

**BOROUGH OF WOODCLIFF LAKE
ZONING BOARD OF ADJUSTMENT
NOVEMBER 17, 2009 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 27, 2009, 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 7:30 p.m.

Flag Salute

Roll Call:

Christine Hembree, Chairwoman	Present	
Victor Bongard, Vice Chairman	Present	
Lynda Heinemann	Present	
John Spirig	Present	
Natalie Effron	Present	
Brian Boffa	Absent	
Wilson Castrillon	Absent	
Jacob Rak	Present	
Dana Cassell	Absent	
Sal Princiotto, Esq.	Present	
D. Holmqvist, Planner	Absent	(not requested)
J. Pavlovich, Traffic	Absent	(not requested)
Elliot Sachs, Engineer(Boswell)	Absent	(not requested)
Kathy Rizza, Secretary	Present	

Minutes:

The minutes from August 25, 2009 were approved, as amended, on a motion from Mr. Spirig, seconded by Mrs. Heinemann, and carried by all.

New Business:

**09-03 Shih (formally #08-07)
Block 2707, Lot 1
Time Extension request**

Nylema Nabbie was present as the Attorney for the applicant. The application was before the board in November of 2008 for new home approvals. The applicant was given one year to start the project. The Attorney explained that there has been litigation pending regarding clear title and a one year extension is requested for construction to commence. Settlement agreements have been exchanged and the matter will be resolved soon. The Permit Extension Act would allow an automatic extension to July of 2010, but the applicant would rather have a one year extension until November of 2010. A motion to approve a one year extension for twelve months from November 17, 2009 until November 17, 2010 was made by Mr. Bongard, seconded by Mrs. Heinemann, and carried by roll call vote with all members present voting affirmatively.

09-05 Tom and Ralph, LLC
20 Reeds Lane Block 2006, Lot 4
New Home with variances for height and side yard

This matter was adjourned by request of the applicants Attorney until the December 15, 2009 meeting. An announcement stating this was made at the Zoning Board Meeting for all interested parties present. Re-notice is not necessary.

09-04 Darcie Douglas
25 Angela Court Block 1112, Lot 1
Construction of off-street parking

Antimo DelVecchio was present as the Attorney for applicant. The property in question is located at the corner of Angela Court and Springhouse Road, Block 1112, Lot 2, in an R-30 zoning district. The property is approximately 33,494 sq. ft. in size. The applicant is before the Zoning Board for approval of an off-street parking area in the front of the property. This parking area would accommodate two (2) vehicles and would be connected to a walkway leading to the front of the dwelling. The driveway of the house is off Springhouse Road. The owners have children and request parking in this area for their tutors. Mr. DelVecchio stated that this was denied by Zoning Official Nick Saluzzi on September 19, 2009. Mr. DelVecchio mentioned that he had talked to Mr. Saluzzi before the issuance of his denial letter. The applicant believes that there are no variances required. Chapter 380, Section 78 of the Borough Code was cited by Mr. Saluzzi regarding this matter. Mr. DelVecchio spoke regarding the new ordinance relating to off-street parking that has not yet been passed by the Mayor and Council. Mr. DelVecchio stated that he has applied for an appeal to the denial by Mr. Saluzzi, and interpretation of the borough code, and if a variance is requested, he would like to know what it is so can request the variance. He stated that he had no choice but to file in the way that he did. Mr. DelVecchio quoted Section 37 of the Municipal Land use Law regarding site plan regulations. This exempts one and two family homes from site plan approvals. He also stated that the Borough is empowered by the Municipal Land Use Law. Chairwoman Hembree asked the definition of a driveway. Mr. DelVecchio stated that he is using the words 'driveway' and 'off-street parking' interchangeably.

Board Attorney Princiotto stated that the applicant is looking for accessory parking in the front yard. He stated that the ordinance is clear on accessory uses – any use not permitted

is excluded. Mr. Princiotta went on to say that the applicant is seeking relief, they are appealing the denial and they are seeking an interpretation of the zoning ordinance. If a variance is needed, the applicant will request it. The Board Attorney stated that the Board will hear testimony tonight but feels that the matter needs to be further researched. Mr. DelVecchio stated that he feels that parking in the driveway is no different than in the proposed area. He referred to the Residential Site Improvement Standards (RSIS) regarding parking. Attorney Princiotta noted that the proposed off street parking area is separate from the driveway; this is what differentiates it from the norm. Mr. DelVecchio will present his case first, then he needs to know what proof is needed to go on.

