

**BOROUGH OF WOODCLIFF LAKE  
ZONING BOARD OF ADJUSTMENT  
AUGUST 22, 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	Present
Victor Bongard, Vice Chairman	Present
Sanjeev Dhawan	Absent
Robin Malley	Present
Gary Newman, Alternate 1	Present
Yunaima Rodriquez	Absent
John Spirig	Present
James Vercelli, Alternate 2	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotta, Esq.	Present
Tonya Tardibuono, Secretary	Present
Joseph Vuich, Neglia Engineering	Present

**Open Minutes:**

The minutes of June 27, 2017 were approved on a motion from Ms. Malley, seconded by Mr. Newman, and carried by all.

The minutes of July 25, 2017 were approved as amended on a motion from Mr. Newman, seconded by Ms. Malley, and carried by all.

## **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.

The emergency access plans from McGowan Engineering was marked as exhibit A-11. Mr. Molinelli explained how the new access plan works. Mr. Molinelli told the Board that he had a meeting with the Woodcliff Lake Fire Department, Police Department and Neglia Engineering regarding the access plan. He commented that all individuals that attended the meeting had no issues with the changes.

Mr. Princiotto asked Mr. Vuich if he looked over the emergency access plans. Mr. Vuich responded, yes. Mr. Princiotto asked if he attended the meeting Mr. Molinelli spoke about. Mr. Vuich responded, yes. Mr. Princiotto asked Mr. Vuich to clarify some specifics in his letter. Mr. Vuich spoke and clarified all questions Mr. Princiotto had.

A letter from the Woodcliff Lake Police Department dated August 17, 2017 was marked as Exhibit A-12 (attached). An e-mail from the Woodcliff Lake Fire Chief Dan Schuster was marked as Exhibit A-13 (attached). A letter from Neglia Engineering signed by Joseph Vuich was marked as Exhibit A-14 (attached). An e-mail from the Board Planner Richard Preiss was marked as Exhibit A-15 (attached).

Mr. Newman spoke about the number of parking spaces required. A discussion was had pertaining to what the correct number of parking spaces required should be. Mr. Molinelli spoke about how he came up with his number of parking spaces required. Mr. Vuich agreed and commented that on page 7 and 8 of his letter marked Exhibit A-14 he broke down the parking requirements.

Mr. Princiotto asked Mr. Molinelli to go over where the existing signs are and where the requested signs are going to be located. Mr. Molinelli described all signs in detail. Mr. Princiotto asked what the size of the sign with the water fall feature is. Mr. Molinelli replied 10 feet by 7 feet, 70 square feet. Mr. Princiotto asked what about a variance for the sign. Mr. Molinelli replied it's not a free standing sign. Mr. Newman questioned the sign. Mr. Spirig replied that the sign has nothing to do with Matsu. Mr. Vuich replied that it's a definition issue, if the structure is not defined in our code, it's up to the Board to make a decision. Mr. Princiotto said we can call it a third free standing sign of a certain size.

Mr. Princiotto asked Mr. Vuich his opinion on the lighting plan. Mr. Vuich replied there is a minor relocation of a light pole, nothing substantial. Mr. Princiotto commented that they will still need to comply with the lighting requirements. Mr. Vuich said the site still complies with the lighting requirements.

Mr. Princiotto asked Mr. Molinelli if they would stipulate to no tractor trailers behind building B. Mr. Molinelli replied, yes.

Mr. Princiotto asked Mr. Molinelli if they would stipulate to no tenant names on signs. Mr. Molinelli replied, on the free standing sign.

Mr. Molinelli commented that earlier on he stated that all of the conditions that were imposed by the Planning Board previously are not being changed.

Mr. Princiotto asked if the sushi bar was going to have 12 seats. Mr. Molinelli confirmed yes, 12 seats.

