

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
AUGUST 23, 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
Marcia Denbeaux	Absent
Sanjeev Dhawan, Alternate 2	Absent
Robin Malley	Present
Gary Newman, Alternate 1	Present
John Spirig	Present
James Vercelli	Absent
Christina Hembree, Chairwoman	Present
S. Robert Princiotta, Esq.	Present
Joseph Vuich, Neglia Engineering	Present
Daniel Bloch, Planner	Present
Tonya Tardibuono, Secretary	Present

Minutes:

The minutes of July 26, 2016 were approved on a motion from Mr. Spirig, seconded by Mr. Bongard, and carried by all.

The minutes of August 16, 2016 were approved as amended on a motion from Mrs. Malley, seconded by Mr. Spirig, and carried by all.

Resolution:

#16-05

14 West Hill Road

Block 2102 / Lot 9

Rear Porch Addition (Building Coverage Variance / Total Coverage Variance / Minimum Rear Yard Variance)

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

Mr. Bongard	Yes
Mrs. Malley	Yes
Mr. Spirig	Yes
Mrs. Hembree	Yes

Continued Application:

Valley Chabad

100 Overlook Drive

Block 908 / Lot 1

Change of Use / Site Plan Application with variances

Mr. Elliot Urdang was present as the Attorney for the applicant.

Mr. Princiotto spoke about how a report was received from Kelly Kosoff's Planner after the close of business today (August 23, 2016). Mr. Princiotto recommended to the Board that they do not accept the report. The report was not accepted.

A letter was submitted to the Board dated August 18, 2016 from resident Kelly Kosoff (see attached letter). Mrs. Kosoff requested that this application be denied without prejudice because the Board is being forced to make a decision without relevant information, and as an objector she has been denied sufficient time to prepare and present her case. A Board discussion was then had pertaining to the letter.

A motion to deny Kelly Kosoff's request to deny this application without prejudice was made by Mr. Bongard, seconded by Mr. Newman, and carried by roll call vote as follows:

Mr. Boffa	Yes
Mr. Bongard	Yes
Mrs. Malley	Yes
Mr. Newman	Yes
Mr. Spirig	Yes
Mrs. Hembree	Yes

The Rabbi for the Valley Chabad, Rabbi Dov Drizin was in appearance to answer questions anybody may have for him regarding this application.

The meeting was open to the public to ask questions of Rabbi Dov Drizin on a motion from Mr. Newman, seconded by Mr. Boffa, and carried by all.

Diane Audino, Woodcliff Lake – Mrs. Audino asked Rabbi Drizin a series of questions pertaining to services currently being held, how many people are in attendance of services, how many cars are parked at the Valley Chabad, what is considered a high holiday, how many attendees would be walking, classrooms, the specific needs of the Chabad, amount of members the facility is being built for, growth of the Chabad, lights.

Cliff Levy, Woodcliff Lake – Mr. Levy asked Rabbi Drizin a series of questions pertaining to the major Jewish holidays and how many people are in attendance for each holiday.

Ron Pillar, Woodcliff Lake – Mr. Pillar asked Rabbi Drizin a series of questions about how many people they provide assistance to in the community and if you could see the street from the current facility and the new facility.

Roberta Green, Woodcliff Lake – Mrs. Green asked Rabbi Drizin if he is familiar with the zoning laws of Woodcliff Lake and if he is operating as a house of worship now. Rabbi Drizin responded that he is working as a home.

Ron Wolpov, Woodcliff Lake – Mr. Wolpov asked Rabbi Drizin questions about parking and additional classrooms being used during services.

Cheryl Kerin, Woodcliff Lake – Ms. Kerin asked Rabbi Drizin questions about how long the Valley Chabad has been in its current location, and if the Board gave this application reasonable conditions would you be willing to accept them and if the current temple across the street has the same services for High Holidays.

Paul Belnick, Woodcliff Lake – Mr. Belnick asked Rabbi Drizin a series of questions pertaining to sidewalks, lights and field of vision.

