

**WYCKOFF BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 15, 2007**

Regular Meeting: 8:30 p.m. – Court Room, Second Floor, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meeting Statement by Rudy Boonstra, Chairman:

"The March 15, 2007 Regular Meeting of the Wyckoff Board of Adjustment is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our annual Schedule of Meetings. A copy of our Annual Schedule has been posted on the bulletin board of Memorial Town Hall; a copy has been filed with the Township Clerk, The Record, The Ridgewood News and the North Jersey Herald and News--all newspapers having general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting, the agenda thereof was similarly posted, filed and mailed to said newspapers."

Board Member Attendance: Chairman Rudy Boonstra, Richard Bonsignore, Kevin Rooney, Jerry Lombardo, Doug Christie, Ron Bavagnoli and Jim Donkersloot; Absent: Warren Schaub and Libby Ciampo;

Staff Attendance: Harold Cook, Board Attorney and Jacqueline Denequolo, Board of Adjustment Secretary.

The Board of Adjustment Meeting began with the Pledge of Allegiance.

OLD BUSINESS

Approval of the Minutes from the February 12 Special Meeting, as well as, the February 15 Work Session and Regular Meeting all took place at the work session.

RECOMMENDATION FOR APPROVAL

- A. RESOLUTION #07-03 - Approval of vouchers from various developers' escrow accounts.**

Approval of Resolution #07-03 had taken place during the Work Session.

RESOLUTIONS FOR MEMORIALIZATION

- B. LIME REALTY, INC. (IVY SHOP) BLOCK 251 LOTS 1.01 (B-1) & 5 (RA-25); 386 Franklin Avenue & 283 Woodland Avenue. Preliminary/Final Major site plan/variance. First floor expansion with the addition of add two additional second floor apartments.**

Chairman Boonstra stated that the applicant would need to address the 1985 approved resolution before memorialization. Testimony needs to get on the record regarding the inconsistency.

Ben Cascio, the applicant's attorney, stated that he was the applicant's attorney back in 1986 when the Ivy Shop purchased Harned. Testimony given by Mr. Robert Abbiati, the applicant, did not go into specific detail with regard to the Ivy Shop's history. The Abbiatis had purchased property in the 1950's where the Ivy Shop currently exists. Harned was a store next door

separated by an alley way. The Harned property had retail on the first floor with three apartments above it. The Ivy Shop had retail on the first floor and retail with two apartments on the second floor.

Mr. Cascio stated in 1986, the application came before the Board requesting to join the two buildings and to permit an additional apartment in one building where only two were permitted. The decision was to remove one of the apartments over Harned leaving two units. The current Ivy Shop has two units on the second floor with one being used as an office/tailor shop. The office/tailor shop is fitted as an apartment with a kitchen. The other three units are actively being rented. One of the apartments has been used as an office/tailor shop since 1986. The purpose of the proposed application was to bring the building into conformance. The office/tailor shop will be removed since the ordinance does not permit a mixed retail and residential use on the second floor. There was no attempt to mislead the Board in regard to the number of apartments in use.

Kevin Rooney, Board Member, questioned if all four of the apartments were ever rented since 1986.

Mr. Cascio stated that only three of the apartments were rented since 1986. The other apartment was used as an office/tailor shop. At no given time were four apartments ever rented on this property.

Jerry Lombardo, Board Member, inquired if the four apartments still exist on the property.

Mr. Cascio stated that the four units still exist. The office/tailor shop will be removed and the apartment will be refitted and rented. The other three apartments are currently rented. The approval is based on what the plans show. The Board should not be concerned with the number of units being more than six. The plans are configured for only six apartments.

Harold Cook, Board Attorney, stated that the proposed resolution will be amended to include the testimony given tonight by Mr. Cascio. Specific language will be used to explicitly state that the office/tailor shop use will be discontinued and fitted to be used as an apartment for a total of four existing apartments. The resolution will also be amended to include an irrigation system.

Mr. Cascio stated that the application may not have been explicitly presented but the intention was not to deceive.

