

ZONING BOARD OF ADJUSTMENT APPLICATION FORM
WOODCLIFF LAKE, NEW JERSEY

Filed 6/30/21

Hearing _____

NOTICE: This application must be filed within 30 days of the order from which the appeal is taken, accompanied by the required data together with two checks.

APPLICATION FOR A VARIANCE FROM THE TERMS OF THE ZONING
ORDINANCE OF THE BOROUGH OF WOODCLIFF LAKE, NEW JERSEY

To the Zoning Board of Adjustment of the Borough of Woodcliff Lake:

An appeal is hereby made for a variance from the terms of Articles and Sections:

Article IV, Sections 380-14.A(6)(b) 1 & 2

of the Zoning Ordinance so as to permit the following:

A second-story addition over the existing footprint

requiring the following variances:

A right side yard setback of 19.9', and a left side yard setback of 19.3, where the minimum side yard setback requirement is 20' in the zone (resulting in a .1' and .7' variance). The applicant's proposal will also result in a combined side yard setback of 39.2' where a minimum combined side yard setback of 60' is required in the zone (resulting in a 20.8' variance).

This appeal is based on the decision rendered/order issued by the Construction Code Official dated 6/1/2021 and reading as stated above.

NOTE: The law requires that the conditions set forth in the following three Sections 1, 2 and 3, **MUST** be established before a variance **CAN** be granted. Answers to these sections must be complete and full. Please attach these answers to a copy of the Construction Official's denial letter and Survey, and provide 16 copies:

1. That the strict application of the provisions of the Zoning Ordinance would result in practice difficulties or unnecessary hardships inconsistent with its general purpose and intent. (Explain in detail wherein your case conforms to this requirement.)
2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood. (State fully wherein your case conforms to these requirements.)

NOTE: The Board of Adjustment is required to make a written finding of facts from the showing applicant makes that the three above enumerated conditions exist and, in addition thereto, must find that the granting of such variance will not be contrary to the objectives of the Zone Plan.

DESCRIPTION OF PROPOSED STRUCTURE OR USE

Premises affected known as 269 Chestnut Ridge Road Woodcliff Lake, NJ.
Applicant: Yiwei Zhang Address: 269 Chestnut Ridge Road
Owner: same Address: _____
Lessee: _____ Address: _____
Zone: R-8.15, R-15, R-22.5, **R-30**, B-1, B-2, B-3, EAO, SO, Other _____
Last Occupancy: Residential
Lot Size: 30,003 sf
Building Size (Feet): Front 54.9' Depth 34.5' - 54'
Percentage of Lot Occupied by Building: 8.0%
Height of Building: Stories 2 Feet 34.95'
Setback from Front Property Line: Feet 81.1'
Setback from Side (if Corner Lot): _____
Has there been any previous appeal involving these premises? None.
If so, state character of appeal and date of disposition: _____

ATTACHED HERETO AND MADE A PART OF THIS APPLICATION,
I SUBMIT THE FOLLOWING:

(A) Completed Application

(B) Twenty (20) copies of denial letter from the Zoning Official.

(C) Twenty (20) copies of a Certified Survey of the property. If a present building exists, the survey shall clearly indicate such building thereon with all front, side and rear yard dimensions, together with prevailing setback dimensions.

(D) Twenty (20) copies of a Plot Plan (if a new building), or Architectural Plans, clearly indicating such building thereon with all front, side and rear yard dimensions, together with prevailing setback dimensions. All plans to be folded, not rolled.

(E) ONE (1) copy of list of property owners served indicating method (Personal, Certified Mail) and date of service.

(F) Original, notarized Affidavit of Service with the following attached: original white certified mail slips stamped by the post office if served by certified mail, copy of Notice served, copy of Property Owners List:

AFFIDAVIT OF APPLICANT

STATE OF NEW JERSEY

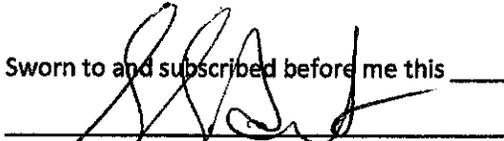
COUNTY OF BERGEN

Yiwei Zhang of full age, being duly sworn according to law, on oath deposes and says that all of the above statements and the statements and the statements contained in the papers submitted herewith are true.



