

**WYCKOFF BOARD OF ADJUSTMENT  
WORK SESSION MINUTES  
SEPTEMBER 20, 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 September 20, 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, Jerry Lombardo, Kevin Rooney, and Doug Christie. Absent: Warren Schaub, Libby Ciampo, Ron Bavagnoli and Jim Donkersloot.

**Staff Attendance:** Harold P. Cook III, Board Attorney, Mark A. DiGennaro, P.E., Township Engineer and Jacqueline Denequolo, Board of Adjustment Secretary.

**OLD BUSINESS**

Approval of Minutes from the August 16, 2007 Work Session and Regular Meeting.

**RECOMMENDATION FOR APPROVAL**

- A. RESOLUTION #07-09** - Approval of vouchers from various developers' escrow accounts.

**RESOLUTION FOR MEMORIALIZATION**

- B. 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.

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

**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. **PRECISION MULTIPLE CONTROLS, INC.**, BLOCK 516, LOT 6.04 (L-1), 200-500 Braen Avenue for the Industrial area and 563 Hopper Avenue for the residence. To permit the residence to remain and to be used as a security office.

Chairman Boonstra stated that an existing house on the site had been occupied and grandfathered to stay until the residents passed away (Please note: The Memorialized Resolution dated 4/16/87 is available for review in Room 110, Memorial Town Hall). The resolution noted a safety hazard when entering the industrial portion of the subdivision. The applicant is requesting to use the existing house as a security facility for the industrial park of the site.

John Spizziri, applicant's attorney, stated that the intention of the applicant was to have someone on site at all times. Illegal incidents such as dumping and the property mistakenly being used as a rest stop.

Kevin Rooney, Board Member, questioned if a family is intended to live at the site.

Mr. Spizziri stated that his applicant has not progressed to that point.

Jerry Lombardo, Board Member, stated that the prior resolution detailed concerns by the Police Department in regards to egress onto Hopper Avenue regarding the turning or street direction of cars. Letters from the Fire or Police Departments would be helpful to determine if there are any problems on the site.

Harold P. Cook, Board Attorney, stated that this application would not be a use variance. It would be a waiver of a condition from an original approval. If this was for residential use, it would be considered a use variance.

Mr. Spizziri stated that the people conducting the security will be living at the site.

Mr. Cook stated that the application would include a security person employed as an independent contractor on site.

Mr. Spizziri stated that there was no intent to rent the house.

Mr. Cook stated that it's the Board's determination as to whether or not this application is a use variance or not. A guard house can be conditioned as a service with an employee or independent contractor which would not be considered residential. Since this site couldn't be rented out, its sole purpose is to facilitate security for this site. Having a guard house on site is a common practice. A restriction can be added to include the number of people permitted to live at this site.

Mr. Spizziri stated that the possibility of a use variance can be included when publicly noticing the application before the Board. The house will be updated with new windows and siding to make it look more presentable.

Richard Bonsignore, Board Member, requested the applicant provide floor plans.

Chairman Boonstra stated that the applicant can advertise as Complete.

On a separate application, located at 192 Crescent Avenue, Mr. Spizziri requested the Board's direction. A letter was submitted on behalf of his client requesting the landscape, irrigation and maintenance plans be waived. The homeowner is requesting a side yard setback on an existing structure.

Chairman Boonstra stated that the Board can work with rudimentary landscape and irrigation plans at the Regular Meeting and provide guidance where necessary.

### **WITHDRAWN APPLICATION**

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

### **CONTINUED APPLICATIONS**

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

Mark DiGennaro, P.E., Township Engineer, stated that the revised plans submitted have removed the deck instead of the shed and the proposed porch has been pulled back ½ foot from the front yard setback. The front porch was revised to 6 ½' from 7'.

- 4. PUGLISI, KENNETH & KELLY**, BLOCK 250, LOT 29 (RA-25), 367 Pinewood Drive. Variance requested for a side yard setback, total lot coverage and any existing non-conformities. This existing home is proposed to be knocked down and rebuilt.

Chairman Boonstra stated that the second floor balcony has been removed and accurately depicted on the revised plans submitted.

Harold P. Cook, Board Attorney, stated that this particular application can request a permit be issued with a resolution to follow.

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

Mark DiGennaro, P.E., Township Engineer, explained the setbacks for the Board, which without the services of an architect wasn't clear.

### **NEW APPLICATIONS**

- 6. HOURIHAN, JIM & CHRISTINE**, BLOCK 318, LOT 28.01 (RA-25), 376 Sunset Boulevard. Variance requested for a front yard setback to add a front porch.

Mark DiGennaro, P.E., Township Engineer, stated that a new septic system has been approved for this home.

Chairman Boonstra stated that this home is requesting a front yard setback of 33.14' to construct a front porch. It was noted that the rest of the homes on the street don't have front porches.

7. **HOLOWACZ, JESSE & ELIZABETH**, BLOCK 423, LOT 4 (RA-25), 721 Laurel Lane. Variance requested to add a walk-out basement.

Chairman Boonstra stated that the house is under major renovation. The request is for a walkout basement in the rear of the home.

Doug Christie, Board Member, stated that the walkout basement can't be seen by any of the surrounding neighbors.

8. **DePINTO, MATTHEW & JANICE**, BLOCK 250, LOT 45 (RA-25), 383 Oakwood Drive. Variance requested for a principal building side yard setback.

Harold P. Cook, Board Attorney, stated that Tom Gensheimer, Building Inspector, issued a stop work order on the property as a result of the owner knocking down a wall, which was required to remain in existence, per the original project approvals. The removal of this wall fails to comply with the original resolution of approval for the project. The question raised is whether the applicant retains his rights to construct in the same footprint if the walls are gone but the foundation and sill plate still exist. The Cox Law book indicates keeping two walls, a foundation and deck as a rule of thumb to preserve the right. Cox does not include the foundation as one of the two required walls therefore, the stop work order was correct. The applicant forfeited their rights under the original variance that was granted when they took the wall down. A specific case on point was found whereby a unique characteristic of the property such as a foundation can be cause in justifying the granting of a variance. Denying a variance to build on a foundation would be wrong because you'd be wasting a foundation and creating more land disturbance. It would be a hardship not to use the existing foundation. There's a benefit in granting the variance with the foundation in tact.

Chairman Boonstra confirmed that since the foundation wall and sill plate exist, the applicant doesn't have to prove the bulk variance in order to prove their case. Throughout the original application process, opposition by Board members was originally focused on the location of the garage and not the house.

*The meeting was adjourned at 9:00 p.m.*

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Jacqueline Denequolo  
Board of Adjustment Secretary