

**BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT  
MARCH 22, 2011  
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 25, 2011, 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 10:30 p.m.

**Flag Salute**

**Roll Call:**

Christine Hembree, Chairwoman	Present	
Victor Bongard, Vice Chairman	Present	
Lynda Heinemann	Present	
John Spirig	Present	
Robin Effron-Malley	Present	
Brian Boffa	Present	
Wilson Castrillon	Present	(7:40 p.m.)
Dana Cassell	Absent	
Jay Ferreira	Present	
Sal Princiotta, Esq.	Present	
D. Holmqvist, Planner	Absent	(not requested)
J. Pavlovich, Traffic	Absent	(not requested)
Elliot Sachs, Engineer (Boswell)	Present	
Kathy Rizza, Secretary	Present	

**Minutes:**

The minutes from February 23, 2011 were approved on a motion from Mr. Bongard, seconded by Mr. Ferreira, and carried by all.

**2011 REORGANIZATION** - Wilson Castrillon was sworn in by Attorney Princiotta as a Regular member with a term expiring December 31, 2014.

**New Business:**

**11-04 O'Keefe  
24 Claire Circle  
Block 2107, Lot 3  
Residential Addition**

Bonnie O’Keefe was present as the applicant. Notice and proof of publication was submitted and was found to be sufficient. Mrs. O’Keefe was sworn in by Attorney Princiotto. The applicant would like to widen her garage by approximately 3’ and bring it forward approximately 14; and go up and over the garage with an addition. The lot is irregular in shape and the front of the house faces the garage. The garage is quite narrow. The site plans were marked as Exhibit PA1 and PA2. PA1 is the proposed 1<sup>st</sup> and 2<sup>nd</sup> floor plans, and PA2 is the elevations and exterior proposals. The survey of the property was referenced and marked as Exhibit PA3. Four photos of the site were marked PA4. The garage has an existing dimension of 17’9”’; the height of the addition over the garage will be 26’4”’. Mr. Ferreira asked if there will be a back door. He was told no, but Mrs. O’Keefe mentioned that she may want a side door. Attorney Princiotto asked if the driveway location will remain the same. He was told yes. Mr. Ferreira asked how old the house is. Mrs. O’Keefe stated that she knows the house to be older than 1951. The Board Attorney asked if any trees will be coming down due to construction. The answer to this was no. At this time a second set of photos was marked as Exhibit PA5.

A motion to open this application to the public was made by Mr. Ferreira, seconded by Mrs. Heinemann, and carried. Since no one from the public wanted to be heard, a motion to the close this application to the public was made by Mrs. Heinemann, seconded by Mr. Boffa, and carried.

Mr. Ferreira commented on the size of the existing garage doors at 8’ each. A motion to approve the variance requested for the front yard on the westerly side of the property, with a 10’ frontage causing a 25’ variance request, was made by Mr. Ferreira, seconded by Mrs. Heinemann, was carried by roll call vote as follows:

Mr. Spirig	Yes
Ms. Efron-Malley	Yes
Mr. Boffa	Yes
Mr. Castrillon	Yes
Mr. Bongard	Yes
Mrs. Heinemann	Yes
Mr. Ferreira	Yes
Chairwoman Hembree	Yes

A resolution on this application will be heard in April.

**11-2 Radu and Suzanne Kramer  
22 Anton Court  
Block 2901, Lot 12.01  
Site Improvements, Tennis Court and Swimming Pool**

Mr. Antimo DelVecchio was present as the Attorney for the applicant. Notice and proof of publication were deemed satisfactory. Notice as marked as Exhibit A-1. This property is located in an R-15 zone and is 1.3875 acres in size. The property backs up to the

County Park. Mr. DelVecchio stated that three (3) variances are requested: maximum wall height, distribution of steep slope and maximum fence height for the tennis courts. Some work had begun and was later stopped by the Construction Code Official due to lack of permits. The Landscaper on the site was not aware that he must go through the Building Department to obtain the necessary permits.