(Applicant's Signature (s))

Sworn to and subscribed before me this 21 day of June 2021.



~~Notary Public~~ Attorney at Law
State of New Jersey

Sophy Sedarat, Esq.
Attorney at Law
State of New Jersey
015402008

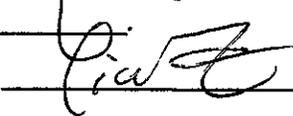
AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY

COUNTY OF BERGEN

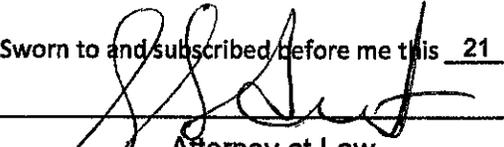
Yiwei Zhang of full age, being duly sworn according to law, on oath deposes and says that the deponent resides at 269 Chestnut Ridge Road, Woodcliff Lake

in the County of Bergen and State of New Jersey, that Yiwei Zhang is the owner in fee of lot, piece of parcel of land situated, lying and being in the municipality aforesaid and known and designated as Block 701 Lot 1



Owner's Signature(s)

Sworn to and subscribed before me this 21 day of June 2021.



~~Notary Public~~ Attorney at Law
State of New Jersey

Sophy Sedarat, Esq.
Attorney at Law
State of New Jersey
015402008

AUTHORIZATION

(If anyone, other than above Owner, is making this application, the following authorization must be executed.)

To the Board of Adjustment:

_____ is hereby authorized to make the within application.

Dated: _____

(Owner's Signature (s))

ADDENDUM

The applicant, Yiwei Zhang (“Applicant”) is the owner of 269 Chestnut Ridge Road, Woodcliff Lake, New Jersey which is also shown on the Tax Map of the Borough of Woodcliff Lake as Block 701, Lot 1 (hereinafter referred to as the “Property”). The Property is in the R-30 Residential One-Family District. Directly across the street from the Property lies the O-R Office Research Zone. The Property is currently developed with a one-story, ranch-style, single family dwelling, attached one-bay garage, slate walkway, and concrete curb-lined asphalt driveway. The Applicant proposes a second-floor addition over the existing footprint, which will require the herein variance relief and, the Applicant’s project also includes improvements which will not trigger the necessity for variance relief (namely, the proposed patio paver in the rear, the new proposed 5’ slate front walkway, a proposed concrete walkway to the rear of the dwelling, and the relocation of existing steps; the later actually extinguishes an existing non-conformity).

The Applicant proposal will result in four (4) bedrooms, (2) bathrooms, and a laundry room. The existing footprint of the dwelling is 1,798 sf and the second floor addition will consist of approximately 1,652 sf, which will not expand the existing footprint whatsoever. There exists exterior stairs within the right side yard setback at 18.4ft, a preexisting nonconformity; the Applicant will be removing these stairs, which mitigates the existing nonconformity and results in a side yard setback of 19.9’. Similarly, the left side of the dwelling has an existing nonconformity of 17.8’ which will be mitigated by the proposal, resulting in a side yard setback of 19.3’ on the left side. It follows then that the combined side yard setback is also mitigated by virtue of the Applicant’s project; the existing combined side yard setback is 36.2’ and the proposed is 39.2’, reducing the nonconformity by 3 feet.

The Applicant seeks the following variances related to the proposed construction:

- A. Left side yard setback:
 - a. Existing: 17.8'
 - b. Proposed: 19.3'
 - c. Required: 20'
 - d. Deviation: .7'
- B. Right side yard setback:
 - a. Existing: 18.4
 - b. Proposed: 19.9'
 - c. Required: 20'
 - d. Deviation: .1'
- C. Combined side yard setback:
 - a. Existing: 36.2'
 - b. Proposed: 39.2'
 - c. Required: 60'
 - d. Deviation: 20.8'

The New Jersey Municipal Land Use Law (“MLUL”) permits variance relief when “(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation ... would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship. N.J.S.A. 40:55D-70(c)(1).

