

**WYCKOFF BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
AUGUST 16, 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 August 16, 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, Jerry Lombardo, Kevin Rooney, Doug Christie, Libby Ciampo, Ron Bavagnoli and Jim Donkersloot. Absent: Warren Schaub, and Richard Bonsignore.

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 July 19, 2007, Work Session and Regular meeting all took place at the Work Session.

RECOMMENDATION FOR APPROVAL

- A. RESOLUTION #07-08** - Approval of vouchers from various developers' escrow accounts.

Approval of Resolution #07-08 had taken place during the Work Session.

RESOLUTIONS FOR MEMORIALIZATION

- B. CHAPIN, BYRON & ERIN**, BLOCK 473, LOT 1 (R15 – CORNER LOT), 350 Kingston Street. Variances requested for a front yard setback and existing lot size. An existing deck is proposed to be made larger along the side yard of the property.

Kevin Rooney made a motion to memorialize the resolution. Second by Jerry Lombardo. Voting in favor: Chairman Boonstra, Lombardo, Rooney, Christie, Ciampo, and Donkersloot.

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

CONTINUED APPLICATIONS

1. **CORNERSTONE CHRISTIAN CHURCH**, BLOCK 346, LOT 7 (RA-25), 495 Wyckoff Avenue. Variance requested for a new sign structure totaling approximately 100 sq. ft.

Chairman Boonstra stated that Cornerstone Christian Church has been postponed.

2. **DIAZ, JOHN & DEBORAH**, BLOCK 465, LOT 1 (R15), 394 Butternut Avenue. Variances requested for a front yard setback and any existing non-conformities. A proposed front porch encroaches into the front yard setback.

John Diaz was continuing under oath from the prior meeting. Mr. Diaz stated that the landscape plan was updated as requested to include the quantity and size of the plantings. The shed, as noted on the submitted plans, was proposed to be removed. After submission of the plans, a decision by the Diaz's was made to remove the deck instead of the shed which will reduce the lot coverage.

Chairman Boonstra stated that the applicant would need to come back for the next meeting since these changes were not submitted to the Board within the required 10 day deadline.

Mark DiGennaro, Township Engineer, stated that the deck was at grade level and would not be considered an accessory structure.

Mr. Diaz stated that he would like to properly install a paved patio at a later date done by a landscape architect.

Chairman Boonstra summarized that the applicant has chosen to remove the deck instead of the shed from the accessory structure calculation. The applicant has agreed to come back before the Board in September.

Kevin Rooney, Board Member, stated that Item No. 1 on the submitted landscape plan would need to be removed. This item allows the applicant to remove the types and quantities of any plantings at their choosing. The plan that is submitted needs to be adhered to in order to be approved. The applicant should not deviate from what is being presented and approved.

Mr. Diaz stated that Item No. 1 will be removed from the landscape plan when resubmitted.

Chairman Boonstra stated that this lot is a hardship. It is very irregular with two front yards. The corners of the proposed porch structure are what make it deficient.

Chairman Boonstra stated that the applicant would need to come back with revised plans and calculations correcting the lot coverage.

Mr. DiGennaro stated that the columns on the porch will dictate how much space is livable.

Mr. Diaz stated the revised plans will be resubmitted removing the deck, keeping the shed, reducing the porch to 6 ½ ' and removing line Item No. 1 from the landscape plan per Mr. Rooney's request.

3. **PUGLISI, KENNETH & KELLY**, BLOCK 250, LOT 29 (RA-25 – CORNER LOT), 367 Pinewood Drive. Variances requested for lot area, frontage and principal building coverage along with any existing non-conformities. This existing home is proposed to be knocked down and rebuilt.

Kenneth and Kelly Puglisi were previously sworn in at the last meeting and continuing under oath. Mr. Puglisi stated that the resubmitted plans recalculated the total lot coverage and includes a landscape, irrigation and maintenance plan as requested.

Kevin Rooney, Board Member, questioned if the 'terrace' discussed at the last meeting was on the first or second floor.

Mr. Puglisi stated that the balcony/terrace is off of the second floor and is included as part of the principal structure at a size of 18' x 11'.

Mark DiGennaro, Township Engineer, stated that the second floor balcony/terrace, or deck, needs to be included in the principal coverage and not as an accessory structure.

Mr. DiGennaro read definitions from the Zoning Code of the Township of Wyckoff, Section 186-6:

Accessory Building: A subordinate building or structure on the same lot with a main building, occupied or devoted exclusively to an accessory use and under the same ownership and control as the main building. A deck, as defined herein, may be treated as an accessory building or structure in any residential zone. A deck not meeting the definitional requirements as contained herein shall be considered part of the principal building or structure.

Deck: An unenclosed, roofless structure used for outdoor recreation, lounging, dining or the like, *having a maximum floor height constructed at a level not exceeding the main living floor of the principal residential building.*

Mr. Puglisi stated that the balcony/terrace can be disregarded.

Chairman Boonstra stated that the plot plan needs to agree with the architectural plans which don't include the balcony/terrace. The dimensions sheet would need to be recalculated and resubmitted to the Board for the September meeting.

Mr. Rooney stated that the landscape plan needs to include insect, fertilization and disease control for the trees and shrubs by a licensed New Jersey pesticide applicator.

NEW APPLICATIONS

4. **McGOVERN, MICHAEL & CHRISTINE**, BLOCK 254, LOT 5 (RA-25), 270 Morse Avenue. Variance requested for existing lot area, lot depth, and two front yard setbacks. New variances are being requested for rear yard setback and principal building lot coverage.

