

BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
May 22, 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 | Absent |
| Robert Hayes | Present |
| Gary Newman | Present |
| John Spirig | Present |
| Christina Hembree, Chairwoman | Present |
| S. Robert Princiotta, Board Attorney | Present |
| Sylvia Kokowski, Secretary | Present |

Mr. Newman arrived after roll call.

APPROVAL OF MINUTES

April 24, 2018

Motion by Gary Newman, seconded by Robin Malley to approve the minutes of April 24, 2018; as amended; on voice vote, all in favor the motion carried.

APPLICATION

Kevin Errico - 18 Martha Street - Block 2707 - Lot 14
Construction of single family dwelling
Variance for Building Coverage, Side Yard and Combined Side
Yard - continued application.

Kevin Errico, applicant was previously sworn in by Board
Attorney Princiotto.

Mr. Errico distributed new plans including a drainage
diagram and photographs which were reviewed by the Board
members. Mr. Errico stated that he is seeking a building
coverage variance of 19.14% within the footprint and is no
longer requiring other variances.

Revision 1 - Revised Layout plan dated 5/14/2018 prepared
by Thomas Skrable, Engineer was provided this evening and
marked as Exhibit A-13.

The plans show the footprint for the dwelling and the
proposed 2 car garage. The Board is asking for elevation
drawings that would show the house, from the north, south,
east and west.

Gary Newman stated that the applicant has improved the side
yard and has eliminated all variances except for one which
has more depth then width; he feels the proposed house
would fit in. It is an undersized lot and Mr. Newman sees
the new design to be much better than the original.

Board Attorney Princiotto commented that Mr. Errico is
asking for a pre-fab house with the garage in the front. He
asked about the side yard slope and drainage. Mr. Errico
responded that drainage detail is included with the
submittal this evening.

Mr. Newman asked how many square feet the proposed house
is. Mr. Errico responded 2900 sq. ft.

Mr. Spirig said he had asked previously for the applicant
to re-configure the house and said that it appears Mr.
Errico did this.

Mr. Vercelli commented to Mr. Errico that if he plans on
building the house he would need to eventually get a full
set of plans. He suggested to Mr. Errico that he provide
preliminary drawings to show the elevations, which Mr.
Errico would have to provide anyway, so the Board could get
a better understanding of what he is proposing.

Board Attorney Princiotta stated that the Board recognizes Mr. Errico has a lot that is 11,246 sq. ft. and what is permitted is 15,000 sq. ft. The lot frontage is 75 ft. what is permitted is 100 ft. Mr. Errico is seeking a lot coverage variance because he does not have the permitted area for the type of house that he wants to construct. He told Mr. Errico that he created a design that would benefit his application by eliminating or lessening the side yard variances. The Board understands that Mr. Errico needs a lot coverage variance.

Mr. Newman said Mr. Errico should provide elevations and a true rendering for a better understanding.

Ms. Fendian stated that it would be good for the Board and for Mr. Errico to see elevations to see what the options are.

It was suggested that Mr. Errico consider hiring an architect.

Mr. Newman commented that based on the engineering plan this is above what Mr. Errico presented last month.

The application will be continued at the next Zoning Board meeting, June 26.

Closed Session

Resolution 18-05

Valley Chabad Discussion

A motion to go into Closed Session at approximately 8:05 p.m. to discuss pending litigation was made by Gary Newman; seconded by Robert Hayes; all in favor, the motion carried.

Return to Open Session

A motion by Gary Newman, seconded by Robert Hayes to return to Open Session at approximately 8:20 p.m., all in favor, the motion carried.

Ms. Hembree recused herself and left the dais.

A motion by Gary Newman, seconded by Robert Hayes to appoint John Spirig as acting Chairperson; on roll call vote, all in favor, the motion carried.

Mr. Spirig presided the meeting.

VCL 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.

Lou D'Arminio of Price, Meese, Shulman & D'Arminio present for John Molinelli this evening. Previous hearing was held on April 24, 2018. Richard Eichenlaub, Jr., Engineer will testify this evening on behalf of the applicant. Our Traffic Engineer is present this evening to testify. We also have a Planner, who will testify but not this evening. The applicant, Ray Duraku is present.

Mr. D'Arminio reviewed the seating plan; 16 outside seats are seasonal; inside are 48 seats for the pizza area and 48 seats for the pizza dining area for a total of 96 seats. The 96 seats will be reduced by 16 during the seasonal outside dining. The garbage pickup will be according to normal garbage pickup hours and Borough ordinance.

