

BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT  
OCTOBER 23, 2018  
MEETING 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 Vice-Chairman announced this meeting, in accordance with the Open Public Meetings Law, P.L., 1975, Chapter 231, at the Reorganization Meeting of January 23, 2018, 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.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Sanjeev Dhawan	Absent
Robin Malley	Present
Emilia Fendian	Present
James Vercelli	Present
Victor Bongard	Present
Robert Hayes	Present
Gary Newman	Present
John Spirig	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotta, Board Attorney	Present
Sylvia Kokowski, Secretary	Present

APPROVAL OF MINUTES

September 25, 2018

A motion by Mr. Spirig, seconded by Mr. Hayes to approve the minutes of September 25, 2018; as amended, on voice vote, all those eligible voted yes, the motion carried.

APPLICATIONS

WCL Broadway Realty Associates, LLC - 62 Broadway - Block 2708 - Lot 1

Construction of Restaurant with Outdoor seating. Variance for Restaurant Use with a variance for total surface, impervious coverage and parking. (continued application)

Mr. Princiotto provided two resolutions to the Board members; one in denial and one approval. Both resolutions read the same up to "Conditions" and "Conclusions and Determinations". Testimony is the same. Mr. Princiotto suggested that each resolution be read and then comments, corrections be made. Mr. Princiotto asked that each of the Board members including himself participate in the reading of the resolutions due to the numerous pages.

Mr. Princiotto began to read the first two pages of the "denial" resolution. Mr. Spirig read the next two pages, Mr. Newman the following two pages and so-forth. As the pages were read, amendments were made where deemed necessary.

WCL Broadway Realty Associates, LLC Denial Resolution - Denial of Variance Relief and Denial of Amendment of Site Plan to Permit Outdoor Patio.

Motion by Gary Newman, seconded by Robert Hayes to deny the application resolution of denial as amended; on roll call vote, all those eligible voted yes; the motion carried. Ms. Hembree was recused, Ms. Fendian was not eligible.

Mr. Princiotto began to read from the Approval Resolution "Conditions" and "Conclusions and Determinations". Amendments were made.

WCL Broadway Realty Associates, LLC Approval Resolution - Approval of Variance Relief and Denial of Amendment of Site Plan to Permit Outdoor Patio

Motion by Robert Hayes, seconded by Robin Malley to approve the application resolution of approval as amended and conditioned; on roll call vote, Ms. Malley, Mr. Bongard, Mr. Hayes and Mr. Newman voted yes; Mr. Vercelli and Mr. Spirig voted no; the motion carried. Ms. Hembree was recused, Ms. Fendian was not eligible.

Chairwoman Hembree arrived at the dais to preside the meeting.

Wrobel, Jr. - 60 Shaw Road - Block 1505 Lot 1 Bulk Variance for Greenhouse, Covered Porches and Patio

Salvatore Corvino, Architect previously sworn reported that at the September 25<sup>th</sup> meeting, there was a request for a landscape plan to be prepared for the Board members. He advised this evening that the utility companies were re-noticed. Lester Wrobel previously sworn advised that he hand delivered notices to the residents.

Mr. Princiotto identified Exhibits A-1 - A-10 that were presented for the record.

Mr. Corvino referred to Exhibit A-8 that shows the proposed landscape design. There will be additional plantings in the rear and front corner. A future generator will be placed more near the existing air conditioning condenser.

Mr. Wrobel referred to Exhibit A-10 tree replanting and described how it came about. The existing trees were causing sap damage to the patio therefore he had the trees removed. The Shade Tree Committee wanted tree replacement.

Mr. Princiotto commented that five trees will be planted and asked where the trees will be starting with Shaw Road. Mr. Wrobel described the locations by the drainage easement, the mailbox and the pool in the rear. Currently there are hedges making a natural fence in the rear.

Mr. Princiotto stated that the plan does not indicate what type of plants are in the rear, so he asked. He was told arborvitaes. Mr. Wrobel assured the Board that the landscape will look good. Mr. Corvino advised that a legend can be added to the landscape plan with the aid of the Shade Tree Committee.

