

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
JULY 21, 2015
MINUTES**

Call to Order:

The meeting was called to order at 7:30 p.m. at Borough Hall by Vice Chairman Victor Bongard.

Adequate Notice Statement:

The Chairman announced this meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, at the Reorganization Meeting of January 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

Roll Call:

Christina Hembree, Chairwoman	Recused
Marcia Denbeaux	Absent
Gary Newman	Present
Robin Efron-Malley	Present
Brian Boffa	Present
Justin Cohen	Absent
Dana Cassell	Present
Victor Bongard	Present
Jay Ferreira	Present
S. Robert Princiotta, Esq.	Present
Joseph Vuich	Present
Daniel Bloch, Maser Consult. Planner	Present
John Pavlovich, Traffic	Not Requested
Tonya Tardibuono, Secretary	Present

Minutes:

The minutes of March 24, 2015 were approved on a motion from Mrs. Efron-Malley, seconded by Mr. Newman and carried by all (Mr. Cassell abstained.)

The minutes of June 23, 2015 were approved on a motion from Mrs. Efron-Malley, seconded by Mr. Bongard and carried by all.

Old Business:

WCL Broadway Realty
62 Broadway
Block 2708 Lot 1

Attorney Louis D'Arminio of the Price Meese Law firm was present as the attorney for the applicant. Mr. D'Arminio stated that were a few open items left to discuss and hopefully there will be a vote on this application tonight.

Mr. Princiotto questioned if the lighting plan was ever established and approved. Mr. Vuich stated that there was a lighting plan submitted. Mr. D'Arminio replied they would meet all lighting requirements. Mr. Augusto Morpurgo, the applicant's Architect, was previously sworn in. He spoke about some decorative lighting that will be installed.

Mr. Princiotto asked about the additional honey locust trees. Mr. D'Arminio replied that they had agreed to the trees, but because of visibility they would only have one on the wall side and one on the south side. Mr. Princiotto wanted to clarify that the original plans have 8 boxwoods, when in fact it should be 85. He also pointed out that there was a recommendation that the arborvitaes be five to six feet minimum in height. Mr. D'Arminio said the changes are not on the plan yet, but they will make sure any tree revisions will be on the final plans.

Mr. Princiotto asked if there were any stipulations with regard to the hours of operation. Mr. D'Arminio said no, they will comply with whatever the municipal requirements are.

Mr. Princiotto then spoke about the garbage collection. That issue was yet to be resolved. Mr. D'Arminio said as of now the garbage plan would remain as is, but they would load and unload from the front since there's ample parking in the front and the loading and unloading would probably be at off hours. Mr. Richard Eichenlaub, the applicant's Engineer, was previously sworn in. He said as indicated at the last meeting, if we do push the dumpster further to the northwest, we would be encroaching on the 25-foot setback. Mr. D'Arminio stated that they would buffer it to the satisfaction of the Borough engineer and do whatever the Board would want as a condition of approval. Mr. Princiotto wanted to know if any of the Board members had any comments with loading and unloading in conjunction with garbage pickup. Mr. Ferreira replied that he doesn't have any but the concern is really with the move in and move out of the apartments. Mrs. Efron-Malley asked if there was a way to buffer the dumpster more or move it away from the neighbors that are on Lincoln and Campbell. Mr. Eichenlaub said we angled the dumpster so a truck either rear loading or front loading can get in there and they won't have to make a 90-degree turn off of the parking area; they can just go in on an angle. Mr. Eichenlaub explained the dumpster enclosure is enclosed on all three sides with landscaping consisting of six to seven feet of Green Giants. A discussion was then had by all members present regarding the location of the dumpsters and the hours for the store deliveries. After the discussion Mr. Princiotto summarized what was said – he said there would be a stipulation that the dumpster and the garbage collection would be as set forth on the current site plan, all deliveries, loading and unloading would be done from the front and there would be signage approved by the construction code official on the north and south entrances that all deliveries shall be made in the front parking lot.

The next issue Mr. Princiotto had was the size of the handicapped aisle in the back. Mr. Eichenlaub initially showed a twelve and five aisle, but he said they agreed to the stipulation to go to an eight and eight so that the striped aisle and access aisle would be increased by three feet.

Mr. Newman inquired if the use variance of the height portion was only for mechanicals. Mr. D'Arminio replied no, but we do have a mechanical area up there that is another four feet which covers the mechanical – we have a fence screen covering both the mechanicals, but there's also an elevator shaft. Mr. Princiotto wanted to know how many square feet is the area. Mr. D'Arminio replied it's 1,119 square feet. Mrs. Efron-Malley asked what the height on the elevator side is. Mr. D'Arminio answered from the base to the top it's 42 feet, but when you calculate the natural grade he believes it to be 43.83 feet or 43 feet. Mr. Newman asked Mr. Princiotto if we could make the resolution clear that the portion of the variance is for mechanicals only.

Mr. Princiotto inquired if some of the lighting would be on timers. Mr. D'Arminio said his client indicated that yes, some of the lighting would be. Mr. Rivera, the contract purchaser for the site was previously sworn in. He said for the hours of operation they would conform to what the town ordinance requires. Mr. Newman asked what about the rear of the building and the residents. Mr. Rivera said most of the lighting would stay on. Mr. Princiotto suggested as previously mentioned that use of the timers would be approved by the Borough.