Mr. Richard Eichenlaub was sworn in by Board Attorney Princiotto; he presented his qualifications that were accepted by the Board.

Mr. Eichenlaub testified that he is familiar with the Property, prepared the Engineering drawings, and revised plans consisting of 3 sheets dated 3/12/2018 and marked as Exhibit A-2. Mr. Eichenlaub described the 1st drawing as the Title Sheet, the 2nd drawing as the Site Plan and the 3rd drawing as the Layout Plan - Outdoor Dining. The applicant is proposing a 7 x 35 - 245 sq. ft. patio dining area and landscaping. No other changes to the exterior.

Sheet 3 is an enlargement of the south side of the building showing where the patio and landscaping is located. Permitted variance is 62.89% now at 63.33% coverage an increase of .4% causing the need for a variance.

Mr. Newman asked what is across the street from the patio area. Mr. Eichenlaub responded residential houses. Mr. Eichenlaub stated that the size of the building has not changed, nothing else changed. Lighting is being moved 7 ft. closer to Columbus Avenue. Mr. Hayes asked how far off the street. He was told approximately 9 ft. Mr. Eichenlaub stated that the existing bollards are low, about 3 ½ ft. they were made to illuminate the walkway and were approved under the original application.

A set of 3 photographs were marked as:

- A3 a
- A3 b
- A3 c

Mr. Eichenlaub stated that within the dumpster enclosure area there are canisters that will be used for cooking oil. Mr. Hayes asked how often the canisters are collected or cleaned. Mr. Duraku, who was present responded 3 weeks - a month. Mr. Hayes asked how many canisters there are. Mr. D'Arminio responded just one.

Mr. Eichenlaub commented that the only change is the addition of the patio. We can place the lights at the corners of the patio instead of towards Columbus Avenue; The idea of the bollards is to only illuminate the sidewalks and not to light the dining tables. We can shift them, they are located within the plantings but they would be no closer to Columbus Avenue as they are now.

Mr. Newman commented on the outdoor seating, 16 seats, 14 apartments, residents across the street and then asked if it were fair to the residents to have all this attraction on a Saturday night in a basically residential area. His question was objected to as not being proper for this witness.

Mr. Newman asked out of the 106 spaces that are required how many were allocated for residents. Mr. Eichenlaub responded that under the original application it was 27.

Ms. Malley commented that there are 27 spaces for residents and if you drive by there this evening she would estimate that at least 20 of them are taken. During the day it is about one-half. Mr. Newman recalled when the application was approved last time that it was based upon the theory that businesses operated during the day and residents are at night; now you are applying for a restaurant whose busiest times are at night including Friday and Saturday. Mr. Eichenlaub stated that our discussion was at that time that commercial spaces would not be in operation. But is is not known who the other stores are and their hours of operation. Ms. Malley inquired if anyone knew what retail was going in next door to the proposed pizza restaurant as it had brown paper over the windows. No one seemed to know. The owner would have to be asked. Ms. Malley asked about the construction that is currently going on with holes being dug on the corners. Mr. Eichenlaub responded signs

are being placed. Mr. D'Arminio added that Mr. Rivera will clarify information on the signs.

Mr. Newman asked about delivers; residents vs. commercial if they should be in the back or in the front and allocating where the parking should be. He recalled past discussion about separating out the residents vs. commercial deliveries stating that there was a lot of discussion and it was agreed, and the owner agreed that all deliveries would take place in the front. Mr. Eichenlaub stated that it was at that time in the front however we have requested deliveries be in the back.

Mr. Eichenlaub was asked if he reviewed any of the operations including the exhaust in the kitchen. Mr. Eichenlaub responded that he was asked to look at the Chase from the first floor which is approximately 38 square ft., a duct is necessary over the stove which is approximately 18 x 18 inches. There will be a vacuum fan and two smaller ducts approximately 12 inches. We are proposing 6 sq. ft. of duct work into an area of 38 ft. The exhaust goes to the roof. The Chase is more than ample size to accept the ducts.

Open Meeting to the Public

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

Board Attorney Princiotto stated that questions are to be asked specifically of this witness only; Mr. Eichenlaub, Engineer.

Tom Keady, 33 Columbus Avenue, stated that when 245 ft. of outdoor dining was added density would go down is what he heard testified. Mr. Eichenlaub said we are looking for a total of 96 seats inside and 16 seats outside. The 16 seats outside would be taken from the 96 seats inside. Therefore, we are reducing the number of seats. Mr. Keady asked if it were a very busy night with 96 people, where would they park. Mr. Keady was told the traffic expert would be able to answer the question.