Mr. Spirig commented on plants concealing the greenhouse, air conditioner and generator. He asked that landscape be worked out with the Shade Tree Committee.

Mr. Princiotto reviewed variance requests. Mr. Newman asked if the pool was in compliance. He was told by Mr. Wrobel, yes, it is existing.

Open Meeting to the Public

A motion by Ms. Malley, seconded by Mr. Newman to open the meeting to the public, on voice vote, all in favor, the motion carried.

No Public Comment

A motion to close the meeting to the public by Ms. Hembree, seconded by Mr. Newman, on voice vote, all in favor, the motion carried.

A motion by Mr. Spirig, seconded by Mr. Hayes to approve the application with variances as discussed; on roll call vote, all in favor, the motion carried.

**Robert and Marianinfa Marini**- 10 Somerset Drive - Block 508, Lot 21 Variance to construct a one story addition on the south sides on an existing dwelling, including a covered terrace

Robert Marini was sworn in by Mr. Princiotta. He described his application and advised of proof of notice and affidavit of service. Mr. D'Agostino, Architect provided his qualifications that were accepted by the Board. He was sworn in by Mr. Princiotta.

Mr. Hayes reported that he knows the applicant but has no business relationship with him. Ms. Malley reported that she spoke with the Architect the night before.

Plans for the proposed addition were marked as Exhibit A-1. The applicant is seeking lot coverage variance. Permitted is 30%, seeking 34.90% causing a 4.9% variance request.

Mr. D'Agostino advised that the house is late 60's early 70's. He referred to Exhibit A00.1 and described plans for the house. The two existing sheds will be removed. No accessory structures. Mr. Spirig asked if any trees are being removed. Mr. D'Agostino responded three or four trees were removed. Mr. Spirig asked if he was requested to replace the trees. Mr. D'Agostino responded yes.

Mr. Newman referred to the deck in the back and asked what kind of material was used. Mr. D'Agostino responded poured concrete.

Mr. Princiotta advised that a drainage plan has to be accepted by the Borough Engineer.

Mr. Newman asked how many square feet the interior of the pool is. He was told 599 sq. ft.; within 500 sq. ft. compliance.

Open Meeting to the Public

A motion by Mr. Spirig, seconded by Mr. Newman to open the meeting to the public, on voice vote, all in favor, the motion carried.

Mr. Swartzman had questions not related to the application.

Mr. Couto had questions not related to the application.

A motion to close the meeting to the public by Mr. Spirig, seconded by Mr. Newman; on voice vote, all in favor, the motion carried.

A motion by Mr. Bongard, seconded by Mr. Hayes to approve the application; on roll call vote, all in favor, the motion carried.

**ADJOURNMENT:** On motion made by Mr. Hayes, seconded by Mr. Newman, all in favor, and carried, the meeting was adjourned at approximately 10:20 p.m.

Respectfully submitted,

*Deborah A. Dekin* 

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Sylvia Kokowski  
Recording Secretary

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

**RESOLUTION 18-03**

MATTER OF:           LESTER WROBEL, JR.  
                          60 SHAW ROAD  
                          BLOCK 1505, LOT 1

APPLICATION NO:

DECIDED:             OCTOBER 23, 2018

WHEREAS, application has been made by Lester Wrobel, Jr., with respect to the premises known and designated as Block 1505, Lot 1 on the Tax Map of the Borough of Woodcliff Lake for variances for additions and alteration to a one family residence in an R-22.5 residential district contrary to the provisions of the Zoning Ordinance of the Borough of Woodcliff Lake; and

WHEREAS, hearings were held before the Board on August 28, 2018 and October 23, 2018 before members Christina Hembree, Robin Malley, Emilia Fendian, James Vercelli, Victor Bongard, Robert Hayes, Gary Newman and John Spirig; 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 (on Arcadia Road) of 29.4 feet in lieu of the required 35 feet for a requested variance of 5.6 feet, and
  - (b) a variance from the requirements of 380-14B(6)(c) to permit a rear yard of 29.2 feet where 40 feet is required for a variance of 10.8 feet., and
  - (c) 380-14B(4) to permit lot building coverage of 20.8% where only 15% is permitted for a variance 5.8%, and