Here, the Applicant’s requested variance relief as to the side yard setbacks, combined side yard setback, and height are appropriate as (c)(1), or so-called “hardship”, variances. Due to the placement of the lawfully existing structure, namely the existing dwelling, coupled with the exceptional narrowness of the lot (100ft, where 150ft minimum is required in the zone), strict application of the relevant ordinances would result in exceptional and undue hardship upon the Applicant.

The existing dwelling is a lawfully existing structure, predating the requirements of the code. The lot is notably narrow; the required minimum lot frontage in the zone is 150' and the subject lot has a lot frontage of 100', rendering the lot over 30% deficient as to frontage. The home is located towards the front of the lot which, given the aforementioned exceptionally narrow condition of the lot, makes it impossible to comply with the relevant zoning ordinance. These conditions create a hardship, where strict application of the relevant ordinances would result in exceptional and undue hardship upon the Applicant. Consequently, in this regard a (c)(1) variance is appropriate as to the side yard setback deviations. Again, notably, the existing deviations as to side and combined side setbacks will all be mitigated by the proposed construction and the resulting nonconformities as to side yard setbacks will be less than 1'.

The MLUL also permits variance relief where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment. N.J.S.A. 40:55D-70(c)(2).

The variance request is additionally justified under the criteria set forth for a (c)(2) variance. In this instance, the proposal "promote[s] a desirable visual environment through creative development techniques and good civic design and arrangement" and consequently advances the purposes of the MLUL, and specifically as listed in N.J.S.A. 40:55D-2(i). First, the proposal creates a visually desirable as to the overall streetscape, in so much as it makes more sense proportionately given the width of Chestnut Ridge Road, a four (4) lane street. Further, because the property is adjacent to the O-R Office Research Zone, with the massive BMW campus directly across the street, the proposal constitutes a creative development technique such that the property is not dwarfed by the neighboring corporate campus, creating a more harmonious decrescendo transition from the O-R to R-30 Zones. Lastly, the height of the proposed dwelling conforms to

more current standards from an architectural standpoint, creating a more aesthetically pleasing, and modern environment. These benefits substantially outweigh any detriment – indeed no detriment is identified and it is additionally submitted that the granting of these variances will not impair the intent and purpose of the Borough’s Zone Plan or Zoning Ordinances due to the totality of the zone, taking into consideration the de minimus proposed deviations, the mitigation of existing deviations, the proximity of a corporate zone, and the unique characteristics of the lot.

The Applicant therefore respectfully requests approval of the proposed variances and approval of the application as presented.

ZONING DENIAL
OFFICE OF THE ZONING ENFORCEMENT OFFICER
OF
WOODCLIFF LAKE

Date: 6/1/2021

To:

WANLAN ZENG & YIWEI ZHANG
269 CHESTNUT RIDGE ROAD
WOODCLIFF LAKE, NJ 07677

Your application:

TO ADDA PARTIAL SECOND STORY TO THE EXISTING RESIDENCE

on the property at 269 CHESTNUT RIDGE ROAD, WOODCLIFF LAKE, Block: 701 Lot: 1
has been denied for noncompliance with provisions of Article (s): IV Sections: 38-14.A.(6)(b) 1 & 2 of the Municipal Zoning Ordinance for the following reasons:

APPLICANT SEEKS TO ADD A SECOND STORY ADDITION TO THE EXISTING HOME, WHICH, IF CONSTRUCTED WILL REQUIRE THREE VARIANCES. PROPOSED 2ND STORY ADDITIONS WILL BE LOCATED 19.9' AND 19.3' FROM THE SIDERYARDS WHERE 20' IS REQUIRED. VARIANCES FOR .1' AND .7' ARE REQUESTED. SECONDLY THE REQUIRED COMBINED SIDYARD SETBACK REQUIRED IS 60'. 39.2' IS PROVIDED REQUIRING A VARIANCE FOR 20.8'

Information on procedures for an appeal of this decision to the Board of Adjustment can be obtained from the Secretary of the Board of Adjustment. It should be noted that under State Statute, notice of appeal of this decision must be filed with this office not later than (20) days from the date of this notice. You can also file for a variance to the board of Adjustment and can obtain from the Secretary of the Board of Adjustment the required forms.

