

BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT

July 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	Absent
John Spirig	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotta, Board Attorney	Present
Sylvia Kokowski, Secretary	Present

APPROVAL OF MINUTES

June 26, 2018

A motion by Ms. Malley, seconded by Mr. Hayes to approve the minutes of June 26, 2018 as amended; on voice vote, all in favor, the motion carried.

BOARD DISCUSSION

Board members vacation schedule.

Ms. Fendian, Mr. Hayes and Mr. Dhawan cannot be present at the August 28th meeting.

Schedule for 188 Broadway application

Due to vacation scheduling, Board Attorney Princiotto announced that the application will be heard at the September 25th meeting.

RESOLUTION

Kevin Errico - 18 Martha Street - Block 2707 - Lot 14 - Construction of Single Family Dwelling - Variance for Building Coverage, Side Yard and Combined Side Yard

A motion by Mr. Dhawan, seconded by Mr. Hayes, to adopt the resolution, on roll call vote, all in favor, the motion carried.

Ms. Hembree recused herself and left the meeting.

Mr. Bongard presided the meeting.

APPLICATION

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.

Mr. Molinelli advised that a formal amendment to the application was filed reducing the number of seats requested. We removed the seating in the party room leaving 48 seats inside and 16 seasonal seats outside requiring 38 total parking spaces. This amendment creates 815 sq. ft. of retail space because of the elimination of the party room.

The revised drawing reflecting the current parking was marked as Exhibit A-9; the revised architectural drawing was marked as Exhibit A-10.

Mr. Molinelli described what Mr. Luglio, Traffic Engineer testified to at previous meetings regarding his study at the present Ray's pizza in Hillsdale. Mr. Luglio was present for any questions.

Mr. Molinelli commented that we reduced the size of the restaurant and the number of seats. Mr. Princiotto asked how many retail spaces and how many retail stores. Mr.

Molinelli responded 29 spaces and 4 stores. Mr. Bongard inquired about the retail tenants. Mr. Molinelli only knew of the Wellness Spa and Dentist Office.

Board Attorney Princiotto stated that he wants to hear from the Borough Planner. Mr. Preiss was previously sworn. Mr. Princiotto asked Mr. Preiss to address the concept of shared parking as it relates to restaurant use and non-restaurant use. Mr. Preiss responded that shared parking has a number of uses, restaurants are one of those uses that peak particularly on weekends. The parking study that Mr. Luglio did is an example of shared parking and should be taken into consideration.

Mr. Princiotto asked what type of tenants are expected to rent the proposed 4 retail spaces. Mr. Preiss responded professional and business offices; if there is a concern about a convenience store, we can place a condition that there be no second business competing for parking spaces.

Mr. Princiotto commented on peak hours requiring 19 spaces or more from approximately 6:00 /6:30 - 8:00 p.m. Mr. Preiss responded that this is consistent with what you would expect. Mr. Princiotto commented that we could condition that no retail business be open during peak hours. Mr. Bongard added that the proposed Wellness Spa and Dentist Office would not be a problem. Mr. Preiss stated that a concern would be another 10 - 15 cars in the lot that peak with the restaurant use. He commented that parking is the main issue; lighting is enforced by the Master Plan and ordinances.

Mr. Intindola of Neglia Engineering was sworn in by Mr. Princiotto; he presented his qualifications that were accepted by the Board. Mr. Princiotto asked Mr. Intindola if he was supplied with the meeting transcripts and the traffic study which he reviewed. Mr. Intindola responded yes. He commented on the dining room being eliminated and that the applicant did an inventory for the parking demand. Because of eliminating 48 spaces for the dining area, my concerns now for parking are gone. He is more comfortable that the what is proposed at the site can be accommodated for parking as long as other uses are not competitors.

Mr. Spirig commented that the parking study was based on the existing business; how valid is the study if there is a different kind of restaurant. Mr. Intindola responded that the study is valid for most restaurant uses, it would apply.

Mr. Spirig stated that assuming 1 person there would be 1 car per unit but we can have 2 people with 2 cars per unit. A prior answer was that there is street parking. Mr. Molinelli responded that we are leaving 27 spaces in the back and we don't anticipate an overflow.

Open Meeting to the Public

A motion by Mr. Spirig, seconded by Ms. Malley to open the meeting to the public for questions of Mr. Intindola; on voice vote, all in favor, the motion carried.

