

**WYCKOFF BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
NOVEMBER 15, 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 November 15, 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, Jerry Lombardo, Libby Ciampo, Doug Christie, and Jim Donkersloot. Absent: Warren Schaub and Ron Bavagnoli.

Staff Attendance: Harold P. Cook III, Board Attorney, Mark A. DiGennaro, 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 October 18, 2007, Work Session and Regular Meeting.

The approval of the October 18, 2007 Work Session and Regular Meeting minutes took place at the Work Session.

RECOMMENDATION FOR APPROVAL

- A. RESOLUTION #07-11** - Approval of vouchers from various developers' escrow accounts.

Approval of Resolution #07-11 had taken place during the Work Session.

WITHDRAWN APPLICATION

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

CONTINUED APPLICATIONS

2. **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.

John Spizziri, the applicant's attorney, gave an overview of the marked exhibits as follows:

A1 - application.

A2 - as-built of the site with approval from the 4/16/87 meeting.

A3 through A6 are photographs of the property in question.

A7 is the floor plan submitted for this meeting.

A8 is a letter from Maarten's Farm submitted to the Board in favor of this application.

A9 is a blotter report from the Police Department indicating reported incidents.

A10 is a letter from Police Chief Ydo in regards to this application.

Mr. Spizziri indicated that the meeting held in 2003 involved a Boswell Engineering review, traffic patterns, Police and Fire Department reviews. At the time, the Fire Department requested an emergency access to the site indicated on the corner of the property which is noted on the as-built. The plan indicates a stop sign where oncoming traffic comes in from Hopper Avenue. The 24' wide Right of Way could not be widened due to the existence of a large pine tree and utility poles. Complete reviews regarding access were discussed, approved and complied with as requested by the Police and Fire Departments and is not an issue for this application. The object of this application is to rescind the 1987 resolution which required this house to be demolished upon the termination of the life estate. The officer of Precision Multiple Controls will testify as to the dwelling's purpose. Cameras will be affixed within the dwelling so the employee living there at night can review the property on his computer.

Mr. Spizziri stated that the transcripts from the meetings in March and June 2003 included testimony from neighbors and planner, Michael Kauker, in regards to the viability of the retention of this facility, which are requested to be incorporated into the record. The planner at the time, Michael Kauker, also gave testimony. The application was withdrawn, at that time, out of consideration of the existing life estate in existence.

Mrs. Darren Lilly, 511 Upper Boulevard, Ridgewood, NJ, was sworn in by the Board Attorney. Mrs. Lilly is the Vice President of Precision Multiple Controls (PMC) and manages the property at Garden State Farms Industrial complex which is owned by PMC. All problems from the towns are directed to Mrs. Lilly.

Mr. Spizziri directed questions to Mrs. Lilly regarding the property before the Board.

Mrs. Lilly stated that she was familiar with the history of the site in 1987. The conditions of the site at the time included the Dutch Mill Bakery, which was in full operation along with approximately 300 food service businesses and a moving company, all of which brought in a lot of tracker trailer traffic. The Dutch Mill Bakery is now presently closed along with a lot of the other businesses which received deliveries from tracker trailers. Currently, only small box truck traffic is used within the complex.

Mr. Spizziri requested that Mrs. Lilly individually explain Exhibits A3 through A6.

Mrs. Lilly stated that Exhibit A3 is a picture of the house showing the proximity next to the brick building, which is part of the office complex, along with the large spruce tree in the front yard and utility pole. Exhibit A4 is a front picture of the house looking up the driveway depicting the guide wire and spruce tree. Exhibit A5 is a picture of a close-up of the guide wire and its proximity to the street. Exhibit A6 is an overview of all of the components on and near the property.

Mr. Spizziri questioned Mrs. Lilly as to why the complex would need to retain this dwelling and utilize it as a security office.