Mr. Lombardo wanted to make sure that a maximum of six apartments is stated in the resolution. Some of the Board members had trepidations approving the additional two units.

Mr. Cook stated that he will ensure that the resolution will reflect a maximum of six apartments with the office/tailor shop being removed. The resolution gets attached as an exhibit to the Developer's Agreement. If the building were ever sold, a title search would specify the number of residential apartments permitted.

Chairman Boonstra stated that memorialization will be deferred until the April 19, 2007 meeting.

Mr. Cook stated that the resolution needs to be memorialized 45 days from the hearing. This will take the Board past the 45 days. The applicant would need to consent to an extension.

Mr. Cascio stated that his applicant would consent to waiving an extension in order to get the resolution amended.

- C. BAKER, DONALD & BETTY**, BLOCK 492 LOT 17.01 (R-15); 458 Lincoln Avenue; Conversion of parking lot into one-family house. Front yard setback and lot coverage.

Chairman Boonstra noted on the record that the above referenced resolution was approved at the Work Session.

Memorialized resolutions are available upon request in Room 110 at Memorial Town Hall.

WITHDRAWN APPLICATION

NACION, GLENN & DEENA BLOCK 304 LOT 15 (RA-25); 6 Hurley Court; Construction of pool on useable portion of lot. Variances requested for lot depth: 150' required, 130.00' existing; rear yard encroachment for house: 40' required, 25.5' existing & proposed; Accessory building: 20' required, 10' proposed.

FOR COMPLETENESS REVIEW

A completeness review is performed on applications to verify that the Municipal Land Use requirements are included in the application. An application can only be scheduled for board review and a public hearing if the items required for completeness are included in the application and the Board of Adjustment determines the application complete.

- 1. CHRISTIAN HEALTH CARE CENTER**, BLOCK 443, LOTS 49.03/52.01/51 (RA-25), 301 Sicomac Avenue; Use variance being requested for a senior living facility.

Chairman Boonstra stated that a Completeness Review letter was received from Boswell Engineering with approximately six pages of items being deemed incomplete. Somewhat negative reports were received from Dave Murphy, the Fire Chief, and Captain Ben Fox, the Traffic and Safety and Homeland Security Officer. The applicant should receive the letter from Boswell Engineering, as well as the reports from the Fire and Police Departments. Chairman Boonstra wanted any general comments or major concerns stated on the record from the Board Members.

Jerry Lombardo, Board Member, stated that throughout the application package Mr. Vogel, the applicant's attorney, continuously mentions the inherent beneficial interests of the property. The applicant would need to convincingly demonstrate how this property fits into the inherent beneficial interest definition.

Harold Cook, Board Attorney, stated that discussions earlier with Chairman Boonstra indicated that this application is different from the normal medically operated health care facility that is operated. This application resembles more of a commercial establishment. The applicant would have to provide testimony evidencing the contrary. Positive criteria would need to be provided for the Board to determine if it is an inherent benefit to the community.

Chairman Boonstra stated that the Board determines whether this application would fall in the category of an inherent beneficial use to the community.

Mr. Lombardo stated that unless the applicant can prove otherwise, the Board can't grant relief. The applicant would need to prove how any detriment would substantially outweigh any deviation in order for the Board to grant a variance. Only if the proposed use was an inherently beneficial use.

The Master Plan is referenced continuously in the application. The Board needs to ensure that the application submitted is in compliance with the Master Plan.

Richard Bonsignore, Board Member, stated that the Christian Health Care Center application does not appear to be a hardship dealing with the variances being requested such as setbacks and size.

Jim Donkersloot, Board Member, questioned what the future holds for this property. Two towns and two counties are involved in this application with questions to be addressed.

Chairman Boonstra stated that he personally had three issues:

- (1) The inherently beneficial use.
- (2) Currently none of this site is on the tax rolls. Some of this open space could be set aside as existing open space and not lost from the tax rolls. On behalf of the applicant, an offer could be made as to how much open space could be presented as part of this process. Mr. Boonstra would suggest up to half of the site in order to reduce the coverage, impact parking and address a number of issues. It would not be a detriment to the town since it's currently not on the tax roll. Maintenance would be performed by the applicant.
- (3) An environmental impact study should be part of the compliance review.

