

BOROUGH OF WOODCLIFF LAKE
LANDUSE BOARD MEETING
October 22nd, 2024
MINUTES

Call to Order:

This meeting was called to order at 7:03p.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: *Absent*

Nicole Marsh: *Present*

Gerald Barbara: *Absent*

Carlos Rendo: *Absent*

Thomas Panso: *Present*

Lynda Picinic: *Absent*

Jane Ann Whitchurch-Carluccio: *Present*

Robert Friedberg: *Absent*

Christina Hembree: *Present*

Sanjeev Dhawan: *Absent*

Brian LaRose: *Absent*

Brian DiStefano: *Absent*

Michael Kaufman: *Present*

Sal Princiotta, Esq.

Present

Anthony Kurus, Engineer

Present

Francis Reiner, Planner

Present

Clairese Neumann, Secretary

Present

Minutes

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

Resolution of Approval

The Goddard School- 585 Chestnut Ridge Road

The resolution was approved on a motion from Mr. Panso, seconded by Vice Chairman Dhawan. All were in favor.

Park Ridge Utilities- 39 Werimus Road

The resolution was approved on a motion from Mr. Panso, seconded by Vice Chairman Dhawan. All were in favor.

New Application

36 Old Farms Road- Inground Pool/Patio

Matthew Capizzi, the applicant's attorney opened the application to the board and it's professionals. He stated the application is before the board for an impervious coverage variance for the inground pool/patio.

Mr. Princiotto swore in the applicant's engineer, Mr. Jeff Egarian. He began telling the board, the property holds a single family dwelling, with a driveway, and paver sidewalks. He stated the applicants were proposing a 20 x 40 inground pool with an 1800 sq. ft patio. He stated the existing 1100 sq. ft patio would be removed. Mr. Egarian stated the application proposed a covered porch, trellis, and a code compliant pool barrier. He stated the application meets all setback requirements except the coverage requirement. Mr. Egarian stated they will be installing a seepage pit for the water runoff and removing a small portion of the existing driveway.

Public Session

A motion to open to the public for questions of Mr. Egarian was made by Councilwoman Marsh, seconded by Mr. Kaufman. All members were in favor.

With no comments from the public, Councilwoman Marsh motioned to close to the public, seconded by Mr. Panso.

The applicant's architect, Mary Scro was sworn in by Mr. Princiotto. She referred to the architectural plan, A1 and pointed out the location of the proposed patio. She stated the proposed porch, and trellis would be designed to match the existing architecture of the property. The porch and trellis would only be visible from the rear of the property.

Public Session

A motion to open to the public for questions of Ms. Scro was made by Councilwoman Marsh, seconded by Mr. Kaufman. All members were in favor.

With no comments from the public, Councilwoman Marsh motioned to close to the public, seconded by Ms. Whitchurch- Carluccio.

The applicant's third witness, Mr. Chris Karach, a landscape architect, was sworn in by Mr. Princiotto. He stated they proposed plantings along the east side of the driveway to coincide with existing evergreens. The existing evergreens are 9ft high and will continue to grow. He stated they will be screening for the neighbor to the east.

Public Session

A motion to open to the public for questions of Mr. Karach was made by Councilwoman Marsh, seconded by Ms. Hembree. All members were in favor.

With no comments from the public, Councilwoman Marsh motioned to close to the public, seconded by Mr. Kaufman.

Public Session

A motion to open to the public for comments was made by Councilwoman Marsh, seconded by Mr. Kaufman. All members were in favor.

With no comments from the public, Councilwoman Marsh motioned to close to the public, seconded by Mr. Kaufman.

Mr. Princiotto read an email into the record from a neighbor of the applicant's stating they were in favor of the application. He reminded the applicant, they will need to submit a final as-built when the project is complete.

A motion to approve the application was made by Councilwoman Marsh, seconded by Ms. Whitchurch- Carluccio. All members were in favor.

