

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
DECEMBER 13, 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	Absent
Victor Bongard, Vice Chairman	Present
Sanjeev Dhawan	Present
Robin Malley	Present
Gary Newman, Alternate 1	Present
Yunaima Rodriquez	Present
John Spirig	Present (7:39 p.m. arrival)
James Vercelli, Alternate 2	Absent
Christina Hembree, Chairwoman	Present
S. Robert Princiotta, Esq.	Present
Tonya Tardibuono, Secretary	Present

Minutes:

The minutes of October 25, 2016 were approved on a motion from Mr. Newman, seconded by Mrs. Rodriquez, and carried by all.

Resolution:

**No. 16-08
Richard & Linda Giacopelli
16 Woodland Road
Block 1707 / Lot 10 & 11
Surface Coverage Variance**

The resolution was introduced by Attorney Princiotto. A motion to approve the resolution was made by Mr. Newman, seconded by Mr. Bongard, and carried by roll call vote as follows:

Mr. Bongard	Yes
Mr. Dhawan	Yes
Mrs. Malley	Yes
Mr. Newman (Alt. 1)	Yes
Mrs. Rodriguez	Yes
Mr. Spirig	Was not present for roll call.
Chairwoman Hembree	Yes

Resolution:

**No. 16-09
Closed Session**

1. Valley Chabad Litigation

A motion was made by Mr. Bongard to go into closed session, seconded by Mrs. Malley, and carried by roll call vote as follows:

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

A motion was made by Mr. Newman to approve the Board Attorney Sal Princiotto to work with the Borough's assigned counsel in the Valley Chabad matter and to allow our attorneys, within their discretion, to accept service of the complaint, seconded by Mr. Spirig, and carried by roll call vote as follows:

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

Mrs. Hembree commented on how proud of the Board she was for all of the work they did. The meeting was adjourned on a motion from Mr. Newman, seconded by Mr. Bongard, and carried by all.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Tonya Tardibuono". The signature is written in black ink and is positioned above the printed name.

Tonya Tardibuono

BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
RESOLUTION

MATTER OF: RICHARD AND LINDA GIACOPELLI
 16 WOODLAND ROAD
 BLOCK 1707, LOT 10 & 11

APPLICATION NO: 16-08

DECIDED: OCTOBER 25, 2016

WHEREAS, application has been made by Richard and Linda Giacobelli, with respect to the premises known and designated as Block 1707, Lots 10 and 11 on the Tax Map of the Borough of Woodcliff Lake to permit a lot coverage variance in a 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 25, 2016 before members Robin Effron Malley, John Spirig, Christina Hembree, Brian Boffa, Victor Bongard, Sanjeev Dhawan, Yunaima Rodriguez, Gary Newman and James Vercelli; 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 33.3% where 30% is the limit, for a variance of 3.3%, and

WHEREAS, the applicant, through legal counsel, Antimo A. DelVecchio, attorney with the firm of Beattie & Padovano, made application pursuant to N.J.S.A. 40:55D-70(c)(2), and

WHEREAS, the Zoning Board of Adjustment held a public hearing on October 25, 2016 at which time it heard testimony from Daniel A. Hals, a licensed engineer, planner and surveyor in the

State of New Jersey associated with Schwanewede/Hals Engineering. The Board also considered the exhibits and evidence offered by the applicants which included exhibits marked A-1 (survey-variance map) and A-2 (sheet with 8 photos); 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 exhibits and testimony concerning an expanded driveway and lot coverage that is 33.3%.
4. The applicant's lot is located in a R-22.5 which limits lot coverage to 30%. According to the review of the Construction Code Official Nick Saluzzi, this impervious coverage limitation is exceeded by 3.3% or approximately 2,284 square feet. Drainage is for the most part contained within the property and according to David A. Hals, the system was originally over-designed. The property is relatively level. The applicants recently demolished an older structure and constructed a new home.
5. The property has no steep slopes and the increased driveway area is screened by landscaping.
6. Mr. Hals testified that there is adequate light, air and open space.
7. The previous improvements on the property had a lot coverage of 43.3%. The building coverage is under the limit and is 13.4%.
8. Resident Mark Hemmi residing on Glen Road appeared and was curious about the application but had no questions or issues concerning the

application.

WHEREAS, the Board found as follows:

1. This application is for one variance: (1) for a variance to permit lot coverage 33.3% where the limit is 30% for a variance of 3.3%.
2. At the public portion of the meeting, one resident appeared but had no comments on the application.
3. The purposes of the Municipal Land Use Law will be advanced by increased landscaping and buffer, by providing access to the rear yard for maintenance of open space and by providing ease of vehicular movement in the driveway. The benefits outweigh any detriment because the Board finds that in this instance there are no detriments to the increased coverage.
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 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 final approval and a C.O. from 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 construction has already been completed.
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. The Board makes no findings or rulings with regard to any encroachments on Borough property or adjacent lots.
7. 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: JOHN SPIRIG

SECONDED BY: BRIAN BOFFA

IN FAVOR OF GRANTING THE MOTION: ROBIN EFFRON MALLEY, JOHN SPIRIG, CHRISTINA HEMBREE, VICTOR BONGARD, BRIAN BOFFA, SANJEEV DHAWAN, YUNAIMA RODRIGUEZ, GARY NEWMAN AND JAMES VERCELLI.

OPPOSED BY: NONE

ABSTAIN: NONE

MOTION APPROVED

MOTION TO APPROVE FORM OF RESOLUTION:

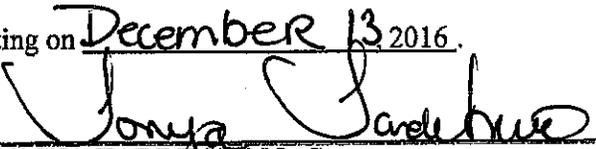
INTRODUCED BY: Gary Newman

SECONDED BY: Victor Bongard

IN FAVOR OF APPROVING: Victor Bongard, Sanjeev Dhawan, Robin Malley, Gary Newman, Yunaima Rodriguez, Christina Hembree.

OPPOSED BY: None

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 December 13, 2016.



TONYA TARDIBUONO, Secretary

RESOLUTION AUTHORIZING HOLDING OF CLOSED SESSION

**Resolution No. 16-09
December 13, 2016**

WHEREAS, the Woodcliff Lake Zoning Board, may meet in closed session.

WHEREAS, the following is the subject matter to be discussed in closed session:

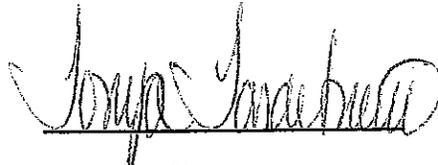
Valley Chabad Litigation

WHEREAS, these minutes will be kept and once the matter involving the confidentiality of the aforementioned no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT FURTHER RESOLVED that formal action may be taken at the Meeting.



Christina Hembree
Chairwoman



Tonya Tardibuono
Board Secretary