Elena Kindler, Woodcliff Lake – Mrs. Kindler asked Rabbi Drizin how many families send their children to Hebrew school or attend services and how many of the families reside in Woodcliff Lake. Mrs. Kidler also asked Rabbi Drizin how many of the out of town families are from Monsey or New Square and if any of the families identify themselves as Lubavitch.

Debbie Cazaz, Woodcliff Lake – Mrs. Cazaz asked Rabbi Drizin if it was traditional on high holy days to not play music, the different level of involvement with members, the special needs program offered by the Valley Chabad and off sight high holy day services.

Scott Kalb, Woodcliff Lake – Mr. Kalb asked Rabbi Drizin if he believes that there are a lot of misconceptions about the Valley Chabad.

Jeff Davis, Woodcliff Lake – Mr. Davis asked Rabbi Drizin if he believes there is a lot of fear with what they are trying to do with this application and do you have a goal to bring Hasidic Jews from the Monsey area here to practice and is there anybody on the Board that utilizes your services.

Ghada Maney, Woodcliff Lake – Mrs. Maney asked Rabbi Drizin if he currently lives at 100 Overlook and if he is conducting services there.

Catherine Hanna, Woodcliff Lake – Mrs. Hanna asked Rabbi Drizin if he has any bar mitzvahs at 100 Overlook now and if he plans to have them in the future.

The meeting was closed to the public to ask questions of Rabbi Dov Drizin on a motion from Mrs. Malley, seconded by Mr. Newman, and carried by all.

A break was taken from 9:05 p.m. until 9:10 p.m.

At this time Christina Hembree, John Spirig, Gary Newman and Robin Malley had questions for Rabbi Drizin.

Mr. Princiotto read a letter he sent to Stephen M. Buente the Supervising Engineer of the New Jersey Turnpike Authority dated August 19, 2016. This letter was marked Exhibit B-4 (see attached). Mr. Princiotto read a letter he received in response from Stephen M. Buente. This letter was marked B-5 (see attached).

Mr. Joseph Vuich from Neglia Engineering, the Borough's Engineer was sworn in by Mr. Princiotto. Mr. Princiotto asked Mr. Vuich: Starting in Woodcliff Lake where does the Musquapsink Brook travel? Mr. Vuich explained the travel of the Musquapsink Brook. Mr. Princiotto asked Mr. Vuich if the Musquapsink Brook is delineated as a flood hazard area. Mr. Vuich replied yes. Mr. Princiotto asked Mr. Vuich if he reviewed the demo plan exhibit prepared by the applicant. Mr. Vuich replied yes. Mr. Princiotto asked how many trees are being removed. Mr. Vuich replied 88 trees are to be removed and 16 that are overhanging onto the property. Mr. Princiotto asked Mr. Vuich if the removal of the trees will increase the volume of water coming off the property. Mr. Vuich replied inherently yes and then explained his answer. Mr. Princiotto asked Mr. Vuich if a greater impervious coverage creates a greater volume of water to come off the property. Mr. Vuich replied yes and explained.

Mr. Newman asked if the construction of this project would have a negative impact in regard to flooding on any of the properties in Woodcliff Lake. Mr. Vuich replied that to properly answer that question a property evaluation will have to be done.

At this time Mr. Spirig and Mr. Newman had questions for Mr. Vuich.

The meeting was open to the public to ask questions of Mr. Vuich on a motion from Chairwoman Hembree, seconded by Mr. Newman, and carried by all.

John Glaser, Woodcliff Lake – Mr. Glaser asked Mr. Vuich to re-explain the drainage information again. Mr. Vuich explained the information. Mr. Glaser asked a couple more questions pertaining to the drainage.

Roberta Green, Woodcliff Lake – Mrs. Green asked Mr. Vuich if the water is managed by a sump pump. Mr. Vuich said no, the water is all managed by gravity.

