

BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT  
April 24, 2018  
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 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	Present
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 Princiotto, Board Attorney	Present
Sylvia Kokowski, Secretary	Present

APPROVAL OF MINUTES

March 27, 2018

Motion by Robin Malley, seconded by Victor Bongard to approve the minutes of March 27, 2018; as amended; on voice vote, all in favor the motion carried.

APPLICATION

Kevin Errico - 18 Marth Street - Block 2707 - Lot 14

Construction of single family dwelling  
Variance for Building Coverage, Side Yard and Combined Side  
Yard

Proof of Service and Publication dated April 12, 2018 were  
submitted and in order.

Kevin Errico was sworn in by Board Attorney Princiotto.

Exhibits were marked as follows:

Exhibit A-1 Site Plan dated December 22, 2017 by Thomas  
Skrable, applicant's Engineer

Exhibit A-2 Topographic Survey dated September 1, 2016 by  
Brooker Engineering

Exhibits A-3, A-4, A-5, A-6, A-7 and A-8 Six (6) submitted  
Photographs

Exhibits A-9, A-10, A-11 and A-12 four (4) elevation  
Drawings

Mr. Errico is the owner of 18 Marth Street; he is seeking 3  
Variances; building coverage, side yard and combined side  
yard. The R-15 zone requires a minimum of 15,000 sq. ft.  
The lot is 75 x 100; Mr. Errico purchased it one year ago.

Mr. Errico reviewed the six photographs:

- A-3 is a view of the existing house from Martha Street
- A-4 is a view taken from Kinderkamack Road
- A-5 is a view taken from Marth Street
- A-6 is a view taken from the Kinderkamack Road side
- A-7 shows the second stone house which is part of lot  
16
- A-8 is a view from down Marth Street towards Lincoln  
Avenue

Mr. Errico provided a summary of his proposed application  
describing the existing house as a small stone building  
with low ceilings and no closets. Mr. Newman asked if Mr.  
Errico received a Certificate of Occupancy at closing. Mr.  
Errico responded that he purchased the house as is and that  
it has a conditional Certificate of Occupancy. Mr. Newman  
asked if there was a right-of-way but no longer one. Mr.  
Errico is aware that he has to run new water, sewer and  
power lines.

Mr. Bongard asked if Mr. Errico intended to live in the proposed house if approved; Mr. Errico responded yes.

Ms. Fendian noted that she did not see a proposed garage on the plans. The following was referred to:

A tax map submitted was marked as Exhibit A-9 and a photograph of the proposed new house was marked as Exhibit A-10. The proposed new house is a 2800 sq. ft. colonial with a 2 car garage and porch.

Exhibit A-1 is the proposed dwelling showing a 2 car garage as prepared by Thomas Skrable, Engineer. Mr. Errico's intention is to upgrade the neighborhood and to be rid of an unusable structure.

Mr. Spirig asked if there was any consideration to minimize or eliminate requested variances. Mr. Errico commented that he is seeking lot coverage and the proposed porch is 250 sq. ft. which can be omitted.

Board Attorney Princiotto commented that if the garage was moved to the rear the house can be centered reducing a variance request and increasing side yards which makes for a better application.

Mr. Newman asked how many houses have 2 car garages on the street. Mr. Errico knew of 2.

Mr. Bongard commented on a similar application that was before the Board.

Mr. Newman commented that the applicant would lessen the side yard variance request with the garage in the rear.

Ms. Fendian asked that the plan include elevations and to indicate where elevations are on the plans.

Mr. Newman asked for a rendering of the proposed house and photographs of the exact house.

Board Attorney Princiotto asked what is proposed on the right side of the house. Chairperson Hembree responded plantings.

Ms. Fendian requested to indicate on the plans from where photographs were taken.

Board Attorney Princiotto asked to include a drainage plan in the design phase.

No further discussion. The application will be continued at the May 22<sup>nd</sup> Zoning Board meeting. No further notice required.

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

Chairperson Hembree recused herself and left the dais.

The Board took a 5-minute break (8:30 - 8:35)

Victor Bongard presided as Chair.

