

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
JULY 25, 2017
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 24, 2017, 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:

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

Resolution:

**No. 17-04
Closed Session**

1. Valley Chabad litigation

A motion was made by Mr. Newman to go into closed session, seconded by Ms. Malley, and carried by all.

Board Discussion:

A brief discussion was had to remind members who have not completed their 2017 financial disclosures to please do so as soon as possible.

Minutes:

The open and closed minutes of June 25, 2017 will be approved at the next Zoning Board of Adjustment meeting.

New Application:

Michael & Tracey Tsontakis
60 Wyandemere Drive
Block 509 / Lot 4
Variance for minimum both side yards

Notice and proof of publication were submitted and found to be sufficient.

A variance for minimum both side yards is being proposed for this application. The property is in the R22.5 zone. On May 21, 2016 a denial letter was issued by the Zoning Official, Nick Saluzzi for a one story family room addition with a new patio and partial roof covering. 60 feet is required for minimum both side yards. 66.81 feet is existing, 54.85 is proposed, with a 5.15 feet variance being requested.

The applicant, Mr. Mike Tsontakis, was sworn in by the Board Attorney Mr. Princiotto.

The Board reviewed Exhibits A-1 (elevations), A-2 (floor plan), A-3 (property survey), A-4 (current family room pictures), A-5 (Woodcliff Lake Zoning Review Application), A-6 pages 1-3 (Pictures and reasons variance requested).

Mr. Tsontakis spoke about the application. He explained that he has an exceptionally shallow backyard and that building towards the backyard is not practical. Mr. Princiotto asked if they were adding a buffer. Mr. Tsontakis answered that he already has an existing fence and hedge that he is not disturbing.

Ms. Malley pointed out that the calculations on Exhibit A-3 and A-1 were not the same calculations. Upon further inspection it was conclude that Mr. Tsontakis was in fact looking for a 5.36 foot variance.

The meeting was open to the public to ask questions of Mr. Tsontakis on a motion from Mr. Newman, seconded by Mr. Spirig, and carried by all. With no members of the public wishing to speak, **the meeting was closed to the public** to ask questions of Mr. Tsontakis on a motion from Mr. Newman, seconded by Ms. Malley, and carried by all.

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

John D'Alessandro, Woodcliff Lake – Mr. D'Alessandro believes that the addition to the Tsontakis home will be a nice addition to the neighborhood.

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

A motion was made by Mr. Newman to approve the 5.36 feet variance. The motion was seconded by Ms. Malley, and carried by a roll call vote as follows:

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

Mr. Princiotto told the applicant that a resolution would be read at the next Zoning Board of Adjustment meeting. Mr. Princiotto also explained the resolution process to the applicant.

CONTINUED APPLICATION

David Adam Realty
453 Chestnut Ridge Road
Block 301.01 / Lot 3.01
Amended Site Plan / Use Variance

Mr. John Molinelli was present as the Attorney for the applicant.

An officer of Good Market Inc. the company that owns the restaurant Matsu, the restaurant wishing to occupy space in Tice Market Place, is Mrs. Alice Ko. Mrs. Ko a resident in Hillsdale, New Jersey was sworn in by Board Attorney Mr. Princiotto. If this application is approved the restaurant will be called Matsu. Marked as Exhibit A-9 Stipulated facts (attached), Mrs. Ko confirmed all of the information on this exhibit. Mr. Molinelli read out loud all of the information on Exhibit A-9.

Mr. Molinelli mentioned the liquor license was owned by Good Market Inc. and Matsu stopped operating at 62 Broadway because the lease was not renewed. Ms. Malley asked for clarification on employee arrival and departure times. Mr. Spirig asked Mrs. Ko if she would continue to operate her restaurant in the Hillsdale location, she answered no and, commented that she owns the building in Hillsdale. Mr. Newman asked if the Borough had an ordinance against heat lamps. Mr. Molinelli replied none that he is aware of. Mr. Spirig asked if there will be a bar area. Mr. Molinelli replied no, just a sushi bar. Mr. Newman asked what type of liquor license. Mr. Molinelli replied I'm not sure, but based on the year of issue he believes it's a full service liquor license.

The meeting was open to the public to ask questions of Mrs. Ko on a motion from Mr. Spirig, seconded by Mr. Newman, and carried by all. With no members of the public wishing to speak, **the meeting was closed to the public** to ask questions of Mrs. Ko on a motion from Mr. Newman, seconded by Mr. Spirig, and carried by all.

The applicants Planner, Gerard Haizel of Nishuane Group, LLC in Montclair, New Jersey was sworn in by Attorney Princiotta. Mr. Haizel gave his educational and employment history to the members of the Board and was accepted as an expert witness.

