

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
MARCH 29, 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 January 26, 2016, 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:

Brian Boffa	Absent
Victor Bongard, Vice Chairman	Present
Marcia Denbeaux	Present
Sanjeev Dhawan, Alternate 2	Present
Jay Ferreira	Present
Robin Effron-Malley	Present
Gary Newman, Alternate 1	Present (7:48 pm 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

Minutes:

The minutes of February 23, 2016 were approved on a motion from Mr. Bongard, seconded by Mr. Spirig, and carried by all.

Old Business:

**Valley Chabad
100 Overlook Drive
Block 908 / Lot 1
Change of Use / Site Plan Application with variances**

As per the Board's request Mr. Elliott Urdang was present as the Attorney for the applicant and Mr. Chris Diktas was present as the Attorney for the Woodcliff Lake opposing residents. The Board was inquiring as to why the applicant has not appeared in four months. Mr. Urdang said there was no intention on their part to delay the application, but there was a number of questions that were raised and have to be addressed. The questions were pertaining to the pipe that does not have the benefit of an easement, the accommodations to the neighbor to the south in regards to the wall and dealings with the Garden State Parkway.

Chairwoman Hembree asked about the dealings with the Garden State Parkway. She said originally when the Board asked for something in writing from the Garden State Parkway you told the Board that according to statute, they will respond after the approval is granted from the Board. Mr. Urdang said that there has been communication with the Garden State Parkway, but there has been no final determination on their part. Chairwoman Hembree asked if Mr. Urdang could share the Garden State Parkway's concerns with us. Mr. Urdang replied that he could not as this is a question only the engineer could answer and he will answer this at next month's hearing.

Chairwoman Hembree asked if they were making substantial changes to the current submitted plans. Mr. Urdang replied that he believes so, but cannot tell us exactly what they are in any great detail, but they are trying to address changes in the wall to move it further back from the property line. Chairwoman Hembree asked Mr. Urdang if he should re-apply because there are substantial changes involved. Mr. Urdang said no, he thinks the changes shall be submitted 10 days before the next meeting. Mr. Urdang offered to re-notify everybody within 200 feet. A Board discussion was then had by all members present regarding if the applicant should re-apply or submit the changes and then continue with the current application.

Mr. Princiotto spoke about issues with the Garden State Parkway. Mr. Urdang commented that the Garden State Parkway for many months was completely unresponsive to them but according to statute they do not have to reply to the applicant until the application is approved. Mr. Princiotto asked for Mr. Urdang to follow up with him and give him the specific statute information.

Mr. Diktas believes according to what has been spoken about that there is a significant change of plans and would like this application dismissed without prejudice. Mr. Urdang doesn't believe that after so much time and effort have been put into this application that they should have to re-apply.

A Board discussion was then had by all members present on whether the applicant should have to re-apply or can continue with the current application. Mr. Urdang stated that if this application was dismissed without prejudice after already having 11 hearings, in his opinion it is a substantial burden on a house of worship and RLUPIA would apply.

Mrs. Denbeaux asked about the potentials of the water run-off into the Garden State Parkway property and ending up in the Musquapsink Brook. Mr. Urdang said this is a fair question but he cannot give you an answer as he is not an engineer and this is something that will be dealt with. Mrs. Denbeaux also asked if a map with the run-off can be provided. Mr. Urdang said he will speak to his engineer about this.

It was decided that the applicant will return at next month's Zoning Board meeting scheduled for April 26, 2016, and will have any changes to the application submitted within 10 days of the meeting date to the Board Secretary. Mr. Princiotto told Mr. Urdang as previously asked, to please submit a list of any changes in the variances being requested and have his engineer ready to explain all changes.

Mr. Diktas asked that if the applicant is not ready by next month's meeting that the Board ask for a voluntary withdrawal or that the Board may dismiss the application without prejudice.

The meeting was open to the public to ask any questions on a motion from Mr. Ferreira, seconded by Mrs. Denbeaux, and carried by all.

