

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
AUGUST 25, 2009 7:30 P.M.
MINUTES**

Call to Order:

The meeting was called to order at 7:30 p.m. by Chairwoman 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 27, 2009, 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 10:00 p.m.

Flag Salute

Roll Call:

Christine Hembree, Chairwoman	Present	
Victor Bongard, Vice Chairman	Present	
Lynda Heinemann	Present	
John Spirig	Present (8:25 p.m.)	
Natalie Effron	Present	
Brian Boffa	Present	
Wilson Castrillon	Absent	
Jacob Rak	Absent	
Dana Cassell	Present	
Sal Princiotta, Esq.	Present	
D. Holmqvist, Planner	Absent	(not requested)
J. Pavlovich, Traffic	Absent	(not requested)
Elliot Sachs, Engineer (Boswell)	Absent	(not requested)
Kathy Rizza, Secretary	Present	

Minutes:

The minutes from July 28, 2009 were approved, as amended, on a motion from Mrs. Heinemann, seconded by Mrs. Effron, and carried by all.

New Business:

Category One Waterways: It was decided by all board members present that Attorney Princiotta would draft a document to be put in the Borough Newsletter and to be made part of the Zoning Board of Adjustment application to educate and make the public aware of the restrictions that may apply if a residential property is within 300' of a category one waterway. This will be reviewed at the next meeting of the Board.

Resolutions:

Zizzo
121 S. Carnot Avenue
Block 2002, Lot 11
Fence Variance

The resolution was read by the Board Attorney. A motion to approve the resolution was made by Mr. Cassell, seconded by Mr. Bongard, and carried by Mrs. Heinemann, Mrs. Effron, and Mr. Boffa. Chairwoman Hembree was unable to vote on this matter due to her absence at the last meeting. The resolution will be sent to Mr. and Mrs. Zizzo, and it will be published and copied to the Building Department.

Sprint Spectrum, L.P.
200 Overlook Drive
Block 1201, Lot 6
Time Extensions

The resolution was read by the Board Attorney. A motion to approve the resolution was made by Mr. Cassell, seconded by Mrs. Heinemann, and carried by Mrs. Effron, Mr. Boffa, and Mr. Bongard. Chairwoman Hembree was unable to vote on this matter due to her absence at the last meeting. The resolution will be sent to Mr. Czura, Attorney for Sprint, and it will be published and copied to the Building Department.

With no further business the meeting was adjourned on a motion from Mr. Spirig, seconded by Mr. Bongard, and carried.

Respectfully submitted,

Kathleen S. Rizza, Secretary

accommodate at least two (2), maybe three (3) cars. Mrs. Heinemann asked about lighting. This is not shown on the plan. The Board does not want to see anything too high. Mr. DelVecchio spoke with his client who said that only low level lighting is planned. It was also stated that the stairs on the other side of the property will remain. Mr. Bongard asked if the property grade is an issue. He was told not with this new scenario. The area is not totally flat but is sufficient for parking. Attorney Princiotto asked for the distance from the driveway to the corner at Springhouse Road. He was told by Mr. Gleassey that the distance is 50' which is sufficient. Mr. Spirig asked if the existing walk is included in the impervious coverage calculation. He was told yes.

A motion was made by Mrs. Heinemann, seconded by Mr. Bongard to open the meeting to the public for Project Engineer questions only.

Norma Walsky – 22 Angela Court and Leland Shue, 24 Springhouse Road. These two (2) residents wanted to see the new plans. Ms. Walsky asked why the existing driveway couldn't be made wider. Mr. Gleassey told her that the curb cut would be too wide.

Joseph LaPaglia – 17 Hillcrest Road. Mr. LaPaglia asked if the Borough's steep slope ordinance was considered. Mr. Gleassey stated that calculations have not been done on this and that he will research it.

This public portion of the meeting was closed on a motion from Mrs. Heinemann, seconded by Mr. Cassell and carried.

Mr. DelVecchio stated that according to Borough code 380-110B regarding steep slopes all disturbances under 3000' are exempt from steep slope in the R-30 zone. There is only 810' involved in this situation.

The public portion was re-opened for questions on steep slope on a motion from Mrs. Heinemann, seconded by Mr. Spirig and carried.

Joseph LaPaglia – 17 Hillcrest Road. Confirmed what Attorney DelVecchio stated regarding the steep slope ordinance.

The public portion was again closed on a motion from Mrs. Heinemann, seconded by Mr. Cassell, and carried

Attorney DelVecchio stated that he doesn't have any more witnesses. Mr. Saluzzi, the Borough Zoning Official was present for this meeting and stated that this is the first time he has seen the new concept for this site. He stated that the Borough has a lot of circular driveways and that this would be just one more. This one is no different except for the steep slope. Mr. Saluzzi was sworn in by Attorney Princiotto at this time. Mr. Saluzzi stated that this driveway has no impact on other properties in the area. He also stated that there is no drainage issue, the property drains completely into the street. He mentioned that a curb cut permit would be needed, and that there is no issue with the steep slope ordinance. The distance from the driveway to Springhouse Road of 50' is

fine. Mr. Saluzzi went on to say that Exhibit A-3 is acceptable with the variance that is required.

