

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
MARCH 25, 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	Absent	
Richard Purcell	Absent	
Wilson Castrillon	Present	7:50 p.m.
Jacob Rak	Present	
Dana Cassell	Absent	
Sal Princiotta, Esq.	Present	
D. Holmquist, Planner	Absent	(not requested)
J. Pavlovich, Traffic	Absent	(not requested)
E. Sachs, Engineer	Present	
Kathy Rizza, Secretary	Present	

Minutes:

The minutes from the February Zoning Board of Adjustment were approved as amended on a motion from Mr. Spirig, seconded by Mr. Bongard, and carried by all.

Old Business:

**08-03BA Dhawan
37 Old Pascack Road, Block 2104, Lot 6**

Application for relocation of a driveway with a site plan ordinance variance requested. Continued from March.

Mr. and Mrs. Dhawan were present and have been previously sworn. Mrs. Dhawan summarized their situation. They are concerned with the safety of their children and the residents of the area. Exhibits were reviewed by the Board Attorney. The new plot plan, stamped and sealed, was distributed to all. Photos will be shown tonight. The Dhawan's are not represented by an Attorney. The new plot plan was marked as Exhibit A-3 dated 3-25-08. Photos looking NE, taken Sunday, March 23, 2008, were marked as Exhibit A-4. Board Attorney Princiotta spoke regarding the difference between plot plans (A-2 and A-3). The lot coverage has not changed on A-3 – this number is wrong, it is not accurately stated on the exhibit. It was stated that 2 neighbors have submitted letters on behalf of this application. The Board Attorney stated that it is Board policy not to accept letters unless the writers come forward and provide testimony before the board.

Engineer Michael McGowan of Michael McGowan Engineering was sworn in the Board Attorney. He is a licensed professional Engineer with a BA and a MA in Engineering. He has been before over 40 boards in New Jersey. His office is located at 115 Franklin Turnpike, Suite 307, Mahwah, NJ. Mr. McGowan was accepted by the Board members. Mr. McGowan summed up the Dhawan's concerns regarding safety. He has inspected the site, took the photos on the exhibit and performed traffic counts. Mr. McGowan referred to Exhibit A-5; Traffic Report and Photos, a 5 page exhibit. He reviewed each page. Mr. Princiotta asked Mr. McGowan if he had any training in traffic engineering. Mr. McGowan stated that he is not a traffic engineer; he has only done this with site planning, as part of the site analysis. He spoke regarding the driveway location requirements of the Borough. Exhibit A-1 was referred to, this is the original site plan approved by the Zoning Board in the past. This shows the original location of the driveway to Welter Ave. This driveway, as shown, would have to be re-aligned for proper exit from the garage. Mr. McGowan also feels that this driveway is too close to the property line. The driveway now requested is located on the curve of Old Pascack Road and Welter. At first it seems like a strange site for a driveway. There is block curbing there now and this driveway is being used by the homeowners and also for construction purposes. Based on the traffic survey and site inspections, Mr. McGowan agrees with the driveway location on Old Pascack Road. Speeds were observed over 30 mph on Welter Ave.; they are slower on Old Pascack Rd. Most traffic can be avoided with the driveway in this location. Mr. McGowan referred to photos 1 and 2. Mr. McGowan stated that if the driveway was positioned more to the center of Welter a variance would be required and more traffic would be involved. He is aware of the Boswell letter and the letter from the Police Department. The Police letter dated 7-20-06 was marked into evidence as Exhibit A-6; an additional letter from the Chief was marked as Exhibit A-7. Mr. McGowan agrees with the Chief's letter of March 14th. It was

stated that the Dhawans contacted the Shade Tree Committee. They would like to save the tree that would be in the way of moving the driveway over so it is not on the curve of the road. They would also like to see a stop sign on Welter Ave. An additional letter from the Chief, dated July 11, 2003, was marked as Exhibit A-8. This letter refers to the area at Old Pascack area. A July 25th letter from the Chief of Police to Ken Glemby was marked at Exhibit A-9.

Elliot Sachs, of Boswell Engineering referenced the Chief's suggestion of moving the driveway 90 degrees bringing it away from the curve. He asked Mr. McGowan if he was in agreement that this could be done. Mr. McGowan responded yes, with the removal of the tree in the way. Mr. Sachs asked if his client would be willing to plant additional trees, being that Woodcliff Lake is a Tree City. It was stated that yes they would be willing to plant additional trees. It was determined that if the driveway was re-aligned, it would be approximately 15' from the curve. This dimension was marked on Exhibit A-1. A turn around would be recommended. Mr. Sachs asked Mr. McGowan if he looked into putting the driveway straight out into Welter. Mr. McGowan stated that a turnaround would still be necessary. Since there is still no stop sign on Welter, there is no control over the intersection. Mr. Princiotto asked if Exhibit A-1 complies with the borough ordinance, it looks as if the driveway would go across the neighbor's property. Mr. Sachs asked if there is any obstruction with the telephone pole if the driveway was moved to a 90 degree angle. He was told no. Mr. Sachs recommends a stone barrier to protect the pole. Mrs. Heinemann asked if the driveway is moved as now proposed, is a variance still required. Woodcliff Lake ordinances regarding site distance requirements were reviewed by the Board Attorney. Mr. Castrillion asked how you would enter the driveway as built now. He was told through Old Pascack with a turn around. It was noted for the record that a red pen was used to mark the proposed driveway configuration.