Bob Fisher, Woodcliff Lake – Asked why the Garden State Parkway had not been contacted. Mr. Urdang replied that they were, they just hadn't gotten back to the applicant's Engineer for months. Mr. Fisher asked if they would still have public comment on this application. Mr. Princiotto and Chairwoman Hembree both replied yes.

The meeting was closed to the public to ask questions on a motion from Mrs. Effron-Malley, seconded by Mrs. Denbeaux, and carried by all.

New Business:

Frank & Melina Belgiovine
7 Birchwood Drive
Block 1707 / Lot 2.01
Front Yard / Rear Yard / Max. Lot Coverage Variances

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

The applicant is seeking a total of four variances. The property is located in the R-22.5 zone. On February 25, 2016 a denial letter was issued by the Zoning Official, Nick Saluzzi. The applicant is seeking the following variances; a minimum front-yard setback on Glen Road where 14.7 feet is proposed – 35 feet is required, a 20.3 feet variance is required. A minimum front-yard setback on Birchwood Road where 31.2 feet is proposed – 35 feet is required, a 3.8 feet variance is required. A minimum rear-yard setback where 20.7 feet is proposed – 40 feet is required, a 19.3 feet variance is required and a maximum lot coverage where 16.14 feet is proposed – 15 feet is required, a 1.14 feet variance is required.

The applicant, Frank Belgiovine, was sworn in by the Board Attorney Mr. Princiotto.

The Board reviewed Exhibits A-1 (proposed plans and elevations), A-2 (topographic survey), A-3 (survey of property), A-4 (site plan) and A-5 (current home and backyard photographs numbered 1-9).

Mr. Belgiovine spoke about the application. They have owned the property since December 28, 2015. They are not presently living in the home now, but plan to reside in the home after the renovations take place. The variances the applicant is seeking are on a pre-existing home, on an undersized lot. Mr. Belgiovine explained that the present home already encroaches on the current setbacks and is constructed like an hourglass shape. The additions they wish to build are to straighten out the front of the house and back of the house so the hourglass figure no longer exists and to extend the garage. Mr. Princiotto asked if the current home is going to be torn down to the ground. Mr. Belgiovine answered yes, they will be re-using the existing foundation. Mr. Belgiovine explained all of the exhibits in detail. The home will be stucco on the outside with a Spanish style roof. Mrs. Denbeaux asked if stucco will work in this climate. Mr. Belgiovine answered yes. The Board and the applicant then went over the trees that would need to be taken down prior to construction.

The meeting was open to the public on a motion from Mrs. Denbeaux, seconded by Mr. Spirig, and carried by all.

Alan Star, Woodcliff Lake – Mr. Star understands this is a severely non-conforming lot, but he is concerned about the visibility his home will have of the new construction. Mr. Belgiovine showed Mr. Star Exhibit A-3 and pointed out the property lines. Mr. Star was also concerned about the foliage surrounding the property. Mr. Belgiovine told the applicant there was only one tree being removed from the backyard.

Paula Star, Woodcliff Lake – Mrs. Star said her concern was the proximity of the new home to their deck.

The meeting was closed to the public on a motion from Mrs. Denbeaux, seconded by Mrs. Effron-Malley, and carried by all.

Mr. Newman would like to see replacement of the seven trees that need to be taken down, with seven trees elsewhere on the property. Mr. Ferreira recommended planting some schip laurels or rhododendrons on the property.

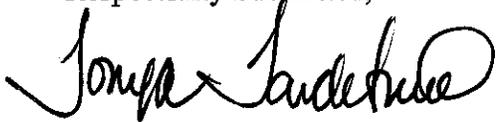
A motion was made by Mr. Ferreira to approve the variances with conditions. The resolution shall stipulate that the east side of the property shall have schip laurels planted, or something of the same equivalence. The motion was seconded by Mr. Newman, and carried by roll call vote as follows:

Mr. Bongard	Yes
Mrs. Denbeaux	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 April 26, 2016.

The meeting was adjourned on a motion from Mrs. Effron-Malley, seconded by Mrs. Denbeaux, and carried by all.

Respectfully Submitted,



Tonya Tardibuono