

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
JANUARY 26, 2016
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 February 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

2016 REORGANIZATION

The following members were sworn in by Attorney Princiotto:

Regular Member: John Spirig (term ending December 31, 2019)
Alternate 2: Sanjeev Dhawan (term ending December 31, 2016)

Roll Call:

Brian Boffa	Present
Victor Bongard, Vice Chairman	Present
Marcia Denbeaux	Absent
Sanjeev Dhawan, Alternate 2	Present
Jay Ferreira	Present
Robin Effron-Malley	Present
Gary Newman, Alternate 1	Present (7:47p.m. arrival)
John Spirig	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotto, Esq.	Present
Joseph Vuich, Neglia Engineering	Not Requested
John Pavlovich, Traffic	Not Requested
Tonya Tardibuono, Secretary	Present

Chairwoman of the Zoning Board: Mrs. Hembree was nominated for the position of Chairwoman of the Zoning Board for the year 2016 by Mr. Bongard and seconded by Mr. Ferreira. With no other nominations a roll call vote was taken. With all members in favor, Mrs. Hembree was named Chairwoman of the Zoning Board for 2016.

Vice Chairman of the Zoning Board: Mr. Bongard was nominated for the position of Vice Chairman of the Zoning Board for the year 2016 by Mrs. Effron-Malley and seconded by Mr. Boffa. With no other nominations a roll call vote was taken. With all members in favor, Mr. Bongard was named Vice Chairman of the Zoning Board for 2016.

Zoning Board Attorney: A motion was made to appoint Sal Princiotta of Marcus and Levy as the Zoning Board Attorney for the year 2016 by Mrs. Effron-Malley, and seconded by Mr. Boffa. A roll call vote was taken. With all members in favor, Mr. Princiotta was named Zoning Board Attorney for 2016.

Zoning Board Engineer: A motion was made to appoint Neglia Engineering as the Zoning Board Engineering firm for the year 2016 by Mr. Ferreira, and seconded by Mr. Bongard. A roll call vote was taken. With all members in favor, Neglia Engineering was named the Zoning Board Engineer for 2016.

Zoning Board Planner: The Zoning Board Planner will be appointed at a later date.

Zoning Board Traffic Consultant: A motion was made to appoint John Pavlovich of Jacobs Engineering as the Zoning Board Traffic Consultant for the year 2016 by Mrs. Effron-Malley and seconded by Mr. Newman. A roll call vote was taken. With all members in favor, Mr. Pavlovich was named Zoning Board Traffic Consultant for 2016.

Zoning Board Secretary: A motion was made to appoint Tonya Tardibuono as the Zoning Board Secretary for the year 2106 by Mr. Newman, and seconded by Mr. Spirig. A roll call vote was taken. With all members in favor, Ms. Tardibuono was named Zoning Board Secretary for 2016.

Resolution:

Resolution No. 16-01
2016 Dates

1. Approval of 2016 Zoning Board Meeting Dates

A motion to approve the 2016 schedule of the Zoning Board meetings was made by Mr. Newman, seconded by Mr. Ferreira, and carried by all.

Minutes:

The minutes of November 24, 2015 were approved as amended on a motion from Mr. Bongard, seconded by Mrs. Effron-Malley, and carried by Mr. Ferreira, Mr. Newman and Chairwoman Hembree.

The Minutes of December 15, 2015 were approved on a motion from Mr. Bongard, seconded by Mrs. Effron-Malley, and carried by Mr. Ferreira, Mr. Newman and Chairwoman Hembree.

Resolution:

No. 16-02
Eugene and Maria Tukhin
16 Arcadia Road
Block 1504 / Lot 8
Front Yard Setback Variance

The resolution was introduced by Attorney Princiotto. A motion to approve the resolution was made by Mr. Bongard, seconded by Mr. Ferreira, and carried by roll call vote as follows:

Mr. Bongard	Yes
Mr. Ferreira	Yes
Mrs. Effron-Malley	Yes
Chairwoman Hembree	Yes

New Business:

Mark Dulberg
10 Ravine Drive
Block 1703 / Lot 4
Total Coverage Variance

Notice and proof of publication were submitted and found to be sufficient.

