

**BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT  
MAY 29, 2013  
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 Chairwoman announced this meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, at the Reorganization Meeting of January 22, 2013, 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 |                 |
| John Spirig                   | Absent  |                 |
| Robin Effron-Malley           | Present |                 |
| Brian Boffa                   | Absent  |                 |
| Wilson Castrillon             | Present |                 |
| Dana Cassell                  | Absent  |                 |
| Jay Ferreira                  | Present |                 |
| S. Robert Princiotto, Esq.    | Present |                 |
| Darlene Green, Planner        | Absent  | (not requested) |
| John Pavlovich, Traffic       | Absent  | (not requested) |
| Brian Intindola (Neglia Eng)  | Absent  | (not requested) |
| Kathy Rizza, Secretary        | Present |                 |

**Minutes:**

The minutes from April 23, 2013 were approved as amended, on a motion from Mr. Denbeaux, seconded by Ms. Effron-Malley, and carried by all.

**Resolutions:**

**Feinstein**

**60 Blueberry – pool and patio**

**Block 1205, Lot 5**

**Variance needed for maximum coverage**

A motion to approve the resolution was made by Ms. Malley, seconded by Mr. Ferreira and carried by roll call vote as follows:

|                    |     |
|--------------------|-----|
| Mrs. Denbeaux      | Yes |
| Mr. Castrillon     | Yes |
| Mr. Ferreira       | Yes |
| Mrs. Malley        | Yes |
| Chairwoman Hembree | Yes |

The resolution will be published and distributed as required.

**Rose**

**12 Berkshire – addition and renovations**

**Block 1503, Lot 6**

**Variations needed for building coverage and front yard**

A motion to approve the resolution, as amended, was made by Mr. Ferreira, seconded by Ms. Malley and carried by roll call vote as follows:

|                    |     |
|--------------------|-----|
| Mrs. Denbeaux      | Yes |
| Mr. Castrillon     | Yes |
| Mrs. Malley        | Yes |
| Mr. Ferreira       | Yes |
| Chairwoman Hembree | Yes |

The resolution will be published and distributed as required.

**New Business:**

**Alan and Jane Levy**

**25 Old Farms Road**

**Block 1002, Lot 3**

**Pool**

Mr. Antimo DelVecchio was present as the Attorney for the applicant. Notice to the neighbors and proof of publication was submitted, along with proof of taxes being paid. All was found to be satisfactory. The application is for a pool, spa and concrete deck. Mr. DelVecchio stated that this residence is in the R-30 zone. The residence is already

over on maximum impervious coverage – 30% is the maximum and they are at 33.3% and with the installation of the pool, spa and concrete deck they will be at 38.7%.

The Project Engineer is Massimo Piazza of Piazza Engineering of Fairlawn, New Jersey. Mr. Piazza was sworn in by Attorney Princiotta. Mr. Piazza is a professional Civil Engineer with a Masters Degree from NJIT. He has a Bachelors Degree of Science in Land Surveying also from NJIT. Mr. Piazza is a professional Land Surveyor and since 1996 he has owned and operated his own firm. Additionally, Mr. Piazza has appeared before many boards in the area. Mr. Piazza was accepted by the Board as an expert witness.

Exhibits A-2 and A-3: 2 sheets of site plan dated 4-11-13. A sealed copy was taken for the file. Mr. Piazza explained the surrounding properties. There is a 20' drainage easement between the applicant's lot and lot 4. The applicant's lot is irregular in shape. Other than surface coverage all other setback requirements are below the maximum. Side and rear setbacks for the pool have been met. The pool will be 20' x 45" which Mr. DelVecchio feels is an average size for a property this size. The drainage plan, dated 4-11-13 was referred to. Mr. DelVecchio stated that the surface of the pool is counted in the impervious coverage calculation. It was noted by Mr. Piazza that 1-2" of rain water will stay in the pool. All drainage improvements will be addressed by the proposed drainage system. The pool will be concrete and a bluestone patio will be installed. Mrs. Denbeaux was concerned that the slope of the property seems steep. Mr. Piazza stated that the applicant is meeting the elevation of the existing plan and he further explained the tapering of all areas. They will be adding approximately 1/2' of soil to the property. Mr. Ferreira asked if the neighbor on Lot 12 has made any comment. At this time Attorney Princiotta mentioned that two letters from neighbors have been received in support of the project; one from Mr. and Mrs. Traub and one from Mr. and Mrs. Zablo. Neither of these letters were from the resident on Lot 12. Mr. DelVecchio stated that the back of Lot 12 is all wooded. Mr. Ferreira stated that he feels the drainage plan is fine. Existing seepage pits were referred to. Attorney Princiotta asked how construction vehicles will gain access to the rear of the property. He was told through the left side of the property.