The meeting was closed to the public to ask questions of Mr. Vuich on a motion from Chairwoman Hembree, seconded by Mr. Newman, and carried by all.

Mr. Daniel Bloch from Maser Consulting, the Borough's Planner was sworn in by Mr. Princiotto. Mr. Princiotto asked what the size of Woodcliff Lake is. Mr. Bloch said Woodcliff Lake is in the Pascack Valley and is 3.41 square miles and consists of approximately 5,900 residents. Mr. Princiotto asked if Mr. Bloch reviewed the revised plans. Mr. Bloch spoke about his previously submitted review letter. He commented that this application goes against four key master plan goals. Mr. Princiotto asked if there was any detriment to the public good. Mr. Bloch responded by saying in his opinion there could be some detriments to the public good; it's a balancing act of do the benefits outweigh those detriments. Mr. Princiotto asked what the reasons are for impervious coverage limitations in a zoning ordinance. Mr. Bloch said sometimes the impervious coverage limits the size of the building; it makes sure that the stormwater is not causing an adverse impact to the surrounding properties, and because they want more open spaces. Mr. Bloch spoke about the parking, the proposed retaining walls, the rooftop deck, the residential buffer, setbacks and the surrounding properties.

Mr. Urdang questioned Mr. Bloch.

Mr. Newman asked Mr. Bloch some questions.

The meeting was open to the public to ask questions of Mr. Bloch on a motion from Mr. Newman, seconded by Mr. Spirig, and carried by all.

Diane Audino, Woodcliff Lake – Mrs. Audino asked about the height of the retaining wall. Mr. Bloch went over the Borough's ordinance and what the applicant proposed.

The meeting was closed to the public to ask questions of Mr. Bloch on a motion from Mrs. Malley, seconded by Mr. Newman, and carried by all.

Mr. Princiotto made an announcement that any member of the public that wishes to testify may do so at this time.

Moshe Cazaz, Woodcliff Lake – Mr. Cazaz was sworn in by Mr. Princiotto. Mr. Cazaz spoke about the available properties in the area that were mentioned earlier at the meeting and why they would not work for the Valley Chabad.

Paul Belnick, Woodcliff Lake – Mr. Belnick was sworn in by Mr. Princiotto. Mr. Belnick stated that he witnessed how the Valley Chabad handled parking, Mr. Belnick then went on to explain his experiences with what he has witnessed with the Valley Chabad parking.

Mr. Princiotto gave out three sign-in sheets for people wanting to speak publicly about this application. The sign-in sheets were for Woodcliff Lake residents living within 200 feet of 100 Overlook Drive, residents of Woodcliff Lake and for non-residents of Woodcliff Lake. After the sign-in sheets were reviewed it was determined that each person would have two minutes to speak.

The meeting was open to the public to comment on the 100 Overlook Drive application for the Valley Chabad on a motion from Mr. Spirig, seconded by Chairwoman Hembree, and carried by all.

Residents living within 200 feet of 100 Overlook Drive

Diane Audino, Woodcliff Lake – Mrs. Audino spoke on behalf of herself and her husband Mr. Marc Boggio. Mrs. Audino believes this application should not be approved. She then went on to explain the reasons why she believes this application should not be approved.

Residents of Woodcliff Lake

Woodcliff Lake resident Joseph LaPaglia was present at the last meeting, but was unable to attend tonight's meeting and submitted a letter to be read. Mr. Princiotto read the letter (see attached).

Ron Pillar, Woodcliff Lake – Mr. Pillar spoke in favor of this application being approved. Mr. Pillar explained what the Valley Chabad does for the community.

Cliff Levy, Woodcliff Lake – Mr. Levy is against this application being approved. He said this is a zoning issue and then went on to explain the reasons why this application should not be approved.

Michael Bertino, Woodcliff Lake – Mr. Bertino stated in his opinion the intensity of use does not makes sense with the master plan.

