

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
FEBRUARY 23, 2016
MINUTES**

Call to Order:

The meeting was called to order at 7:30 p.m. at Borough Hall 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 26, 2016, 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:

Brian Boffa	Present
Victor Bongard, Vice Chairman	Present
Marcia Denbeaux	Absent
Sanjeev Dhawan, Alternate 2	Present
Jay Ferreira	Present
Robin Effron-Malley	Present
Gary Newman, Alternate 1	Absent
John Spirig	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotta, Esq.	Present
Joseph Vuich, Neglia Engineering	Not Requested
John Pavlovich, Traffic	Not Requested
Tonya Tardibuono, Secretary	Present

Minutes:

The minutes of Jan 26, 2016 were approved as amended on a motion from Mr. Bongard, seconded by Mr. Ferreira, and carried by all.

Resolution:

No. 16-03
Mark Dulberg
10 Ravine Drive
Block 1703 / Lot 4
Total Coverage Variance

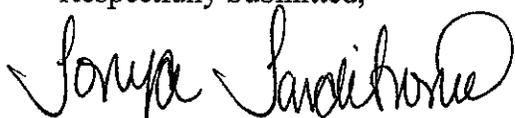
The resolution was introduced by Attorney Princiotto. A motion to approve the resolution was made by Mrs. Effron-Malley, seconded by Mr. Ferreira, and carried by roll call vote as follows:

Mr. Boffa	Yes
Mr. Bongard	Yes
Mr. Dhawan	Yes
Mr. Ferreira	Yes
Mrs. Effron-Malley	Yes
Mr. Spirig	Yes
Chairwoman Hembree	Yes

Mr. Princiotto told the Board that the Valley Chabad application will be heard at the next Board of Adjustment meeting on March 29, 2016.

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

Respectfully Submitted,



Tonya Tardibuono

BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
RESOLUTION

MATTER OF: MARK DULBERG
 10 RAVINE DRIVE
 BLOCK 1703, LOT 4

#16-03

APPLICATION NO: 16-03

DECIDED: JANUARY 26, 2016

WHEREAS, application has been made by Mark Dulberg, with respect to the premises known and designated as Block 1703, Lot 4 on the Tax Map of the Borough of Woodcliff Lake for variances to permit the installation of an inground pool and patio on the lot of an existing single family home requiring a lot coverage variance in an R-22.5 residential district contrary to the provisions of the Zoning Ordinance of the Borough of Woodcliff Lake; and

WHEREAS, a hearing was held before the Board on January 26, 2016 before members Christine Hembree, Victor Bongard, Brian Boffa, Jay Ferreira, Robin-Effron Malley, John Spirig, Gary Newman, Sanjeev Dhawan; and

WHEREAS, Applicant has filed an affidavit showing compliance with all of the statutory requirements as to the giving of notice as well as all of the requirements of the Zoning Ordinance of this Borough.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Woodcliff Lake as follows:

1. The applicant requested the following variances:

 (a) a variance from the requirements of §380-14(4) to permit surface coverage of 37.61% where 30% is the limit, for a variance of 7.61%, and

WHEREAS, the applicant, without legal counsel, made application pursuant to N.J.S.A. 40:55D-70(c)(1), and

PLEASE NOTE THIS APPROVAL HAS SPECIAL CONDITIONS RELATED TO DRAINAGE REQUIREMENTS (SEE PAGE 3)

WHEREAS, the Zoning Board of Adjustment held a public hearing on January 26, 2016 at which time it heard testimony from the applicant and Michael Insignares of Cool Pools located at 85 South Pascack Road, Nanuet, New York. The Board also considered the exhibits and evidence offered by the applicants which included exhibits marked A-1 (Survey of Property from Brooker Engineering, PLLC dated 10/5/15); A-2 (site plan for proposed pool/patio prepared by Thomas W. Skrable, P.E. dated 10/13/15); A-3 (8 photographs of existing conditions); A-4, A-5 and A-6 (simulation photographs of proposed pool layout); and

WHEREAS, after hearing the testimony and the evidence presented by the applicant and after due consideration and deliberation, the Board has made the following findings of fact and conclusions:

1. The application for the variance was duly made to the Zoning Board of Adjustment and that all owners of property situated within 200 feet of the premises to be affected were duly notified in accordance with law.
2. The applicant presented satisfactory proof to the Zoning Board of Adjustment that notice of said hearing was duly published.
3. The applicant submitted plans and testimony concerning the proposed swimming pool, spa and patio.
4. The applicant's lot is located in a R-22.5 which limits lot coverage to 30%. The impervious coverage limitation is based upon drainage. Due to the slope of the property, drainage would run from the house to the rear of the property. The plan prepared by Thomas W. Skrable calls for a cultec designed drainage system with a perimeter drain.
5. The existing shed on the property shall be removed.
6. The deck is necessary to have adequate space for chairs around the pool.
7. The pool itself can retain a limited amount of water but it is still included in the impervious coverage calculations. .
8. Note 13 on the Skrable plan (Exhibit A-2) requires a percolation test.