Mr. James Fury of Azzolina and Fury was sworn in by Attorney Princiotta. Mr. Fury's office is at 30 Madison Avenue in Paramus. Mr. Fury is a licensed professional Engineer in the states of New Jersey and New York, and he is a certified municipal Engineer in the State of New Jersey. He has served as a municipal Engineer in several towns and appeared before more than a dozen Boards. His educational background was given to the Board and he was accepted as a qualified witness. Ms. Katherine Gregory, the Planner, will speak later on in the meeting. Attorney Princiotta went over the issues with this application. The height and steep slope needs to be addressed. The proximity of the driveway to the property line is no longer an issue. There is a fence height issue. Regarding lighting, none is proposed. Two additional structures; a cabana and a shed, are proposed. The Woodcliff Lake ordinance (380-11A) only allows for one accessory structure, a variance will be needed for the additional structure. Mr. DelVecchio stated that they will amend the application to include the second structure. Mr. Princiotta continued with the need for fall protection for the retaining walls. Mr. DelVecchio stated that a split rail fence is proposed. Mr. Sachs, Board Engineer, recommends something different. The applicant will comply with this. Mr. DelVecchio stated that they will comply with the letter from Mr. Sachs regarding drainage easement and drainage pipe detail, seepage pit detail, and grading issues. The applicant agrees that certain certifications are required as stated by Boswell Engineering. Tree removal was discussed. Elliot Sachs spoke regarding the Azzolina and Fury report that shows a portion of a pipe that has partially eroded. At 4.3' and 9.8' from the elbow of the pipe there are two holes. Mr. Sachs suggested to the Board that the applicant, with oversight from Boswell Engineering, fix those two areas and make the pipe whole again. He would like this to be a condition. Mr. DelVecchio had no objection to this; they will comply with either metal or plastic piping.

The entire set of plans from Azzolina and Fury; 6 pages, with a revision date of November 23, 2010, except for sheet 2 which has a revision date of December 2, 2010 were marked as Exhibit A-2. Sheet 6 was referred to by Mr. Fury. He spoke regarding the site as it is with the partial walls in the rear and the fact that the backyard is vacant. Mr. DelVecchio stated that the property slopes down from Anton Court. There is a 47' drop from the curb where the tennis courts are proposed. There is 68' grade difference from the front to the rear. Steep slopes as of October 2009 were discussed referring to sheet 4. This sheet shows the location of steep slopes by color coding as follows: Yellow shows 0-14.99% unregulated, green shown 15 to 19.99%, blue shows 20 to 24.99% and mauve shows above 25%. An overlay to this sheet shows the tennis courts mostly in the yellow area. There is wall repair needed in the front yellow section that needs to be done. This is a maintenance issue. The proposed pool is partly in the blue and green sections. Mr. Sachs spoke regarding regulated vs. unregulated. He asked what the site looked like before construction began. Mr. Sachs has seen the aerial that shows a

lot of trees. He asked if the unregulated area was unregulated before Azzolina and Fury got involved with the project. Mr. DelVecchio stated that the owner's representative says that no soil has been removed. Mr. Ferreira stated that the Board does not know what the property looked like before. Mr. DelVecchio suggested that maybe the Planner has older photos, maybe an older survey with topography. Mr. DelVecchio stated that he handled the subdivision when this home was built and that there was a flat area in the back. Mr. Princiotto stated that the certifications that were requested by Boswell Engineering are needed. Mr. Ferreira stated that the Board is concerned with the safety of the walls. Mr. Ferreira also questioned how the landscapers could do the walls without obtaining a permit. Mr. DelVecchio stated that the certifications will be done. Mr. Ferreira questioned where the drainage bleeds through. The handling of drainage through the site was discussed. There will be five seepage pits with surface drains and French drains. The sizes of the seepage pits has been submitted to Mr. Sachs for review. Attorney Princiotto reviewed the sizes of the seepage pits; there are 2 doubles – each 2,564 cubic feet – 19,000 gallons in total. There is one single pit at 2,101 cubic feet – 1,578 gallons. Chairwoman Hembree asked when the house was built. The applicant stated that the home was built approximately 2004. Regarding Mr. Sachs February 15<sup>th</sup> letter, paragraph 15, regarding walls, Mr. DelVecchio stated that the applicant is in concurrence, there is just a small discrepancy. Mr. Ferreira asked where the gutters and leaders are going. Mr. Fury responded that they are going around the driveway to the French drain and the seepage pits. Mr. DelVecchio stated that he senses some concern regarding drainage. The applicant will add an additional seepage pit on top for safety reasons. Mr. DelVecchio stated the applicant will comply with the February 28<sup>th</sup> and March 10<sup>th</sup> reports from the Engineer.