Robert Wolpov, Woodcliff Lake – Mr. Wolpov is against this application being approved. He then went on to explain why this application is unsafe and shouldn't be approved.

Roberta Green, Woodcliff Lake – Mrs. Green is against this application being approved. She then went on to explain this is why we have zoning laws and then stated reasons why she was against the application.

Cheryl Kerin, Woodcliff Lake – Mrs. Kerin is in support of this application being approved. She then went on to state her reasons why. She mentioned the Valley Chabad has been in town for over 17 years and they never had any issues.

John Glaser, Woodcliff Lake – Mr. Glaser is against this application being approved. He spoke about how he was on the Mayor and Council and Shade Tree Committee for many years. Mr. Glaser mentioned maybe they could scale the size of the building down, but it is too oversized for the lot.

Shelly Klein, Woodcliff Lake – Mrs. Klein is in support of this application being approved. She spoke about her family's involvement with the Valley Chabad and she stated she believes she represents the typical Woodcliff Lake resident.

Jill Kalb, Woodcliff Lake - Mrs. Kalb is in support of this application being approved. She spoke about her family's involvement with the Valley Chabad and how the Chabad helps in the community.

Bob Fischer, Woodcliff Lake – Mr. Fischer is against the application being approved. He commented on the Rabbis's work, but feels this application is too big for the space.

Joan Herman, Woodcliff Lake – Mrs. Herman is in favor of the application being approved. She stated she was a 53-year resident of Woodcliff Lake and gave reasons why the application should be approved.

Rimma Lipsky, Woodcliff Lake – Mrs. Lipsky is in favor of the application being approved. She went on to explain all of the good services the Valley Chabad provides for the community.

Jerrold Terdiman, Woodcliff Lake – Mr. Terdiman spoke about how he is in favor of this application being approved.

Paula Star, Woodcliff Lake – Mrs. Star spoke about why she is in favor of this application being approved.

Joseph Kerin, Woodcliff Lake – Mr. Kerin is in favor of the application being approved. Mr. Kerin commented that the applicant would be in favor of working with the Board.

Ghada Maney, Woodcliff Lake – Mrs. Maney is against the application being approved. She stated that nobody is personally against the Valley Chabad, the application brings up safety and privacy concerns.

Catherine Hanna, Woodcliff Lake – Mrs. Hanna is against the application being approved. She spoke about the positive things the Valley Chabad does for the community, but she said the space is just too small for this application.

Bert Taylor, Woodcliff Lake – Mr. Taylor spoke about the town being divided due to politics and to remember that we all have to live here.

Non-Residents of Woodcliff Lake

Linda Weiss, Florida – Mrs. Weiss is in favor of the Valley Chabad being approved. She went on to speak about all of the great things the Valley Chabad does for the community.

A break was taken from 11:27 p.m. until 11:38 p.m.

Mr. Urdang gave his closing statement.

At this time a Board discussion took place between all members present with each member discussing their thoughts on this application.

Mr. Princiotto spoke about the application and all of the exhibits that were presented. Mr. Princiotto handed out a list of variances and waivers the applicant is seeking to the Board members (see attached).

A motion to deny the 6 requested D variances, 3 C variances, 4 design waivers and the site plan for 100 Overlook Drive was made by Mrs. Malley, seconded by Mr. Boffa, and carried by roll call vote as follows:

Mr. Boffa	Yes
Mr. Bongard	Yes
Mr. Malley	Yes
Mr. Newman	Yes
Mr. Spirig	Yes
Mr. Hembree	Yes

Mr. Princiotto stated that he will have a resolution prepared to be voted on at the next scheduled Zoning Board of Adjustment meeting.

