

**WYCKOFF BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MAY 17, 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 May 17, 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, Jerry Lombardo, Kevin Rooney, Doug Christie, Libby Ciampo, and Ron Bavagnoli. Absent: Warren Schaub and Jim Donkersloot.

Staff Attendance: Harold P. Cook III, 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 April 19, 2007, Work Session and Regular meeting all took place at the Work Session.

RECOMMENDATION FOR APPROVAL

- A. RESOLUTION #07-05** - Approval of vouchers from various developers' escrow accounts.

Approval of Resolution #07-05 had taken place during the Work Session.

RESOLUTIONS FOR MEMORIALIZATION

- B. 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.
- C. GOBUZAS, TOM & VUKSIC, PAULA**, BLOCK 484, LOT 27.02; (R15 CORNER LOT) 66 Princeton Avenue. Variances required for a rear yard setback and two front yard setbacks to expand kitchen nook.
- D. BROUWER, SCOTT & CARYN**, BLOCK 462, LOT 17 (RA-25), 375 Butternut Avenue. Request to build a portico and stair case encroaching into the front yard setback.

- E. **PIKAARD, DENNIS & BAUER, PATTY**, BLOCK 263, LOT 34 (R15-CORNER LOT), 192 Franklin Avenue. Variances requested for side yard setback and lot coverage.
- F. **BENSON, ELLEN & JAMES J. JUDD**, BLOCK 461, LOT 7 (RA-25), 417 Glendale Road. Lot size is pre-existing non-conforming. Variance requested for principal building lot coverage.

Chairman Boonstra noted on the record that the above referenced resolutions were approved at the Work Session.

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

CONTINUED APPLICATION

1. **BANDAZIAN, RICK**, BLOCK 265, LOT 41 (RA-25), 66 Van Schaik Lane. Demolition of existing home.

Ben Cascio, applicant's attorney, stated that his applicant had taken the Board's suggestion and reduced the depth of the house by moving it back to 35'.

Michael B. McNally, professional engineer and planner, 393 Ramapo Valley Road, Oakland, NJ, was previously sworn in.

Mr. McNally stated that the proposed home has been set back further off of the street as requested by the Board. Nine feet has been reduced from the depth of the home. A rear yard setback variance is now proposed. The previous submission didn't have rear yard encroachment. The front yard set back is proposed at 35' and was previously 21.4'. The rear yard setback was originally 40' and is proposed at 34'. The original lot coverage was 14.99% and is now proposed at 14.69%. The plan was discussed with the neighbors in the rear, as well as, with Boswell Engineering. The height of the structure is almost the same with only 2" smaller than before. The perception of the proposed structure is that it is larger. The large vertical panel in the center makes the home appear larger. In response to comments made at the Work Session, the front stone vertical panel could be softened by adding a small portico with a couple of columns. This change could be added as a condition of approval if necessary.

Mr. McNally stated that the landscape plan was essentially the same. The Toro representative suggested that the mist heads be placed depending on the variance height and shrubbery plantings. Mr. McNally stated that he would testify for the applicant that this would be completed.

Mr. McNally stated that the color coded changes on the site plan depict the size and depth of the previous house along with the revised changes. The side yards are in full compliance. An aerial view was taken to compare this home with the other homes on the street. Overall, this plan has tried to incorporate comments made by both the residents and the Board.

Jerry Lombardo, Board Member, noted that the Boswell Engineering report stated that the perk tests be performed with a Boswell Engineering representative present as a witness. Also, the other fifteen points specified in the Boswell Engineering report need to be complied with as well.

Mr. McNally stated that the perk tests would be performed prior to getting a building permit. The applicant had no exception to any of the points made in the Boswell Engineering report. They will be complied with as well.

Mr. Christie asked Mr. McNally to summarize what the applicant was agreeing to in reference to the vertical panel in the front of the home.

Mr. McNally stated that one vertical plane with two stories and a peak roof are currently proposed. A change could be made using the same shape peak to be placed over the doorway with columns coming down on either side of it. This change will break up the vertical appearance.

Richard Bonsignore, Board Member, stated that the neighbor referenced on the block plan as No. 70 is a large volume home next door only 20' away from the proposed home. The slight change to the vertical front will not lessen the large appearance of this home. The original design had a more horizontal aspect.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

Richard Bandazian, applicant, 356 Stratton Court, Wyckoff had previously been sworn in.