The meeting was opened to the public for questions of Mr. Saluzzi on a motion from Mrs. Heinemann, seconded by Mr. Bongard, and carried. There being no questions, this public portion of the meeting was closed on a motion from Mrs. Heinemann, seconded by Mr. Cassell, and carried.

The meeting was again opened to the public for general comments on the application on a motion from Mr. Spirig, seconded by Mrs. Heinemann, and carried.

Norma Walsky - 22 Angela Court. Ms. Walsky is concerned with the amount of traffic coming and going from this residence. Stated that there is no parking problem on the street.

Joseph LaPaglia – 17 Hillcrest. Asked if any portion of the property will be used for commercial activity. Attorney DelVecchio stated that there will be a home office. The owner is a medical consultant to law firms. Attorney Princiotto asked if this could go in the resolution. Mr. LaPaglia stated that there are limitations for a professional practice in a home. There is a 25% limit on space utilized. Mr. Saluzzi stated that the owner is allowed to have a home office and that he may employ one (1) person outside of the family. Mr. DelVecchio stated that there will be no commercial activity.

Charles Thomas – 24 Reeds Lane. Asked if clients will be coming to this home office. He was told no.

The public portion was closed on a motion from Mrs. Heinemann, seconded by Mr. Cassell, and carried.

Attorney DelVecchio gave his summation. Stated that this change does trigger an impervious coverage variance. He is looking for a favorable vote from the Board. This driveway spur will service the needs of the applicant but not impact the neighbors. He thanked all present for their time and attention.

Board discussion:

Mr. Spirig stated that this is a more favorable alternative. All members agreed. A motion to approve Exhibit A-3, with an impervious coverage variance, was made by Mr. Cassell, seconded by Mr. Bongard, and carried by all present, except Mr. Rak, who abstained.

New Business:

**09-06 Jim Laski
74 Wyandemere Drive
Block 509, Lot 2**

Cabana – variance needed for square footage

Mr. and Mrs. Laski were sworn in by Attorney Princiotto. The application was deemed complete by the Secretary. Notice to the neighbors and proof of publication were all in order. Mr. Laski stated that they wish to install a cabana for a changing area and a small bar near the pool on their property. They are 60' over in square footage, therefore they require a variance. The cabana is 160 square feet (enclosed). There is a deck outside the cabana of which the roof part is what brings it over the borough requirement. They have two (2) acres of property with no visual neighbors to be affected. The cabana cannot be seen from the street. The canopy is a 10.5' x 20' open area. Exhibits A-1 through A-8 are photos of the site. Exhibit A-9 is the hand drawn plan by the homeowner. Mr. Cassell asked if an architect is required. He was told no. Mrs. Heinemann asked if there would be water/bathroom at the site. She was told no.

The meeting was opened to the public on this matter on a motion from Mrs. Heinemann, seconded by Mr. Bongard, and carried. With no questions from the audience, the public portion was closed on a motion from Mrs. Heinemann, seconded by Mr. Bongard, and carried.

A motion to approve the cabana with a 60' sq. footage variance, was made by Mr. Bongard, seconded by Mr. Cassell, and carried by all present, except Mr. Rak, who abstained.

09-05 Tom and Ralph, LLC

20 Reeds Lane

Block 2006, Lot 4

New Home with variance for height and side yard

Mr. Robert Mancinelli was present as the Attorney for the applicant. The Project Engineer is Mr. Gleassey of RL Engineering. The property at 20 Reeds Lane is in an R-22.5 zone. The Board Secretary stated that the application is complete and that the notice to the neighbors and the proof of publication are all in order. There are two (2) existing non-conforming issues with this application; lot coverage and front coverage. The applicants wish to demolish the existing home that is almost on the road, and build a new home 35' back from the street. Mr. Gleassey, the Project Engineer, was sworn in and accepted as an expert witness. Mr. Princiotto asked Mr. Gleassey if Tom and Ralph LLC are the owners. He was told yes. Mr. Gleassey prepared the plans dated 9-9-09. The plans were marked as Exhibit A-1. They were last revised October 27, 2009. This is a two (2) page exhibit. The zoning schedule was referred to by Mr. Gleassey. Variances for lot area (15,819' proposed, 22,500' required), lot frontage (106' proposed, 150 required), side yard (20.5' side and 49.0' aggregate proposed, 20'/60' required) and height (32.87' proposed, 30' required) are needed. All ordinances were discussed. Mr. Mancinelli asked Mr. Gleassey if he was familiar with the area. Mr. Gleassey stated yes. This is a residential area with no vacant lots. Most homes are older, approximately two (2) are of new construction. Mr. Mancinelli asked if this construction is consistent with recent development in the area. Mr. Gleassey stated yes. The Storm Water Run Off