A total coverage variance is being proposed for this application. The property is in the 22.5 zone. On October 15, 2015 a denial letter was issued by the Zoning Official, Nick Saluzzi for an in-ground pool and patio that exceeds 30% of max total lot coverage. 37.61% is proposed – 30% is required, a 7.61% total coverage variance is required.

The applicant, Mr. Mark Dulberg, was sworn in by the Board Attorney Mr. Princiotto.

The Board reviewed Exhibits A-1 (site survey), A-2 (proposed pool/patio plans), A-3 (current home backyard photographs), A-4 (rendered photo of proposed swimming pool), A-5 (rendered photo of proposed swimming pool) and A-6 (rendered photo of proposed swimming pool).

Mr. Dulberg spoke about the application. The Board proceeded to ask the homeowner questions about the proposed pool. He asked if his pool contractor could answer the technical questions on the pool design. The pool contractor, Michael Insignares of Cool Pools, located at 85 South Pascack Road in Nanuet, New York, was sworn in by the Board Attorney Mr. Princiotto.

Mr. Insignares went into detail and explained the application to the Board. Mr. Newman asked about the fencing. Mr. Insignares pointed out on Exhibit A-2 where the fencing would be located and how it would be tied into the existing fence already located on the property and how everything would be done to code. Mr. Newman asked if Cool Pools was a licensed New Jersey contractor. Mr. Insignares replied yes. Mr. Princiotto asked if the lot coverage variance was due to the deck around the pool. Mr. Insignares replied yes. The homeowner and pool contractor were questioned why they couldn't make the patio around the pool smaller. Mr. Insignares replied that it wasn't a large pool at all and the applicant wanted a place to be able to put the lawn chairs around the pool. Mr. Dulberg stated that if he couldn't fit any lawn chairs around the pool then he wasn't interested in going ahead with the pool project. Mr. Newman asked if any thought was given to reducing the size of the existing decks. Mr. Dulberg replied no.

Mrs. Effron-Malley asked how the property sloped. Mr. Ferreira replied that according to the plans the house is 100 and the bottom of the lot is at 93. Mr. Ferreira explained that there is a curtain drain all around the pool. A discussion was then had between the Board members, the applicant and the pool contractor regarding drainage. Mr. Princiotto stated that regarding the drainage, we can make it subject to the Construction Code Official and the Borough Engineer.

A motion was made by Mr. Ferreira to approve the variance with conditions that the entire drainage of the property will be subject to the approval of the Borough Engineer (note 13 on Exhibit A-2). The motion was seconded by Mr. Spirig, and carried by roll call vote as follows:

Mr. Boffa	Yes
Mr. Bongard	Yes
Mr. Dhawan	Yes
Mr. Ferreira	Yes
Mrs. Effron-Malley	Yes
Mr. Newman	Yes
Mr. Spirig	Yes
Chairwoman Hembree	Yes

Mr. Princiotto told the applicant that a resolution would be read at the next Zoning Board of Adjustment meeting on February 23, 2016.

The meeting was adjourned on a motion from Mrs. Efron-Malley, seconded by Mr. Boffa, and carried by all.

Respectfully Submitted,

A handwritten signature in black ink, reading "Tonya Tardibuono". The signature is written in a cursive style with a large initial 'T' and a decorative flourish at the end.

Tonya Tardibuono

**ANNUAL MEETING NOTICE
WOODCLIFF LAKE ZONING BOARD**

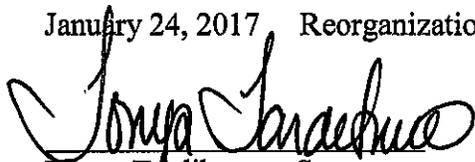
NOTICE IS HEREBY GIVEN, in accordance with the Open Public Meetings Act, that the following resolution 16-01 was adopted at the Reorganization Meeting of the Woodcliff Zoning Board on Tuesday, January 26, 2016.