David Gleassey, Project Engineer was presented as the first witness. Mr. Gleassey resides at 24 Wampum Road in Park Ridge. He was sworn in by Attorney Princiotta. He has been an engineer since 1982, and has worked for six (6) years at RL Engineering. He holds both a New Jersey and a New York license. He has testified as an expert witness in the past. Mr. Gleassey was accepted as a witness by the Zoning board of Adjustment. He gave a general description of the property in question. The existing dwelling fronts on Angela Court. There have been several additions including the garage to the north. The driveway exits onto Springhouse Road. There is a new pool and patio in the rear. There is also a new entry and walkway. There are several seepage pits and grading in the front to eliminate railroad tie walls in the front. Everything that has been done has been done with permits. The proposed parking area is in the southeast corner of the property. It is proposed at 32' x 20' and will access Angela Court on the bulb of the cul de sac. There are two (2) terraced walls in the front yard which are designed according to the town ordinance; they are 3' or less in height. There is no lighting proposed. There will be landscaping for screening north and south of the proposed parking area. Mr. Gleassey stated that the property is too steep for a circular driveway. There is no steep slope ordinance variance or retaining wall ordinance variance needed.

The following exhibits were marked:

A-1 Public Notice

A-2 Site Plan

Board questions:

Mrs. Heinemann asked how many steps there will be from the proposed parking area to the front door. She was told total approximately 24. There will be landings in between. Attorney Princiotta asked how far the proposed parking area is from the property line. He was told by the Engineer that the distance is 1'. The Board Attorney also asked how far the neighbor is to the south. He was told approximately 44'. Mr. Bongard asked if there will be a drop curb at the entrance area. The Engineer replied yes. Mrs. Effron asked how many cars the existing driveway can hold. There are three (3) garages plus (three) 3 cars in front of that and additional space down the driveway. Mrs. Effron stated that the request for the parking area doesn't make sense if the driveway could be widened. Attorney Princiotta asked if the driveway could be widened to the east. He was told yes, but would have to be researched. Mr. Spirig confirmed that the proposed area will hold two (2) cars. There will not be a turn around, the cars must back out on

Angela Court. Attorney DelVecchio stated that the factual information has been given, he now needs an interpretation.

The meeting was opened to the public, for questions on testimony so far, on a motion from Mr. Rak, seconded by Mrs. Heinemann, and carried.

Norma Walsky, 22 Angela Court – across the street. Stated that the proposed area is steeper than the driveway, why not just widen the driveway. The Engineer replied that further analysis would be needed regarding steep slope.

Leland Shue – 24 Springhouse Road. Asked how many cars are actually involved? He was told there is a three(3) car garage and room for three (3) more cars. Mr. Shue feels this application is undesirable to the neighborhood.

The public session was closed on a motion from Mrs. Heinemann, seconded by Mrs. Effron, and carried.

Board Discussion:

A discussion was held regarding the amount of stairs from the proposed parking area to the front of the home. Chairwoman Hembree asked why the applicants couldn't just park in the street. Mr. Spirig asked the Board Attorney what this Board was being asked to do. He was told that the applicant is seeking interpretation of the code, and that he disputes the denial by the Zoning Official and does not think a variance is necessary, but will ask for it if it is required. Nick Saluzzi refers to Article 11 of Section 390-78 of the Borough Code regarding street parking and loading. Mr. Spirig stated that there is no reference to residential zones. The Chairwoman asked how many off street parking areas there are in Woodcliff Lake that are separate from driveways. It was stated that there are not many. Stated that maybe on a busy street there would be a good reason to construct this. Attorney DelVecchio asked Attorney Princiotta to look at subsections of section 380-78 of the Borough Code. He asked if his applicant complies. Attorney Princiotta quoted the Zoning Code Article 4, Section 380-11 – accessory parking is not a permitted use. Attorney Princiotta feels that this matter needs to be further researched by both sides. Attorney DelVecchio asked why the town would be trying at this time to pass a new ordinance regarding this issue if there was already something in the present ordinance. Attorney DelVecchio stated that his client is prepared to pursue this matter, but he needs to know what variance to apply for. Attorney Princiotta stated that the Board has to determine if Section 380-78 applies as the Zoning Official says, and if it does the Board has to determine to grant or not grant the relief. Additionally, the Board has to determine, in conjunction, if this is a permitted use in the zone as per Article 4. There may be other sections that could be applicable. Attorney Princiotta suggested that both Attorney's research the matter for the next meeting. Mr. Spirig asked if the Board Engineer would be of any help in this matter. Mr. Rak suggested that the Board talk to Mr. Saluzzi. Mr. Saluzzi will be asked to come to the next meeting of the Board. All board members agreed to both Attorneys' doing additional research. This matter will

return on December 15th. No further notice is required. Mr. DelVecchio wished all Board members a Happy Thanksgiving.

Category One Waterways:

Attorney Princiotto prepared a statement for the Board to review on Category One Waterways for the Borough newsletter in the spring. This will be reviewed and discussed at the next meeting.

Correspondence:

Letter from Boswell on 7 Edwards Place: It was stated that the Shade Tree Committee needs to look at this property. The Zoning Official will be consulted on this matter.

Misc: Natalie Effron has resigned as a Zoning Board Member as of tonight. She will submit a formal letter to the Mayor.

The meeting was adjourned on a motion from Chairwoman Hembree, seconded by Mrs. Heinemann, and carried.

Respectfully submitted,

Kathleen S. Rizza, Secretary