

**BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT  
APRIL 26, 2016  
MINUTES**

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**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	Absent
Jay Ferreira	Present (Left meeting at 8:12 p.m.)
Robin Effron-Malley	Present
Gary Newman, Alternate 1	Present
John Spirig	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotta, Esq.	Present
Joseph Vuich, Neglia Engineering	Not Requested
John Pavlovich, Traffic	Not Requested
Tonya Tardibuono, Secretary	Present

**Minutes:**

The minutes of March 29, 2016 were approved on a motion from Mrs. Denbeaux, seconded by Mrs. Effron-Malley, and carried by all.

**Resolution:**

**No. 16-04  
Frank & Melina Belgiovine  
7 Birchwood Drive  
Block 1707 / Lot 2.01  
Front Yard / Rear Yard / Max. Lot Coverage Variances**

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

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

**Old Business:**

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

Attorney Princiotto made an announcement that the Valley Chabad application will be heard at the next scheduled Zoning Board of Adjustment meeting on May 24, 2016 due to incorrect notification from the applicant.

Mr. Newman stated that he would like a chart of everything they are asking for.

Attorney Princiotto spoke to the Board and asked them if they would like the Valley Chabad applicant to re-notice for our next meeting. The Board members all agreed that the applicant should re-notice for the May 24, 2016 meeting.

Attorney Princiotta spoke to the Board about the Valley Chabad having a special meeting in June. The Board agreed to look at their personal calendars to see if either June 8, 2016 or June 14, 2016 could be offered as special meeting dates to the applicant.

Mr. Newman asked if we should start this application over. Attorney Princiotta said that we will discuss this at the next meeting when all attorneys are present.

**Correspondences:**

A letter from Augusto Morpurgo from Morpurgo Architects was submitted to the Board regarding 62 Broadway in Woodcliff Lake, New Jersey. Please see attached letter.

A Board discussion was had by all members present regarding the contents in this letter and if this is a legal disagreement, or a Board issue.

**Board Discussion:**

A quick Board discussion was had by all members present pertaining to the future of affordable housing in Woodcliff Lake.

**The meeting was adjourned** on a motion from Mrs. Denbeaux, seconded by Mr. Spirig, and carried by all.

Respectfully Submitted,



Tonya Tardibuono

**BOROUGH OF WOODCLIFF LAKE**  
**ZONING BOARD OF ADJUSTMENT**  
**RESOLUTION**

MATTER OF: FRANK AND MELINE BELGIOVINE  
7 BIRCHWOOD DRIVE  
BLOCK 1707, LOT 2.01

APPLICATION NO: 16-04

DECIDED: MARCH 29, 2016

WHEREAS, application has been made by Frank and Meline Belgiovine, with respect to the premises known and designated as Block 1707, Lot 2.01 on the Tax Map of the Borough of Woodcliff Lake for variances to permit construction of a single family residence in a 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 March 29, 2016 before members Robin Effron Malley, John Spirig, Christina Hembree, Jay Ferreira, Victor Bongard, Sanjeev Dhawan, Marcia Denbeaux 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)[1] to permit a partial front yard of 14.7 feet on Glen Road in lieu of the required 35 feet for a requested variance of 20.3 feet, and
  - (b) §380-14B(6)(a)[2] to permit a front yard of 31.2 feet on Birchwood Road in lieu

of the required 35 feet for a requested variance of 3.8 feet; and

(c) §380-14B(6)(c) to permit a partial rear yard of 20.7 feet where 40 feet is required for a variance of 19.3 feet; and

(d) §380-14B(4) to permit lot coverage of 16.14% where the limit is 15% for a variance of 1.14%; and

2. Whereas, there currently exists a nonconforming lot depth of 101.55 feet where 125 feet is required.

WHEREAS, the applicant, without legal counsel, 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 March 30, 2016 at which time it heard testimony from Frank Belgiovine and considered the exhibits and evidence offered by the applicants which included exhibits marked A-1 through A-5 and heard the comments by Alvin Star, a resident; and

WHEREAS, after hearing the testimony and the evidence presented by the applicant and after due consideration and deliberation, the Board has made the following findings of fact and conclusions:

1. The application for the variance was duly made to the Zoning Board of Adjustment and that all owners of property situated within 200 feet of the premises to be affected were duly notified in accordance with law.
2. The applicant presented satisfactory proof to the Zoning Board of Adjustment that notice of said hearing was duly published.
3. The applicant submitted plans and testimony concerning the proposed construction which will use the existing foundation but require the demolition of the remainder of the current structure.
4. The applicant's lot has frontage of approximately 212.6 feet and a lot depth of approximately 101.55 feet. The rear yard has a set back that ranges from

20.6 feet to 28.5 feet. The current front yard set back on Birchwood is 33.3 feet and on Glen Road it is 14.7 feet. The lot is undersized and irregular in shape. The purpose of the addition is to replace and expand the existing home which was originally built in the 1800's and added to in the 1970's.

5. The logical manner to expand the home is to follow the pre-existing non-conforming set backs.
6. The existing home is a contemporary style and the new home will be two stories, approximately 3,700 square feet with a stucco finish and Spanish tile roof.
7. The proposed addition will not create any new ingress or egress to the premises by way of driveway however, the garage and driveway will be enlarged.
8. Consideration was given to constructing the addition in other ways; however, all considerations would require a variance due to the lot depth.
9. Seven trees will be removed as part of the construction, six in the front and one in the rear.
10. One resident Alvin Star, 209 Glen Road, Woodcliff Lake, New Jersey came forward and spoke in favor of the applicant's application and stated that the addition would better the neighborhood, however, he lives next to the subject property and is concerned about having an adequate buffer as the rear yard is undersized.

