

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 27, 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

The following member was sworn in by Attorney Princiotto:

New Member: Yunaima Rodriquez (term ending December 31, 2016)

Roll Call:

Brian Boffa	Present
Victor Bongard, Vice Chairman	Present
Sanjeev Dhawan, Alternate 2	Present
Robin Malley	Present
Gary Newman, Alternate 1	Present
Yunaima Rodriquez	Present
John Spirig	Present
James Vercelli	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotto, Esq.	Present
Tonya Tardibuono, Secretary	Present

Minutes:

The minutes of July 26, 2016 were approved on a motion from Mrs. Malley, seconded by Mr. Bongard, and carried by all.

Resolution:

#16-06

**WCL Realty LLC.
62 Broadway
Block 2708 / Lot 1**

Modification of site plan

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

Mr. Bongard	Yes
Mr. Dhawan	Yes
Mrs. Malley	Yes
Mr. Newman	Yes
Mr. Spirig	Yes
Mr. Vercelli	Yes

Mr. Princiotto announced that the adoption of the Valley Chabad resolution will take place at a special meeting scheduled for October 6, 2016 @ 7:30 p.m.

A Board discussion was had by all members regarding appointing a new Zoning Board of Adjustment Planer for the remainder of 2016.

A motion was made to appoint Phillips Preiss Grygiel LLC as the Zoning Board Planning firm for the year 2016 by Mr. Spirig, seconded by Mr. Newman. A roll call vote was taken. With all members in favor, Phillips Preiss Grygiel LLC was named the Zoning Board Planning firm for 2016.

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

A brief discussion was had pertaining to the Planning Board meeting about the Broadway Corridor South proposed ordinance.

Respectfully Submitted,



Tonya Tardibuono

**Borough of Woodcliff Lake
Zoning Board of Adjustment
Resolution**

AMENDMENT OF SITE PLAN APPROVAL

16-06

In the Matter of the Application of
WCL Broadway Realty Associates/H.L.M. Group, Inc.
62 Broadway, Block 2708, Lot 1
Decided August 16, 2016

WHEREAS, WCL Broadway Realty Associates (hereinafter, "WCL Broadway" or "Applicant") is the owner of the property located at 62 Broadway and designated as Lot 1 in Block 2708 on the Tax Map of the Borough of Woodcliff Lake (the "Property"); and

WHEREAS, WCL Broadway made application to the Zoning Board of the Borough of Woodcliff Lake (hereinafter, the "Board") for Amendment to Final Site Plan Approval pursuant to *N.J.S.A. 40:55D-37* and Chapter 292 of the Woodcliff Lake Site Plan Review Ordinance; and

WHEREAS, a public hearing was held by the Zoning Board on August 16, 2016 before Board members Victor Bongard, Sanjeev Dhawan, Robin Effron Malley, John Spirig and Jim Vercelli at which time the Applicant was represented by counsel, Louis L. D'Arminio, Esq. of the firm of Price, Meese, Shulman & D'Arminio, P.C. At the hearings the Applicant submitted proof of notice and publication as required by law. In addition the Applicant submitted the following exhibits:

- A-1 Architectural rendering of front and north side of building
- A-2 Brick sample Brown "Carriage House"
- A-3 Brick sample Tan "Bourbon Street"
- A-4 Sample of siding material

A-5 Elevation drawings, front, sides and rear

A-6 Floor plan, basement and first floor (A1-1)

A-7 Floor plan, second and third floors (A1-2)

The Applicant also presented the testimony of: (i) Gil Rivera, Vice President of Development for Kamson Corporation, parent company of WCL Broadway; (ii) Anthony Sirizzotti, a licensed architect and Vice President of the Bannett Group and accepted by the Board as an expert in the field of architecture; (iii) Richard Eichenlaub, a licensed civil engineer and principal of the firm of R.L. Engineering Inc, and accepted by the Board as an expert in the field of civil engineering; and (iv) David Karlebach, a licensed professional planner and accepted by the Board as an expert in the field of community planning; and

WHEREAS, the Board has reviewed the plans enumerated above and other evidence submitted, having heard and considered the testimony presented by the Applicant and all members of the public that offered testimony, and having heard the arguments of counsel and considered the reports of the Board professionals and Borough departments, including but not limited to the reports of (a) Neglia Engineering Associates, the Board's civil engineer; (b) Maser Associates, P.A., the Board's professional planner.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of the Borough of Woodcliff Lake makes the following findings of fact and conclusions with respect to the within Application:

1. The Property is comprised of 1.27 acres of land located on the eastern side of Broadway, with additional frontages on both Columbus Avenue and Lincoln Avenue. The Property

was previously developed with a restaurant known as "Matsu," which has since been removed. The Property is situate in the B-1 (Business) Zone and the Applicant has received variances for a proposed mixed use of retail and apartments.