Mr. Christie stated that the original drawing had a shed or gable roof over the front porch. The proposed vertical stone center could be revised by taking the gable roof and dropping it straight down over the center section of the front door. It will give the home a greater street presence and provide a better colonial feel for the neighborhood.

Mr. Bonsignore stated that he still felt that the original design was more to scale. The gable roof will still be out of proportion with the current home submitted.

Chairman Boonstra stated that a summary for the record should be given.

Mr. Bonsignore stated that the original scheme was proportionate to scale. The volume of house that is being added should be scaled down with smaller vertical elements than what is being proposed. To illustrate further, the first scheme was quite nice based on the new setbacks being proposed.

Ben Cascio, applicant's attorney, summarized that the Board is accepting of the proposed setbacks. Mr. Fred Klenk, architect, could come back with some façade samples for the Board.

Mr. Bonsignore questioned if any thought was given to moving the house to the center of the lot even though the side yard setbacks are within the requirements in order to create more space between this structure and the one next door.

Mr. McNally stated that the positioning of the driveway design was to provide back out space. The drainage system location along the side of the driveway seemed to be the perfect fit based on the position of the lot.

Mr. Christie questioned if there's a code requirement as to whether or not part of the driveway could be over a drainage pipe? The house next door is only 2'-5' off of the property line. Mr. Bonsignore's comments regarding shifting the home more centrally on the property are warranted.

Mr. McNally stated that Engineers typically don't recommend putting a driveway over drainage pipes in case it's necessary to get in and make a repair. It wouldn't be a wise choice to dig up home improvements if it's not necessary.

Kevin Rooney, Board Member, questioned if there was any flexibility in moving the drainage pipe over a bit

Mr. McNally stated that if another manhole was added at one end the house, it could be shifted over another 10'.

Mr. Rooney stated that since the house next door is only 5' off of the property line, an additional 10' would lessen the imposing appearance. My position is to shift the home over 10'.

Chairman Boonstra stated that he was on record indicating that he had no problem with the existing footprint and if the applicant built within the allowable footprint, no variance would be needed and the tree possibly could remain. A second look should be taken at the mature tree in the back of the home.

Mr. Bandazian summarized the Board's comments to ensure that the revised plans are complete for the next meeting. The footprint and variances are fine with the exception of the façade on the front which needs to be redesigned so that its appearance isn't as imposing.

Mr. Christie stated that there are two issues. One is shifting the home over 10' on the left side. The house next door is only 2'-5' off of the property line. The other issue is the architectural design in the front of the home. The Board would like to see the house shifted since the plan is starting with a clean slate.

OPEN TO THE PUBLIC

Martin Costello, 78 Colgate Avenue, Wyckoff, NJ, was previously sworn in and was continuing under oath.

Mr. Costello submitted two exhibits. Exhibits O-1 and O-2 were marked in and recorded as evidence. Exhibit O-1 depicts what a 53" diameter oak tree looks like. Exhibit O-2 is another view of the 53" oak tree. Mr. Costello stated that this is a magnificent oak tree. Mr. Costello estimated the tree to be 200+ years old. Mr. Costello wanted to get on the record that "it would be a sin to allow this magnificent tree to be cut down so that a real estate speculator can make money. However, if you do allow this to happen, I would like to introduce a comment on the concept of biomass equivalent which means if you were to remove one 53" diameter tree you should replace it with 10, 5" diameter trees to keep the biomass in balance of the same or equivalent species." A landscape plan has been submitted. Is the applicant trying to keep the biomass equivalent? Are the trees being replaced with shade trees? Mr. Costello requested Mr. Rooney's opinion.

Mr. Rooney stated the Board has struggled with certain residents driving over the roots of the trees during and after the construction process compacting the trees. The Board doesn't have any control over the care of these trees during this process. The Board attempt to keep these trees alive will go by the wayside once the owner moves in. It would be prudent for this Board to look at all the different options as we've been doing by seeing what the landscape can support as far as new trees and make the judgment based on those findings. Even if the home is renovated, the impact on the tree will be detrimental either way. The submitted landscape plan may not have 10 trees but it does have enough trees on the property along with the lawn to support that piece of property.

Mr. Costello questioned if the proposed trees were shade trees or ornamental?

Mr. Rooney stated that both types are proposed with a two year Maintenance Plan in place as well.

Mr. Costello questioned if the plan was to Mr. Rooney's satisfaction.

Mr. Rooney stated that it was. Mr. Rooney stated for the record that this Board has been very conscientious in its effort to protect these trees. The Board has done everything in its power to not only protect these trees but to increase the landscape when an applicant comes before this Board.

