

**BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT  
JUNE 28, 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	Absent
Victor Bongard, Vice Chairman	Present
Marcia Denbeaux	Present
Sanjeev Dhawan, Alternate 2	Present
Robin Malley	Present
Gary Newman, Alternate 1	Present
John Spirig	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotto, Esq.	Present
Joseph Vuich, Neglia Engineering	Present
Daniel Bloch, Planner	Present
Tonya Tardibuono, Secretary	Present

**Minutes:**

The minutes of June 14, 2016 will be approved at the next meeting.

**Board Discussion:**

A brief Board discussion was had pertaining to the Broadway Corridor Ordinance. It was announced that the Borough Planner would be making a presentation at the July 11, 2016 Mayor and Council meeting and perhaps again at the July 25, 2016 Planning Board meeting.

**New Application:**

**WCL Realty, LLC.  
62 Broadway  
Block 2708/1  
Interpretation / Modification of site plan**

A letter was received (see attached letter) dated June 28, 2016 signed by Gail L. Price as the Attorney for the applicant WCL Realty, LLC. The letter stated that they would like to carry this application to the July 26, 2016 hearing. They also requested that any members that need to provide certifications for confirmation of reading of the transcripts for the initial application do so by the next meeting date. A Board discussion was then had by all members present regarding if this was a new application, or a continued application. It was decided that this is a new application. There is no room on the agenda for the next meeting on July 26, 2016. The Board then all went over their summer vacation schedules. Mr. Princiotto will follow up with the applicant's attorney, Mr. D'Arminio, regarding rescheduling the application.

**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 applicant.

Chairwoman Hembree said that somebody questioned how the Zoning Board works. Chairwoman Hembree explained to the audience (Mrs. Kosoff) how the Zoning Board works. Mrs. Kosoff asked why there was so many unanswered questions. Chairwoman Hembree agreed with her. Mr. Urdang commented that there are relevant questions, and questions that are not relevant.

A Board discussion was had regarding how many more meetings would be needed before the final vote on this application. Mr. Newman suggested that we open to the public and see how many members of the public intend to call a witness.

**The meeting was opened to the public** to determine how many members of the public are intending to testify and call a witness, on a motion from Mr. Bongard, seconded by Mrs. Malley, and carried by all.

**Diane Audino, Woodcliff Lake** – Mrs. Audino would like to have Woodcliff Lake Police Chief Jannicelli and Woodcliff Lake Building Inspector Nick Saluzzi as witnesses. Mrs. Audino asked how she would go about getting them for witnesses as their group no longer has council representing them. Mr. Princiotto stated that he understands the question and will get her a response. Mr. Princiotto asked her if she expects to testify herself. Mr. Audino replied that she does not expect to at this time. Mr. Princiotto asked if she expects to call any expert witnesses. Mr. Newman asked how long it will take if Chief Jannicelli and Nick Saluzzi are both questioned. Mrs. Audino replied about 20 minutes each.

**Kelly Kosoff, Woodcliff Lake** – Mrs. Kosoff asked what she needs to do to get the Rabbi to return. She also mentioned that she would like to bring in a professional planner. Mr. Urdang commented that they already had a planner testify. Mrs. Kosoff replied that she is not part of any group and has not had a planner testify yet. Mr. Newman asked her how long the planner would take. Mrs. Kosoff said I'm not sure, maybe two hours. Mr. Urdang asked if she would like to bring back the same planner that testified before, or if it is a new planner. Mrs. Kosoff replied that she is not really sure. Mr. Princiotto commented that since changes were made to this application anyone would be entitled to call a planner if they choose to do so.

**Cliff Levy, Woodcliff Lake** – Mr. Levy would like to call the Rabbi back. Mr. Princiotto asked if he would be testifying himself. He replied, possibly. Mr. Newman asked how long would he need. Mr. Levy replied about a half an hour.