Howard Swartzman commented on the compatibility of the parking study taken at the current Ray's Pizza in Hillsdale commenting that most of the stores are empty and maybe not getting the normal flow; won't that affect the parking study as opposed to a fully utilized area. Mr. Intindola said what the Board required of the applicant is to provide the best representation of the parking demand; you are getting isolated data. Mr. Swartzman replied but are we getting the best. Mr. Intindola believed so, you are getting apples to apples i.e. pizzeria to pizzeria. Mr. Swartzman asked if the party room would still be rented by the applicant. Mr. Intindola responded no, it will now be put up for general retail.

Mr. McKeown asked what the size of the parking spaces are as everyone drives large cars. Mr. Intindola responded that the aisle ways did not seem tight and the standard parking space is 9 x 18. Mr. Princiotta added that parking spaces are already established.

Kevin McManus asked Mr. Intindola if he has driven by the site at 10:00 p.m. because he has and he counted 23 cars. Mr. Intindola responded that he has driven by at around 9:30 p.m. He added that parking meets state standards. Mr. McManus asked does a Starbucks, Yoga Studio, Physical Therapy, Ray's in Hillsdale with vacant stores compare with Woodcliff Lake Ray's and 5 retail tenants. Mr. Intindola responded that we are looking for restaurants and all that are reasonable to look at. Mr. McManus added that Mr. Intindola stated that pizza restaurants have a higher turnover. Mr. Intindola responded absolutely.

Jerry Carobollo asked if pizza delivery trucks would be parking on Lincoln Avenue. Mr. Intindola responded that the lot provided 38 spaces in the front.

Joe LaPaglia recalled that our ordinance used to have an 8 ft. width or 10 ft. for parking spaces. He asked what is used here for this application. Mr. Intindola responded 9 x 18. Mr. Molinelli added that this was granted by the Planning Board.

Alex Cuto presented a photo of Nino's Pizza with 3 cars in the parking lot according to Mr. Molinelli who assisted.

Close Meeting to the Public

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

Exhibits:

- Mr. Preiss - report marked as Exhibit B-1
- Mr. Jacobs review letter - marked as Exhibit B-2
- Nick Saluzzi Construction Official email marked as Exhibit B-3
- Photographs of 62 Broadway WCL provided by Mr. Preiss marked as Exhibit B-4

Evan Jacobs, Borough Engineer was sworn in by Board Attorney Princiotta; he presented his qualifications that were accepted by the Board. Mr. Jacobs testified that he reviewed the application and issued a revised review letter on July 23, 2018. Mr. Princiotta asked if he looked at the lighting. Mr. Jacobs responded yes, it is low level minimal causing no impact or spillover.

Mr. Bongard asked if there were any questions from Board members. There were none.

Open Meeting to the Public

A motion by M. Spirig, seconded by Ms. Malley to open the meeting to the public for questions of Mr. Jacobs, on voice vote, all in favor, the motion carried.

Jim Rezen referred to Exhibit B-3 and commented that the original application did not seek approval for a restaurant. Mr. Bongard replied that it would have had to be approved via a variance. Mr. Rezen commented that when they built the building they had inclined to build a restaurant.

Close Meeting to the Public

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

Mr. Preiss addressed Mr. Rezen's comments. He said that the applicant proceeded at their own risk. The Board could grant or deny the application. It does not obligate the Board to approve the restaurant.

Mr. Preiss commented that residents in Woodcliff Lake and surrounding towns have regional shopping centers. Retailers are having a hard time today. The Master Plan and Broadway studies did identify that restaurants are a permitted use. There has been a thorough presentation. He spoke about lighting; the 5 photo handout was taken after 11:00 p.m. On the wall there is no shielding; parking lot lights can be dimmed.

Mr. Spirig asked how useful the traffic study is if Ray's is not located there and another restaurant is. Mr. Preiss replied that if a Pancake House were there for instance, the peak hours would be in the a.m. If there is a major issue we can draft a condition. Mr. Spirig asked if the variance is with a particular store or the entire mall. Mr. Princiotto replied that variances run with the land; conditions can be crafted by the Board and needs to be indicated.

Ms. Malley asked if the condition can be for a pizza restaurant; what happens if they approve restaurants in this district.

Mr. Princiotto commented that when there is a parking variance it is different because of the shared parking concept. You can establish conditions with regard to the type of restaurant or the peak usage of the type of restaurant. Mr. Preiss added that you can add conditions to meet any concerns.

Open Meeting to the Public

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

Jim Rezen asked if the patio is a separate variance. Mr. Preiss responded that the application is for a restaurant

with an outdoor patio. Mr. Princiotto added that it is included in the request for a restaurant. Mr. Rezen asked what if another restaurant decides to have a patio. Mr. Princiotto responded that all requests require a vote. Mr. Hayes asked can we approve the restaurant and not the patio.

