

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
JULY 28, 2015
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 27, 2015, 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:

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| Christina Hembree, Chairwoman | Present |
| Marcia Denbeaux | Present |
| Gary Newman | Present |
| Robin Efron-Malley | Present |
| Brian Boffa | Absent |
| Justin Cohen | Present |
| Dana Cassell | Recused |
| Victor Bongard | Present |
| Jay Ferreira | Present |
| S. Robert Princiotta, Esq. | Present |
| Joseph Vuich | Present |
| Daniel Bloch, Maser Consult. Planner | Present |
| John Pavlovich, Traffic | Not Requested |
| Kathy Rizza, Secretary | Present |
| Tonya Tardibuono, Secretary | Present |

Minutes:

The minutes of February 24, 2015 were approved as amended on a motion from Mrs. Efron-Malley, seconded by Mrs. Denbeaux, and carried by all.

The minutes of April 28, 2015 were approved as amended on a motion from Mrs. Denbeaux, seconded by Mrs. Efron-Malley, and carried by all.

The minutes of May 26, 2015 were approved as amended on a motion from Mrs. Effron-Malley, seconded by Mrs. Denbeaux, and carried by all.

Old Business:

**Valley Chabad
100 Overlook Drive
Block 908 / Lot 1
Change of Use / Site Plan Application with Variances**

A discussion was held regarding the scheduling of future meetings and adding special meetings.

Mr. Elliot Urdang was present as the Attorney for the applicant. The applicant's Planner, Joseph Burgis of Burgis Associates, Inc in Westwood, New Jersey is returning for cross examination. Mr. Princiotto asked Mr. Burgis if he was aware this is a conditional use application and this Board has nine conditions with this particular type use; Mr. Burgis replied yes. Mr. Princiotto asked which condition can cause a substantial burden. Mr. Burgis replied all of them. We can start with the minimum lot size requirement. The minimum lot size requirement is three acres, we have 1.27 acres – although in town three of the six houses of worship in the municipality are on less than three acres. Mr. Princiotto asked at what size they function at, Mr. Burgis replied Kingdom Hall Jehovah Witness's site is 1.4 acres, the Christian Church at 171 Pascack Road is 2.1 acres, the subject site is 1.4 acres, Temple Emanuel is 15.3 acres, Christ Lutheran Church is 4.0 acres and Our Lady Mother of the Church is 4.6 acres. Mr. Burgis did not determine what size structures are on the properties. Mr. Burgis believes the standards of this municipality don't really represent a specific criteria to judge a house of worship. Mr. Princiotto asked if they made any type of inquiries as to other property available in the Borough of Woodcliff Lake that would better fit this application. Mr. Burgis replied he hasn't personally, but he knows his client did. He mentioned that his client had looked into Galaxy Gardens, but the Borough was looking to purchase that property. Mr. Princiotto asked if there are any other conditions in the conditional use ordinance that proposed a substantial burden on the applicant. Mr. Burgis replied that because of the site being less than the minimum requirement of three acres, the yard dimensions and coverage factors all come into play. Mr. Princiotto then asked about the height of the building and why it has to be so high. Mr. Burgis commented that the ordinance permitted 35 feet, and the applicant is now at 44 foot height - but when you look at the topographic differential which slopes dramatically down from the street, one will not see the excess building height. Mr. Princiotto asked if it would be a substantial burden to the applicant to limit the height to two-and-a-half stories. Mr. Burgis said being compliant to code would affect the applicant's requirements to provide all the components and elements for the house of worship all on one site. Mr. Princiotto asked what Mr. Burgis did as a planner to bring this application in better compliance with the ordinances. Mr. Burgis replied that they had design team meetings and through that process there had been some modifications to the plan. Mr. Princiotto asked about the impact to the area to the property to the south. Mr. Burgis replied that with every variance request, there is some adverse impact. Mr. Princiotto asked if Mr.