Mr. Costello stated that he appreciated the efforts of the Board and that he hears what the officials of the Township say, yet in his opinion a 200+ year old tree is going to be cut down. Mr. Costello also stated that he had been working on a tree ordinance for the last year. Special trees need a little more weight.

Mr. Rooney stated that despite all of our efforts, you can't always protect every tree. The only other option would be for Mr. Costello to purchase this property himself.

Chairman Boonstra began by stating that this Board is conscientious, hard working and fair minded. Part of the responsibility of the Chair, in addition to conducting the meetings, is to see, maintain and protect the integrity of the comments made as the meeting proceeds. Last month, the Board was given considerable erroneous legal facts. I questioned the veracity of the comments at the time and was troubled. At the very least it was poor legal advice from an attorney that should have known better and at its worst it was an attempt to influence the proceedings of this Board. I should have taken the item off of the agenda and postponed it until the matter could have been cleared up. For that, I apologize. I wish that anyone in front of the Board would choose their comments a little better. This needed to get on the record.

NEW APPLICATIONS

- 2. GORIA, BRUCE & ALEXIS**, BLOCK 411, LOT 19 (RA-25), 590 Farview Avenue. Variance requested to add a walkout basement and into a three story home.

Bruce Gorla, 590 Farview Avenue, Wyckoff, NJ was sworn in. Mr. Gorla stated that he always had a walkout basement. The door is proposed to be moved out 10'. Wetlands are in the back of the property with the lot depth over 200' in the back of the house.

Chairman Boonstra stated that an ordinance exists to protect the neighbors.

Mr. Gorla stated that the door is under the deck and the deck is 30' deep. The door can't be seen by any neighbors.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

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

- 3. DEPINTO, MATTHEW & JANICE**, BLOCK 250, LOT 45 (RA-25), 383 Oakwood Drive; Variances requested for two principal building side yard setbacks, lot coverage and a rear and side yard setback for an accessory structure.

John Giammarino, architect, Old Tappan, NJ, was sworn in. Professional qualifications include a BA in Architecture and was licensed in 1994. Testified in a dozen towns in North Bergen County.

The Board accepted Mr. Giammarino's qualifications.

Chairman Boonstra stated for the record that Richard Bonsignore is within the notice area and therefore, will not be hearing the application.

Mr. Giammarino gave an overview of the variances being proposed for this application. The variances are as follows: two principal building side yard setbacks, lot coverage and accessory building side and rear yard setbacks. A single car garage is existing and will be removed. A detached two car garage will be constructed in the back of home. One of the reasons for a detached two car garage is because the addition to the house wouldn't be possible unless it was removed and detached. There wasn't any room in the front of the house. If the garage was attached to the rear, there wouldn't be any turning radius. The reason why this application is encroaching on the accessory side and rear yards is due to the turning radius and to allow for a new septic system in the rear yard. This lot doesn't have the space to put the septic in the front yard.

Matthew DePinto, 421 Meer Avenue, Wyckoff, NJ, was sworn in. Mr. DePinto stated that the new home is very close to close friends and the school where his kids go now. Homes in the neighborhood had been evaluated to determine if constructing a new home was a better option. Designing a home on a nonconforming lot is tough. The main concern was the detached garage with the lot being only 85' wide. Mr. DePinto's current house has a three car attached garage now. Going from a three car to a one car garage would be difficult.

Chairman Boonstra referenced the Sherman case in case Mr. DePinto wasn't aware of its specifics. A court decision is on the books, which enables a homeowner to build up on an existing footprint of a house even if the home is improperly within the setbacks. Most of what is proposed can be done on the principal structure currently without variance approval. In this case, relief is needed for the garage structure and the left rear corner of new construction, which is into the 20' side setback. Chairman Boonstra wanted the applicant to know in advance the guidelines used by the Board.

Jerry Lombardo, Board Member, stated for the record that he liked that the applicant was installing a brand new septic system. Mr. Lombardo stated that he would like testimony referencing the proposed massive garage structure and why it's necessary being so close to the property line.

Mr. Giammarino stated that the roof of the garage was brought up to the maximum height of 20'. The roofline is the same as the house, which is not the maximum height. Dormers were created to the sides for aesthetics and for additional space within the structure.

Mr. Lombardo stated that the garage wouldn't be a problem if it wasn't so close to the property line. This structure is more than just a garage.