Continued Application
240 Broadway

**** Before the application was opened back to the board, Councilwoman Marsh recused herself. ****

Mr. Lehrer opened the application back up to the board, stating they are only seeking preliminary site approval, not final site approval. He stated the objector attorney was no longer appearing before the board. He stated the revised landscaping plan was submitted to the Borough on October 7th. Mr. Curtis, the project engineer, was still under oath from his testimony at the previous September meeting. He stated he took into consideration the new ordinance for trees by adding more street trees, providing a minimum of 5ft from the sidewalk, and a minimum 4ft wide landscape buffer. He stated the proposed monument sign is 6 x 4 x 12 and externally illuminated. Mr. Curtis stated the sign is very modest and within the setback. The fence near Edward Place was changed from 4ft aluminum to a 6ft solid fence with no trespassing signs. He stated he added 25 evergreens to meet the concerns of the neighbor at 258/264 Broadway. He stated it softens the walls and the slope of the site. There were 32 additional shrubs added to the landscape plan to significantly improve the riparian zone.

Chairman Belgiovine stated the engineer created a buffer to the north side of the property but suggested a similar buffer be created for the south side of the property.

Mr. Curtis stated buffering between the walls would not work. He stated he looked at the intake/outtake, and the only way to buffer on the south side would be to build less units and build smaller walls but the applicant did not wish to do so. He stated they could not move the driveway because of the riparian zone and the curb could not be moved because of the NJDEP requirements.

Mr. Kurus, board engineer stated they could work with the NJDEP to move the driveway.

Mr. Curtis stated they would work with the board and its professionals.

Mr. Kurus stated the buffer on the North side is only 6ft and the lot to the north of 240 Broadway is only 15ft from the North side. He stated the total width from the driveway to the property on the South side was 10ft. He stated the driveway was too small and needed to be 30 ft minimum.

A break was taken from 7:59pm to 8:18pm.

Mr. Lehrer stated the engineer would do his best to move the buffer over another 2ft. but there might be an issue with the parking. He stated the site is not an easy site.

Mr. Panso questioned the slope percentage for the property from Broadway to Clinton Place.

Mr. Curtis could not provide the percentage, but he stated he would discuss with the board professionals and get the information to the board. He stated the southwest side of the driveway was to be removed, creating a 150ft to lot 16 of the neighbor to the wall. He stated the neighbor would see the higher side of the wall, which is why they provided the 6ft solid fence.

Mr. Curtis' testimony was paused and not opened to the public. It would be continued at the November 12th meeting.

Mr. Princiotto swore in the applicant's second witness, Mr. Douglas Polyniak, the applicant's traffic engineer.

Mr. Polyniak referenced his report from June 26th, 2024. He stated he used a low trip generator. A one way access was proposed from Broadway to the townhomes. He stated he reviewed the North and South orientation of Broadway. The train station was located to the South of the property. Mr. Polyniak stated the peak hours were 7-9am, and rush hour was 4-6pm. He found the busiest times were between 7:45-8:45 am and 4:45-5:45pm. He calculated there would be 5 cars entering the site and 13 exiting the site during the peak hours in the morning and the night. The DOT requires an in-depth analysis when over 100 trips occurred. He stated the traffic report was level service E with the natural growth of population over two years. He stated the RSIS required 83 spaces provided, 80 were provided, 22 of them being visitor parking.

Mr. Lehrer questioned if the proposed site would contribute to excess traffic.

Mr. Polyniak stated it would impact traffic.

Mr. Panso questioned if the number of children in the residences was taken into account.

Mr. Polyniak stated children were not taken into account.

Mr. Kaufman questioned if the train schedule was taken into account.

Public Session

A motion to open to the public for questions of Mr. Polyniak was made by Mr. Kaufman, seconded by Ms. Hembree. All members were in favor.

Victoria Guez (25 Clinton Pl.) questioned the traffic across the reservoir. She stated she was not very convinced traffic will not be effected.

Mr. Polyniak stated the traffic of Woodcliff Ave, Broadway and Highview was included in the traffic study.

Laura Jeffas (39 Kenwood Drive) questioned if 5 cars would only come out of the site base doff of the information Mr. Polyniak provided.

Mr. Polyniak stated that was correct based off of both the NJDOT data and the Institute of Transportation Engineers.

Ms. Jeffas asked if they considered other locations, like multi- unit residences to calculate the traffic.

Mr. Polyniak stated they do not review similar multi- unit residences for this data.

Chairman Belgiovine questioned Mr. Polyniak if he has performed another study after as a follow up to prove the study was accurate.

Mr. Polyniak stated he had done so.

