

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
FEBRUARY 26, 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	Absent	
John Spirig	Present	
Natalie Effron	Absent	
Richard Purcell	Absent	
Wilson Castrillon	Present	8:10 p.m.
Jacob Rak	Present	
Dana Cassell	Present	
Sal Princiotto, Esq.	Present	
D. Holmquist, Planner	Absent	(not requested)
J. Pavlovich, Traffic	Absent	(not requested)
E. Sachs, Engineer	Absent	(not requested)
Kathy Rizza, Secretary	Present	

Minutes:

The minutes from the January Zoning Board of Adjustment were approved on a motion from Mr. Spirig, seconded by Mr. Cassell, and carried by all.

New Business:

**07-80BA Robert Adamo, Applicant; Ken Van Wyk, Owner
106 Werimus Road, Block 1402, Lot 6.01**

A letter was received from the property owner stating that this application will be postponed until the next meeting. Attorney Princiotto spoke regarding the letter received. He was unhappy with how the letter was worded. The letter made it seem like it was the fault of the Zoning Board that this application would not be heard at this meeting. The letter was read aloud by Attorney Princiotto. Time limits could be an issue if this application was rendered complete. The Board Attorney gave the board members two choices: dismiss the application without prejudice, which would require re-filing, or carry the matter to the next meeting in March. The Board suggested sending the owner a letter requesting the information that is needed with a deadline date. If the requested information is not received then the application would be dismissed without prejudice. Mr. Princiotto recommends dismissing the application without prejudice at this time. It was noted that no one from the public was present at the meeting for this matter. Mr. Cassell asked what financial impact dismissing the application would have on Mr. Van Wyk. Mr. Princiotto stated that we could just have him re-notice the public, not re-file entirely. Mr. Princiotto will write a letter to Mr. Van Wyk and explain the situation to him.

A motion was made by Mr. Spirig, seconded by Mr. Cassell, to dismiss this application without prejudice and to reinstate at a later time with new notice given to the public. A roll call vote was taken and this motion was passed by all present.

08-02BA Hahn
23 Reeds Lane, Block 2005, Lot 2

The application and notice to the neighbors was reviewed by Mr. Bongard and found to be in compliance. The checklist itself was missing, but all documents were submitted. Mr. Hahn was sworn in by the Board Attorney. Mr. Hahn spoke regarding his drawing of the proposed addition, which was marked into evidence as exhibit A-1. They propose an addition which will cantilever over the existing structure by 1' 1/16". The additional addition in the rear meets all building codes. Mr. Princiotto asked why they propose to cantilever. He was told that the rooms would be too narrow if they didn't. Mr. Spirig asked for confirmation on the fact that just the second floor will be cantilevered. He was told that this is correct. Proposed is a 30' front yard. It was stated that the frontage for most houses on Reeds Lane are not within the municipal requirement of 35'.

This matter was opened to the public on a motion from Mr. Bongard, seconded by Mr. Spirig. With no response from the public, a motion was made to close the meeting to the public on a motion by Mr. Spirig, seconded by Mr. Cassell, and carried by all.

A motion to approve the frontage variance of 5' was made by Mr. Cassell, seconded by Mr. Spirig, and carried by all, by roll call vote, with Mr. Castrillon abstaining. It will be noted in the resolution that any drainage will be approved by the Borough Engineer and all Borough ordinances will be complied with. A resolution will be prepared by the Board Attorney for the next meeting.

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

Mr. and Mrs. Dhawan were present and were sworn in by the Board Attorney. The application and the notice to neighbors were checked for compliance by Mr. Bongard. All was satisfactory with the exception of no pictures being submitted. The prior resolution from this board was also included in their application package. The June 15 plot plan was marked as Exhibit A-1, the 11" x 17" sheet, the current application was marked as Exhibit A-2. Mr. Dhawan explained that after the construction was 30% complete they decided that they preferred the driveway exiting onto Old Pascack, which was the temporary driveway access for construction purposes. The applicants feel that Welter Avenue is too narrow and the traffic is heavier than on Old Pascack. The applicants feel that safety is an issue, they have three small children. They also feel that sight distance is an issue. There are trees that would have to be removed in order for the driveway to exit onto Welter Ave. The original approved proposal called for the driveway to exit onto Welter Avenue. The revised plan shows Old Pascack Road as the driveway access street. Past correspondence to and from Mr. Nick Saluzzi, the Construction Code Official, was referenced. Board Attorney Mr. Princiotta feels that this situation requires review from the Borough Engineer and the Police Department. Mr. Spirig stated that the Zoning Board has an obligation to hear from the Engineer and the Police Department. Mr. Cassell stated his observations from visiting the site. There is a stop sign on Welter Ave. All the houses have driveways on Welter Ave., even a house that faces south. He parked in front of the house for approximately five (5) minutes and also parked on the west side of Old Pascack. The street seemed quite narrow. Mr. Cassell continued with stating that not a single car rode by while he was there at approximately 3:00 p.m. Mr. Dhawan stated that Welter Ave. is wider where he wants to put the driveway. Mr. Cassell stated that the trees that he observed were no higher than 6'. Mr. Dhawan stated that there are 16' and 30' trees in this area. It was recommended by the Board Attorney that Exhibit A-2 not be accepted with handwritten notes and that lot coverage should be certified by the Engineer. Our Engineer, Elliot Sachs of Boswell Engineering will be present at the next Zoning Board meeting to continue this discussion. Reports on this issue from the Borough Engineer and the Police Department will be requested for the next meeting.