**Bob Fischer, Woodcliff Lake** – Mr. Fischer would like to call an expert witness from Robinson and Cole from the New England area on RLUIPA. Mr. Newman asked how long he would need. Mr. Fischer replied about 30 minutes. Mr. Princiotto asked if he was going to testify himself. Mr. Fischer replied yes, he will testify.

Mrs. Kosoff asked if Mr. Fischer can testify. Mr. Princiotto said yes and explained the procedure. Mrs. Kosoff also stated that she would like to testify.

**David Kosoff, Woodcliff Lake** – Mr. Kosoff asked what he can do if he knows an expert witness committed perjury. Mr. Princiotto replied that you need to determine the proper measures to take through a consultation with an attorney.

**Kathy Hanna, Woodcliff Lake** – Mrs. Hanna commented that she is unsure if she would be testifying or not but that she knows a lot of families that are away now and may want to testify themselves or bring their own witnesses.

**Marc Boggio, Woodcliff Lake** – Mr. Boggio will testify as a fact witness and will need approximately 15 minutes.

**The meeting was closed to the public** on a motion from Mrs. Denbeaux, seconded by Mrs. Malley, and carried by all.

A letter received from the applicant's Attorney, Mr. Elliot Urdang was marked A2-11. The Board Attorney, Sal Princiotto, read the letter to the public (see attached letter). After reading it Mr. Princiotto addressed the issues in this letter. Mr. Princiotto asked if there were any comments on this letter. Chairwoman Hembree spoke to Mr. Urdang and commented that she tried very hard to not take any of this personally, but she is now. Chairwoman Hembree explained the slow progression of this application.

Mr. Princiotto pointed out that Attorney Diktas had asked that the Board dismiss the original application and file a new application.

Mr. Princiotto asked Mr. Urdang to give the Board additional time. Mr. Urdang said he may extend the time period, but not at this time.

A very lengthy Board discussion was had by all members and parties present pertaining to if this was a new application or a continued application. Mr. Urdang asked for a couple of minutes to consult with his client. Mr. Urdang came back and asked for a Board vote. The lengthy discussion ended when a Board vote was taken.

**A motion was made** by Mrs. Malley to consider this application as a continued application. The motion was seconded by Mr. Newman, and carried by roll call vote as follows:

<b>Mr. Boffa</b>	<b>Absent</b>
<b>Mr. Bongard</b>	<b>Yes</b>
<b>Mrs. Denbeaux</b>	<b>Yes</b>

(Mrs. Denbeaux commented that she believes that it is best to be considered a continued application. However she is very uncomfortable and does not think it is appropriate for the applicant to have made such a strict timeline, when the Board is holding special meetings, and the applicant caused the five month delay.)

<b>Mr. Dhawan</b>	<b>Yes</b>
<b>Mrs. Malley</b>	<b>Yes</b>

(Mrs. Malley commented that she has a real issue with the letter from Mr. Urdang. She has a lot of mixed feelings on this application.)

<b>Mr. Newman</b>	<b>Yes</b>
<b>Mr. Spirig</b>	<b>No</b>
<b>Chairwoman Hembree</b>	<b>Yes</b>

The applicant's architect who was present at the last meeting designed an occupant load chart. It was marked as A2-12. Mr. Princiotto asked if the architect would be returning. Mr. Urdang said his architect complied with the requests and submitted the chart with the requested calculations. He did not think it was necessary to bring him back.