The next witness was Bradley Meumann, the Architect. Mr. Meumann was sworn in by Attorney Princiotta. Mr. Meumann is a licensed Architect with Meumann Associates of Morristown. He has appeared before this Board in the past. Mr. Meumann has a Bachelor's Degree in Landscape Architecture from Rutgers in the year 1983. He has been professionally independent since 1996. Mr. Meumann does residential and high end design work. Mr. Meumann was accepted as an expert witness by the Zoning Board of Adjustment. His involvement with this project began when the homeowner contacted him. A poster photo board – Exhibit A-4, dated 5-28-13, was shown. These photos, taken by Mr. Meumann, fairly and accurately portray the site. Mr. Meumann feels that the design is elegantly simple and not overdone. Exhibit A-4 shows the photos in a panoramic view. The photos are of the rear yard where additional evergreen trees will be planted. Buffers will also be planted to shield the pool equipment. The pool location was shown on Exhibit A-5. A landscape plan dated 5-16-13 by Mr. Meumann, consisting of

one (1) uncolored page was submitted. An enlarged color landscaping plan was also submitted and marked as Exhibit A-7. This plan shows three (3) new spruce trees on the left. On the right side of Exhibit A-7 a tree may have to be removed in the future. Attorney DelVecchio asked Mr. Meumann if the neighbors will be able to see the pool from the street. Mr. Meumann responded no. Pictures from Exhibit A-4 were shown to prove that the neighbors will not be able to see the pool. Mr. Meumann stated that the rear of the applicant's property is already shielded by woods.

Brigette Bogart, the applicant's Planner was next to be sworn in by Attorney Princiotta. Ms. Bogart has a Bachelors Degree in Environmental Design and Architecture from North Carolina University. Ms. Bogart is a licensed Planner in the State of New Jersey and a certified member of the Certified Planners Organization. Up until last year Ms. Bogart worked for Burgis Associates in Westwood. She currently works for Emerson, Park Ridge and River Edge and has worked and testified in many other towns. Ms. Bogart was accepted by the Zoning Board members as an expert witness. Ms. Bogart stated that she has reviewed the site, the Master Plan and the zoning requirements. She feels that there are unique features to this site, such as; the woods in the rear which creates a natural buffer, the 20' easement – also a natural buffer, and the two (2) driveways of almost 4000 sq. ft. The driveways take up almost 50% of the amount of coverage permitted. The applicant's Planner submitted one (1) sheet and explained all to the Board. This was marked as Exhibit A-8. The exhibit shows the tax map of the area, an overlay of the site plan and pictures of the buffers. C1 and C2 variance criteria was discussed along with Municipal Land Use Law requirements. Ms. Bogart stated that there is no detriment to the neighbors and no detriment to the Master Plan, and that the benefits outweigh the negatives. Attorney DelVecchio confirmed with Ms. Bogart that there is no negative impact. Ms. Bogart responded that is what she believes to be true.

**Board Discussion** – Mrs. Denbeaux commented on how many homes in the area have swimming pools. Attorney Princiotta asked if there are any drainage problems in the area. He was told no. Mr. Princiotta reminded all that the drainage plan must be approved by the Borough Engineer. Ms. Malley asked about the location of the equipment shed. It was shown incorrectly on the plan. It will be located on the left side of the rear property with additional screening.

**Closing remarks by Mr. DelVecchio** - The application is for an in-ground pool which is normal and customary, even though it triggers an impervious lot coverage variance caused also by the pool surface itself. Necessary proof has been submitted by the Professionals.

**Additional Board comments** - Mr. Bongard stated that the pool fits nicely with little destruction to the property. Mr. Castrillon is in favor of the application. Mr. Ferreira stated that he is satisfied with the drainage issues. Ms. Malley sees no negative impact. Mrs. Denbeaux has no problem with the application.

**A motion was made to approve** the application for a variance of 8.7% in impervious coverage where 30% is allowed and 38.7% is proposed for a pool, spa, deck and pool

equipment. The drainage plan will be subject to Borough Engineer approval and Construction Code Official approval. The motion was seconded by Mr. Castrillon and carried by roll call vote as follows:

|                    |     |
|--------------------|-----|
| Ms. Malley         | Yes |
| Mr. Bongard        | Yes |
| Mrs. Denbeaux      | Yes |
| Mr. Castrillon     | Yes |
| Mr. Ferreira       | Yes |
| Chairwoman Hembree | Yes |

The resolution will be heard at the next meeting of the Board.

---

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

Respectfully Submitted,

Kathleen S. Rizza, Secretary