2. By this application, the Applicant seeks amendment of the previously approved site plan Resolution dated October 27, 2015 which approved a new three-story building with approximately 8,288 square feet of floor area for each floor and containing retail use on the first floor and apartment use on the second floor and third floors.

At the hearing the Applicant presented the following exhibits: A-1 rendering, A-2 brick sample Brown, A-3 brick sample Tan, A-4 siding material, A-5 elevation drawings, A-6 floor plan basement and first floor, A-7 floor plan second and third floors.

3. The Applicant proposes to revise the building as

follows: Interior:

- (a) The (schematic) retail floor plans have been reconfigured to more evenly distribute usable space among the retail units and to provide for an exhaust system for a future restaurant user, should one become available and should the use be permitted;
- (b) Greater details (actual storage, mechanical and sprinkler room locations) were provided to the basement plan;
- (c) Second and third floor residential corridors were enlarged by 6";
- (d) All residential units were reconfigured to meet current ADA codes. In addition, all unit plans now incorporate a separate water heater closet;

- (e) Entry locations for two of the residential units were reconfigured so the entrance foyer opened to the kitchen/living area instead of the bedroom hall area;

The HVAC units for all of the residential units were changed to PTAC ("thru wall" units), to eliminate HVAC "chases", thus allowing for more livable square footage and accommodation of the Board's height limitations. The "no chase" approach also prompted a slight movement of the elevator, which resulted in a reconfiguration of the lobby;

Exterior:

- (g) The exterior of the building was redesigned with larger windows, multi-colored brick, and metal paneling infill, to allow for more light to penetrate the apartments while at the same time creating more of a "loft" like feel. In doing so, the "thru wall", PTAC units were more seamlessly incorporated into the architecture;
- (h) Retail awnings have been relocated to the store entrances only. There is an additional awning proposed at the rear of the building over the residential entrance. The original Columbus Avenue awning has now been extended to the full southern length of the building;
- (i) Due to the PTAC units, all but one of the HVAC condensers (for the apartment corridors) were eliminated from the rooftop;

Site Plan:

- (j) The retail HVAC units have been relocated to the north and will be screened by plantings;
- (k) The exit/entrance to the north stair tower has been redirected from the retail parking lot to the residential parking lot, anticipating that to be the direction of most of the users of the same; and
- (1) With regard to the handicap location in the eastern-oriented (residential) parking lot, the handicap space and supporting striping, have been moved one space north.

4. The exterior of the proposed building will be constructed with the use of mixed planes, with different depths and materials, mostly brick Brown (A-2) and Tan (A-3) with siding shown as sample A-4. In lieu of the siding material brick may be used.

5. The first floor will remain exclusively retail and the second and third floors will remain apartment rentals, four (4) one bedroom units and ten (10) two bedroom units.

6. The first floor of the building is proposed to contain approximately 8,288 gross square feet of area and will now not have more than five (5) separate retail spaces.

7. The previously approved landscaping plan shall remain as previously approved except as may be noted herein.

8. There shall be no changes in the building footprint, number of parking spaces and the height of the structure shall be no higher than

previously granted, however, what was on top of the roof will now be one (1) foot lower.

9. The roof top area dedicated to HVAC units has been reduced to 36 square feet and one roof top unit.

10. Large arborvitaes (Green Giant) 5' to 6' at time of planting shall be planted surrounding the five (5) air conditioning units.

CONCLUSIONS AND DETERMINATIONS

11. All findings of fact set forth above are made a part hereof as if set forth herein at length.

12. The proceedings in this matter were voice recorded and transcripts of same were provided to the Board from the Applicant. The foregoing facts in this Resolution are not intended to be all inclusive but merely a summary and highlight of the complete record made before the Board.

13. The Board finds that the Amended Site Plan can be granted without detriment to the public good or any neighboring properties. The redevelopment of the Property, which is a gateway to Woodcliff Lake, will greatly benefit the Borough and the surrounding area.

14. The Board further finds that this Amendment will not substantially impair the intent and purpose of the Woodcliff Lake Zone Plan and Zoning Ordinance.

15. The approval of the Amended Final Site Plan Application, together with the use and bulk variances and exceptions previously granted, is within the Zoning

Board's statutory authority granted pursuant to *N.J.S.A.* 40:55D-37 and Chapter 37-8 of the Site Plan Review Ordinance of the Borough of Woodcliff Lake.