BOROUGH OF WOODCLIFF LAKE ZONING BOARD
RESOLUTION – SCHEDULE OF MEETINGS 2016

Be it resolved, that pursuant to Section 13 of Public Law 1975, Chapter 231 of the Laws of the State of New Jersey, the meetings of the Woodcliff Lake Zoning Board shall normally be held on the fourth Tuesday of each month and on any other days specified during the year, at Woodcliff Lake Borough Hall, 188 Pascack Road, Woodcliff Lake, NJ, at the hour of **7:30 p.m.** Such meetings shall be held on the following dates:

2016:

January 26 Reorganization
February 23
March 29
April 26
May 24
June 28
July 26
August 23
September 27
October 25
November 22
December 13
January 24, 2017 Reorganization



Tonya Tardibuono, Secretary
Secretary, Planning Board

BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT

RESOLUTION # 16-02

MATTER OF: EUGENE & MARINA TUKHIN
 16 ARCADIA ROAD
 BLOCK 1504, LOT 8

APPLICATION NO:

DECIDED:

WHEREAS, application has been made by Eugene and Marina Tukhin, with respect to the premises known and designated as Block 1504, Lot 8 on the Tax Map of the Borough of Woodcliff Lake for variances to permit an addition in an R-22.5 residential district contrary to the provisions of the Zoning Ordinance of the Borough of Woodcliff Lake; and

WHEREAS, a hearing was held before the Board on December 15, 2015 before members Robin Effron Malley, Christina Hembree, Jay Ferreira, and Victor Bongard and Gary Newman; and

WHEREAS, Applicant has filed an affidavit showing compliance with all of the statutory requirements as to the giving of notice as well as all of the requirements of the Zoning Ordinance of this Borough.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Woodcliff Lake as follows:

1. The applicant requested the following variances:

 (a) a variance from the requirements of 380-14B(6)(a) to permit a front yard of 24.5 feet in lieu of the required 35 feet for a requested variance of 10.5 feet.

WHEREAS, the applicant was represented by Frank Ferraro, Esq. of Ferraro & Stamos, LLP and made application pursuant to N.J.S.A. 40:55D-70(c)(1), and

WHEREAS, the Zoning Board of Adjustment held a public hearing on December 15, 2015 at which time it heard testimony from Albert Dattoli, Architect licensed in the State of New Jersey and Marina Tukhin and considered the exhibits and evidence offered by the applicant which

WHEREAS, the Board found as follows:

1. This application is for one variance: (1) for a variance of 10.5 feet to permit a front yard of 24.5 feet when 35 feet is required.
2. At the public portion of the meeting, no one testified against or objected to the application.
3. By reason of physical features uniquely affecting the piece of property and extraordinary and exceptional conditions uniquely affecting the property and the structures thereon, a strict application of the regulation would result in peculiar and exceptional practical difficulties and/or exceptional and undue hardship upon the owners of the property. In particular the existing construction, access, layout and style of the home warrant the granting of a variance. The original construction made access to the second story difficult. The additional two story foyer will allow sufficient height to permit a new staircase to the second floor.

WHEREAS, the Board determined that the variances can be granted without substantial detriment to the public good and it will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance, based upon current development in the area and based upon photographs of neighboring homes submitted by the applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF WOODCLIFF LAKE THAT THE APPLICATION FOR PERMISSION TO DEVIATE FROM THE AFOREMENTIONED ZONING REQUIREMENTS SET FORTH ABOVE IN THIS RESOLUTION IS HEREBY GRANTED AND APPROVED, UPON THE FOLLOWING TERMS AND CONDITIONS:

1. Compliance with the requirements of this resolution set forth above and conformance with the plans submitted to the Board by the applicants as Exhibits A-1, A-2 and A-3. The front yard variance is limited to an area of approximately 48 square feet for a foyer addition with a size of approximately

BONGARD, JAY FERREIRA.

OPPOSED BY: NONE

ABSTAINED: GARY NEWMAN

MOTION APPROVED

MOTION TO APPROVE FORM OF RESOLUTION:

INTRODUCED BY: Victor Bongard

SECONDED BY: Jay Ferreira

IN FAVOR OF APPROVING: Victor Bongard, Jay Ferreira, Robin Effeon-Malley
and Christina Hembree.

OPPOSED BY: NONE

Certified to be a true copy of the Resolution duly adopted by the Zoning Board of Adjustment of the
Borough of Woodcliff Lake at its regular meeting on January 26, 2016.


TONYA TARDIBUONO, Secretary