

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
JULY 23, 2013
7:30 P.M.
MINUTES**

Call to Order:

The meeting was called to order at 7:30 p.m. by Chairwoman 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 22, 2013, 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:

Christine Hembree, Chairwoman	Present
Marcia Denbeaux	Present
John Spirig	Present
Robin Efron-Malley	Present
Brian Boffa	Present
Wilson Castrillon	Present (7:50 pm.)
Dana Cassell	Present
Victor Bongard	Present
Jay Ferreira	Present
S. Robert Princiotta, Esq.	Present
Darlene Green, Planner	Absent (not requested)
John Pavlovich, Traffic	Absent (not requested)
Sal Cambria (Neglia Eng)	Absent (not requested)
Kathy Rizza, Secretary	Present

Minutes:

The minutes from June 25, 2013 were approved as amended, on a motion from Mr. Bongard, seconded by Mr. Cassell, and carried by all.

New Business:

Adam and Randy Nassau
18 Knollwood Road
Block 907, Lot 2.10
Pool – maximum total coverage variance

Mrs. Randy Nassau, the applicant, was present. Notification to the neighbors and the newspaper was found to be sufficient. Attorney Gail Price of Price Meese was also present on behalf of Peter and Stephanie Reiner from 62 Indian Drive who are opposing the installing of the pool at the Nassau residence. Ms. Price is also representing the Temple of 87 Overlook Avenue since it has been observed by an Engineer who measured the property that the Nassau swing set is located on property belonging to the Temple. This encroachment was described in a letter to the Board members and to Mrs. Nassau dated July 23rd. Ms. Price feels that the Board should not hear this matter if they are not in receipt of accurate plans. The Temple has commissioned a new survey which should be available in 8-10 days. Ms. Price stated that she spoke of this matter with Mr. Saluzzi, the Construction Code Official and he suggested that she inform the Board. Ms. Price would like this matter carried until the application is complete. She also stated that there is an inconsistency with the plans – the numbers don't add up. There seem to be discrepancies. Mr. Ferreira and Mr. Cassell agree. Mrs. Nassau objects to the statements made by Ms. Price and stated that if the swing set is the problem and she is encroaching, she will remove the swing set. Mrs. Nassau objected to the last minute notice of this situation. Ms. Price stated that this matter only came up in the last 24 hours and that she did not contact the Temple – they called her office. Ms. Price stated that the Woodcliff Lake code provides setbacks that must be compiled with regarding accessory structures. The swing set is not shown on the plans or the survey. Removal of trees is also an issue to be discussed. Ms. Price informed the Board Attorney that a civil engineer, a landscape architect, the Reiners and a representative from the Temple are present to testify. Last month this application was postponed with mutual consent. Mrs. Nassau stated that this matter would be put off until the September meeting since Mrs. Nassau could not answer to the discrepancy on the plans compared to the denial issued by the Construction Code Official. Mr. Princiotto stated that the burden of proof is on the applicant. Mrs. Nassau asked the Board Attorney for the procedure to withdraw an application. She was informed that this can be done now in person or in the future on paper. Mrs. Nassau said she would appreciate more notice on issues pertaining to her application. Mr. Ferreira stated that Mrs. Nassau should get a stamped and sealed landscape plan with plant names included. It was suggested that an Engineer may be needed at the next meeting to go over the seepage pit location. Mr. Princiotto encouraged Mrs. Nassau to communicate with Ms. Price regarding this situation. An announcement was made that this matter will continue at the September 24th meeting of the Board.

Donald Perez
4 Benjamin Court
Block 705, Lot 5

Around the Pool – maximum total coverage variance

Notice to the neighbors and the newspapers was found to be sufficient. The pool itself is currently under construction and should be finished by the end of this week. The deck around the pool exceeds the maximum coverage percentage by 5.6% and therefore a variance is requested. Chairwoman Hembree stated that since the permit for the pool has been issued it puts the Board in a difficult position. The Chairwoman was very surprised that a pool permit was issued. Mr. Perez explained that he has done work on the home with prior permits, he designed the pool, submitted for a pool permit and received it. He originally was going to just put grass around the pool but since that will be a maintenance issue he decided to put in a patio which, unfortunately, will increase his coverage and require a variance. Retaining walls heights were also discussed. An additional variance may be required for the walls if they are over 3'. Mr. Perez stated that his permit includes the retaining walls. Mr. Perez gave the Board Attorney the pool plan by Gdanski Consultants, Inc. of Suffern New York dated 4-29-13 that shows the pool and spa, but no patio. Some landscaping is shown and some retaining walls that exist are shown. The walls will be keystone segmented block. Mr. Ferreira stated that they will exceed the allowable. Mr. Michael Leone of 48 Windmill Lane in New City New York was sworn in. Mr. Leone is the builder of the swimming pool. He stated that the spa is higher than the pool creating a platform 18' so that the wall height will be what is allowed. All walls will be under 3'. Mr. Cassell reviewed the coverage specifics. The numbers don't seem to add up. It was also stated that there is no stamped and sealed plan with the application even though the plans were done by a certified engineer. Mr. Perez showed the Board Attorney a plan signed by the Construction Code Official. This plan, dated 7-23-13, was also sealed. Mr. Princiotto marked this as Exhibit A-1. Mr. Leone thought that the existing patio and retaining walls should be part of the variance. Exhibit A-2 was the plan by Gdanski Consultants, Inc., dated 7-1-13 with a revision of 7-23-13. The plan does not show any other prior revisions. The plan does show the wall but does not state the height. Mr. Perez stated that the approval for the removal of trees was part of the pool permit. The ordinance regarding the removal of trees was discussed. Mr. Ferreira informed Mr. Perez that the following is needed for when he returns to the Board in August: detail on the retaining walls – existing and proposed, detention system details, a signed and sealed plan, and some landscape details. It was suggested that Mr. Perez should bring a representative from his engineering firm to discuss drainage. All drainage will be subject to the Borough's Engineer approval. Exhibit A-1 was returned to Mr. Perez and will be brought back to the next meeting. Mr. Saluzzi will be contacted for a report on this application.

No additional notice is needed. The Board Attorney announced that this matter will continue to the August 27th meeting of the Board.

The meeting was opened to the public on a motion from Mr. Ferreira, seconded by Ms. Effron-Malley and carried by all.

Mr. Bert Taylor of 1 Stratford Court (within 200' feet) – Stated that Mr. Perez is a wonderful neighbor and that the house is beautiful. Mr. Taylor is a member of the Shade

Tree Committee. He asked that if an application comes to the Board with more than four (4) trees being taken down that it please be forwarded to the Shade Tree Committee.

The meeting was closed to the public on a motion from Mr. Ferreira, seconded by Mr. Cassell, and carried.

Resolution:

**New Cingular Wireless PCS.LLS (AT&T)
Site W-864 Block 1201, Lot 6
200 Overlook Drive**

The resolution was read by all present. A motion to approve the resolution was made by Mr. Cassell, seconded by Mr. Castrillon and carried by roll call vote as follows:

Mrs. Denbeaux	Yes
Ms. Efron-Malley	Yes
Mr. Boffa	Yes
Mr. Bongard	Yes
Mr. Castrillon	Yes
Mr. Cassell	Yes
Chairwoman Hembree	Yes

The resolution will be published as required by law.

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The meeting was adjourned on a motion from Mr. Ferreira, seconded by Mr. Cassell, and carried.

Respectfully Submitted,

Kathleen S. Rizza, Secretary