WHEREAS, the Board found as follows:

1. This application is for one variance: (1) for a variance to permit lot coverage 37.61% where the limit is 30% for a variance of 7.61%.
2. At the public portion of the meeting, no residents appeared and/or made comments to the application.
3. The physical features of the property create an extraordinary and exceptional condition uniquely affecting the property and the structures thereon, and a strict application of the regulation would result in peculiar and exceptional practical difficulties and/or exceptional and undue hardship upon the owners of the property. The hardship that exists relates to the current configuration and layout of the house and deck on the property. Although the lot coverage proposed is over the limit, the drainage can be dealt with by an approved drainage plan.
4. The negative and positive criteria have been proven by the applicant.

WHEREAS, the Board determined that the variances can be granted without substantial detriment to the public good and it will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance, based upon current development in the area.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF WOODCLIFF LAKE THAT THE APPLICATION FOR PERMISSION TO DEVIATE FROM THE AFOREMENTIONED ZONING REQUIREMENTS SET FORTH ABOVE IN THIS RESOLUTION IS HEREBY GRANTED ON THE FOLLOWING CONDITIONS:

1. **APPLICANT MUST PERFORM A PERCOLATION TEST AND OBTAIN APPROVAL FROM THE BOROUGH ENGINEER FOR A DRAINAGE PLAN BEFORE CONSTRUCTION OF THE POOL AND DECK AND BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SEE ALSO NOTE #13 ON THE PLAN PREPARED BY THOMAS W. SKRABLE (EXHIBIT A-2 DATED 10/13/15).**

2. Compliance with the requirements of this resolution and the stipulations set forth above and conformance with the plans submitted to the Board by the applicants as Exhibit A-2. All stipulations and findings of fact above shall be deemed conditions of the variance.
3. Applicant shall comply with the requirements of all structural, fire and sanitary safety as provided in the current edition of the New Jersey Uniform Construction Code.
4. The applicant shall obtain approval of the Construction Code Official for its plan and all necessary permits and comply with all local, county and state ordinances and statutes, including the Woodcliff Lake Tree Preservation Ordinance Chapter 245.
5. The applicant shall obtain all such other governmental approvals as may be required by law.
6. The applicant shall commence the construction and complete all of the intended alterations and improvements no later than 12 months from the date of adoption of this resolution or this variance shall expire automatically, unless otherwise extended by the Board.
7. The granting of this variance does not confer any additional rights to the applicant with regard to the use of the property and is solely limited to the lot coverage variance granted.
8. A drainage plan and percolation tests shall be submitted and approved by the Borough Engineer, after excavation but before construction of the pool and/or deck.
9. The applicant shall pay all outstanding professional fees including the Borough's engineer's fee prior to the issuance of a C.O.
10. A copy of the resolution shall be forwarded to the applicant and to Construction Code Official of the Borough of Woodcliff Lake and the secretary to publish the required notice.

MOTION TO APPROVE INTRODUCED BY: JAY FERREIRA

SECONDED BY: JOHN SPIRIG

IN FAVOR OF GRANTING THE MOTION: CHRISTINA HEMBREE, VICTOR BONGARD,
BRIAN BOFFA, JAY FERREIRA, ROBIN EFFRON-MALLEY, JOHN SPIRIG, GARY
NEWMAN, SANJEEV DHAWAN.

OPPOSED BY: NONE

ABSTAIN: NONE

MOTION APPROVED

MOTION TO APPROVE FORM OF RESOLUTION:

INTRODUCED BY: Robin Efron-Malley

SECONDED BY: Jay Ferreira

IN FAVOR OF APPROVING: Brian Boffa, Victor Bongard, Sanjeev Dhawan,
Jay Ferreira, Robin Efron-Malley, John Spirig and
OPPOSED BY: None Christina Hembree

Certified to be a true copy of the Resolution duly adopted by the Zoning Board of Adjustment of the
Borough of Woodcliff Lake at its regular meeting on February 23, 2016.



TONYA TARDIBUONO, Secretary