Mr. DelVecchio spoke regarding the variance to exceed wall height. Mr. Fury stated that because of the slopes this will not be overly visible. Mr. DelVecchio asked the Board if all improvements are constructed as proposed, will they be satisfied. He was told yes. Mr. Sachs asked if fall protections will be used. He was told yes that there is a split rail fence in place. Mr. Sachs would like something more aesthetically pleasing that cannot be climbed. Mr. Fury will look into this and come up with something more acceptable. This issue will be left as a condition. Mr. Bongard asked what is left to be done regarding wall installation since the job was stopped. He was told that 133' of retaining wall needs to be built in the rear and that 236' of retaining wall needs to be replaced. Mr. Fury also added that 981' of wall has been constructed as of now. Sheet 1 of 6 was shown to all depicting what was installed before the job was shut down and what will be installed. It was at this time that Mr. DelVecchio observed that the Board members did not have color plans in their possession, only he did. Attorney Princiotto asked how high of a retaining wall in the front will be constructed as a replacement. He was told 3-4'. One section is 5.1' as existing, but no new walls in the front will be higher than 4'.

The meeting was opened to the public for questions of Mr. Fury on a motion from Mrs. Heinemann, seconded by Mr. Boffa, and carried.

Robert Witte – 132 Sibbald Drive, Park Ridge: Stated that this is a great effort, great project. He is currently doing work on his own property with drainage and retaining

walls. Mr. Witte can see the tennis court and pool site from his back yard and noticed that the area in between dips quite a bit. He is concerned with the proposed as-built. Mr. Fury will have the applicant hire a landscape architect to propose landscaping. Mr. Witte's concerns will be addressed. Mr. DelVecchio gave Mr. Witte his business card so the he may follow up on the as-built.

The public portion of the meeting was closed on a motion from Mrs. Heinemann, seconded by Ms. Effron-Malley, and carried.

Katherine Gregory, the Planner for the applicant was sworn in by Attorney Princiotto. Her office is located at 96 Linwood Plaza in Fort Lee. Ms. Gregory is a professional Planner and has been before this Board in the past 5 years. Ms. Gregory was submitted to the Board as an expert Planner. She was accepted by the Zoning Board. Ms. Gregory stated that she has visited the site and viewed the neighborhood, taken photos and prepared hand-outs for the Board. A series of three color 8.5" x 14" exhibits marked as follows:

- A-3 1 of 3 Existing photos of property
- A-4 2 of 3 Existing photos of property
- A-5 3 of 3 Prior conditions

All pictures were taken by Ms. Gregory, except the aerial shots. Ms. Gregory explained each and every picture regarding location, condition and lot size. The owner is interested in improving his property.

Bulk variances were discussed next. There are three steep slope variances:

Category 1	15% to 19.99%	35% permitted, 66.50% proposed
Category 2	20-24.99%	25% permitted, 89% proposed
Category 3	25%	15% permitted, 83.3% proposed

A variance for more than one accessory structure is proposed. A variance for wall height is proposed, and a waiver for a 10' high fence around the tennis courts is proposed. A higher than 6' fence is needed around the courts. A discussion was held regarding C1 variances for hardship and C2 variance – benefits outweigh the detriments in terms of steep slope regulations. Mr. DelVecchio stated that the applicant is making the drainage better and making it safer. A variance for wall height is requested where 3' is permitted and 4' is proposed. If the variance for this is granted it will eliminate an entire row of retaining walls. Mr. DelVecchio spoke regarding the applicant's desire to promote general welfare by increasing safety on the site and with the drainage, also promoting a desirable visual environment. Mr. DelVecchio continued by saying that landscaping along the perimeter of the property will be enhanced and that buffers will be created. He addressed the Master Plan of the Borough; goal #3 – responsive to environmental features, and also goal #13 – better drainage. He feels that the betterments outweigh the detriments.

The meeting was again opened to the public for questions for the Planner on a motion from Mrs. Heinemann, seconded by Ms. Efron-Malley, and carried. With no response from the public, the meeting was closed on a motion from Mrs. Heinemann, seconded by Mr. Bongard, and carried.

