

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
OCTOBER 25, 2016
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 26, 2016, 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:

Brian Boffa	Present
Victor Bongard, Vice Chairman	Present
Sanjeev Dhawan	Present
Robin Malley	Present
Gary Newman, Alternate 1	Present
Yunaima Rodriquez	Present
John Spirig	Present
James Vercelli, Alternate 2	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotta, Esq.	Present
Tonya Tardibuono, Secretary	Present

Minutes:

The minutes of September 27, 2016 were approved on a motion from Mr. Spirig, seconded by Mrs. Malley, and carried by all.

The minutes of October 6, 2016 were approved on a motion from Mrs. Malley, seconded by Mr. Bongard, and carried by all.

New Applications:

Mahmood Karimi, M.D.
50 Kinderkamack Road
Block 2902 / Lot 32
Use Variance / Site Plan application with variances

Mr. Princiotto made an announcement that the application for 50 Kinderkamack Road has been withdrawn. Mr. Princiotto read the letter received from the applicant's attorney (see attached).

Richard & Linda Giacobelli
16 Woodland Road
Block 1707 / Lot 10 & 11
Surface Coverage Variance

Andy Del Vecchio, Esq. of Beattie Padovano located in Montvale, New Jersey, was in attendance as the Attorney for the applicant. Notice and proof of publication were submitted and found to be sufficient. The property is in an R-22.5 zone. On September 13, 2016 a denial letter was issued by the Zoning Official, Nick Saluzzi for a 3.3% surface coverage variance.

The Board reviewed Exhibits A-1 (variance map dated August 16, 2016) and photographs marked A-2.

Mr. Del Vecchio spoke about this application. He explained that the applicant built a new home on this property, and all of the work had been completed. When the final as-built was finished it was determined that they were 3.3% (2,284 square feet) over surface coverage. The maximum required surface coverage is 30% and the applicant presently has 33.3%.

David Hals of Schwanewede/Hals Engineering located in Oakland, New Jersey was in attendance for the applicant. Mr. Hals is a New Jersey licensed Engineer, Planner and Land Surveyor. Mr. Hals gave his credentials and was sworn in by the Board Attorney. Mr. Hals was accepted by the Board as an expert witness.

Mr. Hals explained that the need for this variance was brought to his attention when he completed the final as-built of the property. Mr. Hals spoke about this being a C2 variance and how the Municipal Land Use Law allows parking in open spaces. Mr. Hals said that he doesn't believe that this application will have any impact on any of the surrounding properties.

Mr. Newman asked where the plan went wrong. Mr. Hals showed the Board on Exhibit A-1 the driveway where the plan was different from the original plan.

Mr. Vercelli pointed out that it would be hard to turn into the driveway with the original plan.

Mr. Dhawan asked about drainage. Mr. Hals explained the seepage on the property.

Mr. Newman asked if this was the only access to the backyard. Mr. Hals replied yes.

Mrs. Malley asked if the applicant owned lot 12 as well and what the plan was. The attorney replied yes and no plans.

The meeting was open to the public on a motion from Mrs. Malley, seconded by Mr. Spirig, and carried by all.

Mark Henni, Woodcliff Lake – A neighbor to the Giacopelli residence had no questions, he was just curious about the application.

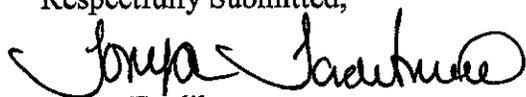
The meeting was closed to the public on a motion from Mr. Spirig, seconded by Mrs. Malley, and carried by all.

A motion was made by Mr. Spirig to approve the 3.3% surface coverage variance. The motion was seconded by Mr. Boffa, and carried by roll call vote as follows:

Mr. Boffa	Yes
Mr. Bongard	Yes
Mr. Dhawan	Yes
Mrs. Malley	Yes
Mr. Newman (Alt. 1)	Yes
Mrs. Rodriguez	Yes
Mr. Spirig	Yes
Mr. Vercelli (Alt. 2)	Yes
Chairwoman Hembree	Yes

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

Respectfully Submitted,


Tonya Tardibuono

**LAW OFFICES OF
STEPHEN P. SINISI, ESQ., LLC**

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OF COUNSEL
ROBERT R. GUIDA

VANESSA S. FALKENSTERN

October 18, 2016

VIA EMAIL & REGULAR MAIL

Tonya Tardibuono, Zoning Administrator
Borough of Woodcliff Lake
188 Pascack Road
Woodcliff Lake, NJ 07677

**Re: Mahmood Karimi, M.D., P.A. ("Applicant")
50 Kinderkamack Rd., Woodcliff Lake, NJ
Block 2902, Lot 32
Proposed Medical Office Application**

Dear Chairman and Board Members:

Please be reminded that we serve as development counsel for Dr. Mahmood Karimi in connection with the above entitled and pending application, presently scheduled for public hearing on Tuesday, October 25, 2016. Unfortunately, in view of escalating costs (both hard and soft) associated with the project, our client has elected to withdraw, **expressly without prejudice**, his pending application.

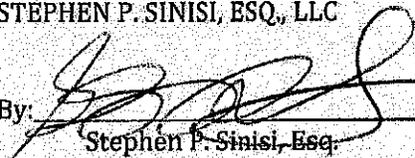
Kindly provide me with the final professional escrow statements and refund the balance(s) made payable to our client.

We thank the Board and its staff for its assistance and cooperation. If any additional information or documentation is required by the Board, please do not hesitate to contact me and it shall be promptly provided.

Thank you.

Very truly yours,

LAW OFFICES OF
STEPHEN P. SINISI, ESQ., LLC

By: 
Stephen P. Sinisi, Esq.

SPS:ks

Cc: Sal R. Princiotta, Esq. (via email)
Client & Project Team (via email)