Burgis believed the parking to be a negative criteria. Mr. Burgis replied yes, but that there should be sufficient parking to accommodate need. He also spoke about a discussion that had been had regarding the high holidays and working together with Temple Emanuel to coordinate the use of a traffic control officer. Mr. Princiotto spoke about the 30-foot buffer between non-residential use and residential use.

A discussion was had about previous properties the Chabad was in contract with.

Mr. Newman asked how many square feet they use for office space in Montvale, New Jersey. Mr. Burgis was unsure. Mr. Newman asked where is their Hebrew School and how many students do they have. Mr. Burgis replied they utilize Park Ridge High School and he believes there to be about 75 students. Mr. Newman asked about the number of children that attend nursery school. Mr. Burgis replied somewhere between 20 and 40. Mr. Newman asked how many people attend regular services. Mr. Burgis replied 15-20 on Fridays and 30-35 on Saturdays, but sometimes as many as 50. Mr. Newman asked is the purpose of this facility to accommodate social events at the temple. Mr. Burgis said this is not being built for a catering hall, but the facility will be able to house social events. He said the facility is being built for services, school, offices and occasional social events – you build for the everyday, not the high holidays. Mr. Newman had various questions and concerns about the number of people in attendance daily, for special events and for high holidays that were discussed in great detail with Mr. Burgis. Mr. Newman also spoke about the parking on Overlook Drive.

Mr. Ferreira asked if there was any place on site that permits snow storage. Mr. Burgis said there is no place on the property that would allow for snow storage. Mr. Ferreira pointed out that it is illegal to remove snow from the site because then it becomes hazardous waste. Mr. Burgis said we will pile the snow like they do in parking lots. Mr. Ferreira reminded him that he will lose a significant amount of parking spaces.

The meeting was open to the public to ask any questions of Mr. Burgis, on a motion from Mr. Ferreira, seconded by Mrs. Denbeaux, and carried by all.

Joe LaPaglia, Woodcliff Lake – Mr. LaPaglia spoke about how he is a longtime resident of Woodcliff Lake and was on the Woodcliff Lake Planning Board for 16 years, Council for 4 years and the Mayor for 8 years. He pointed out that Mr. Burgis was the Borough Planner for the 8 years he was Mayor. Mr. LaPaglia spoke about how while Mr. Burgis was the Borough Planner he twice reviewed the master plan. You never challenged the three-acres as being excessive. Did you ever recommend to the Borough that they change the minimum three-acre requirement for religious institutions? Mr. Burgis replied that he was not the individual that worked with the Borough, one of his colleagues was. Mr. LaPaglia asked if Mr. Burgis's firm ever recommended that we adopt a steep slope ordinance. Mr. Burgis said he is not certain, but he believes they did. Mr. LaPaglia said we did. Mr. Burgis said while all planners make recommendations for standards, we also recognize that in particular situations the state legislator has made the determination that relief from those standards may be appropriate, and they set forth the criteria for variance relief. Mr. LaPaglia asked if Mr. Burgis's firm also recommended to the Borough that we limit the height to 3 feet, step back then an additional 3 feet on retaining walls. Mr. LaPaglia said it is his understanding that this proposal here has a 25-foot retaining wall. Mr. Burgis said it varies in

height, but it is 20.25 feet at its maximum height. Mr. LaPaglia asked if Mr. Burgis ever recommended that we increase the number of stories or increase the height limitations. Mr. Burgis replied that he doesn't believe they did. Mr. LaPaglia asked Mr. Burgis if he believes, in his personal professional opinion, if these are de minimis variances or exceptional variances that they are seeking. Mr. Burgis replied as I previously stated some are de minimis and some are not.

Gordon Liu, Woodcliff Lake – If you were in compliance with the ordinance what size would the building be. Mr. Burgis replied close to half of what it is now. Mr. Princiotto asked how many square feet it is now and Mr. Burgis replied there is 29,900 square foot of interior floor area and then there is roughly 5,700 square foot of walkway and tech area. The building is 21,000. Mr. Liu said why can't you just comply with the site specifications, wouldn't it be safer to build what's currently allowed. Mr. Burgis replied it is a safe design.

