

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
JANUARY 22, 2013
7:30 P.M.
MINUTES**

Call to Order:

The meeting was called to order at 7:40 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 24, 2012, 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	
Victor Bongard, Vice Chairman	Present	
Lynda Heinemann	Present	
John Spirig	Present	
Robin Efron-Malley	Present 8:05 pm	
Brian Boffa	Absent	
Wilson Castrillon	Present 7:45 pm	
Bertram Siegel	Absent	
Jay Ferreira	Present	
Sal Princiotto, Esq.	Present	
D. Holmqvist, Planner	Absent	(not requested)
J. Pavlovich, Traffic	Absent	(not requested)
Elliot Sachs, Engineer (Boswell)	Absent	(not requested)
Kathy Rizza, Secretary	Present	

Minutes:

The minutes from May 22, 2012 were approved on a motion from Mr. Spirig, seconded by Mr. Bongard, and carried by all.

2013 REORGANIZATION

Chairwoman Hembree presented Mrs. Heinemann with a card from the Board and thanked her for her seven years of service on the Zoning Board of Adjustment. All members expressed their appreciation and best wishes.

The following new and current expiring members were sworn in by Attorney Princiotto:

Marcia Denbeaux
Dana Cassell
Christina Hembree

Oath of Office forms were filled out and will be forwarded to the Clerk.

A motion to appoint **S. Robert Princiotto, Esq.** as the **Attorney** for the Zoning Board of Adjustment for the year 2013 was made by Mr. Ferreira, seconded by Mr. Wilson and carried. There were no other nominations.

A motion to appoint **Michael Neglia** of **Neglia Engineering** as the **Engineer** for the Zoning Board of Adjustment for the year 2013 was made by Mrs. Denbeaux, seconded by Mr. Bongard and carried. There were no other nominations.

A motion to appoint **Darlene Green** of **Maser Consulting** as the **Planner** for the Zoning Board of Adjustment for the year 2013 was made by Mr. Ferreira, seconded by Mr. Spirig and carried. There were no other nominations. Ms. Green thanked the Board for the appointment.

A motion to appoint **John Pavlovich** of **Jacobs Engineering** as the **Traffic Consultant** for the Zoning Board of Adjustment for the year 2013 was made by Mr. Spirig, seconded by Mrs. Denbeaux, and carried by all. There were no other nominations.

A motion to appoint **Kathy Rizza** as **Secretary** of the Zoning Board of Adjustment for the year 2013 was made by Mr. Spirig, seconded by Mrs. Denbeaux, and carried. There were no other nominations.

A motion to approve the **2013 Schedule of Meetings** for the Zoning Board of Adjustment was made by Mr. Spirig, seconded by Mrs. Denbeaux, and carried.

A motion to appoint **Christina Hembree** as **Chairwoman** of the 2013 Zoning Board of Adjustment was made by Mr. Bongard, seconded by Mr. Spirig, and carried. There were no other nominations.

A motion to appoint **Victor Bongard** as **Vice Chairman** of the 2013 Zoning Board of Adjustment was made by Mrs. Denbeaux, seconded by Mr. Spirig, and carried.

2013 ROLL CALL

Christine Hembree, Chairwoman	Present
Victor Bongard, Vice Chairman	Present
Marcia Denbeaux	Present
John Spirig	Present
Robin Effron-Malley	Present 8:05 pm
Brian Boffa	Absent
Wilson Castrillon	Present 7:45 pm
Dana Cassell	Present
Jay Ferreira	Present
Sal Princiotta, Esq.	Present
D. Green - Maser, Planner	Present
J. Pavlovich, Traffic	Absent (not requested)
Michael Neglia, Engineer (Neglia)	Absent (not requested)
Kathy Rizza, Secretary	Present

New Business:

Knapp

68 West Hill Road

Addition

Variances – Minimum both side yards 19.7'

Driveway from property line 2'

Deborah Knapp of 44 West Hill Road was sworn in by Attorney Princiotta. Ms. Knapp explained how her house at 68 West Hill burnt down approximately one year ago. Also sworn in was her husband, Olav Barstad, also of 44 West Hill Road. The following were marked as exhibits:

- A-0 Architectural plans by Lynne M. Brady dated 11-26-12 – 4 pages
- A-1
- A-2
- A-3
- A-4 fifteen (15) pictures of the neighborhood and the home at 68 West Hill Road
- A-5 Survey prepared by James E. Drum, dated 8-16-12
- A-6 Area map prepared by James E. Drum, dated 12-04-12

The Board Secretary stated that all notification to the neighbors and the newspaper is in proper order, and that the application is complete. The applicant has been working with the insurance company for the past year and is now ready to rebuild the house. The foundation is still good but all above that needs to be redone. Ms. Knapp stated how the original front access was not very accessible from the street so she would like to change that. The plan calls for changing two presently existing front bedrooms into an entryway.

