

**WYCKOFF BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
OCTOBER 18, 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 October 18, 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, Libby Ciampo, Doug Christie, Ron Bavagnoli and Jim Donkersloot. Absent: Warren Schaub and Jerry Lombardo.

**Staff Attendance:** Harold P. Cook III, Board Attorney, Mark A. DiGennaro, P.E., Township Engineer 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 September 20, 2007, Work Session and Regular meeting.

The approval of the September 20, 2007 Work Session and Regular Meeting minutes took place at the Work Session.

**RECOMMENDATION FOR APPROVAL**

- A. RESOLUTION #07-10** - Approval of vouchers from various developers' escrow accounts.

Approval of Resolution #07-10 had taken place during the Work Session.

**RESOLUTIONS FOR MEMORIALIZATION**

- B. 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.
- C. 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.

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

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 APPLICATIONS

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.

Postponed until next month.

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

Postponed until next month.

### NEW APPLICATION

3. **MESSINEO, DOUG & SARAH**, BLOCK 265, LOT 117 (RA-25), 51 Midland Avenue. Variance requested for a side yard setback and any existing non-conformities. This existing home is proposed to be knocked down and rebuilt.

Mr. Doug and Sarah Messineo, 15 Giegel Court, were sworn in by Harold P. Cook, Board Attorney.

Peter Cooper, applicant's architect, residing at 220 Franklin Turnpike, Mahwah, NJ, was sworn in by the Board Attorney. The Board accepted Mr. Cooper's professional qualifications as satisfactory.

Mr. Cooper marked the collage exhibit being used as A2. The exhibit displayed an area location map for Midland Avenue. The applicant is requesting a side yard variance. The lot width required is 125' where 82.1' is existing. The subject property along with three other lots are quite narrow while other lots are variable in size. The aerial shot provided shows a consistency of nonconformance in regards to the close proximity of side property lines. The subject house has been designed to be 44 feet, 4 inches wide. When the size is subtracted from the total lot width, the sides of the house would be 1.2 feet nonconforming if centered which is pertinent to this discussion. The home was deliberately shifted to the left side to accommodate a number of reasons. The home on the right is close to the property line and includes an existing buffer. Space needs to be provided for the driveway itself along with some form of a vegetative buffer. A rather severe turn into the driveway also needs to be accommodated. Due to the narrowness of the lot, there is very little lot usage by design.

Mr. Cooper stated that the property was staggered in order to give some side yard accessibility. The proposed layout is fairly tight. The landscape plan indicates a buffer on the left side of the property where it is exposed. The buffering occurs where it is most needed. The exceptional narrowness of the lot is nonconforming and creates a hardship for the applicant.

Richard Bonsignore, Board Member, requested review of the functions of the multiple chimneys.

Mr. Cooper stated that the 1 ½ story house off of the front is punctuated by flanking chimneys in a classic style for decorative purposes. The loss of one chimney would lose the charm. The third chimney in the rear is in the family room and will function with a wood burning fireplace.

Mr. Bonsignore questioned whether consideration was given to reducing the distance from the opposite edge of the driveway to the property line in order to pick up a foot or two.

Mr. Messineo stated that there's a tree close to the neighbor's property that may be an issue in regards to turning radius.

Kevin Rooney, Board Member, stated that the Twin Oak in question isn't healthy and could be removed and replaced with a tree better suited for that area. A Twin Oak is prone to splitting and isn't safe so close to a house.

Mr. Messineo stated that he believed the tree was the neighbors' and is split by the property line.

Mr. Rooney questioned the other fireplace noted on the plan.

Mr. Messineo stated that the chimney will be used as a heating vent and hot water heater generated from the basement.

Chairman Boonstra commented that the architectural value of the chimney on the left is understandable. If the chimney is removed, a side yard setback of 15' is acceptable on an 82 foot wide lot.

Mr. Rooney questioned if the chimney could be removed or if the house could be shifted?

Mr. Messineo stated that if the neighbor would allow the tree to go, he would rather shift the house over a couple of feet.

Mr. Rooney suggested Mr. Messineo speak with a tree expert in the field to explain the pros and cons of the tree with the neighbor in order to proceed with the application.

Mr. Rooney stated that a maintenance plan needs to be included for two years with one year prepaid for preserving the trees and shrubs.

Mr. Christie confirmed that the chimney is strictly an architectural detail with no function at all.