Mr. Rezen asked about the buffer plantings and their height. Mr. Molinelli responded that they will be planted at 4 - 4 ½ ft. and trimmed to 6 or 7 feet. Mr. Preiss added that there will be gaps at first to allow the plants to grow. The engineer provided a landscape plan. Mr. Rezen asked if there will be additional lighting. Mr. Preiss responded that no additional lights are proposed. Mr. Princiotto said that the site plan calls for 16 - 17 green giant arborvitae that are fast growing. They are 3 - 4 feet high now and they will grow. Mr. Preiss stated that the applicants engineer will work with the Borough engineer on plantings.

Mr. Jacobs stated that transplanted trees tend not to survive; we will work with the landscaping engineer.

Ms. Fendian commented that it is important to understand if it turns out to be a condition to the application it will be done.

Laura Cullinan commented that we are geared for yoga, gym if both, there can be 60 cars open from 6:00 a.m. to 10:00 p.m. Mr. Preiss stated that he presented his concern if other retail spaces were utilized for establishments like that. They would need to come back before the Board and the Board can add conditions.

Mr. Molinelli said any violations would come back before the Board. Mr. Princiotto added that we can place conditions.

Mr. Preiss advised that he visited the site in the evening and felt that the lights were too bright and suggested dimming them.

Howard Swartzman commented on the Master Plan of 2002 and 2008 referencing the Broadway Corridor. He did not see where in the Master Plan of 2002 it said restaurants are permitted in a B-1 zone.

Laura Cullinan spoke about a flyer she found outside her door. Mr. Molinelli objected. Board Attorney Princiotto

asked Ms. Cullinan if she prepared the flyer; she answered no. Mr. Princiotto asked if she knew who did. Ms. Cullinan answered no. Mr. Princiotto stated that the Board has rules and we don't know the source; it is improper and should not be considered.

Close Meeting to the Public

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

Open Meeting to the Public

A motion to open the meeting to the public for comments limited to 2 minutes by Mr. Spirig, seconded by Ms. Malley, on voice vote, all in favor, the motion carried.

Gunther McQuown commented that Mr. Preiss made a comment about quality of life in WoodCliff Lake. Mr. McQuown does not see the benefit for a pizza polar and it is not needed at that location.

Ihor Sochan stated that he has been a resident since 1955. His interest is how to keep the Borough rustic the way it was. He has a character of the town concern and appeals to all not to commercialize the town.

Ann Marie Rezen pleas to all to take into consideration the neighbors in Hillsdale too and feels this is a dramatic impact. Lighting is her biggest concern. There is no way to control all the cars going up and down streets in Hillsdale.

Howard Swartzman referred to a supreme court case in New Jersey which he read in part. He commented that the application has not satisfied negative or positive criteria. The Master Plan does not say restaurants are allowed in a B-1 zone.

Ray Schumacher, 11 Columbus Avenue said that we should not be talking about a restaurant, it should not be approved nor the outside patio; he asked the Board to consider the surrounding residents.

Alex Couto - consider that this will affect all values of houses in the neighborhood; we will lose value.

Kevin McManus commented that when the building was built,

they knew no restaurants they went and got numerous variances and now they are back 2 - 3 years later. This application impacts property values in Hillsdale and we received a tax reduction because of this. This will happen to all residents in the area, decreased property values. Traffic concerns. He commented that limiting residents time to speak to 2 minutes is not right.

Susan Cunningham has been a resident for 43 years. Her concern is about the Broadway corridor and preserving quality of Woodcliff Lake. The Mayor, Council, Planning Board and Zoning Board have to respect residents. Think about Woodcliff Lake and surrounding towns.

Joe LaPaglia has difficulty with this use and outdoor dining; if allowed restrict it to July and August.

Close Meeting to the Public

A motion by Ms. Malley, seconded by Mr. Dhawan to close the meeting to the public, on voice vote, the motion carried.

Discussion

Consideration of a Special Meeting in August due to vacation schedules

The Board agreed to hold a Special Meeting on August 16th. Mr. Molinelli consented to the special meeting and will notice neighbors, as required, within 200 ft.

ADJOURNMENT: On motion made by Ms. Malley, seconded by Robert Hayes, all in favor, and carried, the meeting was adjourned at approximately 10:55 p.m.

Respectfully submitted,



Sylvia Kokowski
Recording Secretary