Report of 9-8-09 was referred to and marked as Exhibit A-2. Mr. Gleassey stated that soil movement calculations and permits will be sought when the exact house to be built is designed. The seepage pits in the front have been designed for the 100 year storm. Excavation and fill will be needed to satisfy the soil movement calculations. Mr. Gleassey stated that the existing topography and the placement of the home is driving the height variance. Mr. Gleassey also stated that there are no negative impacts to the neighbors. There is a combined side yard variance needed, the house is square, the lot is not. The existing lot frontage is shy 40' approximately from what is required. There are three to four (3-4) trees to be removed on the property. These were shown on the plan. These removals have no impact on the neighbors. The sewer connection is shown on the second page of Exhibit A-1. Chairwoman Hembree asked if the driveway to the south leads to Van Riper Lane. Mr. Charles Thomas of 24 Reeds Lane stated that this driveway does not lead to Van Riper Lane. Mrs. Hembree also mentioned the rules for building within 300' of a waterway. It was determined that it will not be necessary for the applicant to go the DEP, minimal amounts of soil will be brought into the site. Chairwoman Hembree stated that the Zoning Board would like to see house plans for this site. Mr. Mancinelli stated that the applicant does not have a buyer for the house yet, therefore, no plans have been chosen. They have shown the maximum building envelope. As of now, they do not have an elevation plan to show the Board. Attorney Princiotta stated that it would be beneficial to show an elevation plan. The Board needs to know if this site is near a Category One Waterway. They also need to know if it is in a flood hazard area. These things need to be certified. Mr. Mancinelli stated that this will be provided for the next meeting. He will also talk to his client and see if he has any house plans in mind. Chairwoman Hembree and Mr. Bongard stated that they are very sensitive to height variances. Attorney Princiotta stated that it is beneficial to the applicant to show house plans to the Board. Mr. Mancinelli stated that his clients can't commit to an exact plan, but will show some sketches – possibly a farmhouse style similar to Lot 2. Mr. Mancinelli mentioned that if the 35' setback issue is not a concern, maybe the height variance could be deleted by moving the house forward. Mr. Gleassey could not comment on how forward the house would have to go at this time. The height variance also depends on the style of the house. This matter will return for a continuation on January 26, 2010. Among other issues, the following will be discussed: possible height variance elimination, waterway issue, landscaping and house style.

The meeting was opened to the public for engineering questions on a motion from Mrs. Heinemann, seconded by Mr. Spirig, and carried by all.

Charles Thomas – 24 Reeds Lane.

Mr. Thomas asked why the house is not centered on the 106' frontage line. He was told because of side yard aggregate requirements.

Mr. Thomas asked how many trees will be destroyed. He was told three to four (3-4). He was also told that the bushes around the perimeter of the house will be removed and that new landscaping will be proposed. He was also told that shrubbery and trees at the property line will remain. Mr. Thomas asked about the large red oak with a 40' canopy in the front. This tree is slated to be removed. Mr. Thomas stated that he thinks if the house is moved approximately 10' to the north, it could be possible to save this tree. Mr.

Thomas stated that other neighbors are also concerned with this tree. Mr. Gleassey said that this is possible, but the root system would still be affected. Attorney Princiotta asked if all trees to be removed are shown on the plan. Mr. Gleassey stated that he believes so. At this time Attorney Mancinelli objected to Mr. Thomas' referral to "other neighbors". Mr. Mancinelli stated that it may be difficult to get a certification letter from DEP on the waterway issue. The applicant will try to obtain an expert opinion letter. A landscape plan will also be provided for the next meeting.

The public portion of the meeting for Engineer questions was closed on a motion from Mrs. Heinemann, seconded by Mr. Cassell, and carried.

Resolution:

**09-03 Shih
Block 2707 Lot 1
Time Extension**

Attorney Princiotta read the resolution. A motion to approve the resolution was made by Mr. Spirig, seconded by Mrs. Heinemann, and carried by all present. This resolution will be published and mailed to the applicant.

Correspondence – 7 Edwards Place

The Shade Tree Committee signed off on the landscaping plan for this site. The resolution with the attached landscaping plan will be researched by the Board Secretary. This will be discussed at the next meeting.

A motion to adjourn the meeting at 10:30 p.m. was made by Mr. Bongard, seconded by Mrs. Heinemann, and carried by all present.

Respectfully submitted,

Kathleen S. Rizza, Secretary