The applicant's Engineer, Mr. Jeffrey Martell of Stonefield Engineering and Design, was sworn in by Attorney Princiotto. Mr. Martell began by speaking of the changes that were made to this application. He began by speaking of the previous marked exhibit A23. Originally there was question on the southern property line if there was a sewer pipe and if there was an easement associated with it. They concluded that yes there was a sewer pipe, no there was not an easement. Because of that they moved the retaining wall on the southern property line to an off-set of ten feet off the property line, which is approximately ten feet off the center line of the existing sewer line. The retaining wall has been changed to a more traditional steeped wall along the southern property line. Mr. Martel showed an exhibit designed by Stonefield Engineering dated June 14, 2016. The exhibit was marked A2-13 and it shows a tiered wall cross section. The size of the retaining wall varies in height. The southwestern corner starts at zero feet and moves up to approximately 16 feet. Mr. Martel went on to explain the design of the wall. With the changes of the original proposed wall, other small changes had to be made. They were the elimination of the south deck, seats were reduced to comply with the parking, all set-back variances were eliminated and there was an exterior play area added into the plan. He stressed there is no need for the fire truck to

utilize the play area to circulate the site. Mr. Martell showed an exhibit designed by Stonefield Engineering. The exhibit was marked A2-14, it is a vehicle maneuvering plan. It shows a fire truck and an SU30 truck (typical box truck). Mr. Princiotta asked for copies of all exhibits. Mr. Martell explained the maneuvering plan. Mr. Martell spoke about the chart marked as exhibit A22. The Board always had questions pertaining to the Garden State Parkway property and what they would allow. A letter from Stonefield Engineering dated June 14, 2016 addressed to Stephen M. Fuente, the Supervising Engineer for the New Jersey Turnpike Authority, was marked as exhibit A2-15 (please see attached letter). Mr. Martell spoke about the correspondences he has had with Mr. Buente. A discussion was had pertaining to the Garden State Parkway and the approvals that were required. Mr. Martell acknowledged that Mr. Urdang has made it clear that the applicant knows they need the approval from the New Jersey Turnpike Authority to move forward with this project. Mr. Vuich asked if the Garden State Parkway is okay with a temporary construction easement. Mr. Martell replied, I don't know. Mr. Martell spoke about moving the wall forward if the New Jersey Turnpike Authority does not allow them to build the wall as currently proposed. He said the most extreme scenario would be that the curb for the parking would be a concrete wall. Mr. Newman asked where they are putting the snow. Mr. Martell replied the same place where we were putting it before this design change. Some questions came up as to the applicant's current drainage plan. Mr. Martell commented that nothing was changed in the drainage plan. Mr. Princiotta spoke about the drainage discharge map dated April 28, 2015 and marked it as exhibit A2-16. Mr. Martell explained in detail to the Board and audience members exhibit A2-16. Mr. Princiotta stated that the rate of the water coming off the property will be decreased, but overall the volume will be increased. Mr. Martell responded by saying that is what is required and that is how a pipe is determined, by flow and rate. Mr. Princiotta questioned Mr. Martell about number four in the letter marked exhibit A2-15. He asked Mr. Martell to explain the glare. Mr. Martell explained. Mr. Princiotta asked about the specific wall heights. Mr. Martell responded with the following figures of the walls:

South = 0 Feet - 16 Feet

East = 15 Feet - 20 Feet

North = 0 Feet - 18 Feet

A modular block wall will be done on the south. They currently show modular block throughout, however they discussed that they may need to modify this style wall on the eastern property line. Chairwoman Hembree asked is there a fence on top of the southerly wall? Mr. Martell responded, yes it is six feet. Chairwoman Hembree asked if there was a fence on top of the 20 foot wall. Mr. Martell responded, yes, it's the same fence. Mr. Princiotta asked in the rear of the property, what is the height from the finished grade to the ridge line? Mr. Martell responded the grade goes from 45-60 feet from the eastern property line, it ranges from 28-25 feet from Overlook Rd. He said from average grade it would be 47.5 feet and from the finished grade it would be 33 feet. Mr. Princiotta said it doesn't look like the footprint of the building changed much and asked Mr. Martell to address that. Mr. Martell answered that the southern deck was removed and that was the only notable change. Mr. Princiotta asked what the size of the roof deck is. Mr. Martell replied that he is not the architect and he did not design the roof deck. The deck appears to be 35 x 82. Mr. Princiotta asked if the moving of the southerly wall impacted the plan, and if so how? Mr. Martell responded by saying yes, it impacted the plan. It provided protection for the pipe, it provided a protection to provide more landscape screening and the southern deck was eliminated.