Mr. Haizel spoke about how he prepared for this application. He believes this application is appropriate for this location. Mr. Haizel commented that restaurant users are compatible with retail market centers, in fact he believes they are an essential part of the success of retail centers.

Mr. Molinelli asked Mr. Haizel if he believes this application meets one, some or many of the criteria required for this application to be approved under the Multiple Land Use Law. Mr. Haizel replied yes and then explained why he believes so.

Mr. Haizel stated that under the MLUL Law it has been deemed appropriate for the particular suitability of a site to be considered one of the special reasons for granting a use variance, and he feels that this site is particular suited to this proposed use.

Mr. Molinelli pointed out that this proposed application is consistent with the master plan.

Mr. Molinelli asked if this restaurant use was permitted would it cause any substantial detriment to the neighborhood. Mr. Haizel answered that it would not have any substantial detriment to the public good, nor would it have substantial impact to the zoning plan or the ordinance.

Mr. Molinelli asked Mr. Haizel several questions and referenced Exhibit A-6 (aerial map), Mr. Haizel pointed out his questions on the map. Mr. Molinelli asked during a busy shopping week would there be many residential over flow parking areas affected. Mr. Haizel said not many at all and showed the areas on the map. Mr. Molinelli asked if there is a benefit to 16 more parking spaces. Mr. Haizel replied yes, the parking is in an area that otherwise would not be very active, we are utilizing the space. Mr. Molinelli spoke about the free standing sign and proposed parking.

The meeting was open to the public to ask questions of Mr. Haizel on a motion from Mr. Spirig, seconded by Mr. Bongard, and carried by all. With no members of the public wishing to speak, **the meeting was closed to the public** to ask questions of Mr. Haizel on a motion from Mr. Spirig, seconded by Mr. Bongard, and carried by all.

Mr. Newman asked how many liquor licenses are in Woodcliff Lake. Mr. Molinelli replied he believes four full ones.

The applicants Engineer, Michael McGowan of McGowan Engineering in River Vale, New Jersey, was previously sworn in by Attorney Princiotto. Mr. McGowan introduced Exhibit A-10 a concept alternative traffic plan. Mr. McGowan pointed out how this new traffic plan eliminated specific truck access and added five new parking spaces.

A discussion was had pertaining to not allowing a left turn into the shopping center from the Harriet Drive.

Mr. Newman asked Mr. Molinelli if he believes there should be a restriction on truck sizes for the trucks entering the back of building B. Mr. Molinelli replied there already is a restriction that trucks cannot be on site prior to 10:00 a.m., and there would be no need for a tractor trailer to ever be behind building B.

Because of the traffic compactor, traffic behind building B had to be two way traffic.

The Boards Engineer Joseph Vuich spoke briefly and commented that the grades will be affected by this change however they will still be ADA accessible.

The applicants Traffic Engineer, Louis Luglio of Sam Schwartz Transportation Consultants in Jersey City, New Jersey was sworn in by Attorney Princiotto. Mr. Luglio gave his educational and employment history to the members of the Board and was accepted as an expert witness.

Mr. Luglio pointed out the new traffic pattern on Exhibit A-10. The circulation change is to eliminate the access driveway and provide circulation around building B. Because of garbage there is a need for two way traffic. Mr. Luglio also commented that they would restrict traffic from making a left turn coming in from entrance off of Harriet Drive.

No public was present and wishing to ask questions of Mr. Luglio.

The Boards Planner Richard Preiss spoke about how he is supportive of this plan from a planning point of view. He spoke about how online shopping is hurting local retailers.

No public was present and wishing to ask questions of the Boroughs Planner Mr. Preiss.

Mr. Vuich said he has no comments. The applicant already addressed any of his concerns previously. Mr. Princiotto asked if he had enough time to look over Exhibit A-10. Mr. Vuich replied yes. Mr. Princiotto asked if he had any questions on the turning radiuses. Mr. Vuich replied no.

Mr. Princiotto would like copies of the plans submitted to both the Woodcliff Lake Fire Department and Police Department. Mr. Molinelli commented that he would like to set up a meeting with the Fire Dept. and Police Dept. and explain the new traffic pattern to them. Mr. Vuich commented he would like to be present at that meeting as well. The Board Secretary Ms. Tardibuono will coordinate the specifics of the meeting with Mr. Molinelli.

Ms. Malley asked what prevents the next person from coming in and changing the sushi restaurant to a bar. Mr. Molinelli replied that would be a change in use. The applicant would have to apply to the Zoning Official and then they may be referred to the Zoning Board or Planning Board.

This application will continue at the next Zoning Board of Adjustment meeting scheduled for August 22, 2017. No additional notice will be given.

This meeting was adjourned on a motion from Mr. Newman, seconded by Ms. Malley, and carried by all.

Respectfully Submitted,

Tonya Tardibuono