Mr. Princiotto spoke about some of the other conditions for the developer's agreement. He said all freestanding signs shall be located outside the site triangle, all taxes have to be paid, all fees and deposits required by the ordinances, Affordable Housing fees, compliance with noise levels, apply for a major soil moving permit and there will be no more than eight retail tenants.

The Borough Planner, Daniel Bloch, wanted some information from the applicant on the density proposed and why this density was chosen for these particular residential units. He feels the density might be a little high and it may lead to parking issues. Mr. D'Arminio stated that the size of the parking spaces meet the requirements and they are only one space short for the RSIS requirement. Mr. Princiotto asked if this project would be economically feasible if you had less than 14 residential units. Mr. Rivera replied, it's not. Mr. Vuich followed up with some comments about the shared parking.

Mrs. Efron- Malley asked if there was any way to reduce the building height of 38 feet. Mr. D'Arminio replied that it's not something that can easily be done. A discussion was had by the Board members and the applicant's attorney regarding reducing the height. At the request of Mr. D'Arminio, a brief recess was taken from 8:56 p.m. to 9:00 p.m. Mr. D'Arminio came back and said they could reduce the building height from 38 feet to 37 feet.

Mr. Ferreira asked what the second story flooring would be made out of. Mr. Morpurgo replied perhaps, pre-stressed planks or pre-stressed precast concrete. Mrs. Efron-Malley asked if the basement was storage only. Mr. D'Armino replied yes, and perhaps storage for the tenants as well.

The meeting was open to the public on a motion from Mr. Ferreira, and seconded by Mr. Cassell, and carried by all.

Michael Jaffin, Woodcliff Lake – Stated that all of the other residential zones in the area are zoned at a maximum height of 30 feet or two and a half stories. What would make this a mixed use be 38 feet or 37 feet? This is going to be staring directly into my property. I bought this knowing that I would have two neighbors, and possibly a commercial and non-residential next to me. Now I am going to have at least 14 other units that are going to be staring into my yard. The other issue I have is I believe the testimony is a bit dated. The amount of school age children was taken from a 2000 census. Mr. Jaffin believes there will be parking issues and wanted to know if a traffic study had been conducted. Mr. D’Arminio stated that they were not required to do so.

Raymond Schumacher, Woodcliff Lake – Spoke about his concerns regarding the dumpster, recyclables, parking and height of the building.

Sharon Jaffin, Woodcliff Lake – Inquired if the residents of the building will be restricted from parking in the front on off hours. Mr. D’Arminio replied no, we don’t have any restrictions. Mrs. Jaffin asked if the front retaining wall can be eliminated. Mr. Eichenlaub answered no, the property is not level, therefore a retaining wall is required and the county is requiring more than one entrance. Mrs. Jaffin also asked about the trees and the buffer in the back of the property. Mr. Eichenlaub explained the design of the buffer.

The public portion of the meeting was closed on a motion from Mr. Ferreira, and seconded by Mr. Newman, and carried by all.

Mr. Princiotto asked if there was any testimony about recyclables. Mr. Rivera replied that the tenants upstairs will be able to come downstairs and utilize the dumpster areas and then they will have their own private sanitation come in and remove and empty the dumpsters. Mr. Princiotto said we will then have a stipulation that the garbage and recyclables will be private pickup.

Mr. Newman asked Mr. Eichenlaub what the Broadway elevation is. Mr. Eichenlaub replied 102. Mr. Newman asked Mr. Eichenlaub to explain the elevation plan. A discussion was then had between Mr. Newman, Mr. Eichenlaub and Mr. Morpurgo.

Mr. Cassell wanted to speak about possibly putting a fence at the end between the trees and the retaining wall. A Board discussion was then had by all pertaining to the building’s elevation and the concerns of the surrounding neighbors. Mr. Ferreira spoke about this property being a mixed use from day one.

Mr. D’Arminio briefly went over the application and some final thoughts that he wanted the Board to hear.

Mr. Princiotto spoke about the vote. He wanted to make sure the Board was clear that it will be a motion for both D variances as well as the other variances together with the site plan approval, and all conditions and stipulations that were placed on the record.

A motion was made by Mr. Ferreira to approve the application based upon all of the conditions and vote on the two D variances. The motion was seconded by Mr. Cassell and carried by roll call vote as follows:

Mr. Newman	Yes
Mrs. Efron-Malley	Yes, it's what we are trying to do with the Broadway Corridor Committee, and that's the whole thing, to make Broadway look better for all the residents. With the 37 feet, I will vote yes.
Mr. Boffa	Yes
Mr. Ferreira	Yes, I would like to make a comment in regard to Ms. Efron-Malley's, I echo her sentiments. We are trying to develop this Broadway corridor. I think it's something that this town could be really proud of, and the applicant has, I believe, designed a beautiful building. It would be a major improvement to what we have, and I'm happy they did come down a foot because I was very concerned with the height.
Mr. Cassell	Yes
Mr. Bongard	Yes

The resolution will be scheduled to be read at a future Zoning Board of Adjustment meeting.

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

Respectfully Submitted,

Tonya Tardibuono