Mr. Vuich reminded Mr. Martell of the traffic testimony and he wanted to be sure that there are some form of pedestrian crossings on both driveways and some form of sidewalks that allow access directly to the site. Mr. Martell commented that they will look into that.

**The meeting was opened to the public** to ask any questions of Mr. Martell, on a motion from Mrs. Denbeaux, seconded by Mr. Bongard, and carried by all.

**Cliff Levy, Woodcliff Lake** – Mr. Levy asked why is the rate of the drainage reduced, but the flow increases? Mr. Martell answered that Mr. Levy's statement is incorrect. There will be a stormwater detention system. Mr. Princiotto gave Mr. Levy an example as to how the detention system would work. Mr. Levy asked Mr. Martell what will happen with the parking if the wall is moved? Mr. Martell responded, nothing.

**Diane Audino, Woodcliff Lake** – Mrs. Audino asked because of such a late hour, can the public comment be moved to the next meeting. She was asked to proceed with her questions tonight. Mrs. Audino commented that there were many questions she had for the architect and was told he was going to come back. Mr. Urdang said that there was extensive testimony and he provided a chart. Several audience members commented that they had several questions for the architect that needed to be answered after he provided the calculations. Mr. Newman said it is unfair for you to have said that the architect would be back, and then he does not come back.

**Kelly Kosoff, Woodcliff Lake** – Mrs. Kosoff suggested that we project the exhibits onto a large screen. Mrs. Kosoff asked how much weight can the roof deck hold. Mr. Martell answered I don't know, but it will be designed to meet building codes. Mrs. Kosoff asked why was the Mikveh moved to the second floor and will it be a safe structure on the second floor. Mr. Martell answered that the Mikveh will be designed to meet building codes. Mrs. Kosoff asked how much dirt and or gravel will need to be brought on-site. Mr. Martell answered that it has not been calculated yet. Mrs. Kosoff asked if the town will be held responsible if the stormwater detention system did not work properly and flooding became an issue. She was told this is not a question for him. Mrs. Kosoff asked Mr. Martell if his client has ever shared with him why a Mikveh was needed. Mr. Martell answered, no.

**The meeting was closed** to the public to ask questions of Mr. Martell, on a motion from Mrs. Denbeaux, seconded by Mrs. Malley, and carried by all.

This application will continue at the next scheduled meeting on July 26, 2016 at 7:00 p.m. A special meeting was announced and will be held on August 16, 2016 at 7:00 p.m.

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

Respectfully Submitted,

  
Tonya Tardibuono

**PRICE,  
MEESE,  
SHULMAN &  
D'ARMINIO**

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KATHRYN J. RAZIN\*+

RICK A. STEINBERG\*o

DOROTHY A. KOWAL

JENNIFER M. KNARICH\*o

ERLINA PEREZ\*

TERENCE STEED\*

BRIAN J. YARZAB

JENNIFER M. BERARDO\*

\* Also admitted in NY

+ Also admitted in DC

o Also admitted in PA

o Also admitted in CT

• Also admitted NY Fed Cts.

# Also LEED AP

x Bergen County Prosecutor (ret.)

Additional Offices:

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NEWARK, NEW JERSEY 07102  
TELEPHONE (973) 799-8551  
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June 28, 2016

Our file 25293  
VIA EMAIL

Ms. Tonya Tardibuono  
Planning and Zoning Boards Secretary  
Borough of Woodcliff Lake  
188 Pascack Road  
Woodcliff Lake, New Jersey 07677

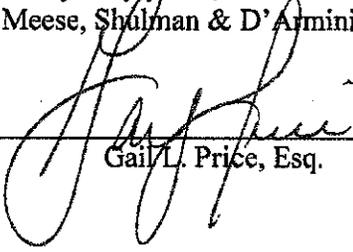
**RE: WCL Broadway Realty Associates, LLC  
62 Broadway  
Block 2708, Lot 1**