Richard Bonsignore, Board Member, questioned if the environmental impact study would be part of the completeness review.

Mr. Cook stated that the ordinance doesn't require it. The Board can request it as a condition of the resolution.

CONTINUED APPLICATION

- 2. **GIUFFRE, RITA**, BLOCK 248 LOT 3.01 (RA-25); 550 Overlook Drive. Lot size is pre-existing non-conforming at 15,750 sq. ft. Variances requested for side yard setback and lot coverage.

RECAP FROM THE FEBRUARY 15, 2007 MEETING:

The previous Board of Adjustment meeting held on February 15, 2007, discussed the applicant proposing to construct an addition and renovation for a one story dilapidated ranch. Stephen Corrozza, the applicant's architect, stated that the entire foundation and first floor deck were being preserved. The existing garage is proposed to be removed with a new one constructed. Chairman Boonstra stated that the overhang is a structure that is 6.7' off of the right side property line. The overhangs caused nonconformity on the right side. Chairman Boonstra stated that he would like to see 2' pulled back from the right side. An additional variance would be needed for lot coverage.

Chairman Boonstra stated that the shed removal would improve the overall lot coverage. Resubmitted calculations should be revised and submitted along with a landscape and irrigation plan.

Chairman Boonstra stated that both Ms. Rita Giuffre, applicant, and Stephen Corrozza, architect, were both previously sworn in and continuing under oath from the previous meeting.

Mr. Corrozza stated that the house was originally positioned very close to the right side property line. The existing garage will be removed with a new garage constructed. A portion of the home will be reused and will be as close as 8.2' to the right side property line. As requested by the Board, the plan was redesigned adding more square footage to the front right corner of the house. At its closest point, the house is 10' from the rear corner to the property line. The entire right side of the house is no less than 10' away from the property line not including the overhang. The 18' overhang is still in place as in the original design. There is an 8.5' setback if the overhang is considered. The changes increased the building lot coverage to 18.05%.

Chairman Boonstra stated the original plan had a 6.7' setback to the overhang. The revised plans now have a setback of 8.5'.

Mr. Corrozza confirmed Chairman Boonstra's summary. The overhang is now further away from the current wall. Landscape, Irrigation and Foundation Plans were also included in the recently submitted package. In addition, revised architectural plans show the floor plans and revised elevations.

Jim Donkersloot, Board Member, asked the applicant to clarify the existing trees on the Landscape Plan submitted. The EX on the Landscape Plan does not correlate with the architectural plan.

Mr. Corrozza stated that there wasn't any change in the number of trees to be removed. The EX does represent existing trees. The site plan indicates the two trees to be removed. The other existing trees will remain.

Chairman Boonstra questioned the lot coverage. Does the figure represent the shed being removed?

Mr. Corrozza stated that the lot coverage shown on the revised site plan is 18.05% including the shed. An additional .31% will be deducted making the lot coverage 17.74%. The original plan submitted indicated a lot coverage of 18.18%.

Chairman Boonstra required Mr. Corrozza to initial the dimension sheets with the correct lot coverage for our records.

Kevin Rooney, Board Member, questioned if mulch will be part of the landscape plan. A landscape plan usually indicates that mulch will be used on the plan. A guide using landscape national standards is also usually indicated on a landscape plan. Mr. Rooney wanted to get on the record that the applicant will ensure that an insect, disease, and fertilization program will be in place for the next two years.

Rita Giuffre, applicant, confirmed that a maintenance plan will be in place.

Harold Cook, Board Attorney, stated that it could be added as a condition of the resolution.

Mr. Rooney confirmed that the applicant will submit a complete landscape plan before the next meeting for review. The plan will include a maintenance plan for two years controlling insect, disease and fertilization, a description of how the plants will be planted and the type of material used to mulch the plants with a designated mulch depth.

