

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
OCTOBER 28, 2008, 7:30 P.M.
MINUTES**

Call to Order:

The meeting was called to order at 7:30 p.m. by Chairwoman Christina Hembree.

Adequate Notice Statement:

The Chairwoman announced this meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, at the Reorganization Meeting of January 23, 2008, in the Municipal Building. Notice of this meeting was posted and two newspapers, **The Record** and **The Ridgewood News**, were notified. The public was advised of the Zoning Board's rule that the meeting will conclude at 7:30 p.m.

Flag Salute

Roll Call:

Christine Hembree, Chairwoman	Present	
Victor Bongard, Vice Chairman	Present	
Lynda Heinemann	Present	
John Spirig	Present	
Natalie Effron	Present	
Brian Boffa	Present	
Wilson Castrillon	Absent	
Jacob Rak	Present	
Dana Cassell	Absent	
Sal Princiotta, Esq.	Present	
D. Holmqvist, Planner	Absent	(not requested)
J. Pavlovich, Traffic	Absent	(not requested)
E. Sachs, Engineer	Absent	(not requested)
Kathy Rizza, Secretary	Present	

New Business:

**08-06 Julie Shih, 19 Kinderkamack Road, Block 2707, Lot 1
Variance application for minimum lot area and lot frontage for a new home.**

This matter was not heard until 8:00 p.m. since in the applicant's Notice to Neighbors it was stated that the hearing would begin at 8:00 p.m., not 7:30 p.m.

Nylema Nabbia, was present as the Attorney for the applicant. Ms. Nabbia is with the firm of Gittleman, Muhlstock, and Chewcaskie, LLP. Notice was submitted to Mr. Bongard and found to be insufficient. Gurrieri of 29 Kinderkamack Road had not been noticed. Board Attorney Princiotta reviewed the application and noted that the side yard calculations seem to be incorrect. He suggested to the Applicant and her Attorney that

they may want to amend the application for side yard variances and notice for such, and return at the next meeting of November 18, 2008 at 7:30 p.m. The fact that this matter has been carried to the next meeting of November 18th was announced to all in attendance by Attorney Princiotto both before and after 8:00 p.m.

Old Business:

**08-05 Darcie Douglas, 25 Angela Court, Block 2701, Lot 1
Variance application for rear yard setback for a garage addition**

Antimo DelVecchio was present on behalf of the applicant. The garage has been rotated to a side view garage lessening the rear yard setback to 30.38'. Revised drawings were submitted: A-7: two sheet plans dated September 30, 2008, and A-8: the landscape drawing (1 Sheet) dated October 2, 2008.

Mr. Al Dattoli, the Architect, who was previously sworn, explained the rotation of the garage which made the rear yard set back smaller. He stated that there are no other changes, although total coverage did go down a little. Exhibit A-4, photos were shown regarding the screening of the garage. This was determined to be adequate.

Mrs. Heinemann questioned the shaded area on the plans and Mrs. Efron asked if the wall on the plans is existing or proposed. It was stated that the wall is existing on the south side of the property. Mr. Spirig asked if there was any functional difference for the homeowner between this plan and last plan. He was told by Mr. Dattoli that there is no difference.

A motion to open to the public was made by Mr. Spirig, seconded by Mrs. Heinemann, and carried by all.

With no one in the public wishing to be heard, a motion to close the public portion of the meeting was made by Mr. Spirig, seconded by Mrs. Heinemann, and carried by all.

A motion to approve the garage addition with a rear yard setback of 19.7' at the greatest point and 18.5' at the second point as shown on Exhibit A-7 and Landscape Plan Exhibit A-8, was made by Mr. Bongard, seconded by Mrs. Heinemann, and carried by roll call vote of all members present. The approval is subject to Borough Engineer drainage requirements and the work must be started within one year from the memorialization of the resolution.

Correspondence:

Letter from A. DelVecchio regarding Pamela Digilio, 29 Old Pascack Road, Block 2106, Lot 5

Mr. DelVecchio wrote a letter to the Board regarding the revised Permit Extension Act. Ms. Digilio obtained her Zoning Board approval in 2006, then received an extension in

2007. The revised Permit Extension Act states that if an approval is given after 2007, it is automatically extended to 2010. The original Permit Extension Act was adopted in the late 80's, early 90's. The Board disagrees with Mr. DelVecchio on this matter. Chairwoman Hembree asked why the additional extension is needed. Mr. DelVecchio stated that the family is in the construction business and that economic times are not good right now, they just haven't had the cash to do the job. Mr. DelVecchio wants a resolution from the board, either way, so he can go further with the matter. Board Attorney Princiotto doesn't feel that the legislature is specific enough for anything done before 2007. He suggested that Mr. DelVecchio go back to his client and possibly come before the Board to state the reasons for the extension. Mrs. Heinemann asked how far along the job was. She was told that they have not even started construction. Mrs. Efron feels that this is unfair to the neighbors. Notice was given to the present neighbors, but what if new people move in between now and the time the job is started. Mr. Princiotto will brief old cases on this issue. Mr. DelVecchio stated that he would like to bifurcate the issue. He would like a statutory determination from the Board. If they disagree with his findings, then the applicant may come back to request an extension or he may file suit. Mr. Spirig stated that we need a legal opinion on this for the future. The Board Attorney will brief the issue before the board votes. Mr. DelVecchio will also provide a legal brief and may also bring in his client to appear before the board. This matter will continue on November 18th.

The meeting was opened to the public on a motion from Mr. Spirig, seconded by Mrs. Heinemann, and carried. With no one from the public wishing to be heard, the meeting was closed to the public on a motion from Mrs. Heinemann, seconded by Mr. Spirig, and carried.

The meeting was adjourned on a motion from Mr. Spirig, seconded by Mrs. Heinemann, and carried.

Respectfully submitted,

Kathleen S. Rizza, Secretary