Denied by:


Mark Berninger

Zoning Official

CC: Secretary, Board of Adjustment
Mark Berninger, Zoning Official

**BOROUGH OF SADDLE RIVER
100 EAST ALLENDALE ROAD
SADDLE RIVER, NJ 07458
(201) 327-2609, Ext. 228**

List of Property Owners To Be Served Notice

DATE: June 24, 2021

APPLICANT'S NAME: Price, Meese, Schulman & D'Arminio, Attorneys
APPLICANT'S ADDRESS: 50 Tice Blvd., Suite 380, Woodcliff Lake, NJ 07677

SUBJECT'S ADDRESS: 269 Chestnut Ridge Rd., Woodcliff Lake, NJ 07677

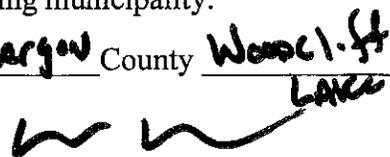
**Block: 701 Lot: 1
Located in Woodcliff Lake, NJ**

<u>BLOCK</u>	<u>OWNER</u>	<u>ADDRESS</u>			
<u>LOT</u>					
	Planning Development (Dept. of Human Services)	1 Bergen County Plaza, 4 th Fl.	Hackensack	NJ	07601
	Cable Vision	40 Potash Rd.	Oakland	NJ	07436
	PSE&G (Corporate Properties)	29 Van Vooreen Drive	Oakland	NJ	07438
	Verizon, OPE-Right of Way Agent	114 Paterson St., 3 rd Floor	Paterson	NJ	07501
	*Rockland Electric Co.	1 Blue Hill Plaza	Pearl River	NY	10965
1202/15.01	Zeng, Wanlan & Yiwei Zhang	Chestnut Ridge Rd-REAR	Saddle River	NJ	07458
	Mailing Address: 269 Chestnut Ridge Rd., Woodcliff Lake NJ 07677				
1202/14	Cohen, Allen	Chestnut Ridge Rd.-REAR	Saddle River	NJ	07458
1202/19	Cohen, Allen	7 Charlden Drive	Saddle River	NJ	07458
	Mailing Address: 7 Charlden Drive, Saddle River, NJ 07458				
1202/16	Kemajian, Haroutioun & Dalal	Chestnut Ridge Rd.-REAR	Saddle River	NJ	07458
	Mailing Address: 265 Chestnut Ridge Rd., Saddle River, NJ 07458				
1202/17	Estevez, Billy & Hilda	Chestnut Ridge Rd.-REAR	Saddle River	NJ	07458
	Mailing Address: 257 Chestnut Ridge Rd., Saddle River, NJ 07458				
1202/18	Greenberg, Judith	1 Charlden Drive	Saddle River	NJ	07458
	Mailing Address: P.O. Box 627, Ridgwood, NJ 07451				

*******OTHER PROPERTIES LOCATED WITHIN 200 FT. IN WOODCLIFF LAKE, N.J.*******

I, William Yirce, hereby certify that this is an accurate and complete list of Saddle River properties and owners within 200 ft. of subject property according to existing Borough records based on receipt of deeds from Bergen County. They must be given notice pursuant to the requirement of N.J.S.A. 40-55D-12 (b). In addition, it is the responsibility of the applicant to serve notice to neighboring boroughs, their property owners, county and state if within 200 ft. of subject property. List of neighboring town property owners within 200 ft. of subject should be obtained from designated person in neighboring municipality.

Subject property with 200 ft. of NJ State Bergen County Woodcliff Lake Neighboring Municipality.


William Yirce, Borough Tax Assessor

6/24/21
DATE



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

June 23, 2021

Price, Meese, Shulman & D'Arminio
Ms. Jennifer Gutierrez
Attorneys Ay Law
50 Tice Blvd., Suite 380
Woodcliff Lake, NJ 07677

Re: 200 Foot Property List
Block – 701 Lot- 1
Borough of Woodcliff Lake

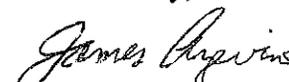
Dear Ms. Gutierrez,

Per your request, the attached list is the current owners of property according to the 2021 Tax Duplicate in the Borough of Woodcliff Lake that are within 200 feet of the above properties.