Jerry Lombardo, Board Member, wanted to get on the record the age of the septic system, the number of bedrooms and whether the size of the existing septic system was sufficient?

Ms. Giuffre stated that she wasn't sure how old the septic system is. The system was inspected and a report confirmed that it was acceptable. The system was inspected approximately August 2006. The number of bedrooms is currently and proposed to be three.

Doug Christie, Board Member, questioned how the number of bedrooms was being determined based on the plans submitted.

Mr. Corrozza stated that a Den indicated on the plans is considered a guest bedroom by the applicant.

Mr. Christie stated that since the Den has a closet, the Building Department will include it as a bedroom. The plans indicate the second floor to be unfinished attic space which includes a walk-in closet. The applicant would be required to upgrade the septic system if more bedrooms were to be added.

Ms. Giuffre and Mr. Corrozza both stated that they were aware of the situation.

OPEN TO THE PUBLIC

Michelle Giuffre, 551 Overlook Drive, Wyckoff, NJ was sworn in.

Ms. Giuffre stated that the septic system was inspected, cleaned, repaired, roots were taken out and caps were added to the system. The system was inspected by the town and brought up to date.

CLOSED TO THE PUBLIC

Mr. Christie made a motion to approve this application pending the landscape plan. Second by Mr. Lombardo. Voting in favor: Chairman Boonstra, Christie, Bonsignore, Lombardo, Rooney, and Bavagnoli.

NEW APPLICATIONS

- 3. ACM CUSTOM HOMES**, BLOCK 262, LOT 12 (R15), 29 Shadyside Drive; Lot is pre-existing non-conforming. Complete demolition of existing dwelling.

Les Anderson, the applicant's attorney, gave an overview of the application before the Board. The project will be a complete demolition. It will conform to all of Wyckoff's ordinances.

Arthur C. Messineo, President of ACM Custom Homes, 340 Martom Road was sworn in.

Mr. Messineo stated that the shed will be removed completely contrary to the plan submitted. It will not be reinstalled.

Kevin Rooney, Board Member, inquired about the sizes of the trees being removed.

Mr. Messineo stated that it is necessary to remove the trees due to the size of the proposed home. The tree sizes indicated for removal are a 26" pine, 30" maple, 18" elm, 16" oak, and 18" maple. The property already has many trees.

Mr. Rooney stated that a good rule of thumb, in relation to caliper size, when replacing trees, would be the installation of 3-4" caliper trees for every 4" of caliper removed. For example, if a 12" tree is being removed, you would need to add three 4" caliper trees to replace them. Seven shrubs on a new dwelling will not soften the home or mass of the structure. Seven shrubs in total for a house this size is not satisfactory.

Mr. Messineo stated that he had been a builder for over thirty years and typically the home is sold without the shrubbery. The owner decides on their landscaping design. An owner may want an open play area without four or five trees planted in its place. Based on the calculation received, many trees would need to be installed.

Mr. Rooney stated that the applicant would need to hire a landscape architect to design a plan including an irrigation system and maintenance plan. At the very least, the submission of a Landscape Plan addressing foundation shrubbery and detailed beds should be presented to the Board. The Board is attempting to work with the builders and home owners to ensure that the appropriate landscaping is in place, especially for a new project.

Mr. Anderson asked for specifics regarding the landscape plan to be submitted.

Mr. Rooney recommended putting the appropriate amount of shrubbery around the house, as well as some small ornamentals throughout the landscape to soften the house.

Jerry Lombardo, Board Member, questioned if a circular driveway is necessary as part of this plan. The 18" Elm tree may be able to be saved if the driveway is changed.

Mr. Messineo stated that purchasers like circular driveways. This street is not that wide and this will eliminate on street parking. This driveway will allow four cars to fit.

Chairman Boonstra questioned the applicant for the record if there was any attempt to buy any other property.

Mr. Anderson stated that this is a completely developed area and that there is no adjacent undeveloped property. The property is in conformance with the ordinance even with the circular driveway. Could a vote be taken this evening subject to a landscape plan being reviewed and approved as a condition of approval.