Proof of Service and Publication dated April 13, 2018 were submitted and in order.

John Molinelli of Price, Meese, Shulman & D'Arminio represents the applicant.

The applicant seeks variance relief for a proposed restaurant use with variances for a total surface coverage, impervious coverage and parking.

Mr. Molinelli explained the application for construction of a restaurant with outdoor seating in a now developed 3 story mixed use building with retail space at the ground floor and 14 multifamily residential units on the second and third floors. The business owner of Rays Pizza was previously located in Hillsdale. The proposed restaurant will be located in the buildings southerly retail space. The location of the outdoor dining patio will be adjacent to the restaurant, along the buildings Columbus Avenue side.

The applicant is proposing a total of 112 seats in the restaurant; 48 seats in the proposed dining area; 48 seats proposed in the casual/pizza dining area and 16 seats in the outdoor patio space. 40% of the business is delivery which minimizes the need for parking.

Mr. Molinelli has a planner, engineer and the owner/applicant for testimony.

Ray Duraku, 28 Union Avenue, Cresskill was sworn in by

Board Attorney Princiotto.

Mr. Duraku stated that he is in business for 16 years with locations in Cresskill and Gutenberg; previously Hillsdale.

Architectural Drawings dated March 28, 2018 and prepared by R.L. Engineering, Inc. were marked as Exhibit A-1. Mr. Duraku reviewed the layout.

Mr. Molinelli asked how grease was collected. Mr. Duraku responded that there are 2 grease traps, we have a container and a supply company who cleans it by pressure wash vacuum. The garbage container is 3 or 4 yards.

Hours of operation for peak, formal dining, and casual pizza slice orders were provided by Mr. Duraku. He has drivers who own their own vehicles for home delivery service.

Mr. Molinelli asked where the employees and drivers would park. Mr. Duraku responded that the drivers would park in the street. There are 27 parking spaces required for residential use. He has 6 employees; 3 to service the front and 3 in the kitchen during peak hours and 2 - 4 drivers for deliveries.

Truck deliveries to the establishment are received once a week primarily on Wednesdays at around 9:30 a.m. Beverage trucks deliver after lunch around 1:30 - 3:00 p.m. There are no early or late deliveries.

Mr. Spirig inquired about the 6 employees at peak time. Mr. Duraku responded that they take turns and arrive between 9:30 and 11:00 a.m.

Mr. Spirig asked if there were plans to obtain a liquor license. Mr. Duraku responded no it is a BYOB restaurant.

There are a total of 5 store fronts, Mr. Duraku proposes to occupy 2 for a total of 2,893 square feet and add a paved area to the south of the restaurant of 245 square ft. for use as an outdoor patio with 16 seats.

Mr. Spirig asked if all apartments are rented. Mr. Molinelli responded yes and each unit gets one parking space according to the landlord. Mr. Newman asked if there were spaces for guests. Mr. Molinelli responded according to lease but he can verify. Residents park in the rear; retail in the front. The spaces are numbered but not assigned.

Mr. Bongard inquired about the number of seats. Mr. Duraku responded 48 in the proposed fine dining area, 48 in the proposed casual/pizza dining area and 16 in the outdoor patio space.

Mr. Dhawan asked how different this location was from Hillsdale. Mr. Duraku responded we have a preferred dining area that we can rent; a sit down restaurant.

Mr. Bongard asked if garbage pick-up was daily. Mr. Molinelli responded whatever is required there are 2 containers.

Mr. Newman asked how many square ft. Hillsdale was. Mr. Duraku responded 3,000.

Ms. Malley commented on grease container location; stating that the garbage container gates had been left open. She added that apartments are hard to rent above retail. Mr. Duraku stated that the floors are concrete that helps with noise.

Ms. Malley asked how big the delivery trucks were. Mr. Duraku responded that it varies. Ms. Malley commented that being there is another pizza business nearby is it unusual to have 2 of them together. Mr. Duraku responded no.

Mr. Dhawan inquired about parking spaces for employees, waitresses there were in Hillsdale. Mr. Duraku responded about 21.

