

**BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT  
AUGUST 27, 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 Vice Chairman 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	Absent
Marcia Denbeaux	Absent
John Spirig	Present
Robin Effron-Malley	Present (8:50 pm)
Brian Boffa	Absent
Wilson Castrillon	Present
Dana Cassell	Absent
Victor Bongard	Present
Jay Ferreira	Present
S. Robert Princiotta, Esq.	Present
Darlene Green, Planner	Absent (not requested)
John Pavlovich, Traffic	Absent (not requested)
Brian Intindola (Neglia Eng)	Present
Kathy Rizza, Secretary	Present

**Minutes:**

The minutes from July 23, 2013 were approved as amended, on a motion from Mr. Ferreira, seconded by Mr. Castrillon, and carried by all.

## **Correspondence:**

Correspondence dated 8-16-13 from Price, Meese, Shulman and D'Armini to Nick Saluzzi had been received regarding the Nassau pool permit that has been issued. A notice of appeal for the pool permit has been filed and delivered to Mr. Saluzzi. Board Attorney Princiotto tried to contact the Attorney for the applicant without success. He stated that as of today the application still stands before the Zoning Board although there is talk of withdrawal.

Kathleen Reisan of Price, Meese, Shulman and D'Arminio, the firm that is representing the neighbors of the Nassau's and the Temple, spoke regarding this issue. Ms. Reisan spoke regarding zoning issues relating to coverage and the concerns regarding drainage and boundary lines. She has serious concerns and stated that the construction of the pool is progressing quickly. Ms. Reisan stated that she would like to be heard at the September meeting of the Zoning Board even if the Nassau application is withdrawn. Attorney Princiotto stated that the Zoning Board may not have the jurisdiction to hear the appeal, it may be the Construction Board of Appeals. The Zoning Board will decide at a later date if they are willing to hear from Ms. Reisan's firm on this matter.

## **Old Business:**

### **Donald Perez**

**4 Benjamin Court**

**Block 705, Lot 5**

**Maximum total coverage variance – pool, etc.**

This application was continued from last month. Mr. Perez was still under oath. New drawings reflecting new calculations were distributed. The new sealed plans by Gdanski Consultants, Inc. revised 7-28-13 were marked as Exhibit A-2. The photo of the home that was submitted was marked as Exhibit A-3. There were six (6) additional photos of the property on one page that were marked as Exhibit A-4. A draft of the landscape plan was marked as Exhibit A-5. Mr. Ferreira asked about the kinds of plants that that will be used in the landscaping plan. Mr. Perez stated that he wants twenty-nine 6-7' evergreens but there is nothing available at this time. He has to wait until mid-September. It was stated by the Board Attorney that this application is for total coverage, not retaining wall height. All changes were explained by Mr. Perez and Mr. Michael Leone from Prestige Pool and Patio. Mr. Leone was sworn in at this meeting. Mr. Leone and his firm are constructing the pool. He explained that there are now two (2) tiered walls proposed instead of one (1) higher wall. The pool location was moved to be parallel with the back property. There were some topographical changes. It was stated that the construction of the pool is progressing. The drainage system has been upgraded. Retaining wall dimensions and grade changes were discussed in detail. There will be two (2) 3' walls at 4.5' on the front side and 3' on the backside. This will be checked – Mr. Leone thinks that the back wall should be lower. Mr. Brian Intindola from Neglia Engineering had some questions on the drainage system. He was disappointed that the applicant's

Engineer was not present to go over certain details. Mr. Intindola stated that a PERC test should be done at the site and that the Engineer for the applicant needs to justify all that is proposed. Mr. Castrillon asked if there will be pavers around the pool. He was told yes and that they are ready for that step now. A discussion was held regarding the size of the storm retention system. Mr. Intindola expressed concern over the size of the system. Mr. Ferreira questioned the drainage on the left side of the property. He was told that there will be a soil blanket there. Mr. Ferreira stated that he would be satisfied if the Applicant's Engineer and the Borough Engineer talked and came to an agreement. Mr. Intindola agreed as long as a PERC test was done with the results reported. Attorney Princiotto stated that if action is taken at this meeting the resolution will be conditional on a PERC test and a conversation between the Engineers regarding drainage, retaining walls, and the receipt of a letter from the applicant's Engineer memorializing his answers to questions from the Borough Engineer and details on the retaining walls. Mr. Ferreira made a motion to approve the application with these conditions, which was seconded by Mr. Castrillon and carried by roll call vote as follows:

Mr. Spirig	Yes
Mr. Castrillon	Yes
Mr. Ferreira	Yes
Vice Chairman Bongard	Yes

The resolution will be read at the next meeting.

#### **New Business:**

**Mary Lee Harrison**  
**56 Heather Hill Lane**  
**Block 901, Lot 3**  
**Front Porch addition – front yard variance**

Mrs. Harrison was sworn in by the Board Attorney. Mrs. Harrison is here for a front yard variance where the setback is 50'. She is proposing 45.02' for a 4.98" variance requested. Mrs. Harrison described her home as a two-story sugar maple split with approximately 1' of an overhand in the front. The following were marked as exhibits:

Exhibit A -1 A picture of the home with a red door  
Exhibit A – 2 A picture of a colonial home next door  
Exhibit A – 3 A picture of a ranch home on the other side.  
Exhibit A – 4 Survey  
Exhibit A – 5 AP 1 plan  
Exhibit A – 6 AP 2 plan

The porch requested is 15' x 4.5'.

Time being 8:50 p.m. – Ms. Malley arrived at the meeting.

Board Attorney Princiotto asked Mrs. Harrison if she knew when the setback was changed from 45' to 50'. Mrs. Harrison did not know the answer to that question.

Not seeing any issues a motion to approve the variance was made by Mr. Ferreira, seconded by Ms. Malley and carried by roll call vote as follows:

Mr. Spirig	Yes
Mr. Castrillon	Yes
Ms. Malley	Yes
Mr. Ferreira	Yes
Vice Chairman Bongard	Yes

The resolution will be read at the next meeting.

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

Respectfully Submitted,

Kathleen S. Rizza, Secretary