Attorney Princiotta asked Ms. Gregory why 2 accessory structures. He was told that the property is over-sized and can accommodate two structures. They are appropriately sized and not overbearing. They are not located near the property lines and will be buffered. Ms. Gregory thinks that they are appropriate. Mr. Princiotta asked how far it is from the garage to the proposed pool and tennis courts. He was told 130' approximately to the tennis courts and 110' approximately to the pool - 'as the crow flies.' Mr. Sachs of Boswell referred to Exhibit A-3, sheet 1 of 3 regarding the land. He asked if the topography of the land shown is due to seasonal change or clearing since it seems that a lot of trees are missing. He was told that it is due to the change in season. It was decided that this matter should be referred to the Shade Tree Commission for their contribution to this issue. Mrs. Heinemann will bring this matter to the Commission at their next meeting. Mr. Sachs asked what percentage of trees have been removed. A discussion was held regarding obtaining possible older aerial shots of the property to see what it looked like in the past. Mr. DelVecchio stated that what is more important is what is going back to the property! Mr. DelVecchio added that his client did meet with Mr. Ed Levy before any trees were removed. Mrs. Heinemann stated that there should be record of that in Shade Tree Commission files. Mr. Ferreira would like to see a landscape plan before any vote is taken. Emergency access to the pool and shed was discussed. Mr. Fury stated that there is sewer coming out of the cabana and that yes, there is a bathroom proposed in the cabana. Mrs. Heinemann asked if there will be kitchen facilities. She was told no. The application will be submitted to the Police Department and the Volunteer Fire Department for their comments on access to the accessory structures.

Mr. Elliot Sachs of Boswell Engineering was sworn in by Attorney Princiotta. Mr. Sachs went over both his reports on this application. The February 28<sup>th</sup> report for completeness and site plan review and the March 10<sup>th</sup> review which included grading, drainage and some walls. Mr. DelVecchio stated that the applicant will do what is requested in each report. These reports were marked as Exhibits WCL1 (2-28-11) and WCL 2 (3-10-11). Attorney Princiotta asked what remains outstanding in the 2-28-11 report. Mr. Sachs stated that they have not yet talked about the Hold Harmless Agreement which will be filed with the deed. Mr. Sachs does agree that 4' walls will eliminate the need for additional walls. He also stated that certification will be done prior to the Certificate of Occupancy being issued and will cover prior installed construction at the site. Attorney Princiotta asked if prior completed walls can be certified now. Mr. Sachs stated that this is a question for Mr. Saluzzi. Mr. DelVecchio stated that the truss report did certifications on the existing walls. He will have the engineer that did this certification contact Mr. Sachs. Mr. Princiotta asked that the truss report be submitted to the Board. Mr. DelVecchio stated that this will be done. Mr. Sachs stated that the landscape plan regarding fall protection is required. He also mentioned that it is a waiver that is required for the tennis courts, not a variance. It was stated that there will not be outdoor lights installed. Mr. Sachs stated that the second accessory structure on the one lot needs to be

added to the plans. Mr. Sachs also mentioned that Bergen County Soil approval is not required. The Chief of Police will be told about soil removal on or off the site. The applicant will meet with the Chief to discuss the route. The March 2<sup>nd</sup> e-mail regarding high ground water was discussed.

The meeting was opened to the public for engineering questions on a motion from Mrs. Heinemann, seconded by Ms. Efron-Malley and carried by all. With no one wishing to be heard the meeting was closed to the public on a motion from Mrs. Heinemann, seconded by Ms. Efron-Malley and carried.

This application will be carried to the next Board of Adjustment meeting on April 26 at 7:30 p.m. Time limits have been waived.

Attorney Princiotto went over what is needed from the applicant: Plans revised to include additional seepage pit, complete compliance with Boswell reports, shade tree referral, landscape plans as well as fall protection plan, Police and Fire comments, truss report, percolation tests will be a requirement, and that the plans will be revised as per the 3-10-11 Boswell report. It will not be necessary for the Planner to attend the next meeting.

The meeting was opened to the public on a motion from Mr. Ferreira, seconded by Mrs. Heinemann, and carried.

Mr. Craig Marson of 7 Cricket Lane. Mr. Marson came to this meeting to talk regarding the Broadway Corridor. Mr. Marson was directed to the Planning Board meeting of March 28, 2014.

This meeting was adjourned on a motion from Mr. Ferreira, seconded by Mrs. Heinemann, and carried by all.

Respectfully Submitted,

Kathleen S. Rizza, Secretary