NOW, THEREFORE, BE IT RESOLVED that the within Application for Amended Site Plan Approval, together with the prior approved variances and the exceptions, be and the same are hereby approved by this Board subject to the following conditions:

(a) The Applicant shall comply with all of the ordinances of the Borough of Woodcliff Lake and all applicable County, State, and federal statutes, ordinances, rules and regulations. Without limiting the foregoing, the Applicant shall comply with any and all applicable requirements of the United States of Americans with Disabilities Act. The Applicant shall also comply with all requirements of this Resolution and in conformance with the plans submitted to the Board by the Applicant.

(b) The approval of the within Application does not constitute a determination by this Board as to whether the proposed development complies with the United States Americans with Disabilities Act or the applicable regulations thereunder.

(c) The Applicant shall comply with all of the stipulations made during the hearing on this Application as set forth herein and on the record before the Board.

(d) Unless otherwise addressed herein or at the hearings before the Board, the Applicant shall comply with all of the conditions and requirements of the Board Engineer. The Developer's Agreement with the Board and the Borough of Woodcliff Lake, previously executed and all appropriate Performance Guarantees required thereby, pursuant to N.J.S.A. 40:55D-5 shall remain in full force and effect.

(f) Certification shall be required that all taxes and assessments have been paid up to the present time.

(g) The Applicant shall post all fees and deposits as required by applicable ordinances of the Borough of Woodcliff Lake, which shall also include the posting of a deposit to reimburse the Municipality for monies paid and to be paid to its professionals for the review of the within Application. All sums owed to the Borough professionals shall be paid promptly and prior to the issuance of a building permit.

(h) The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development, including but not limited to the final approval of the Bergen County Department of Planning and Economic Development.

(i) The future installation of any photovoltaic cells on the roof of the building shall be subject to and require the prior approval of the Board.

(j) Prior to the issuance of a Certificate of Occupancy, the Applicant shall have readings of the noise levels emitted by the HVAC units taken by a certified acoustical engineer and the results of such readings shall be subject to the approval of the Board Engineer. All noise levels shall be required to comply with the applicable provisions of the Borough Code as well as State Law.

(k) The rooftop HVAC units shall be screened by a four (4) foot high louvered enclosure, and any other rooftop and ground equipment shall also be screened as appropriate.

(l) The Applicant shall submit to the Borough an application for a Major Soil Moving Permit.

(m) The final lighting plan shall be approved by the Borough Engineer and shall provide for adequate lighting for all handicapped areas.

(n) No more than five (5) retail tenants shall occupy the Property at any given time.

(o) All freestanding and monument signs shall be located outside of sight triangles.

(p) The Applicant stipulates that no additional signs shall be installed on the building in the future, without Board approval.

(q) The guide rails within the front parking area shall be made of wood. The exterior finish materials and design shall be as shown on exhibits A-1, A-2, A-3, A4 and A-5.

(r) The freestanding lighting fixtures within the rear parking area shall be shielded appropriately from the residences to the east of the Property.

(s) The basement will be used for storage and mechanical equipment only.

(t) All garbage pickup for the commercial and residential uses shall be provided by the Owner (Applicant) at its cost and expenses.

(u) The landscaping plan shall provide that all arborvitaes shall be a minimum of 5' to 6' at time of planting and the number of Winter Gem Korean Box-Woods shall be 84. Honey Locust trees shall be planted as shown on Exhibit A-9 of the original application. These requirements are modifications to the landscaping plan.

(v) The rear striped access aisle width shall be increased by 3 feet so the final dimensions shall be 8 feet by 18 feet.

~~(w) The Applicant's failure to comply with any of the conditions set forth within this~~
Resolution shall constitute a failure of the conditions and may be the cause for the revocation of this Approval and/or Certificate of Occupancy of the Property, subject to reasonable notice and the opportunity to cure.

(x) The Applicant shall commence and complete construction within 3 years of the date of this Resolution or this approval and variances shall expire unless further extended by the Board.

(y) Applicant shall comply with the Non-Residential Development Fee Act *N.J.S.A.* 40:55D-8.1 through 8.8 and pay the non-residential development fee of 2.5% of the equalized assessed value as determined by the Borough.

(z) The prior Resolution of this Board dated October 27, 2015 shall remain in full force and effect except to the extent specifically modified herein.

IT IS HEREBY CERTIFIED that this is a true correct copy of a Resolution adopted by the Zoning Board of the Borough of Woodcliff Lake upon a unanimous roll call vote at its regular meeting held on September 27, 2016.

A copy of this Resolution shall be given to the Tax Assessor, Borough Clerk, Construction Code Officer, Borough Engineer and the Applicant (through counsel).


TONYA TARDIBUONO, Secretary