Nicholas DeRobertis, Woodcliff Lake – Mr. DeRobertis said this was his first meeting he attended and he wanted to know what Mr. Burgis's qualifications are. Mr. Newman replied this man is highly qualified – he stated his qualifications and was accepted by this Board at a previous meeting. Mr. DeRobertis asked why Mr. Burgis could not answer any specific questions regarding the three religious properties that are not up to code. Mr. Burgis replied that he didn't have information on those buildings, as he doesn't believe the information is relevant to this application, because the statute doesn't require comparison. Mr. DeRobertis asked if the applicant was actively looking at larger properties within the town, and in surrounding towns. Mr. Burgis said that is not correct. Mr. DeRobertis asked if the applicant ever contacted Temple Emanuel and asked them to donate three of their acres. Mr. Burgis said he never discussed that with his client.

Mrs. DeScherer, Woodcliff Lake – Mrs. DeScherer asked what considerations were made towards the impacts of noise? Mr. Burgis stated that there was previous testimony from the engineers and architects on that issue and the decibel ratings met the state standards. Mrs. DeScherer ask if there would be summer camps; Mr. Urdang replied it would be on-site and indoors all summer.

At this time a break was taken from 9:37 pm until 9:45 pm.

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

Mr. Urdang asked Mr. Burgis if all of the functions that he previously mentioned are typical functions of a house of worship; Mr. Burgis replied yes. Mr. Urdang asked if most of these a functions happen at different times; Mr. Burgis replied yes. Mr. Burgis stated that they do not design for the 100th percentile or the worst case scenario, the planning manual suggests they design for the 85th or 95th percentile.

Mr. Urdang asked Mr. Burgis to explain the various criteria that can be applied to a land use application. Mr. Burgis explained the criteria that has to be satisfied to justify a variance.

Mr. Diktas the Attorney for the Woodcliff Lake opposing residents asked Mr. Burgis if the size of the house of worship is reduced to comply with the ordinance, do the functions still occur. Mr. Burgis answered he does not believe they would

Mr. Diktas asked Mr. Burgis to go through the list to see what functions could still remain. Mr. Burgis said he couldn't do that without doing a complete layout to see what functions could still continue, and what functions they would no longer have room for anymore. Mr. Diktas and Mr. Burgis then had a discussion about the parking.

Mr. Diktas introduced Exhibit number 07, a walkway West Northbound, the site of Overlook Drive and Heather Hill Lane approximately 100 yards from the application site. Mr. Diktas asked Mr. Burgis to look at the picture and tell him what the width of the shoulder is. Mr. Burgis replied it's hard to tell from this picture, but it looks to be approximately 11 inches to 22 inches.

Mr. Newman questioned Mr. Burgis about the comment he made earlier regarding they design for the 85th or 95th percentile.

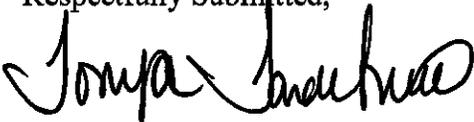
Mr. Princiotto also questioned Mr. Burgis about the comment he made earlier regarding they design for the 85th or 95th percentile. Mr. Princiotto asked what Mr. Burgis used to determine the parking for this use. Mr. Burgis replied that the traffic consultant used the Institute of Transportation Engineer standpoint.

Mrs. Denbeaux said to Mr. Burgis that he referred to Woodcliff Lake not having changed the parking ratios from the early seventies. Aren't there more cars on the road per family then there were in the early seventies? Mr. Burgis replied that some ratios increase and some decrease. When you read the material you see a dramatic reduction in the number of families going to church on a regular basis. thereby suggesting that it may be appropriate to reduce the parking ratios as the applicant's traffic consultant suggested.

A discussion was had by the Board professionals about what will be discussed on this application at the next meeting.

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

Respectfully Submitted,



Tonya Tardibuono