I have also attached a listing of utilities that require notification from you. Please note that the Municipal Lease Act requires notice of hearings and applications for certain development approval. It is recommended that Public Utilities and Cable Companies owning land or facilities and/or possessing Rights of Way and Easements within the Borough of Woodcliff Lake be notified via certified mail. Please see the attachments for contacts and addresses.

If you have any questions please contact me at the above phone number or on my cell phone, 201-906-2469.

Sincerely,


James Anzevino
Tax Assessor

OWNER & ADDRESS REPORT

WOODCLIFF LAKE

06/23/21 Page 1 of 1

200 FOOT LIST BLOCK-701 LOT-1
269 CHESTNUT RIDGE ROAD

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
601	9		2	KWEI, PATRICK & HUI 277 CHESTNUT RIDGE RD WOODCLIFF LAKE NJ 07677	277 CHESTNUT RIDGE RD	
601	9.01		2	PATEL, ASHOK R & HANSA A 273 CHESTNUT RIDGE RD WOODCLIFF LAKE NJ 07677	273 CHESTNUT RIDGE RD	
602	1		4A	BMW OF NORTH AMERICA LLC %TAX DEPT. 300 CHESTNUT RIDGE RD WOODCLIFF LAKE, NJ 07677	300 CHESTNUT RIDGE RD	
701	1		2	ZENG, WANLAN & ZHANG, YIWEI 269 CHESTNUT RIDGE WOODCLIFF LAKE, NJ 07677	269 CHESTNUT RIDGE	
701	2		2	KEMANJIAN, JACOB JAKE 265 CHESTNUT RIDGE RD WOODCLIFF LAKE, NJ 07677	265 CHESTNUT RIDGE	
701	3		2	WOODS, NANCY L & KAY III, WILLIAM M 261 CHESTNUT RIDGE RD WOODCLIFF LAKE, NJ 07677	261 CHESTNUT RIDGE	
701	4		1	ESTEVEZ, BILLY & HILDA 257 CHESTNUT RIDGE ROAD SADDLE RIVER, NJ 07458	257 CHESTNUT RIDGE ROAD	
802	1		4A	BMW OF NORTH AMERICA LLC PO BOX 122, TAX DEPT WESTWOOD, NJ 07675	200 CHESTNUT RIDGE ROAD	

Borough of Woodcliff Lake

188 Pascack Road

Woodcliff Lake, NJ 07677

Tax Assessor

Owner and Address Report

Borough of Saddle River

100 E. Allendale Road

Saddle River, NJ 07458

LIST OF ALL UTILITY COMPANIES WITHIN WOODCLIFF LAKE TO BE NOTIFIED

<p>OPTIMUM GENERAL MANAGER 40 POTASH ROAD OAKLAND, NEW JERSEY 07436</p>	<p>BERGEN COUNTY UTILITIES AUTHORITY PO BOX 9 LITTLE FERRY, NEW JERSEY 07643</p>
<p>SUEZ 69 DE VOE PLACE HACKENSACK, NEW JERSEY 07601</p>	<p>VERIZON 1 VERIZON WAY BASKING RIDGE, NEW JERSEY 07926</p>
<p>PUBLIC SERVICE ELECTRIC & GAS CORPORATE SECRETARY 80 PARK PLACE NEWARK, NEW JERSEY 07101</p>	<p>PARK RIDGE WATER UTILITY CORPORATE SECRETARY 53 PARK AVENUE PARK RIDGE, NEW JERSEY 07656</p>
<p>BERGEN COUNTY DEPT. OF PLANNING & ECONOMIC DEVELOPMENT JOSEPH A. FEMIA, P.E. DIRECTOR & COUNTY ENGINEER ONE BERGEN PLAZA, 4TH FLOOR HACKENSACK, NEW JERSEY 07601-7000</p>	