WHEREAS, the Board found as follows:

1. This application is for four variances: (1) front yard variances of 20.3 feet for Glen Road; (2) front yard variance of 3.8 feet for Birchwood; (3) rear yard variance of 19.3 feet and (4) lot coverage variance of 1.14%.
2. At the public portion of the meeting, no one objected to the application,

however, comments were made about a rear yard buffer.

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 undersized lot and irregular shape of the property warrant the granting of the variances. Also, there is additional property between the applicant's lot and Glen Road owned by the Borough.

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 the area 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 and the findings set forth above and conformance with the exhibits submitted to the Board by the applicants as A-1 (proposed plans and elevations), A-2 (topography survey), A-3 (survey of property), A-4 (site plan) and A-5 (nine photographs including those showing the extent of the expansion and the size of the home. The variances are limited to the proposed construction and limited to the extent of the construction as shown on applicant's exhibits.
2. Applicant shall comply with the requirements of all structural, fire and

sanitary safety as provided in the current edition of the New Jersey Uniform Construction Code.

3. The applicant shall obtain approval of the Construction Code Official for its plan and all necessary permits and comply with all local, county and state ordinances and statutes, including the Woodcliff Lake Tree Preservation Ordinance Chapter 245.
4. The applicant shall obtain all such other governmental approvals as may be required by law.
5. The applicant shall commence the construction and complete all of the intended alterations and improvements no later than 12 months from the date of adoption of this resolution or this variance shall expire automatically, unless otherwise extended by the Board.
6. No large trees shall be removed (except the seven trees as shown on Exhibit A-4) as part of the construction, provided however, that existing evergreens located in close vicinity to the existing structure shall be permitted to be removed. All trees shall be protected from construction equipment and soil disruption within the area of the drip line of the tree by use of temporary fencing.
7. Applicant shall provide a buffer in the rear yard to screen the abutting property which screening shall be comprised of a minimum of 25 "Skip Laurel" plants or equivalent which shall have a minimum height of 3 to 4 feet.
8. A drainage plan shall be submitted and approved by the Borough Engineer and/or the Construction Code Official. Any drainage issues that may arise due to the construction and renovation shall be resolved by applicant at applicant's sole cost and expense.

9. A copy of the resolution shall be forwarded to the applicant and to Construction Code Official of the Borough of Woodcliff Lake and the secretary to publish the required notice.

MOTION TO APPROVE INTRODUCED BY: JAY FERREIRA

SECONDED BY: GARY NEWMAN

IN FAVOR OF GRANTING: ROBIN EFFRON MALLEY, JOHN SPIRIG, CHRISTINA HEMBREE, JAY FERREIRA, VICTOR BONGARD, SANJEEV DHAWAN, MARCIA DENBEAUX and GARY NEWMAN

OPPOSED BY: NONE

**MOTION APPROVED**

MOTION TO APPROVE FORM OF RESOLUTION:

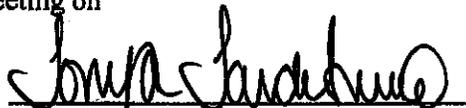
INTRODUCED BY: Marcia Denbeaux

SECONDED BY: Victor Bongard

IN FAVOR OF APPROVING: Victor Bongard, Marcia Denbeaux, Jay Ferreira, Robin Effron-Malley, Gary Newman, John Spirig and Christina Hembree

OPPOSED BY:

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

  
TONYA FARDIBUONO, Secretary



April 14, 2016

Christina Hembree, Zoning Board of Adjustment, Chairwoman  
Sal Princiotto, Zoning Board of Adjustment, Attorney  
Nick Saluzzi, Zoning Official

RE: Kamson Corporation  
62 Broadway, Woodcliff Lake

Dear Chris, Sal, and Nick,

We have recently been told that another architect has been asked to complete the Construction Documents for the building that we designed at 62 Broadway. Moreover, Kamson Corporation VP of Development Gil Rivera has confirmed that his company has used our copyrighted and proprietary documents to revise the design of the building.

We feel that it is incumbent upon us to advise the Zoning Board of Adjustment of this disturbing development related to the above-mentioned project.

Following Planning Board approval on the F&T submission, you granted our project variances for 62 Broadway, based on your approval of my design and testimony, your recognition of our firm's work on 5 successful projects for WCL, and your trust in my ability to carry out the project in the best interest of the Municipality.

We have advised Mr. Rivera that he and his architect are not entitled to use our drawings as the basis of Kamson's new design. Furthermore, as we understand it, Kamson's application is locked in to the plans and elevations submitted.

Mr. Rivera claims that Kamson "utilized the approved building footprint in accordance with the approved site plan to create a new design for the mixed use building." His response indicates that he is uninformed regarding copyright law and the law of the

State of New Jersey. He fails to understand that the Zoning Board granted approval for the building *in its entirety*. The Board did not approve a building footprint and a site plan in a vacuum.

The misappropriation of our proprietary information and the resulting new design have the potential to produce a less successful building which is not consonant with the Borough's zoning objectives. Moreover, such action by Mr. Rivera may jeopardize the reputation of our firm, which has been associated with this project for 7 years.

In reviewing Morpurgo Architects' design, the Zoning Board sought a building that would be a distinctive anchor for the revitalization of the Borough's Broadway corridor. Mr. Rivera has ignored the fact that implicit in your approval is your confidence in Morpurgo Architects' ability to deliver design excellence.

We respectfully request that you review your approval for 62 Broadway and investigate all of the attendant facts and circumstances regarding this matter that have occurred subsequent to your approval of our plan on July 21, 2015.

Sincerely,

*Gus*

Augusto Morpurgo, RA, PP, NCARB