Mrs. Lilly stated that the complex is large with many tenants bordering two towns with a lot of activity goes on within the complex. Different incidents have occurred including vandalism, broken windows, attempted suicide, fire alarms, etc. The Fire Department has called at 2 am more than once along with at least three incidences of illegal dumping at various hours. There are currently security cameras installed throughout the complex. Four monitoring stations are located within these particular buildings. Any review of the camera data needs to be viewed during business hours since the monitoring stations are located within tenant facilities.

Mrs. Lilly stated that a person onsite monitoring the cameras could assist the Police or Fire Department immediately having access to a master key to all buildings. Exhibit A9, the police blotter, indicates the type of incidents that could be dealt with an onsite security individual. This person could make an immediate decision and possibly catch an illegal action in progress. The person onsite would be an employee of Precision Multiple Controls or one of its affiliates. Security would be a duty of the employee in the evening.

Mr. Spizziri stated that Exhibit A10, a letter dated October 2, 2007 from the Wyckoff Chief of Police, is in concert with this application's recommendation for onsite security. Exhibit A8 is a letter from John Sandfort, the president of Maarten's Farm, which states that the residence in question was previously occupied by his Aunt and Uncle. Endorsing the property in question for this additional security purpose would be an enhancement of the industrial site. No vested interest in this matter should be noted on Mr. Sandfort's part.

Kevin Rooney, Board Member, questioned the two possible candidates for the position. If the employee has a daytime job, how can they view the cameras at night?

Mrs. Lilly stated that the person would have a daytime job and would not be monitoring the cameras 24 hours a day.

Doug Christie, Board Member, questioned the floor plan drawing. The present plan does not have any closets.

Mrs. Lilly stated that the plan is an as-built. This is a basic house without any closets.

Chairman Boonstra questioned if this person would do rounds driving around the property.

Mrs. Lilly stated that the employee would need to be aware of what is going on onsite and would be required to do rounds.

Chairman Boonstra questioned why the house was required to be demolished at the time.

Mr. Spizziri stated that at the time, the Board felt that the house should be demolished due to the heavy traffic in and out of the industrial complex assuming that this practice would be continuing to this day.

Richard Bonsignore, Board Member, questioned if a variance would be required if the applicant were to propose an addition to this dwelling.

Chairman Boonstra stated that this residence is a pre-existing non-conforming use within the L1 zone which would not be able to be expanded unless this Board were to grant it.

Harold P. Cook, Board Attorney, stated that the resolution basically states that, due to traffic concerns at the time, the dwelling should be removed once the life estate expires.

Mr. Spizziri stated the following excerpt is from the transcript of the Board on March 20, 2003, page 27, starting on line 20 which is the testimony of Mr. Kauker, the planner at the time, should be incorporated into the record.

“The resident has been there for a number of years. It is to some extent an existing non-conformity residence within the industrial zone. We’re asking that you change the nature of that non-conforming from a pure residence to a residence/caretaker residence with offices as well. In my view, that building with its location at the entrance of the industrial park makes this particular structure ideally or particularly suited to accommodate the use we’re asking for the board to consider. Given the fact that offices are a permitted aspect of the land use mix of the industrial park, this request would bring it slightly closer to conformity notwithstanding that someone would be living there.

The benefits that would be generated and the positive impacts would be to further secure and provide for monitoring and safety at the entrance of the industrial park in order to avoid any of the pitfalls associated with the individuals coming out of the site at night in an uncontrolled fashion. The maintenance of that building is an integral part of the industrial park and is also another positive aspect of the application. This contingent location or placement near the entrance or very close to a major access route on the westerly portion of the industrial park would not pose any additional negative impacts resulting from this location close to that driveway area. There is adequate radius of turning movement to accommodate the nature of the vehicles on the southerly border of the site to achieve access to the westerly portion, as well as, the adjacent light industrial property which is not owned by our client but the Old Dutch Mill.

I believe that the productive particular purpose of the land use law would be served by the Board’s consideration of this application. Only they provide additional special reasons for part of the use variance request and they deal with the productive use of land and maximization of use of municipal facilities, the provision of light and open space and more importantly the general welfare would be served by enhancing the ability of this industrial park to maintain itself in a high standard as well as provide the kind of security that is reasonably necessary for a multi-use industrial park such as the one which has been long in existence in the southerly portion of the Township of Wyckoff.” This concluded on page 29, line 14 of the transcript.