Mr. Rak asked the applicants if they have had any other correspondence with Mr. Saluzzi, other than verbal, in the last year. Mr. Dhawan stated no. The applicants were under the impression that Mr. Saluzzi had the authority to make this decision. Mrs. Dhawan stated that she felt she was never given the proper directions to pursue this matter. Attorney Princiotta stated that she is in the right place for a decision now. He also stated that the Borough Engineer approves driveway locations. The applicants were informed that they may bring their own Engineer to the next meeting if they wish and also any witnesses that they would like. Mr. Dhawan stated that his main concern is safety. This matter was opened to the public on a motion from Mr. Spirig, seconded by Mrs. Hembree, and carried. With no response from the public, the matter was closed to the public on a motion from Mr. Spirig, seconded by Mr. Cassell. This matter will again be heard at the next Zoning Board meeting of March 25, 2008.

**08-01BA Renken
165 Glen Road, Block 1704, Lot 2
Garage**

Mr. Mancinelli was present as the Attorney for the applicants. Mr. Eichenlaub was also present as the Engineer for the applicants. Mr. and Mrs. Renken were also present. Mr. Renken stated that he purchased the property to have the ability to store four (4) collectible cars.

Mr. Mancinelli stated that this is not the same application that was heard and denied in the past. The old application called for an 8 car garage with a different number of variances. This needs to be decided by the board. Attorney Princiotta asked if there have been any changes to the property or to neighboring properties. Mr. Mancinelli stated no. The prior resolution was submitted in April of 2007. This was reviewed by the Board. Mr. Mancinelli stated that the design structure is different. Witnesses were sworn in by Attorney Princiotta.

First Witness: Mr. Richard Eichenlaub, the Engineer. Background information of this witness was not necessary due to the fact that the Board is familiar with him. He was questioned by Mr. Mancinelli. Mr. Eichenlaub is familiar with the Woodcliff Lake zoning ordinances. This garage is proposed in a R22.5 zone. The height of the structure is 14.7'. Square footage required for a conforming lot is 22,500 sq. ft. There is over 50,000 sq. ft. in this lot, more than double the requirement. The application is still under the allowable 30% lot coverage. All requirements were reviewed by the Engineer. A brief overview of neighboring properties was given. They are all basically in conformance with town zoning ordinances. All are smaller than the applicant's lot. Driveway location was discussed. The possibility of expanding the house for a garage was also discussed. Due to set back requirements, this was not practical. It would also not look as good aesthetically. The screening is better the way that the garage is now proposed.

Antique cars will be stored in the garage. Mr. Bongard asked Mr. Eichenlaub if the shed on the west side will be removed. He was told no. Mr. Cassell spotted a drafting error on the plans; the square footage is 1200 sq. ft. not 1360 sq. ft. as stated. Mr. Spirig asked for and received driveway location verification. Mr. Castrillion asked if this was the same location as on the old application. He was told yes, just smaller in size. Mr. Spirig asked if the garage was attached to the house, which way would the doors face. He was told that the doors would face to the east. It would attach to the single car garage with 2 doors. Area would not be an issue because it would part of the original structure. The proposed garage is a pre-fabricated structure. It was stated that the detached structure will have less of an impact on the neighbors. Screening would be more difficult if the garage was attached to the house. Stall size was next to be discussed. A typical stall size is less than 20', but could be 20'-26' deep. Proposed is 30' deep, the width varies between 8' and 12'. Lawn equipment will also be stored in this proposed garage. Mr. Renken stated that he will not be working on the cars; he just wants to be able to store them. It was stated that there will be a water line available for washing the vehicles, it is not known yet if the garage will be heated. There will be lighting inside. Attorney Princiotta stated that the ordinance dictates what the proposed structure can and cannot

be used for. Mr. Robert Renken was sworn in by the Board Attorney. A color photo from a newspaper was submitted as a depiction of the proposed structure. This was marked as Exhibit P-2. Mr. Eichenlaubs submission of the plot plan was marked as Exhibit P-1. Mr. Renken visited all of his neighbors with the color depiction of the garage. Mr. Renken again stated that no repairs will be done on site, just storage of cars, lawn and pool equipment. The children's play set has been removed and additional plantings will be planted in the spring for additional screening. Mr. Renken was asked if the application has been substantially reduced since the last application. He replied yes. Also asked if the look and materials have changed. He stated yes. The last application was higher and more industrial. There has been a 30% decrease in size. Mr. Castrillion asked if the structure will be built on site. He was told yes. Mr. Spirig asked if there will be a concrete slab. He was told yes. The garage doors will be a carriage house style, the roofing material will be a green metal covering. Chairwoman Hembree asked if the subdivision next door was fully occupied. She was told yes and that Mr. Renken has spoken to Mr. DiMino regarding his proposed structure. It was additionally mentioned that there will be no side windows. Exhibit P-3 was submitted, a black and white version of the proposal. Mr. Renken now rents a 3 car garage in Westwood.

A motion was made by Mr. Spirig, seconded by Mr. Cassell, with all present in favor, by roll call vote that this application is different from the proposal heard and denied in the past.

No one from the public was here for this application. There are no drainage issues as per Mr. Eichenlaub.

A motion to approve the garage variance application as proposed, subject to construction as per testimony from the witnesses, was made by Mr. Cassell, seconded by Mr. Bongard, and carried by roll call vote, with all in favor.

Resolution: Feldman

The resolution was read by Attorney Princiotto. This resolution will be published and sent to the applicant. Construction Official Saluzzi will also receive a copy. The resolution was approved on a motion from Mr. Cassell, seconded by Mr. Bongard, and carried by roll call vote of all members present. Messrs. Spirig and Castrillion abstained.

Extension of Variance: Personette

Mr. Personette is looking for a six (6) month extension of his variance from the Zoning Board. All members voted in favor of this extension. Mr. Personette will be notified.

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

Respectfully submitted,
Kathleen S. Rizza, Secretary