

BOROUGH OF WOODCLIFF LAKE
LANDUSE BOARD MEETING
December 17th, 2024
MINUTES

Call to Order:

This meeting was called to order at 7:14p.m. at the Borough Hall by Chairman Belgiovine.

Adequate Notice Statement:

Chairman Belgiovine announced that the Meeting was in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231. Notice of this meeting was posted in two newspapers, The Record and The Ridgewood News. The public was advised of the Planning Board's rule that the meetings will be concluded by 10:00 p.m.

Pledge of Allegiance

Roll Call:

Corrado Belgiovine: *Present*

Nilufer DeScherer: *Present*

Nicole Marsh: *Absent*

Gerald Barbara: *Absent*

Carlos Rendo: *Absent*

Thomas Panso: *Present*

Lynda Picinic: *Present*

Jane Ann Whitchurch-Carluccio: *Absent*

Robert Friedberg: *Present*

Christina Hembree: *Present*

Sanjeev Dhawan: *Present*

Brian LaRose: *Absent*

Brian DiStefano: *Present*

Michael Kaufman: *Present*

Sal Princiotta, Esq.

Present

Anthony Kurus, Engineer

Present

Francis Reiner, Planner

Present

Claïresse Aquilino, Secretary

Present

Brian Intindola, Traffic Engineer

Present

Minutes

The minutes were approved on a motion from Mr. Kaufman seconded by Ms. Picinic. All were in favor.

Mr. Princiotta made an announcement to the public, he brought two sign in sheets, one for residents within 200 ft of 240 Broadway and the second one for any resident or non-residents.

Chairman Belgiovine was on the phone for the beginning of the meeting until he arrived at 7:36pm.

Mr. Lehrer opened the application back up to the board and the residents at 7:20pm.

Mr. Princiotta stated Mr. McDonough, the applicant's planner was still under oath from his previous testimony.

Mr. Reiner, Board Planner stated he reviewed the revised plans for landscaping and the site plan. He questioned Mr. McDonough if any of the conditions worsened with the revised plans.

Mr. McDonough stated no conditions had worsened; they had improved.

Mr. Reiner stated there are 28 rental units proposed. He stated the Borough's ordinance requires 15% of affordable units must be rentals and 20 % of affordable units must be for sale. He questioned if the application proposes 7 affordable units.

Mr. McDonough stated the applicant will follow what the ordinance requires.

Mr. Lehrer stated he believed because of the two single family homes proposed, would require them to provide 6 affordable units because the houses provide separate entrances.

Mr. Reiner stated the ordinance states a subdivision must meet the affordable housing requirements.

Mr. McDonough stated the basement unit of Building 4 will be converted to an affordable housing unit to meet the requirement of 7 units.

Public Session

A motion to open to the public for questions on Mr. McDonough's testimony was made by Ms. Picinic, seconded by Vice Chairman Dhawan. All members were in favor.

Mr. Alex Cuoto, 18 Cressfield Dr. questioned the height variance in Woodcliff Lake. The board secretary ensured she would confirm with the tax department to ensure they have the correct address for the 200 ft. list should it be needed.

Mr. McDonough stated the applicant is asking for lot 15.03 they are asking for a 38.3 ft height relief where 30 ft is allowed and on lot 15.04, they are asking for a relief of 63.7 where the allowable height is 30. He stated this is caused by the grade of the property. He stated the development is worked into the hillside of the property.

Mr. Brian DeVito, 12 James St. questioned the affordable units if they are based on the number of units proposed. He questioned Mr. McDonough if SFH could be built on the property. He questioned if there was no riparian zone, the building would be built where it is located. He stated the development will be budding up next to 7 or 8 single family homes. Mr. DeVito stated Mr. McDonough testified that the proposal is consistent with the Borough's 2022 Master Plan because it provides a "Range of housing options to satisfy diverse housing needs." Mr. McDonough agreed he did testify to this. He questioned the development is not for mixed- use. Mr. DeVito asked Mr. McDonough to clarify if this development consists of 39 units or 41 and includes the 2 SFHs. He questioned if any of the buildings face the reservoir. Mr. McDonough stated he does not believe any of the buildings face the reservoir. He also questioned if the property forms in a zigzag. Mr. McDonough stated it is mitigated by the soft edge around the perimeter of

the property. Mr. DeVito questioned if any public open space is included with this application. Mr. McDonough stated there is no recreation area/open public space proposed, the riparian zone is open space and is open green space. Mr. McDonough stated the 1st 1/3 of the property will be green, filled with plantings before encountering the first building. Mr. DeVito's last question was with regard to the steep slope and if this application meets the ordinance. Mr. McDonough stated he typically looks for stabilization in the interest of avoiding sedimentation and soil erosion for steep slope.