Michael and Christine McGovern were sworn in by the Board Attorney.

Eric Kiellar, 397 Franklin Avenue, Wyckoff, NJ, Blue Line Architects was sworn in by the Board Attorney. Mr. Kiellar indicated his professional qualifications as a NY, NJ, and PA architect for over five years, as well as, a previous member of the Ramsey Planning Board.

Mr. McGovern stated that he had purchased the home ten years ago when he was single. The home, which was built in the 1800's, has a one car detached garage and a kitchen sized at 10'x12' with no wall space or cabinets. This project will include the renovation of the kitchen and family room along with a new attached two car garage.

Chairman Boonstra confirmed that the property was sewerer for the record.

Mr. Kiellar stated that the lot size is 9,375 sq. ft. in a zone requiring 25,000 sq. ft. lots. Three variances are being requested. The two existing front yard setbacks are 15.7' and 19.87'. The proposed total lot coverage is 22% including the new garage. The existing principal building coverage is 10.53% and 2.69% for a total lot coverage of 13.22%. The last variance is for a fence in the front yard. The existing building height is 36.4'. Wyckoff's requirement is 1200 minimum sq. ft. per floor. This home has 700 sq. ft. on each floor for a total of 1400 sq. ft. total with the second floor staying the same. The existing garage is 14' x 18' which is substandard. The proposed addition is set back with no retaining walls required. There was an existing fence that enclosed a patio in the back. The rear and side yard setbacks will be eliminated by removing the garage. Two cars will be in the garage with extra space available for others to park in the driveway. All of the adjoining lots are non-conforming.

Doug Christie, Board Member, questioned if the addition will be within the height restriction of 35'?

Mr. Kiellar stated that the height is proposed at 32'9.

Kevin Rooney, Board Member, questioned if any landscaping is proposed along the foundation of the home.

Mr. McGovern stated that he had wanted to maintain grass for the children to play.

Chairman Boonstra questioned the fence between the garage and the house.

Mr. Kiellar stated that the 4' existing fence will be relocated to where the garage currently stands to create a larger grass area. A new 6' high fence is proposed.

Mark DiGennaro, Township Engineer, stated that there is no need for a fence variance since there is more than a 50% opening.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

Doug Christie made a motion to approve the application. Second by Libby Ciampo. Voting in favor: Chairman Boonstra, Lombardo, Rooney, Christie, Ciampo, Bavagnoli, and Donkersloot.

5. **SMITH, FRANK**, BLOCK 278, LOT 21 (RA-25), 46 Dale Ave. Variance requested for a front yard setback.

Frank Smith, 28 Cottonwood, Sparta, NJ, was sworn in by the Board Attorney.

Mr. Smith stated that the proposed front porch will impede 3.8' into the front yard setback bringing it to 36.19' which includes moving the stairs to the side of the proposed porch. Mr. Smith stated that the porch is 7 ½ ' at its widest point. Mr. Smith also stated for the record that the house was not a teardown as mentioned in the Work Session. The front yard setback of 41.19' is from the street to the front foyer or 41.19 less 5' off of the front foyer to equal 36.19'.

Chairman Boonstra advised the applicant to submit accurate plans indicating the existing new preconstruction and proposed construction to determine what the encroachment will be.

Jerry Lombardo, Board Member, questioned if the home has septic.

Mr. Smith stated that a new septic system will be installed in the back of the house.

Chairman Boonstra stated that the other homes on the block all have a similar setback without front porches.

Mr. Smith stated that country homes have porches. In order to keep the Victorian look, Mr. Smith was willing to compromise with the Board.

Kevin Rooney, Board Member, stated that the landscape plan as proposed is not sufficient. The quantity, size and location of species need to be noted. Three trees at a minimum are required to be removed for the construction of a code compliant septic system. *(Please note: In 1990, NJDEP mandated new septic design rules to protect groundwater. These rules disallowed the previous widespread practice of seepage pits located under driveways and replaced it with the new requirement of septic field installation at a minimum size of 865 square feet or an area of 40' x 21' for a typical 4 bedroom residential dwelling. The impact of this NJDEP rule is that it requires the removal of all trees and shrubs within ten (10) feet of the excavation of the septic.)* An irrigation and maintenance plan by a licensed professional also needs to be submitted.

Mr. Rooney stated that it is the Board's responsibility to protect the landscaping and ensure that the approved planting plan is implemented on the property.

Mr. Smith questioned if the Board would be able to take a vote on the variance without the submission of the landscape, irrigation and maintenance plans.

Chairman Boonstra stated that the applicant is required to submit all requirements and those requirements must be reviewed by the staff and Board before the Board can consider a decision. A new home would require a detailed landscape plan, an irrigation plan listing the location of the heads and a maintenance plan submitted for review by the Board. These requirements are a condition of

approval. By encroaching into the front yard setback as an afterthought creates additional burdens for the applicant. Each site is evaluated and a variance approval may impact negatively towards the zoning ordinances of the town. In an effort to protect the town, certain requirements are applied as part of the approval process.

Mr. Rooney stated that a revised plot plan with precise dimensions on where the porch is being proposed needs to be submitted.

Chairman Boonstra stated that a porch may compliment this house but it may not have a similar affect on the other homes on the street. An architectural drawing with front elevations of the front of the house depicting the proposed front porch would be helpful to see how the overall view would look. The other homes on the block give a uniform street scape without front porches. Chairman Boonstra stated that the applicant would need to come back next month.

The meeting was adjourned at 11:00 p.m.

Jacqueline Denequolo
Board of Adjustment Secretary