Mr. Spirig said this is a sushi bar and not a drinking bar. Mr. Molinelli replied, yes. Mr. Spirig asked if we can stipulate that, Mr. Molinelli commented that occupancy is determined by Fire Prevention. Mr. Molinelli said that he has no issue with a stipulation stating no more than 12 seats at the sushi bar, but someone has the right to sit down and just order a drink. Mr. Newman suggested a 125 occupancy. Mr. Molinelli said he opposed that, He said that occupancy is a matter determined by Fire Prevention. A Board discussion was then had by all members present regarding occupancy. Mr. Spirig commented that it is difficult because there are no guide lines as what to follow in the master plan. Mr. Molinelli commented that if the restaurant were to change owners and types of restaurants they would have to apply to the town for a change of use.

A Board discussion was had prior to the vote.

Mr. Newman commented that he would not vote in favor with banked parking. He also wants some signage that states cars can park in the Wells Fargo lot.

Mr. Spirig asked if the town updated their master plan does the use variance go away. Mr. Princiotto replied that the general rule is the use variance runs with the land.

Ms. Malley asked what the times of operation would be and Mr. Molinelli said that Mrs. Ko testified to the hours of operation, but he went over them again. Ms. Malley asked if we can limit the hours. Mr. Boffa asked why that would matter. Mr. Newman said in his personal opinion he feels if somebody wants to drink they will, his issue is with the parking.

A motion was made by Mr. Newman to approve the application with conditions as stated, and all proposed parking installed. The motion was seconded by Ms. Malley.

Mr. Princiotto read the following variances and waivers:

Use Variance for a restaurant use.

Off street parking.

Location of Parking.

Size of parking stalls.

Permitted signs – 25 feet being exceeded for the rear façade.

Permitted signs – No more than 2 freestanding signs on the site.

Permitted signs – No more than one sign on the façade.

- Waiver – Required lighting plan.
- Waiver – Retaining wall height.
- Waiver – Retaining wall location.
- Waiver – Surface coverage increase.

The approval is subject to any conditions and or requirements in the review letter from Neglia Engineering including, but not limited to:  
 Survey to be provided.  
 Certification of retaining wall stability post construction.

- The following stipulations:
- Limit bar seats to 12.
  - No tractor trailers deliveries for building B.
  - No tenant names on the signs.
  - Sign at bank stating mall parking permitted.
  - Recording of the resolution.
  - Seating will be limited to 100 seats.

The roll call vote was carried as follows:

Brian Boffa	Yes
Victor Bongard	Yes
Robin Malley	Yes
John Spirig	Yes
James Vercelli	Yes
Christina Hembree	Yes
Gary Newman	Yes

**Resolution:**

**#17-05**  
**Michael & Tracey Tsontakis**  
**60 Wyandemere Drive**  
**Block 509 / Lot 4**  
**Variance for minimum both side yards**

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

Victor Bongard	Yes
Robin Malley	Yes
Gary Newman	Yes
John Spirig	Yes
James Vercelli	Yes
Christina Hembree	Yes

**Resolution:**

**No. 17-06  
Closed Session**

1. Valley Chabad litigation

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

**Closed Minutes:**

The closed minutes of June 27, 2017 were approved on a motion from Mr. Spirig, seconded by Mr. Bongard, and carried by a roll call vote as follows:

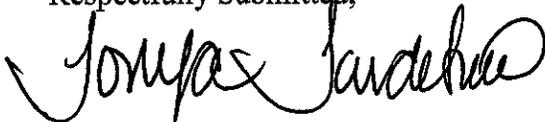
Victor Bongard	Yes
Robin Malley	Yes
Gary Newman	Yes
John Spirig	Yes
James Vercelli	Yes
Christina Hembree	Yes

The closed minutes of July 25, 2017 were approved as amended on a motion from Mr. Newman, seconded by Ms. Malley, and carried by a roll call vote as follows:

Victor Bongard	Yes
Robin Malley	Yes
Gary Newman	Yes
John Spirig	Yes
James Vercelli	Yes
Christina Hembree	Yes

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

Respectfully Submitted,



Tonya Tardibuono