#### Open Meeting to the Public

A motion by John Spirig, seconded by Gary Newman to open the meeting to the public; all in favor, the motion carried.

Richard Preiss, Board Planner was sworn in by Board Attorney Princiotto. As a result of testimony, Mr. Preiss felt that parking is one of the major issues. He anticipates parking to be similar to Hillsdale. Mr. Duraku commented that it will be better. Mr. Preiss asked if parking was shared. Mr. Duraku said yes. Mr. Preiss asked with how many people. Mr. Duraku said he would need to count the cars. Mr. Preiss said you need to provide the Board with an estimate of parking that will be used.

Raymond Carlson, 19 Columbus Avenue; Hillsdale his concern is with congestion in the neighborhood. It is uncertain as to what type of businesses would occupy the remaining stores. Board Attorney Princiotta reminded him to ask questions only; comments can be made at a later time. Mr. Carlson asked if parking will be on Columbus Avenue. Mr. Duraku responded not more than 20 - 25 minutes by delivery vehicles.

Kevin McManus, asked about the total number of all employees during peak hours. Mr. Duraku responded 8. Mr. McManus asked why the move from Hillsdale. Mr. Duraku responded it is a better building and more square footage. Mr. McManus asked do you have concern with another pizza restaurant next to you. Mr. Duraku said I do not have any concern I have the same scenario in Cresskill. Mr. McManus inquired about garbage pick-up and snow removal. Mr. Duraku responded that is up to the landlord. Board Attorney Princiotta stated that those questions are not for this witness. Mr. McManus asked about extermination. Mr. Duraku said it is done on a monthly basis. Mr. McManus added his concern about traffic, especially since the other retail stores are not filled.

Jim Rezen, 21 Columbus Avenue, Hillsdale mentioned location of the bays saying there seems to be more room on the left. Mr. Duraku responded that there cannot be a change because the "chase" is on the right. Mr. Rezen asked if deliveries would be made through the rear. Mr. Duraku responded yes, including driver deliveries.

Marie Rezen, 21 Columbus Avenue, Hillsdale asked if there has been any communication with Hillsdale pertaining to traffic and if there were any traffic studies done. Mr. Molinelli replied that there has been no communication with Hillsdale as he felt there would be no impact. Ms. Rezen's concern is the affect traffic would have on Hillsdale residents.

Howard Swartzman, 2 Parker Court, Park Ridge compared the proposed seating and parking plan with the Borough ordinance. He calculated the need for 68 parking spaces for this restaurant and the total in the parking area is 65. He commented that the zone does not permit a restaurant.

Ray Schmarker, 11 Columbus Avenue, Hillsdale asked if the applicant was prepared to seek a variance and get approval for an oil dumpster as there is a designated area for garbage only. He added that the chase is 24 x 18 and used

for electric adding that you need a 24 x 24 duct and his chase is not big enough. He was told that the engineer needs to reflect on these questions.

Laura Cullinan, 27 Columbus Avenue, Hillsdale commented that the area for outdoor dining would light up her bedroom. Mr. Newman asked if there are plans for additional lighting. Mr. Duraku replied no, don't need to. Ms. Cullinan commented on peak hours from 6:00 - 10:00 p.m. and asked where other retail owners would park. She added that you can't eat in the dark. Ms. Cullinan asked if there would be any sidewalk changes. Mr. Molinelli responded that the engineer would answer that question.

Ann Marie Rezen commented on the number of employees and where they would park, customer spots, tenant spaces, the street. Mr. Duraku responded that he did not know.

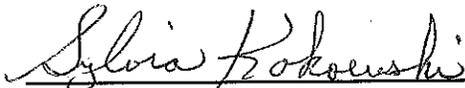
Close Meeting to the Public

A motion to close the meeting to the public by Gary Newman, seconded by Robin Malley; all in favor, the motion carried.

The application will be continued at the May 22<sup>nd</sup> Zoning Board meeting with no further notice required.

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at approximately 10:20 p.m.

Respectfully submitted,



Sylvia Kokowski  
Recording Secretary