(d) a variance from the requirements of §380-14B(4) to permit surface coverage of 31.1% where 30% is the limit, for a variance of 1.1%, and

2. Whereas, there currently exists a nonconforming combined front yard (on Arcadia Road) of 29.4 feet where 35 feet is required, and

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 public hearings on August 28., 2018 and October 23, 2018 at which time it heard testimony from Salvatore Corvino, AIA, a licensed planner and licensed architect in the State of New Jersey, and heard the testimony of Lester Wrobel, Jr., and considered the exhibits and evidence offered by the applicants which included exhibits marked A-1 proof of publication; A-2 affidavit of service; A-3 survey dated July 12, 2017 by Rigg Associates, P.A.; A-4 site plan; A-5 basement and first floor plan; A-6 second floor plan and roof plan; A-7 exterior elevations - all prepared by Salvatore Corvino, AIA Architect and all dated August 10, 2018; A-8 landscaping simulation; A-9 additional proof of service and A-10 Borough of Woodcliff Lake Tree Replanting Binder; 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 a proposed addition which will add a second story additional, new garage and new greenhouse .
4. The applicant's lot has frontage of approximately 226.75 feet and a lot depth of approximately 129.92 feet. The rear of the property has an existing

swimming pool and brick patio.

5. The logical location to expand is to add a second story and on the west wide of the property as proposed by the applicant.
6. The existing home is a ranch style home and the addition proposed will add dimension to the home by having a second story.
7. The proposed addition will not create any new ingress or egress to the premises by way of driveway.
8. Consideration was given to constructing the addition in other ways; however, a greenhouse off the master bedroom will require a variance.
9. Large trees were removed as part of the construction.
10. No residents came forward and spoke in favor or against the applicant's application.

WHEREAS, the Board found as follows:

1. This application is for four variances listed in paragraph one.
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. The property is a corner lot which according to code has a front yard on Arcadia Road which is the side of the house. This yard has a pre-existing non-conformity as noted above and the applicant will maintain the same yard encroachment; however, the applicant will remove an existing brick patio which is closer to the rear property line than the greenhouse; and

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 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 through A-7. The variances are specifically granted only to the extent as set forth on the plans. The existing brick patio shall be removed
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 application 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. Large trees were removed as part of the construction as noted in Exhibit A-10, Tree Replanting Binder and the attached proposal by the Stump Removal

Co., Inc. dated August 12, 2017. Applicant shall comply with the replanting plan as required by the Borough as noted on Exhibit A-10. Applicant shall plant evergreen screening on the Arcadia Road side of the house along the side of the greenhouse extending to the rear property line and then extending in a westerly direction along the rear property line. Plantings shall include screening of the greenhouse, air conditioning units and generator. The type, spacing, and height at time of planting shall all be approved by the Woodcliff Lake Shade Tree Committee. The screening shall include deer resistant arborvitae. A Certificate of Occupancy shall not be granted unless all tree planting and screening has been completed or a satisfactory Bond has been posted.

7. Upon request of the construction code official, a drainage plan shall be submitted and approved by the Borough Engineer at applicant's expense.
8. No Certificate of Occupancy shall be issued unless all fees owed to Borough Professionals have been paid.
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: *Robin Malley*

SECONDED BY: *Victor Bongard*

IN FAVOR OF GRANTING: CHRISTINA HEMBREE, ROBIN MALLEY, EMILIA FENDIAN, JAMES VERCELLI, VICTOR BONGARD, ROBERT HAYES, GARY NEWMAN AND JOHN SPIRIG

OPPOSED BY: NONE

**MOTION APPROVED**

MOTION TO APPROVE FORM OF RESOLUTION: *Robin Malley*

INTRODUCED BY:

SECONDED BY: Victor Bongard

IN FAVOR OF APPROVING: Malley, Fendler, Bongard, Hayes, Spirigi 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 November 27, 2018.

