

**BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT  
FEBRUARY 17, 2015  
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 Chairman announced this meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, at the Reorganization Meeting of January 28, 2014, 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
Marcia Denbeaux	Present
Gary Newman	Present
Robin Effron-Malley	Present
Brian Boffa	Present
Wilson Castrillon	Present
Dana Cassell	Present
Victor Bongard	Present
Jay Ferreira	Present

S. Robert Princiotto, Esq.	Present
Planner	Absent (not requested)
John Pavlovich, Traffic	Absent (not requested)
Neglia Eng.	Present
Kathy Rizza, Secretary	Present

**2015 REORGANIZATION**

The following members were sworn in by Attorney Princiotto:

Victor Bongard – Regular Member  
 Jay Ferreira – Regular Member  
 Gary Newman – Alternate #1  
 Justin Cohen will be sworn in at the next meeting.

A motion was made to appoint Christina Hembree as **Chairwoman** by Ms. Denbeaux, seconded by Mr. Newman, and carried by all.

A motion was made to appoint Victor Bongard as **Vice Chairman** by Ms. Malley, seconded by Mr. Cassell, and carried by all.

A motion was made to appoint Salvatore Princiotto, Esq. as **Board Attorney** by Mr. Newman, seconded by Ms. Malley, and carried by all.

A motion was made to appoint Neglia Engineering as the **Board Engineers** by Mr. Denbeaux, seconded by Mr. Ferreira, and carried by all.

Borough Planner appointment will be made at a later date.

A motion was made to appoint Jacobs Engineering as the **Board Traffic Consultant** by Mr. Denbeaux, seconded by Mr. Bongard, and carried by all.

A motion was made to appoint Kathy Rizza, as **Board Secretary** was made by Mr. Bongard, seconded by Mr. Cassell, and carried by all.

A motion as made to accept the **2015 Amended Meeting Schedule** by Mr. Bongard, seconded by Mr. Denbeaux, and carried by all.

**Minutes:**

**The minutes from November 25, 2014** were approved on a motion from Mr. Newman, seconded by Mr. Ferreira, and carried.

**New Business:**

**Valley Chabad**

**100 Overlook Drive**

**Block 908 Lot 1**

**Change of Use/Site Plan Application with Variances**

Mr. Elliot Urdang was present as the Attorney for the Chabad. The application has been deemed complete as of December 16th. Time limits were discussed. Mr. Urdang stated that as long as things are moving along he won't enforce the time limits. The idea of scheduling additional meetings was discussed. Location of future meetings was also discussed. There will be no witnesses at this meeting. A request was received from Mr. Ditkas, the Attorney for the Woodcliff Lake opposing residents, to discuss potential conflicts. Mr. Urdang did not feel that this request was appropriate. It was decided that since there was no one representing the residents when the issue of conflicts was first discussed, Mr. Ditkas would be able to ask questions of the Board members present. Attorney Princiotto feels it is the transparent way to look at this application. Mr. Ditkas stated that this is not

personal but these issues must be addressed. Attorney Ditkas submitted Opposition #1 and #2 dated 2-17-15 – regarding board member questions dealing with who they know at the Chabad, past donations, and services attended. Attorney Urdang stated that we should have a list of all who contributed to the organization that Mr. Ditkas represents. Board Attorney Princiotto stated that it does work both ways. Attorney Ditkas replied that the opposition does not vote. This issue was debated at length. There are five questions that each board member must answer. If the answer to all five questions is no than the board member is done with questioning. The following members answered no to all five questions: Mr. Ferreira, Mr. Bongard, Mr. Boffa, and Mrs. Hembree. Ms. Malley, Mrs. Denbeaux, Mr. Newman and Mr. Cassell could not answer no to all questions. After further questioning of Mr. Cassell Attorney Ditkas asked for disqualification. Mr. Ditkas stated that when Mr. Cohen is present he will be asked the same questions. After much discussion between board members and the Attorneys, no members recused themselves.

Mr. Ferreira spoke regarding the Garden State Parkway and drainage with the Highway Authority. Mr. Urdang stated that they have been noticed. The Fire Department has asked for 360 degree access around the building. Mr. Martel, the Engineer, previously sworn, spoke next. He referred to Exhibit A-2 the prior plan. Mr. Martel stated that the site plan has been revised to meet the Fire Dept. circulation issue. There will be 73 parking stalls. Exhibit A-5, a zoning relief schedule was handed out. This was reviewed in detail by all. Mr. Ferreira stated that he is very concerned with drainage. Mr. Urdang stated that the applicant has done their part and that this site cannot solve all the problems only the ones for this development. Ms. Denbeaux asked if the site was being designed to create zero run off. The Engineer stated that the site is designed to meet the requirements of the Borough. The soil test has been done at 12' deep at the low end. There is no red rock.

Mr. Bongard spoke regarding maximum building coverage which has been reduced to 18% from 32%. The play deck has been eliminated, but the envelope has not changed. Mr. Newman inquired about the ramp size of 22'. Mr. Ferreira stated that it should be 30' as was stated by the Fire Dept. in a letter. Attorney Princiotta asked the width of the drive aisle in the front. He was told 22' with 9'x18' parking spaces. Mr. Ferreira was concerned with stall size and would like the Fire Dept. to do a radius. This was done and was shown on Exhibit A-6 – the Fire Dept. Turning exhibit dated 2-17-15 by Stonewall Engineering. The Fire Dept. will again be consulted. Mr. Ferreira stated that this is the most important issue. Attorney Princiotta suggested that the applicant meet with the Fire Dept. They will be asked to come to a future meeting of the Board.

**The meeting was opened to the public** for questions of the Engineer on a motion from Mr. Ferreira, seconded by Mr. Cassell, and carried by all.

Mr. Ditkas asked Mr. Martel how many significant variances are being applied for. Mr. Martel stated 15 variances and 9 waivers. Opposition #3 was referred to. All variances and waivers were discussed. The topic of houses of worship having to be on three acres was discussed. Mr. Urdang stated that other houses of worship in town are not built on three acres. The Engineer was asked if this structure on the plan could be built variance free. Mr. Martel did not know. Site Elevations and slopes were discussed next. Retaining wall height was also discussed. Landscaping was discussed and is being proposed. The Master Plan was not looked at by the applicant. Mr. Ditkas stated that the Master Plan discourages development in a steep slope area. Mr. Urdang objected to this statement. A lighting plan will be available. A full size total plan will be resubmitted. Mr. Vuich of Neglia Engineering will reserve his questions until all revisions are shown on a full size plan. Mr. Urdang stated that the elevations are

different between Overlook and the rear of the property. He referred to Exhibit A-1. All dimensions were given. Mr. Ditkas asked if the topography and slope and the design cause the variance. He was told yes. Mr. Urdang objected to this. Attorney Princiotto asked if the retaining wall will be 25' with fall protection. He was told yes with fences and guard rails.

**This portion of the meeting** was closed to the public on a motion from Mr. Ferreira, seconded by Mr. Newman, and carried.

Mr. Newman asked if there is any engineering reason why the building has to be this size. Asked if the applicant could come up with a plan that would fit more parking.

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

Respectfully Submitted,

Kathleen S. Rizza, Secretary