Dear Ms. Tardibuono:

As you know, we represent WCL Broadway Realty Associates, LLC, relative to the above matter. This letter shall serve as confirmation of conversations with Township professionals regarding the applicant's request to carry this application to the July 26, 2016 hearing. This will also confirm that an announcement will be made at tonight's June 28<sup>th</sup> meeting advising of the new date and that no further notice will be required. We would also request that any board members that need to be provide certifications for confirmation of reading of transcripts for the initial application, of which said hearings were held on June 2, 2015, June 30, 2015, and July 21, 2015, that said certification be provided to the Board in advance of the July 26, 2016 continued hearing date.

Thank you for your courtesies in this matter. Should you have any questions, please do not hesitate to contact us.

Very truly yours,  
Price, Meese, Shulman & D'Arminio, P.C.

By: 

Gail L. Price, Esq.

Cc: Mr. Gil Rivera (via email)  
Brad Barker, AIA (via email)  
John McDonough, PP (via email)  
Richard Eichenlaub, PE (via email)  
Sal Princiotto, Esq. (via email)  
Mr. Nick Saluzzi, Zoning Officer (via email)

LAW OFFICES OF  
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June 22, 2016

**S. Robert Princiato, Esq.**  
**Marcus & Levy**  
**80 Broadway**  
**Elmwood Park, NJ 07407**

**Re: Valley Chabad – Woodcliff Lake BA**

Dear Mr. Princiato:

This letter is in response to matters raised at the June 14, 2016 meeting of the board:

1. The Applicant submitted revised plans by mid-April, 2016 in order to eliminate or reduce the number of variances and waivers in response to concerns raised by the Board during the prior twelve hearings. Despite this effort it appears that the Board is on the verge of declaring this revision to be a "new application". There is no basis in the statute or in case law to consider a revision to a pending application as a new application. The new submission is simply a bona fide demonstration of the Applicant's desire to bring the application into closer conformity to ordinance requirements, even though total compliance cannot be achieved. No applicant could or should be penalized for that.
2. The Board has on several occasions criticized the "delay" in the Applicant's submission of the last revision. The reason for the hiatus between hearings was that it takes time to figure out what can be changed on the site and how those changes would impact the building and the essential programs of this House of Worship. It is not simply the drawing lines on paper.
3. The revised plans were filed with the board in mid-April. Both the Board and the public have had ample opportunity to review those plans. Neither the Board nor the public have been prejudiced by the hiatus in hearings.
4. Should the Board determine that this is a "new application", which the Applicant believes would be blatantly contrary to law, it would be the intent of the Applicant to

S. Robert Princiato, Esq.  
June 22, 2016  
Page 2

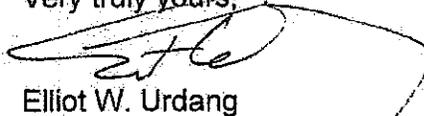
treat that determination as a denial of the application and would proceed immediately to Federal Court, the ramifications of which will be discussed below.

5. We have already had thirteen hearings on this application with no end in sight. We do not even know if the objectors intend to have expert testimony and, if so, by whom. When Mr. Diktas was representing the objector corporation, we had this information; now we do not. If the Board determines that this is not a new application, the Applicant will extend the Board's time for decision to no later than August 31, 2016. Should the Board fail to make a decision, the application would be deemed to be approved. Should the Board deny the application, the Applicant will proceed immediately to Federal Court and will rely upon the plans submitted in April, 2016.