Ann Marie Rezen, 21 Columbus Avenue, Hillsdale commented that the outside dining area location is slopped. Mr. Eichenlaub agreed stating that it drops off about one foot from the edge of the sidewalk to the street and would be filled to accommodate the patio. Ms. Rezen asked how many

parking spots are in front of the building to accommodate all of the businesses. Mr. Eichenlaub responded 38. Twenty-four are for other retail and 14 for the proposed pizza restaurant.

Ray Schmarker, 11 Columbus Avenue, Hillsdale referred to the plans regarding the sidewalk. Mr. Eichenlaub stated that the sidewalk remains where it is on the south side; the patio is outside the sidewalk. The retaining wall is part of the landscaping about 8 inches high. Mr. Schmarker asked if there were architect plans for the Chase I understand it is located next to the elevator shaft. He stated that you cannot place an exhaust fan next to a conduit Chase. The Chase goes from the cellar up. Mr. D'Arminio responded that we would meet whatever the code requirements are. Mr. Schmarker asked to see the photograph of the dumpster.

Howard Swartzman, 2 Parker Court, Park Ridge commented that at the last meeting there was testimony that there would be 6 employees during the week; on weekends that figure went up to 10 or 11.

Kevin McManus, 27 Columbus Avenue inquired if there were enough dumpsters. Mr. Eichenlaub responded that no additional dumpsters will be placed, if necessary there will be more pickups. Mr. McManus commented on the downcast lights. He asked do you drive by at night? To us resident's lights are on 24/7 all night. Mr. Eichenlaub responded that we are not changing the lighting. Pertaining to seats, Mr. Eichenlaub advised that the number of seats has been reduced. Total of 96 of which 16 will be used on the patio when needed. Mr. McManus had concern of noise from the exhaust fans. Mr. Eichenlaub responded that he did not know the specifications. Mr. D'Arminio stated that we will meet all code requirements.

Laura Cullinan, 27 Columbus Avenue, Hillsdale inquired if anyone found out how big the prior restaurant (Matsu) was formally located at the site she feels it was less than 3000 sq. ft. Mr. Newman stated that he also wanted to know this. Mr. Eichenlaub will check for an existing location survey. Mr. Newman commented that the relevance was to establish having a restaurant anywhere in town it just so happens that there used to be a restaurant on the site. He wanted to compare the size with the proposed pizza restaurant. Mr. Newman would like to receive an answer.

Close Meeting to the Public

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

The Board took a 5-minute break 9:25 - 9:30 p.m.

The meeting resumed at 9:30 p.m.

Mr. D'Arminio commented, for the record that the proposed lights do not shine out; and landscaping would cover the bollards.

represents Gil Rivera was sworn in by the Board Attorney. Mr. Rivera ~~is~~ the owner of the site. Regarding signage Mr. Rivera stated that there are 2 monument signs and 2 signs located in the back towards the rear entrance which are directional signs. Mr. Rivera reviewed the air conditioning units stating that the commercial units are located on the north side, no roof top units; units for all tenants are located in the bedroom or living space. There are 14 assigned parking spaces for tenants in the rear. A second car can park anywhere. In regards to other tenants, a wellness spa has leased and a dentist is proposed and in final stages to lease; that leaves one retail space.

The Chase was designed for a restaurant and we cannot have a second restaurant due to the location of the Chase. Mr. Spirig asked about enforcement of parking; if the lot fills up what happens? Mr. Rivera responded that there is street parking and expects that the Police would monitor the area. Mr. Spirig asked if there is a husband and wife with two vehicles and only one parking space assigned where would the other person park. Mr. Rivera responded they could park anywhere on the site with no restrictions. Mr. Newman asked how many two bedroom units there were. Mr. Rivera responded 10. Mr. Newman stated with that alone you can have 20 cars as a result plus guests. Mr. Newman asked what the leases say about parking. Mr. Rivera responded that it states they are assigned one space. Mr. Newman asked if it were fair to the residents to have outdoor dining on a Friday and/or Saturday night. Mr. Rivera responded absolutely; the majority of tenants are young, working tenants. This is an extremely successful environment in other towns like Hoboken. Mr. Newman said that you asked for 14 apartments when you leased to them did you make them aware that there would be stores downstairs. Mr. Rivera responded yes, it is an everyday occurrence in other towns. Mr. Newman stated that when the units were rented there was no outdoor seating; you are here because you want to build a patio for

outdoor seating; were the residents advised of this. Mr. Rivera replied that he told them what type of uses we were looking to have there and that he reviewed possible uses with them; including a restaurant with potentially outdoor seating. Everyone wants outdoor seating; other restaurants on Broadway have it.

