

**WYCKOFF BOARD OF ADJUSTMENT
WORK SESSION MINUTES
MARCH 15, 2007**

Work Session: 7:30 p.m. – West Wing Conference 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 Work Session 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.

OLD BUSINESS

Approval of Minutes from the February 12, 2007 special meeting and February 15, 2007 work session and regular meeting.

Doug Christie made a motion to approve the minutes. Second by Kevin Rooney. Voting in favor: Chairman Boonstra, Bonsignore, Christie, Lombardo, Rooney and Bavagnoli.

RECOMMENDATION FOR APPROVAL

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

Kevin Rooney made a motion to approve the minutes. Second by Jerry Lombardo. Voting in favor: Chairman Boonstra, Bonsignore, Christie, Lombardo, Rooney and Bavagnoli.

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.**

The application approved at the February 12, 2007 special meeting was for the following:

- An additional 3,000 sq. ft. to an existing property.
- This addition is in conjunction with a request for an additional two apartments.

Chairman Boonstra stated that a resolution from 1985 needed to be addressed before memorialization. Some inconsistencies would require testimony by Mr. Ben Cascio and the applicant at the Public Meeting to clarify these inconsistencies.

Harold Cook, Board Attorney, stated that the resolution that was prepared was based on the prior meeting held on February 12, 2007. The principle that this application was granted was based on the fact that you could have three separate buildings with two units above each building for a total of six. The one apartment was being used as a tailor shop/office which would be required to be eliminated based on our ordinance. Residential units are not permitted to be mixed with a business use. One unit is in question. Testimony from Ben Cascio, the applicant's attorney, and Bob Abbiati, the applicant, would be necessary to clarify the number of apartments. The determination of whether there are three or four would need to be stated.

Chairman Boonstra stated that the vote decided at the February 12, 2007 meeting, was split 5 to 2. The review of this prior approval is to ensure that all Board Members, especially the members who voted in denial to understand what was stated in the resolution from 1985. The intent is to be forthright with the findings in this resolution before we move forward.

Richard Bonsignore, Board Member, wanted to confirm that six apartments were approved.

Mr. Cook stated that the approval was based on the plans submitted and testimony taken at the February 12 special meeting. Testimony from Ben Cascio and Bob Abbiati stated that four apartments were existing and that two additional units were being requested for a total of six. In 1985, the beneficial reason for the approval was based on the apartments being reduced to three. The original testimony stated that one of the apartments was being used as an office. Was that apartment an additional apartment or one of the three that was approved for usage in 1985? The Board needs to have the applicant clarify the inconsistencies. The proposed resolution is based on the last meeting without taking into account the resolution from 1985. The premise in granting this use variance was that the ordinance allows two residential apartments on top of a commercial building. If three separate buildings were built on the same size lot, two apartments would be granted per building and comply with all the bulk requirements for a total of six apartments. A tailor shop/office mixed with residential units would be a nonconforming mixed use per the ordinance and would be required to be eliminated.

Kevin Rooney, Board Member, stated that four residential apartments have been in place since 1985.

Mr. Bonsignore stated that if you drive by the property, the front apartment appears to be an office with fluorescent lights hanging. Testimony was given that an office was in place. In particular, the Board questioned why the floor plan didn't have designated rooms labeled for one particular unit. The particular apartment was probably the tailor shop/office.

Chairman Boonstra questioned how the three apartments changed into four. The Board wants to ensure that the six apartments approved don't change into seven. The Board approved three apartments in 1985 and somehow that became four.

Mr. Cook stated that in order to clarify the resolution, a condition could be added that stated a total of six units would be granted without any office space. Any office space would need to be

discontinued on the same floor as the residential apartments. Testimony should be heard before a decision is made.

Jerry Lombardo, Board Member, questioned if a deed restriction could be sought for the six apartments.

Mr. Cook stated that the Developer's Agreement will be part of the resolution for approval. The resolution will be attached as an exhibit to the Developer's Agreement which is recorded. If a title search is done, it will show a total of six residential units were approved and granted.

- 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.**

Doug Christie made a motion to approve the minutes. Second by Richard Bonsignore. Voting in favor: Chairman Boonstra, Bonsignore, Christie, Lombardo, Bavagnoli and Donkersloot.

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 (CHCC), BLOCK 443, LOTS 49.03/52.01/51 (RA-25), 301 Sicomac Avenue; Use variance being requested for senior living facility.**

Chairman Boonstra stated that the Christian Health Care Center will be deemed incomplete due to numerous factors. In particular, five pages of comments from Boswell Engineering. Preliminary comments or major concerns from the Board will be put on record at the public meeting. Mr. Boonstra stated that he personally had two major concerns which will be stated at the public meeting. The CHCC is before the Board for completeness only. It is not for discussion or testimony.

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. in a RA-25 zone. Variances requested for side yard setback and lot coverage.**

Chairman Boonstra stated that proposed revisions made to the project will be discussed by the architect at the public meeting. A detailed list of plantings has been provided as requested.

Richard Bonsignore, Board Member, noted that the site plan shows a shed which isn't on the Landscape Plan.

Kevin Rooney, Board Member, stated that the revised Landscape Plan is detailed with an irrigation system and is an acceptable plan.

Jim Donkersloot, Board Member, questioned if the 'EX' on the Landscape Plan designates existing trees? The original site plan depicted all of the existing trees that would be staying. The new plan doesn't note 'EX' for existing trees with a corresponding legend similar to the Landscape Plan.

Chairman Boonstra thought that was an excellent question to pose to the applicant at the public meeting.

Jerry Lombardo, Board Member, questioned whether the two 10' trees in the front of the house were being removed?

Mr. Rooney stated that the plan had more than ample landscape coverage on the property at this point.

NEW APPLICATIONS

- 3. ACM CUSTOM HOMES**, BLOCK 262, LOT 12 (R15), 29 Shadyside Drive; Lot is pre-existing non-conforming. Complete demolition of an existing dwelling and construction of a new single family home.

Harold Cook, Board Attorney, stated that this application was for complete demolition. The new home will comply with all bulk requirements other than lot area.

Chairman Boonstra questioned the shed on the plan. It is not clear whether it is being removed or not. This would need to be clarified by the applicant.

Doug Christie, Board Member, questioned the principal building's square footage. Tom Gensheimer, Building Inspector, prepared a Dimensions sheet that has different figures compared to the applicant. The applicant's figure is 1919 sq. ft. and the figure from Tom Gensheimer is 1917 sq. ft. The figures should be the same.

Chairman Boonstra stated that Mr. Gensheimer's Dimensions sheet for the property should be used until it can be clarified which is correct. Testimony as to whether or not the shed is being removed will also be taken at the public meeting.

Mr. Rooney stated that the landscape plan with seven plants is not adequate for a demolition. An irrigation plan is also missing from the plan which is required.

The application to be reviewed at the 8:30 p.m. meeting tonight.

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

Chairman Boonstra questioned if the side yard encroachment is due to the overhang for this small addition? Mr. Boonstra also noted that the driveway is really tight and that there doesn't appear to be any room for construction.

Mr. Bonsignore stated that the encroachment is probably just for the overhang.

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 8:15 p.m.

Jacqueline Denequolo
Board of Adjustment Secretary