Deborah A. Rubin

Secretary

BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT

RESOLUTION 18-04

MATTER OF:        ROBERT AND MARIANINFA MARINI  
                         10 SOMERSET DRIVE  
                         BLOCK 508, LOT 21

APPLICATION NO:

DECIDED:            OCTOBER 23, 2018

WHEREAS, application has been made by Robert and Marianinfa Marini, with respect to the premises known and designated as Block 508, Lot 21 on the Tax Map of the Borough of Woodcliff Lake for a variance to permit an addition to an existing single family home requiring a lot coverage variance 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 October 23, 2018 before members Robin Effron Malley, John Spirig, Christina Hembree, Victor Bongard, Emilia Fendian, James Vercelli, Robert Hayes 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(4) to permit surface coverage of 34.90% where 30% is the limit, for a variance of 4.9%, and
2.     Whereas, there currently are no variances that have been granted to Applicant, and 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 October 23, 2018 at

which time it heard testimony from the applicants and Daniel D'Agostino, A.I.A., a licensed architect in the State of New Jersey. The Board also considered the exhibits and evidence offered by the applicants which included exhibits marked A-1 (a 5-page set of plans A-000, A-101, A-102, A-103 and A-104); 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 a proposed addition which will add 680 square feet to the dwelling
4. The applicant's lot is located in a R-22.5 zone requiring a lot size of 15,000 square feet. Applicant's lot is 22,738 square feet. According to the testimony of the architect the purpose of the renovation is to add to the second story, create an addition of one story and add a partially covered terrace. There is an existing pool on the property.
5. The house was constructed in the late 60's and is outdated.
6. Two existing sheds shall be removed.
7. Trees were previously removed and there is a replanting plan.

WHEREAS, the Board found as follows:

1. This application is for one variance: (1) for a variance to permit lot coverage 34.90% where the limit is 30% for a variance of 4.9%.
2. At the public portion of the meeting, no residents appeared or made comments on the application.
3. The physical features of the property create an extraordinary and exceptional

condition uniquely affecting the property and the structures thereon, and 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. There is an existing pool which adds to the impervious coverage. Part of the increased coverage is for a front porch and stairs. The applicants will remove two sheds which is an enhancement to the property. The variance is *de minimus* in nature.

4. The negative and positive criteria have been proven by the applicant.

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.

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 ON THE FOLLOWING CONDITIONS:

1. Compliance with the requirements of this resolution and the stipulations set forth above and conformance with the plans submitted to the Board by the applicants as Exhibit A-1. All stipulations and findings of fact above shall be deemed conditions of the variance.
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. Applicant shall comply with the tree replanting plan as determined by the Shade Tree Committee.

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. The granting of this variance does not confer any additional rights to the applicant with regard to the use of the property and is solely limited to the lot coverage variance granted.
7. A drainage plan shall be submitted and approved by the Borough Engineer.
8. The existing two sheds shall be removed.
9. The applicant shall pay all outstanding professional fees prior to the issuance of a permit.
10. 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:

SECONDED BY:

IN FAVOR OF GRANTING THE MOTION: ROBIN EFFRON MALLEY, JOHN SPIRIG, CHRISTINA HEMBREE, CHRISTINA HEMBREE, ROBIN MALLEY, EMILIA FENDIAN, JAMES VERCELLI, VICTOR BONGARD, ROBERT HAYES, GARY NEWMAN AND JOHN SPIRIG.

OPPOSED BY: NONE

ABSTAIN:

**MOTION APPROVED**

MOTION TO APPROVE FORM OF RESOLUTION:

INTRODUCED BY: *Robert Hayes*

SECONDED BY: Robin Malley

IN FAVOR OF APPROVING: Malley, Fendian, Bongard, Hayes, Spivig, 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 November 27 2018.

Deborah A. Rubin

Secretary