Mr. Cooper stated that the chimney is functioning with the furnace as a vent but is a strong visual compelling element.

Chairman Boonstra stated that the application would be carried until next month until the applicant has a discussion with the neighbor regarding the Twin Oak tree.

Mr. Cooper stated that a 125' required lot width to an existing 83' lot width is an enormous constraint. The Board should keep in mind that once the home is shaved off on each side, the room sizes would be less than market standard. From an architectural standpoint, visual interest could be lost.

Chairman Boonstra stated that Mr. Cooper's opening comments confirmed that if the structure were centered on the lot it would be 1.1 feet on each side.

Mr. Cooper stated that if the tree issue is resolved, the shifting of the house would make sense for both parties.

Chairman Boonstra stated for the record that the property is sewered. On another topic, the question was raised if any contact has been made with the neighbors to the left and right to see if additional property could be purchased.

Mr. Messineo stated that he had not contacted his adjoining neighbors.

Chairman Boonstra stated that the applicant should present the question to the adjoining neighbors and testify at the next meeting to get it on the record.

Mark DiGennaro, P.E., Township Engineer, stated that a copy of an invoice or check recognizing a maintenance contract needs to be presented before a Certificate of Occupancy is issued.

#### **CONCERNS REGARDING AN INACCURATE STATEMENT PUBLISHED BY THE FRIENDS OF WYCKOFF'S AUTUMN 2007 SPECIAL ISSUE NEWSLETTER**

Chairman Boonstra stated that comments were necessary to get on the record regarding the following statement from the Friends of Wyckoff newsletter:

“Preliminary indications are that Hawthorne officials oppose the zoning change while Wyckoff zoning board officials favor the construction of the apartments.”

Chairman Boonstra stated that the Christian Health Care Center (CHCC) has been deemed incomplete. The only discussion this board had was at the March 15, 2007 meeting when the application was submitted for a Completeness Review. At the March 15, 2007 work session, it was stated that the CHCC would be deemed incomplete due to numerous factors including six pages from Boswell Engineering which would be put on record at the regular meeting. Some but not all of the comments that were put on the record at the regular meeting are as follows:

- Somewhat negative reports were received from Dave Murphy, Fire Chief and Captain Ben Fox, Traffic Safety and Homeland Security officer.
- Jerry Lombardo, Board Member, stated that the applicant would need to convincingly demonstrate how this property fits into the inherent beneficial interest definition.
- Harold P. Cook, Board Attorney, stated that the application resembles more of a commercial establishment whereby the applicant would need to provide testimony evidencing the contrary. Positive criteria would need to be provided to the Board to prove that it is 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 the deviation in order for the Board to grant a variance.
- Richard Bonsignore, Board Member, stated that the CHCC does not appear to be a hardship.
- Chairman Boonstra stated that he had three separate issues regarding this application which follow, (1) the proposed inherently beneficial use; (2) none of this site is on the tax rolls and at least half of the site could be set aside for open space in order to reduce the coverage, impact parking and address a number of issues and (3) an environmental impact study should be part of the compliance review.

Chairman Boonstra continued by stating that these statements made in March 2007 do not indicate anything that comes close to the statement made in the Friends of Wyckoff newsletter. Nor is Chairman Boonstra aware of any discussions by the board members that indicate so. The Friends of Wyckoff were obviously not at the March 15, 2007 meeting when the CHCC was originally introduced for Completeness Review or read the posted meeting minutes. The objective is to get this on the record and to first protect the integrity of the Board which is the responsibility of the chair.

Mr. Cook stated that perhaps a motion would be in order to authorize a response to this inaccurate statement and also request the appropriate retraction be issued by the Friends of Wyckoff. This matter may be listed at the next zoning board meeting for potential legal action.

Chairman Boonstra stated that as discussed at the work session, a retraction is viable since the Friends of Wyckoff newsletter statement regarding the Zoning Board of Adjustment is clearly inaccurate when compared to the minutes as discussed.

Mr. Cook stated that he would draft a response to be reviewed by Chairman Boonstra and Kevin Rooney, Vice-Chairman.

Kevin Rooney made a motion to draft a response to the Friends of Wyckoff Newsletter. Second by Richard Bonsignore. Voting in favor: Chairman Boonstra, Bonsignore, Rooney, Christie, Ciampo, Bavagnoli and Donkersloot.

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

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Jacqueline Denequolo  
Board of Adjustment Secretary