Mr. Francis Reiner, board planner joined the meeting at 8:53pm.

Mr. Brian DeVito (12 James St.) questioned if the study considered the Memorial Day holiday the following week after it was performed.

Mr. Polyniak stated they always take into consideration a holiday and never perform a study on a holiday weekend.

Mr. DeVito questioned how can the residents take comfort in the study when it has not been performed based off of regional traffic studies rather than national traffic studies.

Mr. Polyniak stated both the ITE and NJDOT says 100 peak hour trips is about 25 trips. He stated it would not be a very high trip generator. It would not have substantial impact to offsite locations.

Mr. Lehrer questioned if the growth factor of 2 years was standard.

Mr. Polyniak yes, based off of the 2.75%. He stated this showed very low impact.

Michael Chladil (18 Edward Pl.) questioned why the train was not taken into consideration for the study.

Mr. Polyniak stated the train was taken into consideration but shows very little impact to the study.

Alex Couto (18 Cressfield Ct.) questioned where the 22 guest parking spots would be.

Chairman Belgiovine stated they would be on site and not off street.

With no more comments from the public, Mr. Kaufman motioned to close to the public, seconded by Ms. Whitchurch- Carluccio.

The applicant's third witness, Mr. John McDonough, the applicant's planner was sworn in by Mr. Princiotta.

Mr. McDonough passed out new aerial photographs to the board members (A-10). He stated they were taken in August 2024. He told the board and the members of the public what great special capacity the property has. It has great location being at the center of transportation and great location being within walking distance of store and food establishments. It has beautiful features around it, especially overlooking the reservoir. He stated it is very important to concentrate people around these types of amenities. Pages 2, 3, and 4 of the aerial photos show the site with the trees they propose. Page 5 shows the flattest part of the land, the riparian zone. He showed remnants of driveways from previous dwellings on the site, he stated the largest driveway will be removed and replaced with a nice clean road. He stated the serpentine road would be the perfect road for the rugged and sloped terrain. He stated the two lots above the site on Clinton Place are conforming for the 2 SFHs. Affordable housing has been taken in affect for this property. He stated the site has good comparative zoning to the proposed affordable housing on Block 2602 lots 1, 2 and 9. He stated with this application, good premium, high quality units are being provided. He referenced sections 35 and 36 of the MLUL to justify the luxury townhomes. He stated they need three D variances for this application, one for the use relief, one for the density and one for the height. McDonough then took the board through the Medici Test he performed for this application. The first part is the land/ site sustainability, the second part deals with the land use law and why the governing body is allowed to create different zone districts, allowing for a variety of uses. The third part focuses on the neighborhood, they look to see how cohesive/impactful the proposed property would be within the neighborhood. The fourth and last part looks at whether the proposed site fits the zoning criteria and the ordinances within the town. He stated the town is always allowed to rezone an area, but the relief is not tantamount to a rezone. Mr. McDonough talked about the Master Plan, and stated the proposed project meets all the goals and objectives for the Master plan. He stated it "diversifies Broadway." He talked about page 13 of the Mater Plan, and how there are very few vacant lots left in the Borough. He quoted "The Borough is a largely developed community with few vacant land parcels remaining. The majority of remaining privately-owned vacant lands are unimproved woodlands located among single-family residential neighborhoods." Mr. McDonough moved to discuss the D5 Variance for the density. He referenced the Grubbs Case stating the positive and negative criteria he previously stated are necessary to ensure the high-quality development of this project. He stated the property provides quality water, sewer and adequate parking to accommodate the development. He stated these units will be spacious and not overcrowded. Mr. McDonough moved to discuss the third D variance for the height. He stated they proposed 38.3 ft, where 30ft is allowable and 63.7ft. where 30ft is allowable. The proposed site does not block scenic views of neighboring properties and provides good horizontal distance. He stated they have proposed substantial landscaping to make the property hidden. Mr. McDonough stated the retaining walls height is over the borough allowance, but the buffers will help with the slope of the walls. He stated the three stages of slope are controlled by sediment and erosion control.

The questioning for Mr. John McDonough's testimony will be opened to the public at the following meeting on November 12th, for questioning.

A motion to adjourn was made by Ms. Whitchurch- Carluccio, seconded by Mr. Kaufman.

Respectfully,
Claresse Aquilino
Board Secretary