The meeting was opened to the public on this matter for questions of the Engineer only, on a motion by Mrs. Heinemann, seconded by Mr. Castrillion, and carried.

With no questions, the public portion of the meeting on this issue was closed on a motion by Chairman Hembree, seconded by Mrs. Heinemann, and carried.

A five minute break was taken.

Elliot Sachs, of Boswell Engineering was sworn in by the Board Attorney as the next witness. He was visited the site on two occasions – today, 3-25-08 from 10:45 – 11:15 am and on March 5th from 3:30 – 4:30 pm. He has been involved in this application since he was first asked to review it by Nick Saluzzi. The following exhibits were submitted by Mr. Sachs:

B-1 – letter to Nick Saluzzi from Mr. Sachs dated August 2, 2005

B-2 – letter to the Zoning Board from Mr. Sachs dated March 7, 2008

B-3 – Woodcliff Lake Tax Assessment Map – reviewed right of ways and paved road sizes.

B-4 – pictures taken on March 25, 2008 between 10:45 and 11:15 am. Disregard the date on the pictures – they are not correct due to a camera malfunction.

1 - driveway as it is today

2 - tree at bottom of driveway as is today looking towards Old Pascack Road

3 - looking west on Old Pascack towards Welter

4 – 10-15 steps back from picture #3

5 – island from a right turn out of the driveway

6 – looking down Welter towards Willow

7 – down Welter further than picture #6 – see spruce trees planted

8 – looking up if the driveway came out of Welter at a 90 degree angle

9 – at Willow street sign looking down

B-5 – Larger marked plot plan showing picture sites dated 5-25-08 typed, 6-15-05 hand written. Engineer: Sudesh K. Dhawan, PE

Attorney Princiotta asked if the original plan shows trees to be removed. He was told yes, trees 1-4 are to be transplanted. The Attorney also asked if the driveway shown on Exhibit B-5 is the one being proposed. If yes, a better sketch is needed. He asked the Engineer, Mr. Sachs, his opinion on the driveway location on Exhibit A-1. Mr. Sachs stated that he wanted it extended, but never got a response. His prior letter did not support permit issuance. He would prefer Exhibit B-5; a rough sketch to Welter Ave, straight with a bump out, or a 90 degree angle onto Old Pascack Road, removing the tree and leaving a space between the pole and the driveway.

Mr. Sachs feels the tree would have to be removed if the driveway came out at a 90 degree angle. Damage to this tree could have already been done due to the gravel driveway already put in. Mrs. Heinemann stated that the Shade Tree Committee likes trees planted in the right of way. She asked if any trees planted in the right of way on Welter Ave would have to be removed. She was told yes. Mr. Bongard asked if the tree in the way is a borough tree. He was told yes. He would like Mr. Levy of the Shade Tree Committee to look at this tree. Mr. Dhawan stated that he had talked to the Committee in the past regarding this tree. They are willing to remove the tree if requested to and will plant more if requested. Exhibit A-10 was referred to. Mr. Spirig asked Mr. Sachs for measurements locations. Mr. Dhawan stated that it is 38' down the driveway and across to the block curbing of the existing driveway. At this time Chairwoman Hembree stated that the Board needs more accurate drawings of either the original proposal or the compromise solution. Lot coverage also needs to be known. Attorney Princiotta stated that another possibility would be to have an additional plot plan showing both alternatives. Mr. Sachs recommends Alternate A and Alternate B and to show distances to each and to show the coverage issue, with the bump out drawn to scale. Mr. Spirig asked if there are any drainage issues with either plan.

The meeting was opened to the public for questions of the Engineer only on a motion from Chairwoman Hembree, seconded by Mrs. Heinemann, and carried.

Mr. Narin of 15 West Hill asked if he could ask general questions at the next meeting. He was told yes.

Shaun Sweeney, also of West Hill stated that the tax map shows this property as a perfect square. The Attorney stated that the document was submitted for limited purposes only.

The public portion of the meeting was closed to the public on a motion from Chairwoman Hembree, seconded by Mrs. Heinemann, and carried.

It was decided that 2 plans with lot coverage issues will be provided before the next meeting for distribution to all members. Plot plans will be sealed by an Engineer and will show distances to the intersections from each driveway proposal. Notice and advertisement will be done for the lot coverage variance.

This matter will return in April.

Attorney Princiotto spoke regarding the Van Wyk application. He spoke with Mr. Van Wyk and told him to contact our Borough Planner to recommend a Planner for him to use with his application. A letter has been sent to Mr. Van Wyk regarding his application with the Zoning Board.

Resolutions:

Douglas and Monica Hahn
23 Reeds Lane
Block 2005, Lot 2

A motion to approve the resolution for an addition was made by Mr. Spirig, seconded by Mr. Bongard, and carried by all present. This will be published and forwarded to the applicant.

Robert P. and Kathleen Renken
165 Glen Road
Block 1704, Lot 2

A motion to approve the resolution for an detached garage was made by Mr. Spirig, seconded by Mr. Bongard, and carried by all present. This will be published and forwarded to the applicant.

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

Respectfully submitted,
Kathleen S. Rizza, Secretary