Mr. McDonough stated single family homes could physically be built on this site, but they are not proposing that. He stated because they have the riparian zone, the development needs to be up further on the property because of the constraints at the bottom. He stated the development is only for multifamily, not mixed- use. Mr. McDonough stated the development is 39 units with two building lots, that are not defined yet. He stated the applicants plans to preserve natural beauty within the residence.

***Chairman Belgiovine arrived at 7:36pm.**

Mr. Lehrer stated the riparian zone is a NJDEP requirement.

A motion to close to the public was made by Ms. Picinic, seconded by Mr. Panso. All members were in favor.

Mr. McDonough made one final comment before he left, stating the Master Plan states there are very few undeveloped vacant lots within single residential zones left.

Mr. Lehrer stated 10 days before the meeting, the 4th revision of the site plan was submitted to the Board secretary.

Mr. Curtis, the applicant's engineer, still under oath from his previous testimony stated he believes they have balanced the site. He stated they took the board's comments and the public's comments to change the site plan and create a 20ft pinch point for the retaining wall. He stated they changed the distance from retaining wall to be 11ft and tiered the wall to two 9ft tiers. He stated they added 71 evergreen trees and 12 shrubs since their previous revision from October 22nd, 2024. Mr. Curtis stated the sight looks very similar, but the coverage went down slightly because the buildings size went down. Mr. Curtis stated they would comply with any species requirements as outlined by the Shade Tree Commission. He also stated they have no issue accommodating the request to relocate the hydrant from the Fire Department.

Mr. Kurus, Board engineer, stated they made improvements by reducing the wall heights and the impervious coverage and the building coverage.

Mr. Reiner stated they better screened the neighbor's properties with the tiered walls. He also stated the applicant intends to protect and save the trees on the east, north and west sides of the property. He stated they would have to come back to the board if they made any changes.

Chairman Belgiovine questioned the types of trees proposed for the southern side of the property.

Mr. Curtis stated the trees would be evergreens, American hollies, they will be 8-10ft planted and grow up to 40-60ft.

Chairman Belgiovine questioned the distance between the property line and the wall is enough.

Mr. Reiner stated the distance is enough.

Chairman Belgiovine questioned if the site will be irrigated, Mr. Curtis stated it would be.

Mr. Lehrer questioned if the riparian zone would be disturbed.

Mr. Curtis stated the DEP has regulated activities for DEP limitations. He stated it is very hard to allow disturbances, if they were to exceed that it would be considered a hardship, and the DEP would not entertain this within the 300ft riparian zone. He stated they have not filed a formal application with the DEP yet, it could take 6 months to receive approval, this would also need to be approved before any construction could begin.

Chairman Belgiovine questioned if the county can give conflicts to DEP.

Mr. Curtis stated this is impossible; the DEP has very strict rules.

Vice Chairman Dhawan questioned the height proposal for this application.

Mr. Curtis stated the height is measured from the existing/natural grade. He stated 40ft for the building height, equals to that height plus the natural grade, giving you 68 ft. He stated there is 20ft down to the tier.

Mr. DiStefano made a comment, the proposed building with the peak of the roof is 40ft., the roadway to the peak is 70ft.

Mr. Curtis stated they proposed to enhance the riparian zone by adding extensive evergreens that will grow up to 80- 90 ft. high. They will grow about 2-3 ft a year.

Mr. Reiner stated the building will still be visible through the landscaping in some perspective.

A motion to open to the public for questions about Mr. Curtis' testimony was made by Ms. Picinic, seconded by Mr. DiStefano, all members were in favor.

- Mr. Gregory Kich, 19 Edward Place, questioned if the evergreens will be deer resistant. Mr. Curtis stated all the plantings are deer resistant.

- Mr. Don DeLuca, of 16 Edward Place, questioned if Edward place would be used as a construction entrance.

Mr. Curtis stated it would not be used as a construction entrance.

- Mr. Michael Chladil, of 18 Edward Place, questioned what will go in between the plants. Mr. Curtis stated plantings cannot be put at the location Mr. Chladil was referring to because there will be a wooden fence in that location. He stated the site will be lower than the fence to be installed from Edward Place. He stated the area where the trees will not go is where the sanitary line will be running.