Mr. Hayes asked if the current tenants are aware of tonight's proceeding. Mr. Rivera responded no, notices go to owners.

Ms. Malley commented that she toured the apartments with an agent and there was no mention of restaurant use. Mr. Newman asked about the hours for the wellness spa. Mr. Rivera responded that he did not know, but hours would be typical with town ordinance. Mr. Newman commented, if they want to be open for instance, on a Saturday until 10:00 p.m. there is no restriction in their lease preventing them from doing that. Mr. Rivera responded that is correct but, you don't see a spa or a dentist opened until 10:00 at night. Mr. Newman stated that he did not bring up the dentist but again wanted to be clear that there are no restrictions in the lease for the spa pertaining to hours of operation. Mr. Rivera responded yes, there are no restrictions.

Mr. Newman commented on the unrented space that has no restrictions on it and that Mr. Rivera did not know whether that is going to be a business with more activity at night or during the day. Mr. Rivera responded at this point you are correct.

Open Meeting to the Public

A motion by Gary Newman, seconded by Robert Hayes to open the meeting to the public, with questions for this witness only on voice vote, all in favor, the motion carried.

Tom Keady, 33 Columbus Avenue, Hillsdale stated that he walks through the parking lot of the site on Saturday and Sunday to the coffee shop to pick up a newspaper. He bets that there are 22 - 24 cars parked in the parking lot. His question is how are all the cars going to park in a tiny parking lot without cars parked in front of his house. Mr. D'Arminio commented that we have an expert that will talk about parking.

Kevin McManus, 27 Columbus Avenue asked if the 14 designated parking spots for the residents are marked. Mr. Rivera

responded yes, they are marked one - fourteen. Mr. Newman reviewed prior testimony on parking of residents to make it clear.

Ray Schmarker, 11 Columbus Avenue, Hillsdale asked that when tenants park in the back there are also expected deliveries in the back for the restaurant, when the building was approved, it was Mr. Schmarker's understanding that the deliveries for the stores would be made in the front. He asked do tenants know they may have to share parking. Mr. Rivera stated that the majority of the deliveries would be made when tenants are at work. Mr. Schmarker asked why it was changed to have deliveries made through the back instead of the front. Mr. Rivera stated that it is easier through the back for operation purposes. Mr. Schmarker asked if there was any delivery time schedule. Mr. Rivera wants to be sure there are no inconveniences and added that is something is not right the question would be how can we fix it.

Howard Swartzman, 2 Parker Court, Park Ridge; did you indicate to the tenants that they may be a restaurant. Mr. Rivera responded yes. This zone does not permit restaurants so why would you say to them something that was not allowed to begin with. Mr. Rivera responded during the approval process there was a study done and it was felt that restaurants would be encouraged.

Laura Cullinan, 27 Columbus Avenue, Hillsdale is concerned with the delivery vehicles and how tenants would feel if they get blocked in by a delivery truck. Mr. Rivera would defer her concern to the traffic expert. Mr. Spirig asked that she hold her question for the next witness.

Mr. Newman asked since deliveries were changed from the front to the back are we talking about Ray's Pizza only. Mr. Rivera stated that we encourage deliveries be made for all in the back. If it is more convenient in the front that would be between the tenant and the delivery person.

Close Meeting to the Public

A motion by Gary Newman, seconded by James Vercelli to close the meeting to the public, on voice vote, all in favor, the motion carried.

Traffic Engineer Luis Luglio, 30 Montgomery Street Jersey City was sworn in by Board Attorney Princiotto. Mr. Luglio

provided his qualifications which were accepted by the Board.

Mr. Luglio stated that he did a site visit, looked at the existing Ray's Pizza operation in Hillsdale and conducted survey's on parking. Mr. D'Arminio asked if Mr. Luglio prepared an exhibit. Mr. Luglio responded yes; the Exhibit was marked as A-4 Parking Study.