The applicant would like to put a garage at the end of the existing asphalt driveway, but a variance is needed for both side yards and for distance from the property line. Ms. Knapp explained how much she likes the wooded area around her home and how she would like it to stay that way. Pictures that were marked as exhibits were discussed. Dimensions from the proposed garage were reviewed with all board members. It was determined that house #50 is the closest house to 68 West Hill Road. Ms. Knapp stated that she is also the owner of 44 West Hill Road where she has been living since the fire at 68 West Hill Road. Mr. Ferreira had asked for clarification of ownership of the surrounding lots. Mr. Spirig asked if there is presently construction going on at 68 West Hill Road. Mr. Barstad stated that there is no work going on at 68 West Hill Road, but he does have outstanding permits for 44 West Hill Road. Mr. Spirig asked if this new construction at 68 West Hill will change the drainage flow in any way. Mr. Barstad explained how the drainage flows in both the front and the rear of the property. Mr. Ferreira stressed the fact that all codes would have to be complied with through the Building Department. Mr. Ferreira asked if the asphalt in the rear is to be removed. Mr. Barstad stated that yes some will be removed. This will result in less impervious coverage. Mr. Castrillon asked how an emergency vehicle would get to the back of the house. Mr. Barstad stated that there is no way now for this and will not be a way in the future. Mr. Ferreira spoke regarding a drainage problem at this residence about 15 years ago that he was familiar with. Retaining walls and the turn around in the driveway were discussed. Mr. Ferreira asked if there is a current topographical map. He was told no. There will be new retaining walls at this site. The applicant was told that anything over 3' will need Borough Engineer approval. Mr. Spirig asked if there are any oil tanks on the property. The owner is not aware of any. Mrs. Denbeaux questioned the retaining walls and set backs in regard to the Borough ordinances. Attorney Princiotta stated that there is not enough information presented for the Board to make a decision on the retaining walls. This would have to be addressed later with the issue of a turn around in the driveway. Ms. Malley asked why the driveway location is on the downhill side of the property and not the uphill side. Ms. Knapp stated that there are a lot of trees on the uphill side. With the present plan only one tree needs to be removed and that tree is not in the best of health. Mr. Spirig asked if the uprooted tree that he has observed is on the applicant's property. He was told no, that tree is on 76 West Hill Road.

The **meeting was opened to the public** on a motion from Mr. Spirig, seconded by Ms. Effron-Malley, and carried.

Mr. Richard Purcell of 9 Lyons Court – Mr. Purcell has lived in Woodcliff Lake for 42 years. He stated that he has a few questions and concerns regarding this application. His property is located beneath the applicant's property. Mr. Purcell thought it would be easier for the Board to understand his concerns if there was a topographical map included with the application. He is concerned with past storms and trees being destroyed and drainage problems. Mr. Purcell stated that this area used to be a lake. Mr. Purcell referred to the subdivision at Old Pascack Road that is now abandoned. He also suggested that the applicants be absolutely sure that there are no oil tanks remaining on the property. Ms. Knapp stated that she is sure there are none. Mr. Purcell asked if the deeds to 44 West Hill and 68 West Hill are both in the applicant's name. He was told

yes. Mr. Purcell asked who the builder will be for the proposed work at 68 West Hill. Mr. Barstad stated that he will act as general contractor. Mr. Barstad is not a licensed contractor, he will hire licensed sub contractors. Mr. Purcell asked if it will be possible for another house to be built on either lot owned by the applicant. The applicant stated that this is not known. Mr. Purcell asked if the driveway at 68 West Hill will be paved. He was told yes. The driveway at 44 West Hill will remain stone as per Mr. Barstad. Mr. Purcell asked when this proposed job will start. The applicant stated that if this application is approved by the Zoning Board of Adjustment then a demolition permit will be applied for. Mr. Purcell is concerned because he lives 100' below this property. Ms. Knapp stated that she understands the concerns of Mr. Purcell. She also stated that no trees will be removed. Mr. Barstad informed all that 44 West Hill was purchased by the applicant to preserve the area. Ms. Knapp stated that she loves the area and the trees. Mrs. Denbeaux asked if Mr. Purcell was notified of this application as a resident within 200'. Mr. Purcell stated that yes he was. Mr. Castrillon asked Mr. Purcell if he was satisfied that the applicant has good intentions. Mr. Purcell stated that he has no personal problem with the application. Attorney Princiotto asked how the house will be heated. He was told with natural gas. Mr. Ferreira asked about the depth of the side driveway. He was told 17'.

A motion to **close the meeting to the public** was made by Mr. Spirig, seconded by Ms. Effron-Malley, and carried.

Board discussion on the application:

Mr. Ferreira applauded the applicants on their presentation. He would, however, like to see a drainage plan and a topographical map. He feels the retaining wall issue needs to be addressed and the Borough Engineer needs to be involved. Chairwoman Hembree and the other Board members agree. Mr. Princiotto suggested carrying the application to the February 26th meeting of the Zoning Board of Adjustment. Mr. Barstad was concerned that this may not be enough time for him to obtain what the Board wants. It was decided that this application will be carried to the meeting of February 26th at 7:30 p.m. Attorney Princiotto announced this to all present and added that no further notice will be issued.

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

Respectfully submitted,

Kathleen S. Rizza, Secretary