- Mr. Gregory Egli, of 258 and 264 Broadway, asked for clarification of some of the plantings the applicant provided.

Mr. Curtis stated the plantings will be large eastern white pines, similar to large Christmas trees.

- Mr. Alex Couto, of 18 Cressfield Court, questioned if you would be looking at 50ft of building from Broadway, and 40 ft from the proposed parking lot.

Mr. Curtis stated if you could see the buildings from Broadway clear through the landscaping you would see 50ft., but the average grade does not translate to what the proposed variance being requested for. Mr. Curtis stated you would see 40 ft. from the parking lot.

- Victoria Guez, 25 Clinton Place, questioned if there will be a natural or artificial buffer between the two SF lots and the buildings next to them. She questioned the line from East to West on the proposed SF lots.

Mr. Curtis stated there will be a natural buffer. Mr. Curtis stated that line indicated the retaining wall, and the plantings on top of the wall. He stated there will also be a 6ft high solid wood fence, plantings will be on the side of the fence towards the single-family homes. He stated you would see the tops of the buildings but through the landscaping.

- Mr. Brian DeVito, 12 James Street, questioned if both lots 1503 and 1504 still required variances. He questioned if the maximum retaining wall height was still over 20ft. He questioned if it is possible to build in the riparian zone. Mr. DeVito asked for the location of the fence. He questioned if the parking had changed. Mr. DeVito questioned if the driveway was different. He questioned if car lights, as drivers come in and out of the development at night, will bother the neighbors.

Mr. Curtis stated variances would still be required for lots 1503 & 1504, the coverage would be 42.59 %. Mr. Curtis stated the retaining walls were no longer over 20ft but 15ft. On the east of the property the walls will be between 5-7 ft tiered. Mr. Curtis stated it is possible but difficult to be granted a hardship from the DEP. Mr. Curtis stated that the fence would traverse the southerly lot line and go eastward, an easterly direction, and then in a northerly direction. So anywhere where you have a retaining wall where there's a drop, we have a solid wood fence, the fence is facing outwards so you couldn't get a grip on it with your foot and jump over. Mr. Curtis stated the parking size has not changed. Mr. Curtis stated they reduced the size of the buildings but did not cut out any units. He stated the first parking space from the southerly lot line is about almost 80 feet from the first parking space and on the northerly lot line, the first parking space is about 80 feet. Mr. Curtis stated he did not perform a study further enough about headlights.

- Alex Couto, 18 Cressfield Ct, questioned the distance between Buildings 3 & 4.

Mr. Curtis stated the distance is 125.3 ft.

A motion to close to the public was made by Ms. Picinic, seconded by Ms. Hembree, all members were in favor.

Vice Chairman Dhawan questioned the cut for Building 1 and the fill on Building 3.

Mr. Curtis stated the garage elevation would be 184.5 ft. and the grade in central would be 195ft., and when you move West to Building 3&4 the garage would be 180 and the existing is 160. He stated there would be a fence around the entire basin except for one area where you'd step up.

Chairman Belgiovine requested a 10-minute break at 9pm. Chairman Belgiovine leaves the meeting but remains on the phone.

Mr. Brian Intindola, the Borough's Traffic Engineer, is sworn in by Mr. Princiotta after the meeting resumed at 9:12pm. Mr. Intindola stated he did not see any heavy problems from the Dolan & Dean traffic study provided by the applicant. Mr. Intindola stated in Bergen County the level of D & E is expected for traffic. Level of Service D is what the expectation is in New Jersey at a traffic signal. It becomes diffused for weekends for residential areas.

A motion to open to the public for questions Mr. Intindola's testimony was made by Ms. Picinic, seconded by Mr. Kaufman, all members were in favor.

Chairman Belgiovine questioned the impact the development would have on the Westerly flow from Highview.

Mr. Intindola stated there would be very minimal impact.

- Mr. Michael Chladil, 18 Edward Place, questioned if Mr. Intindola went off the report the applicant submitted or if he performed a new report.

Mr. Intindola stated he reviewed the applicant's report but checked it as well and he came to the same conclusion.

A motion to close to the public was made by Ms. Picinic, seconded by Mr. Kaufman. All members were in favor.

A motion to open to the public for comments was made by Ms. Picinic, seconded by Mr. Kaufman, all members were in favor.