Chairman Boonstra stated that since no landscape plan has been submitted at all, the Board will carry this application until next month when a complete Landscape Plan is submitted for review.

OPEN TO THE PUBLIC

Frank Masciandaro, 25 Shadyside Drive, was sworn in. Mr. Masciandaro stated that he had sent a

letter to the owner of this property indicating that his landscaper had reviewed some of the trees along the property line. Certain trees located on this property were in bad condition. Two of the three trees along the property line are in danger of falling. A 26" pine, 12" hickory and a 20" maple were all deemed hollow by a landscaper. Mr. Masciandro inquired about the location of the two car garage and questioned when the construction was to begin.

Mr. Messineo stated that the home will be built as soon as possible.

John Keeler, 45 Shadyside Drive, was sworn in. Mr. Keeler stated that he had no objection to this home. This property located at 29 Shadyside had the smallest amount of frontage than any other lot. Without seeing a plan of the proposed home, a circular driveway wouldn't appear to fit with such a small frontage.

Chairman Boonstra stated that for the record that he questioned the frontage on the property. After visiting the site, it was determined that enough frontage was available with 100' ft. required and 100' proposed.

Mr. Messineo showed the plan to Mr. Keeler and stated that the house will be an asset to the neighborhood.

Chairman Boonstra recommended that the applicant look into the 20" Maple to see if it is hollow and diseased and mark it to be removed. A landscape plan would need to be submitted before the next meeting.

4. **MOWELL, WILLIAM & MARTHA**, BLOCK 258, LOT 25.01 (RA-25); 282 Voorhis Avenue; Lot is pre-existing non-conforming. Variance requested for a side yard setback.

William Mowell, 282 Voorhis Avenue, was sworn in.

Mr. Mowell gave an overview of his application before the Board. A reverse dormer is being proposed. An encroachment is being proposed on the Northern side yard property line where 13.4' is existing and 11.9' is proposed. A small 5' x 5' square shed roof is being proposed over the bilco door which needs a side yard setback. On the Northern side, the side yard setback is encumbered by the pedement which would protrude 18" over the northern face of the house. To completely cover the bilco doors, a side yard variance would be required.

Chairman Boonstra questioned the distance from the bilco door or proposed cover over the bilco door from the side yard.

Mr. Mowell stated that the bilco door is approximately 15' from the side yard. The proposed shed roof is 5' wide or 5'X 5' squared. The southern wall of the proposed dormer is at the 20' side yard setback. The shed roof is an encroachment into the setback.

Chairman Boonstra stated that if approved, Mr. Mowell or a subsequent owner could fill in with a permanent structure where the proposed shed roof and pedement were proposed without coming back to the Board. The driveway on the left side of house is very tight. If that section were filled in, the ability to use the driveway could be impaired.

Mr. Mowell stated the addition could potentially impair the use of the driveway. The existing is 13.4' feet with 1½' being taken away. Twelve feet will be remaining. Twelve feet is an average highway lane. A condition or restriction could be added to ensure that 12' remains.

Jerry Lombardo, Board Member, questioned if any landscaping was planned.

Mr. Mowell stated that the bilco door and steps are planned to be covered. No landscaping is planned.

Chairman Boonstra questioned the type of windows being proposed on the side of the dormer. Are these windows true to what is to be installed?

Mr. Mowell stated that the proposed vertical windows are long and narrow at a size of 15-18" with a crank which are true to what is to be installed.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

Mr. Christie made a motion to approve this application. Second by Mr. Rooney. Voting in favor: Chairman Boonstra, Christie, Bonsignore, Lombardo, Rooney, and Bavagnoli.

5. **GOBUZAS, TOM & VUKSIC, PAULA**, BLOCK 484, LOT 27.02 (R15); 66 Princeton Avenue; Variances required for a rear yard setback and two front yard setbacks. **POSTPONED UNTIL APRIL 19, 2007.**

The meeting was adjourned at 9:30 p.m.

Jacqueline Denequolo
Board of Adjustment Secretary