6. At the last hearing our architect, Allen Weitzman, was questioned ad nauseam about the occupancy calculations for each space in the proposed building. Most, if not all, of that information was given months ago on Mr. Diktas's cross-examination of Mr. Weitzman. The only thing that has changed is that the total space within the building has become smaller. The thing that has not changed is that the occupancy calculations are irrelevant since the spaces are not occupied at the same time and, in any event, are within the jurisdiction of the Construction Code Official and relevant sub-code officials after the construction of the building. Permitted occupancy is not within the jurisdiction of the board. Accordingly, we will submit the figures that Mr. Weitzman has prepared but we will not produce him again.

7. We want to be very clear about our intentions and the ramifications for the Borough. In the event the Applicant is obliged to seek relief in Federal Court it will do so under the provisions of RLUIPA and under the Civil Rights Act. Both statutes provide for attorneys' fees, costs and punitive damages. We hope that this will not be necessary.

Very truly yours,

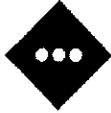


Elliot W. Urdang

VIA EMAIL ONLY

EWU/hs

CC. WCL Board of Adjustment (via email only)  
Valley Chabad (via email only)



**STONEFIELD**  
engineering & design

June 14, 2016

Stephen M. Buente, P.E.  
Supervising Engineer, Planning/Environmental  
New Jersey Turnpike Authority  
581 Main Street  
Woodbridge Township, NJ 07095

Tonya Tardibuono, Board Secretary  
Borough of Woodcliff Lake  
188 Pascack Road  
Woodcliff Lake, NJ 07677

**RE: Site Plan Review  
Proposed Valley Chabad  
Block 908, Lot I  
100 Overlook Road  
Borough of Woodcliff Lake, Bergen County, New Jersey**

The purpose of this letter is to summarize discussions between our office and the New Jersey Turnpike Authority to memorialize discussion points and provide documentation to the Borough Zoning Board for the purpose of a complete record associated with the ongoing Site Plan application on the above referenced property. It is the Applicant's intent to address and satisfy the New Jersey Turnpike Authority's review comments, it has been acknowledged to the Board during the course of multiple public hearings that the Applicant understands that any approval by the Board would be conditioned on satisfying all applicable jurisdictional agencies, including the New Jersey Turnpike Authority. The following review comments have been discussed with the Authority:

1. Provide adequate clearance (10 feet recommended) between the retaining wall and the property line to allow for the construction and maintenance of the wall.
2. Provide structural calculations and specification for the retaining wall.
3. Drainage and Soil Erosion Measures will need to be reviewed and approved by the Authority.
4. The Authority will also review for appearance/aesthetics of the wall, tree removal near the edge of the right of way for the Garden State Parkway, and confirmation that glare will not impact the Garden State Parkway,

Best regards,

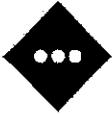
Jeffrey Martell, P.E., PP, CME, LEED AP  
**Stonefield Engineering and Design, LLC**

*via USPS Delivery to Stephen Buente  
via FedEx Delivery to Tonya Tardibuono*

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**stonefieldeng.com**

75 Orient Way, Suite 303, Rutherford, NJ 07070 201.340.4468 t. 201.340.4472 f.



**STONEFIELD**  
engineering & design

June 20, 2016

Tonya Tardibuono, Board Secretary  
Zoning Board of Adjustment  
Borough of Woodcliff Lake  
188 Pascack Road  
Woodcliff Lake, New Jersey 07677

**RE: Site Plan Review  
Proposed Valley Chabad  
Block 908, Lot 1  
100 Overlook Road  
Borough of Woodcliff Lake, Bergen County, New Jersey**

Dear Ms. Tardibuono:

Please find enclosed twenty-three (23) copies of our letter to the New Jersey Turnpike Authority regarding the above referenced project. Please distribute the letter accordingly to the members of the Zoning Board and other appropriate parties. Should you have any questions, please do not hesitate to contact us.

Best regards,

Jeffrey Martell, P.E., PP, CME, LEED AP  
**Stonefield Engineering and Design, LLC**

Sent via FedEx Delivery

cc: Elliot Urdang, Esq. – The Law Offices of Elliot W. Urdang (Via USPS)

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