***The first four residents live within 200 ft of the development.**

1. Michael Chladil, 18 Edward Place objects to the development because he believes the view will be ruined for the residents who have been here before the development. He believes it will attract potential buyers, but he is not happy about the removal of all the trees and that the land will no longer be wooded. He stated the development flattens the slope, and it does not promote a desirable environment. He stated you will be able to hear

the ac units, glares from incoming vehicles into the development will disturb the neighbors.

2. Don DeLuca, 16 Edward Place, believed there were too many variations for this application to go through. He believes the set back of 20ft from Edward to the site is not enough space, and believes it should be 35 ft.
3. Gregory Egli, 258 & 264 Broadway, was worried about the drainage and water take away but has since been remediated by the applicant. He also worried about the height impact it would have on his property, and if this application was not approved, would other developers come in to propose more AFHUs.
4. Victoria Guez, 25 Clinton Place, believed the board should be setting a precedent for future applications as it could be difficult to deny future applications. She believed a lot of development is happening throughout New Jersey and does not believe it will slow down anytime soon.

****The last two residents reside outside the 200 ft mark.**

1. Alex Couto, 18 Cressfield Drive, stated his main concern was the height and he believes this development does not fit the character of Woodcliff Lake.
2. Brian DeVito, 12 James Street, opposes the application because he believed the project is too overwhelming for the town of Woodcliff Lake, he stated “this is not just an East side issue”. He stated he believed the disturbance is more than half of the property. He stated it promotes housing, and it will be like a “little village in a SFH zone”. He stated the development could be better if less units were proposed.

A motion to close to the public for comments was made by Ms. Picinic, seconded by Ms. Hembree.

Mr. Lehrer began his closing testimony by stating Broadway is underdeveloped, delapidated and has abandoned properties. He stated the biggest challenge will be to remain the way Woodcliff Lake is now but they would be adding to the town as well. He stated the AFHU number is 381. He stated 240 Broadway has not been developed yet because of its contours, and slopes. Mr. Lehrer stated he and his applicant have listened closely to the board, its professionals and the residents of Woodcliff Lake.

A motion to extend the meeting past 10pm was made by Ms. Picinic, seconded by Ms. DeScherer. All members were in favor.

Mr. Princiotto requested Mr. Lehrer to list all the variances the applicant is seeking for this project.

Mr. Lehrer listed the following variances, D-1 variance, use variance relief. There is a density variance called a D-5 density variance to allow greater density on Lots 15.03 and 15.04. There's a D-6 height variance relief because the buildings are higher than the ordinance allows. There is some C variance relief: The retaining wall height max exposed wall face allowed is 3 feet; Proposed maximum height is approximately 15 feet; And the driveway maximum slope, 6 percent allowed, 12 percent proposed. On the critical slope area, maximum disturbed areas, Section 380-109, on 15 percent to 19.9 percent, its 35 percent allowed, and are at 85.17, and

slopes 20 percent, 24.99 percent, 25 percent allowed, 89.17 proposed. And slopes 25 or greater, 25 percent or greater, 15 percent allowed, and they are at 90.08. There's a planning variance that's required, which proofs were provided, which is the middle Lot 15.03 where the luxury townhouses are is somewhat landlocked other than for the egress road. But the applicant has shown and demonstrated that emergency vehicles can maneuver easily through there. And under Sections 35 and 36, if that's the case, then you've provided the proof that the variance is allowed. A monument sign, because it's a residential zone, is not allowed. They're asking for a minimum 12-square-foot sign, which is allowed in the affordable housing zone. There are two design waivers; in the front yard setback, 35 feet is allowed, and on proposed Lot 15.03, 18.7 feet is proposed. In the maximum height feet/stories, 2-and-a-half stories and 30 feet are allowed. And Lot 15.03, 2-and-a-half stories is proposed, but the height is a little bit over by 38.3 feet. On 15.04, it's 3-and-a-half stories and a total height of 63.7 feet. The maximum lot coverage on Lot 15.03, allowed is 15 percent, and they're at 42.59 percent. The maximum total surface coverage is 40 percent, and on Lot 15.03, they're at 57.05. Lot 15.04, they're at 45.41. There are two design waivers, one relates to the driveway slope for a distance of 100 feet from the right-of-way if the slope is allowed is 6 percent, whereas greater than 12 percent is proposed within 100 feet of the right-of-way. The last variance is, the light illumination in the parking lot is 1.5 footcandles, and 0.9 footcandles is proposed to minimize lighting. The minimum number of footcandles at the street intersection where Broadway meets the road, the new road, is 3.0 footcandles, and they're proposing 1.6 footcandles.