The Exhibit A-4 is a parking study of the existing operation located at 321 Broadway. The study was taken between the hours of 6 - 9 p.m. which is peak evening time every 10 minutes. Two tables on the exhibit were taken of cars going in and out including the lower level. The study was done on Friday 5/18/2018 and Saturday 5/19/2018. The site has two different access locations. Mr. Luglio was asked how many spaces exist in the current parking lot. The current parking lot has 22 surface angle parking spaces and an additional 40 spaces on the lower level under the building. Mr. Hayes asked if Mr. Luglio typically did these reviews for this type of establishment. Mr. Luglio responded yes. Mr. Luglio testified that during this study there was only one other active store front and that is a Chinese restaurant. Ray's Pizza and the Chinese restaurant are the only two occupied active store fronts. Mr. Luglio stated that during the study there was rain on Saturday night. Bad weather would cause a 10 - 20% impact and 20% is a high number.

Ms. Malley asked if pizza delivery cars were included in the study. Mr. Luglio responded yes. Mr. Newman asked if the delivery vehicles were different ones and how often they came in and out. Mr. Luglio testified that there are 3 - 4 different delivery vehicles and in terms of their duration they were there approximately 5 minutes or less and not at the same time so they had to stagger how they made their deliveries. Every 15 - 20 minutes the same vehicle would come back. Mr. Newman commented on an estimate of 16 - 20 vehicles in one hour. Mr. Luglio said that is a good estimate.

Mr. Hayes asked if there were any stationery vehicles not being used. Mr. Luglio responded no. Mr. Luglio reviewed and explained the exhibit boxes.

Mr. Luglio stated that the new site would be similar with the same type of operation and same traffic expected. Mr. D'Arminio asked if there were any employee observations.

Mr. Luglio stated that the approximate 6 employees were incorporated in the study.

Mr. Hayes asked where the delivery persons are at the existing site, where do they park their car for pick up. Mr. Luglio responded it depended on the delivery person. For instance, during the study one parked at the establishment door and one parked at the roadway.

Mr. Spirig commented that at the last meeting there was discussion pertaining to parties in the dining area; he asked if there were any parties going on during the study at the existing location. Mr. Luglio responded no, there were no parties taking place at the time of the study. If there was a party going on the number of parking spaces would go up as would the number of seats. The parking ratio would become 1 to 3 or 1 to 4.

Ms. Malley asked in your study (Mr. Luglio) was the dining room being used. Mr. Luglio responded for the most part no, not for the maximum capacity. There was some use for regular dining; not for a party.

Ms. Malley referred to Exhibit A-4 parking study on Friday night 5/18 between the hours of 8:20 on, there were only 5 cars parked. She asked if we could assume that there was very little business at that time and it was employee's that were parked. Mr. Luglio stated that he stopped counting at 9:00 p.m. because he captured the peak hours already. Mr. Luglio stated that there were still 5 cars at that time going in and going out. There is still activity, it's just that the number of parking spaces because they turn over quickly at that point, still remain at 5. Ms. Malley commented that there still is employee parking somewhere. Mr. Luglio responded yes, if the employees were parked there the numbers included employee parking.

Mr. Spirig asked what kind of impact the study would have if there were 14 apartments on top of the building. Mr. Luglio stated that there would be no dramatic effect on parking. Mr. Luglio spoke about mixed use development parking arrangements, shared parking and RSIS requirements. Mr. Newman asked if when Mr. Luglio did his parking study did he go inside the establishment. Mr. Luglio said no, he was outside across the street in front of a closed dentist office. Mr. Newman commented then you have no idea as to how many people were in the restaurant. Mr. Luglio agreed commenting that we have some video of people walking in and out during the time we were there.

Marked as Exhibit A-5 is an Aerial View of the Site dated April 7, 2018 - not to scale.

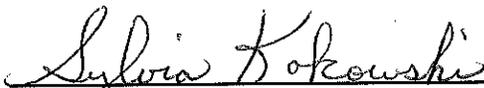
The exhibit indicates the marked 14 parking spaces in the rear. Mr. D'Arminio asked Mr. Luglio, can this location operate properly and safely with the number of parking spaces provided under the terms and conditions during testimony. Mr. Luglio responded yes it can because of looking into and factoring in the data that was reviewed during the parking study performed at the existing site.

The application will be continued at the June 26 Zoning Board meeting with no further notice required.

Board Attorney Princiotto inquired of the Board if they would want the Borough Engineers review prior to the next meeting. Discussion ensued.

ADJOURNMENT: On motion made by Gary Newman, seconded by James Vercelli, all in favor, and carried, the meeting was adjourned at approximately 10:45 p.m.

Respectfully submitted,



Sylvia Kokowski
Recording Secretary