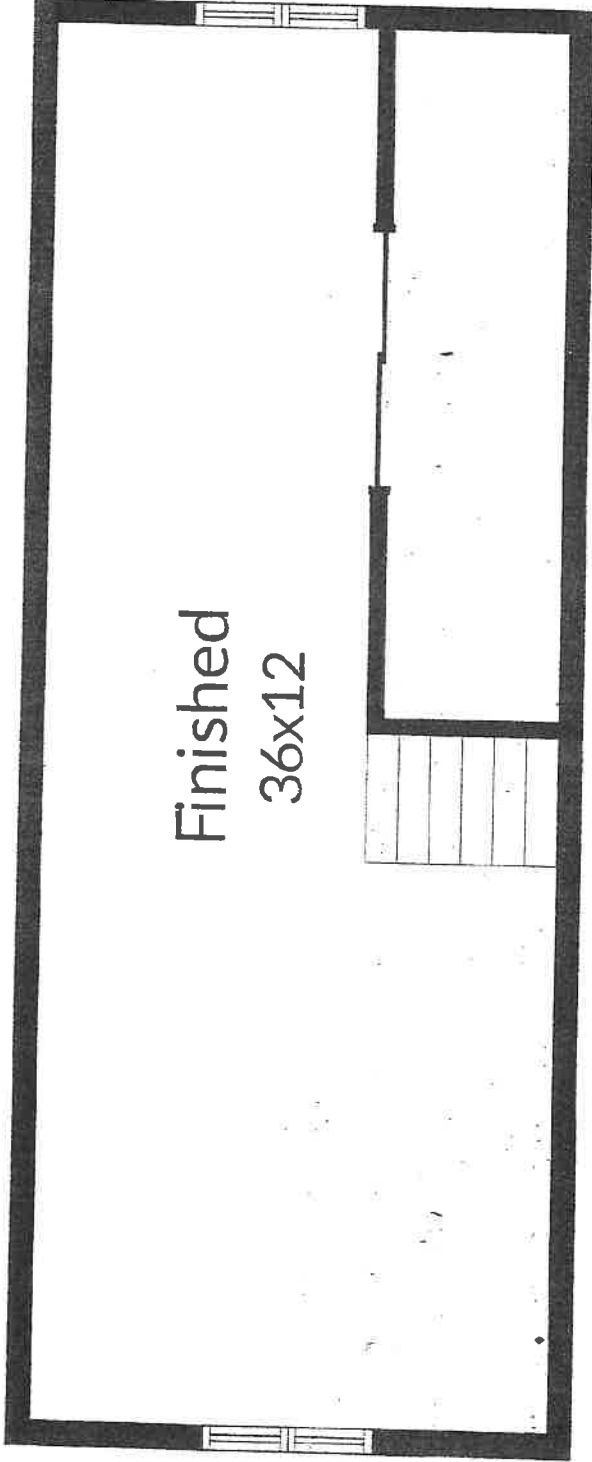
**80 Lake Street**

**Second Floor**

2 of 3

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Finished  
36x12



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Miriam Lambert  
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237 Closter Dock Road  
Closter NJ 07624  
Direct Phone: 917.428.1259  
Email: Miriam@MiriamLambert.com

80 Lake Street

Third Floor

3 of 3