Mr. Princiotto listed the following:

Updated NEA letter- WCL 6

Letter from Shade Tree Commission- WCL7

Update Letter from FD- WCL 8

Updated Letter from DPW- WCL 9

Mr. Princiotto stated all the conditions he recommend the applicant comply with:

1. Comply with the Report from NEA
2. Comply with the streetscape ordinance and coordinate w/ other developments on Broadway
3. Provide all property metes and bounds for all lots to be submitted and approved for all lots
4. Easement descriptions for the roadway, driveway utilities and access between new lots 15.03 & 15.04 to be submitted and approved
5. Developer's agreement with the Borough's council including provisions for extending the right-of-way off Clinton Place for the single-family Lots 15.01 and 15.02. Owner/applicant shall be responsible for all expenses related to pavement, curbing and utility services, including sewer connections and any related fees for those two single-family lots.
6. Comply with the Borough's Affordable Housing Ordinance- as testified by Mr. Francis Reiner
7. Each affordable unit shall have designated parking
8. Utilities shall be underground
9. Phasing plan for protection of the critical slope during construction

10. Architectural style and materials shall comply with testimony and exhibits and drawings submitted to the Board- any changes shall be approved by the board
11. Landscaping should be subject to final approval by the Shade Tree Committee and consulted with the Borough Planner
12. The Developer's Agreement shall contain language guaranteeing the growth and sustainability of the no-mow area shown on the Site Plan Sheet C-09, including responsibility of the homeowners and condo association.
13. The Developer's Agreement shall provide that owners shall be responsible for all expenses for private sanitation and recycling pickup, garage pickup, for the entire complex except for the single-family homes
14. Subject to all other government approvals, require subdivision protection requirement
15. A deed restriction for Lots 15.01 and 15.02, mandating use of the single- family homes only
16. Subject to the final site plan approval which is zoned preliminary site plan approval
17. Fire hydrants shall be located as determined by the fire department, as requested in WCL-8

Chairman Belgiovine stated the applicant needs to be compliant with the 7 Affordable Housing Units, per Mr. Reiner's testimony.

Mr. Reiner outlined the board's responsibilities to make sure the board is aware of exactly what has to be approved and what the board has to determine whether or not it has been approved.

They are listed as the following:

- C Variances: these are the bulk variances; the relevant analysis for the Board is whether based on proofs offered by the applicant, the purposes of the Municipal Land Use law would be advanced by a deviation from the zoning ordinance requirements, and if the benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment
- The second part for the c variances would be that the Board may not exercise its power to grant a variance unless the so-called negative criteria has been satisfied
- D Variances: D-1 variance, which is a variance pertaining to use, the Board may grant or approve the nonconforming use zone in particular cases for special reasons; it has to identify the promotion of general welfare and the advancement of the purpose of zoning established. It must also prove that the property in question is suited for the proposed use. The applicant must also testify to the negative criteria. No variance relief may be granted unless the applicant must prove one of both things. The variances could be granted without substantial detriment to the public good, and that the variance will not substantially impair the intent and purpose of the zone plan or zoning ordinance
- D-5 Variance, which is the residential density, which is beyond what is permitted, the applicant must demonstrate, and the Board must consider whether the site in question can accommodate any problems caused by exceeding the permitted density. The Board must consider whether conditions can be imposed as part of any approval which would ensure that the deviation from the density standard does not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance

- D-6 Variance is in regard to the maximum building height, which is greater than 10 feet or 10 percent of height standard. The applicant must prove the positive criteria, which is to demonstrate that the site in question can accommodate the problems associated with exceeding the permitted height. It must also prove the negative criteria, which the Board must consider whether it can impose conditions of approval which would mitigate any detrimental impact caused by the deviation from the ordinance on the public good or impairment caused by the deviation on the intent and purpose of the Master Plan and zoning ordinance

A motion to approve the application was made by Chairman Belgiovine, seconded by Vice Chairman Dhawan.

The application was approved with seven (7) affirmative votes from Ms. Christina Hembree, Ms. Nilufer DeScherer, Mr. Robert Friedberg, Mr. Michael Kaufman, Mr. Thomas Panso, Vice Chairman Sanjeev Dhawan, and Chairman Corrado Belgiovine.

A motion to adjourn was made by Ms. Hembree, seconded by Ms. Picinic.

Respectfully,
Claresses Aquilino
Board Secretary