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

Respectfully Submitted,



Tonya Tardibuono

BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
RESOLUTION

MATTER OF: RICHARD COVELLO
14 W. HILL ROAD
BLOCK 2102, LOT 9

APPLICATION NO: #16-05

DECIDED: JULY 26, 2016

WHEREAS, application has been made by Richard Covello, with respect to the premises known and designated as Block 2102, Lot 9 on the Tax Map of the Borough of Woodcliff Lake for variances to permit a rear porch addition 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 July 26, 2016 before members Robin Effron Malley, John Spirig, Christina Hembree, Victor Bongard and Sanjeev Dhawan; 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(6)(c) to permit a rear yard of 30.94 feet in lieu of the required 40 feet for a requested variance of 9.06 feet,
 - (b) a variance from the requirements of §380-14B(4) to permit lot building coverage of 16.94% where only 15% is permitted for a variance 1.94%,
 - (c) a variance from the requirements of §380-14B(4) to permit surface coverage of 34.61% where 30% is the limit, for a variance of 4.61%, and
2. Whereas, there currently are no variances that have been granted to Applicant, and

WHEREAS, the Board found as follows:

1. This application is for three variances: (1) for a variance of 9.06 feet to permit a rear yard of 30.94 feet when 40 feet is required and (2) to permit building coverage of 16.94% where only 15% is permitted for a variance of 1.94%. and (3) to permit surface coverage of 34.61% where 30% is the limit for a variance of 4.61%.
2. At the public portion of the meeting, no one testified for or objected to the application.
3. The lot is undersized being only 17,515 square feet and 22,500 square feet is required. A strict application of the regulation would result in a peculiar and exceptional practical difficulties and/or exceptional and undue hardship upon the owners of the property. The hardship that exists relates to the size of the property. The applicant purchased the property and received permits for the construction of the existing outdoor pergola which violates the Zoning Ordinance and creates a larger encroachment on the rear yard than the proposed covered porch.
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 and based upon all homes 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 UPON THE FOLLOWING TERMS AND CONDITIONS:

SECONDED BY: ROBIN EFFRON MALLEY

IN FAVOR OF GRANTING THE MOTION: ROBIN EFFRON MALLEY, CHRISTINA
HEMBREE, JOHN SPIRIG, VICTOR BONGARD AND SANJEEV DHAWAN.

OPPOSED BY: NONE

ABSTAIN:

MOTION APPROVED

MOTION TO APPROVE FORM OF RESOLUTION:

INTRODUCED BY: Victor Bongard

SECONDED BY: Robin Malley

IN FAVOR OF APPROVING: Victor Bongard, Robin Malley, John Spirig,
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


TONYA TARDIBUONO, Secretary

Ms. Kelly Kosoff
51 Saddle River Road
Woodcliff Lake, NJ 07677

Mr. Salvatore Princiotta, Esq.
WCL-Zoning Board Attorney
188 Pascack Road
Woodcliff Lake, NJ 07677

Re: Valley Chabad Application-100 Overlook Drive

August 18, 2016

Dear Mr. Princiotta:

I understand that Mr. Urdang, attorney for the applicant Valley Chabad, is refusing to grant me a time extension to have my planner testify. As I have stated before, I believe it is a denial of my rights as a resident to prepare and present a case objecting to the application. I therefore respectfully request that this application be denied without prejudice because the Board is being forced to make a decision without relevant information and as an objector I have been denied sufficient time to prepare and present my case. As you know, after more than fifteen (15) months of testimony, Valley Chabad submitted new plans at a May 2016 meeting after adjourning all hearing dates between January 2016 and April 2016. Significant and substantial changes were made to the plans. During those months the applicant had no communication with the Board or anyone else for that matter.

Since May 2016, the applicant has been given ample time to put on its case. Moreover, in June the Board voted to allow the applicant to proceed as a continued application but the record is clear that the Board did so with the caveat that the public would be given ample opportunity to bring witnesses and present expert testimony. In fact, Mr. Urdang led the Board and the public to believe that sufficient time would be given to objectors. In June 2016, the Board even asked members of the public to indicate what witnesses they intended to call and how much time would be needed for those witnesses. At that meeting, I advised the Board that I intended to bring a professional planner to testify regarding the newly submitted plans since no planning testimony was put forth on the record regarding the revised plans which were presented to the public in May 2016. I stated that I would need one meeting date to bring the planner. At that time no specific dates were suggested for my planner since the applicant was still presenting its case.