Mr. Giammarino stated that the garage was designed in keeping with the surrounding homes and the specific proximity these garages were to the property lines.

Chairman Boonstra stated that the design is unique with the detached garage. The porte cochere opens up the one side of the house somewhat being so close to the neighbor's house. Would there be any way to move the garage to the left a bit. The rear yard setback is not much of a concern without any neighbors in the rear.

Doug Christie, Board Member, stated that Mr. DePinto had used every bit of the height allowed. Most two car garages are not at this size. The side yard setback requirement for an accessory structure is all that I can accept. Mr. Christie stated that he couldn't vote in favor of anything less than what is required.

Chairman Boonstra questioned if one wide door instead of two doors would be a consideration.

Mr. Giammarino stated that he would need to review the structure in order to consider a one door approach.

Mr. Christie questioned if an office is planned for the attic of the garage.

Mr. DePinto stated he was definitely not planning an office.

Mr. Lombardo stated that if the corners of the garage were clipped for aesthetics and the feasibility of getting 10' or 11' on the side yard, the garage would be acceptable.

Mr. Giammarino stated that a 15' side yard setback with a 16' garage door couldn't be done.

Mr. Christie stated that he was okay with the 10' on the rear. If 3' is cut off of the garage, it could be moved over 5' to make the 15' setback requirement.

Mr. Giammarino submitted a photo board as Exhibit A2, which was marked and recorded as evidence.

Chairman Boonstra stated that the size of the other garages on Exhibit A2 were a lot smaller than the proposed application.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

Vincent Smith, 375 Oakwood Drive, Wyckoff, NJ, was sworn in. Mr. Smith stated that he was the neighbor closest to the detached garage. Mr. DePinto requested our input before proceeding with his plans. Even though the property is only 7.5' off of the property line from ours, we're okay with it.

Mr. Rooney gave specifics in regards to the landscape plan. The plan needs to be more detailed. The types, quantity and sizes of the trees need to be specified. Based on the size of the trees being removed, the spruce for example, should be 8-10' in height, the oak and maple should be 3-3 ½", and the azaleas and boxwoods should be Balled & Burlapped 30-36". When the landscape plan is redone, the new spruce count is supposed to be three for the record not two as noted on the current plan. If the garage is moved over, the side of the property should be landscaped as well. The property needs to be irrigated displaying the mist heads and rotary locations.

Mr. Christie stated for the record that he is fine with the house as proposed.

Chairman Boonstra stated that the new construction is the only variance. The chimney could be wrapped around the back of the house to avoid an additional encroachment.

Mr. DePinto stated that he was fine with that change.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

Chairman Boonstra summarized:

- The garage as presented should be shifted 7 ½ feet to the West so the side yard setback is 15 feet as required. Two garage doors will fit with these dimensions.
- The rear yard set back is at 10' as proposed.
- The principal building can stay as proposed with the exception of moving the chimney to the back of the house.
- The landscape plan needs to be reworked specifying sizes and locations of plantings. The irrigation system should have the sprinkler head locations. Additionally, appropriate screening should be in place on the side yard setback.

Chairman Boonstra stated that the applicant would need to come back before the Board in June. Harold P. Cook can have a resolution prepared in order to memorialize the application in the same night. There will be no need to renote the neighbors.

Mr. DePinto questioned if demolition and tree removal can be done?

Chairman Boonstra stated that the applicant can proceed with the demolition and tree removal with approval from the Building Department. The applicant should not go beyond what is on the submitted plan.

Mr. Cook stated that this Board does not have jurisdiction to make a decision regarding demolition. The applicant's rights are gone if an appeal is taken.

Chairman Boonstra questioned the tree on the front of the property that had already been removed.

Mr. DePinto stated that Rockland Electric took down the tree. It was a danger to the house.

Chairman Boonstra stated that in order for the applicant to preserve their rights under the Sherman decision, the garage wall, located within the side yard setback, would need to stay intact since the existing wall preserves the right to build over it. If it is removed, a variance would be required.

Mr. Cook stated that the resolution would be subject to all of the revised plans received 10 days prior to the meeting date in order to refer to them in the resolution.

Mr. Christie stated that the engineer would need to review the plans in case the code changed regarding the minimum footage required from the location of the septic field.

The DePintos will revise their building and landscape plans and resubmit them prior to the June 21 Board of Adjustment meeting.

The meeting was adjourned at 10:20 p.m.

Jacqueline Denequolo
Board of Adjustment Secretary