Throughout July, the applicant continued to call witnesses and present testimony. Again, no specific dates for the planner were discussed. On August 11, 2016, per my email correspondence to you I alerted the Board of a possible scheduling conflict. In anticipation of Mr. Urdang's August 31, 2016 decision deadline I acknowledged that the August 16, 2016 meeting was already reserved for the Rabbi and other witnesses. I noted that the next scheduled meeting was August 23, 2016 but that my planner was unavailable to appear on that date and I requested an

MARCUS & LEVY

ALBERT E. LEVY (1976 Ret.)
WILLIAM V. MARCUS (1976 Ret.)
KENNETH W. LEVY
LARRY A. LEVY

ATTORNEYS AT LAW
Founded 1930

201-791-8500
Fax # 201-791-3001

Valley National Bank Bldg.
80 Broadway (Route 4)
Elmwood Park, NJ 07407

S. ROBERT PRINCIOTTO +
JOHN ROBERTSON, JR.

E-mail: Sprinciotto@MarcusandLevy.com

+ Certified Civil Trial Attorney
and Also Member NY Bar

August 2, 2016

Stephen M. Bunte, P.E.
Supervising Engineer
Planning/Environmental
New Jersey Turnpike Authority
581 Main Street
Woodbridge Township, NJ 07095

**Re: Site Plan Review Proposed Valley Chabad
Block 908, Lot 1
100 Overlook Road
Borough of Woodcliff Lake, Bergen County, New Jersey**

Dear Mr. Bunte:

Please be advised that I am legal counsel to the Zoning Board of Adjustment of the Borough of Woodcliff Lake.

Valley Chabad has pending before the Board an application for multiple variances and site plan approval. One of the variances is for impervious coverage. It is my understanding that the applicant has proposed a drainage system that will tie into a system serving the Garden State Parkway which flows into a conduit that connects to the Musquapsink Brook.

I would greatly appreciate if your would respond to the following questions:

1. Whether any plans have been submitted for your review;
2. If there has been any approval granted by the New Jersey Turnpike Authority for the applicant's proposed site plan;
3. All conditions and requirements for consideration of the proposed site plan;
4. The procedure for obtaining approval from the Authority.

Your prompt response would be greatly appreciated.

Very truly yours,

S. ROBERT PRINCIOTTO

SRP:amr



New Jersey Turnpike Authority

ADMINISTRATION BUILDING - 581 MAIN STREET
P.O. BOX 5042 - WOODBRIDGE, NEW JERSEY 07095
TELEPHONE (732) 760-5300

CHRIS CHRISTIE
GOVERNOR

KIM GUADAGNO
LIEUTENANT GOVERNOR

August 19, 2016

RICHARD T. HAMMER, Chairman
RONALD GRAVINO, Vice Chairman
MICHAEL R. DUPONT, Treasurer
RAYMOND M. POCINO, Commissioner
ULISES E. DIAZ, Commissioner
DANIEL F. BECHT, Commissioner
JOHN D. MINELLA, Commissioner
JOSEPH W. MROZEK, Executive Director

Mr. S. Robert Princiotta
Marcus & Levy
Attorneys at Law
Valley National Bank Building
80 Broadway (Route 4)
Elmwood Park, NJ 07407

RE: Site Plan Review of Proposed Valley Chabad
Block 908, Lot 1
100 Overlook Road
Borough of Woodcliff Lake, Bergen County

Dear Mr. Princiotta:

I am receipt of your August 2, 2016 letter regarding the status of the New Jersey Turnpike Authority's (Authority) review and/or approvals regarding the above referenced proposed development. In response to your inquiries I offer the following:

- The only plans provided to the Authority are a Site Plan and Grading and Drainage Plan, both dated September 8, 2014.
- The Authority has not granted any approvals relative to the applicant's proposed site plan.
- The Authority has expressed concerns regarding the design and location of the proposed retaining wall and has advised the applicant that drainage calculations are required to be provided for the Authority's review.
- Once all requested information has been provided by the applicant the Authority will make a determination regarding the acceptability of directing stormwater runoff onto the Garden State Parkway right-of-way. The extent of approvals associated with the stormwater design will depend of the extent of impact to the Authority's infrastructure. The applicant has been advised that authorization will not be provided to utilize the Authority's property for the construction or maintenance of the retaining wall. Therefore the Authority's approval will not be necessary for the construction of the wall.

Please let me know if you have any other questions regarding the Authority's position on this matter.

Very truly yours,

Stephen M. Buente, P.E.
Supervising Engineer, Planning & Environmental

SMB/cr

cc: J. Keller
L. Melak
File

Comments on Zoning Board Application
Re: Valley Chabad Overlook Application

Good evening, my name is Joe LaPaglia and my family and I have lived in Woodcliff Lake since 1973. I served as a Councilman from 1979 thru 1982, along with your Zoning Board Chairman, Christine Hembree for whom I have great respect and admiration. I was a Planning Board member for 16 years from 1986 thru 2002. I was Mayor of WCL from 2004 thru 2011. I am currently a member of the Affordable Housing Committee. During my more than 35 years of public service in WCL, I have never encountered a more problematic Zoning Board, or any other Board application, as the one you have before you for the past year and a half. This Zoning Board Application requires 18 variances and 10 waivers from our current zoning code which goes back to 1985. At the heart of the matter, resulting in 28 exceptions to our Zoning Laws and Requirements, is the long-standing requirement for a minimum lot size of 3 acres for a religious use in a residential zone and this applicant's anticipated needs. In fact, the applicant's requested structure size and parking needs is precisely why the Borough has required a 3 acre minimum lot size for the past 30 years or more. This Applicant did not reside in WCL 30 years ago. Moreover, I am not aware of any exception on minimum lot size given to any religious organization since I moved to WCL over 43 years ago. The only exceptions to the 3 acre minimum that I am aware of existed prior to 1973 and they are both on the corner of Pascack Road and Woodcliff Avenue a major intersection just south of Borough Hall.

In addition to the incredibly large number of variances and waivers requested by the Applicant, the size and degree of some of the most critical code regulations are extreme. Specifically, existing regulations on coverage ratios for steeply sloped lots limits impervious coverage to 30% or less, the Applicant's coverage ratio request is over 70%! The height limitation on retaining walls is limited to 3 feet before requiring the wall to be stepped back 3 feet. This was a significant safety concern especially where children are expected. This Applicant has a vertical wall height of 20 feet with no step back.

The Applicant's legal strategy of originally requesting even more and greater variances and making minor concessions to try and appear to be trying to more closely comply to our zoning is transparent and should not influence this Board.

Finally, The Borough requires a zero water run off in a residential zone. This cannot be achieved on the proposed lot and the Applicant hopes to drain its run off under the Garden State Parkway and ultimately into the Musquapsink Brook which goes thru WCL, Hillsdale and part of Westwood before draining into the Oradell Reservoir. To my knowledge the necessary easements and permits have not been obtained and are unlikely to be approved.

For all of the reasons described, this Board should deny this application, and wish the Applicant success in finding a conforming and more appropriate site for its expansion plans.

Joseph LaPaglia
Aug. 12, 2016

VALLEY CHABAD

"D" VARIANCES:

The applicant requests a variance from the requirements of §380-13 Conditional Uses - Houses of Worship.

The applicant is proposing to demolish the existing 1-1/2 story residence on the subject site to construct a 12,247 square foot floor area, 2 story house of worship with underground covered parking, sanctuary, social hall, kitchen, library, 6 offices, Mikveh, 7 classrooms and rooftop deck. Houses of Worship are permitted conditional uses in the R-30 District, subject to the conditions codified at §380-13. Since the proposed house of worship does not meet the required conditions, "D"(3) variance relief is required as follows:

- (1) Minimum Lot Size: three (3) acres required - The applicant is proposing to construct a new house of worship on the existing 1.27 acre lot. A variance of 1.73 acres is requested.
- (2) Minimum Lot Width: 400 feet required - The applicant is proposing to construct a new house of worship on a lot with an existing lot width of 337.1 feet. A variance of 62.9 feet is requested.
- (3) Maximum Height: 2-1/2 stories or 30 feet permitted. The proposed building is 2 stories with a covered parking level with a height of 33 feet. A height variance of 3 feet is required.
- (4) Maximum Building Coverage: 15% permitted. Building coverage is now proposed at 16.1%. Variance relief is requested for the 1.1% deviation.
- (5) Maximum Impervious Surface Coverage: 30% permitted. Impervious coverage is proposed at 70.8%. A variance of 40.8% is requested.

- (6) Number of Parking Stalls Required: One space for each three seats, plus one space for each staff member is required. The applicant is proposing 73 parking spaces where 113 ($340/3 = 113$) spaces are required based upon capacity when the social hall and sanctuary are combined. The applicant proposes reducing the number of seats to 219 and proposes 73 spaces proposed. The applicant has not addressed the required parking for staff members. Variance relief still required.

"C" BULK VARIANCES:

1. The applicant requests a variance from the requirements of §380-111C(1) through (5): Retaining Wall as follows:

- (a) Retaining walls shall not have any continuous exposed wall face in excess of three feet in height measured from the lowest elevation of the finished grade.
- (b) In any embankment which is constructed by the use of retaining walls, each wall shall also be subject to a maximum height limitation of three feet and shall be tiered at every three-foot interval of height.
- (c) Each tier shall be set back a minimum of three feet to provide for the placement of landscaping on the tier.
- (d) Plantings shall be required at each tier level (except the top level adjoining a lawn area) to minimize the appearance of the wall's height and enhance its aesthetics.
- (e) Retaining walls shall not be erected within five feet of a street right-of-way, side or rear property line and be constructed in such a way so as to

occur within critical slope areas, except in accordance with a schedule. The applicant is proposing to disturb 100% of the critical slopes on the property. "C" bulk variance relief is requested to permit the deviation from the Steep Slope Ordinance.

Permitted Levels of Disturbance in Critical Slope Areas			
Slope Category	Percent Grade	Maximum Disturbance Area	Proposed Disturbance Area
1	15% to 19.99%	35% (1,979 sq ft)	100% (5,653 sq ft)
2	20% to 24.99%	25% (508 sq ft)	100% (2,032 sq ft)
3	25% or greater	15% (1,683 sq ft)	100% (11,220 sq ft)

DESIGN WAIVERS:

The applicant requests that the Board grant exceptions from design standards pursuant to N.J.S.A. 40:55D-51.

The following waivers or exceptions from the adopted design standards are requested by the applicant:

1. §292-26B(2): Parking Within 30 Feet of Right-of-Way. The ordinance prohibits parking within thirty (30) feet of the street Right-of-Way. The parking spaces are set back 2.5 feet. A variance of 27.5 feet is requested.
2. §292-26C(2): Size of Parking Stalls. Parking stalls shall have a minimum area of 200 square feet, and shall measure 10 feet in width and 20 feet in depth. The plan shows parking spaces measuring 9 feet by 18 feet. The applicant requests parking stalls of 180 square feet, which measure 9 feet in width by 18 feet in length. A variance of 20 square feet is requested.

3. §292-29B(3): Buffer Along Parking Areas. The ordinance requires fences, landscaping, berms and/or mounds to be located where parking areas abut other properties. Roughly 25% of the parking area is not buffered from adjacent properties.
4. §355-2(d): The Ordinance prohibits clear cutting of trees on any property.