At our meeting May 15, 2003, the transcript read as follows from pg. 16, line 12. Mr. Smith stated that he didn't see any problem with trucks going up the driveway, there are plenty of them.

Mr. Noise was introduced on page 17, line 2 of the transcript. Mr. Noise stated that he'd been living in his home for 5 years and lives adjoining to the property which is the last house in Hawthorne right next door. The house to be torn down is a buffer between his house and the factories. There haven't been any accidents that he was aware of and I'm retired and am here every single day. Also, haven't seen any problems for any cause or reason why they can't make that turn. There are some big trucks that go up and don't have any problem whatsoever. There are a lot of cars that come down here and there doesn't seem to be a problem with the tree and the guide wire there.

Mr. Spizziri stated that the 2003 transcript was read to satisfy Mr. Donkersloot's concerns regarding the roadway and traffic. The 2003 testimony from Mr. Kauker, Mr. Smith and Mr. Noise should be incorporated into this application. In conclusion, there is ample justification to rescind the requirement from the resolution in 1987. The inclusion of a security individual is not for the purpose of revenue. This is for the protection of this site. Police occurrences and the recommendation from the Chief of Police provide ample testimony. The exhibits should be granted in evidence.

Mr. Rooney agrees that on site security is suited for this industrial complex. The issue is the addition of an employee who would be committed to a full time 9-5 job, as well as, being required to patrolling the complex in the evening. If this position was the employee's sole job, the acceptance of this request wouldn't be a struggle. Security cameras can be viewed from any computer remotely if necessary. Also noted that this dwelling's floor plan submitted doesn't indicate an office.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

Jerry Lombardo, Board Member, stated that Mr. Spizziri noted that in 2003 a number of recommendations were made from the Fire and Traffic Departments. The Stop sign noted on the plan is missing at the site.

Mrs. Lilly stated that all requirements on the plan in 2003 were complied with including the Stop sign. Kids steal the Stop signs. Boswell Engineering would not have approved the plan if all of the requirements were not complied with. The performance bond was released back to Mrs. Lilly indicating proof of such. The Stop sign will be reinstated tomorrow.

Mr. Spizziri stated that June 29, 2006 was when the site was last reviewed by the engineer.

Mr. Lombardo stated that the Stop sign was a key recommendation due to the tight turn in question. A question was posed to Harold Cook, Board Attorney, in regards to restrictions that could be imposed on the applicant to ensure the intent purpose of the approval.

Mr. Cook stated that a deed restriction attached to a copy of the resolution with the restrictions included within the deed could be enforced. If a change of occupancy takes place, a similar review requirement like a Certificate of Occupancy would be necessary.

Mr. Christie stated that the removal of this dwelling would not necessarily benefit the community but would benefit the neighbor next door who would have a buffer from the industrial park.

Mr. Lombardo agrees with the intent usage being a security office but would like the resolution associated with a deed restriction.

Chairman Boonstra recommended the home be designated with a sign designating its purpose as a security office. This sign would distinguish the property as not just being a dwelling but also a security facility for the complex. As stated by Mr. Spizziri, the property is ideally suited as a security office being it's the first building you see upon entering the complex.

Mr. Spizziri stated for the record that his applicant has no objection with any reasonable restriction placed upon this dwelling. A sign can be added to designate the dwelling as a security office with a caretaker to afford assistance to visitors into the complex.

Mrs. Lilly stated that her need was for the neighbors or tenants to have someone to go to immediately if necessary.

Jim Donkersloot, Board Member, stated that if this employee is not on site during the day, a lost trucker would not be able to be assisted.

Mrs. Lilly stated that the employee may be on site somewhere but not necessarily at this dwelling.

Chairman Boonstra stated that a Certificate of Occupancy would need to be obtained if the occupant/employee were to change.

Doug Christie made a motion to accept the application with a sign identifying the site as a security office, as well as, a CO to be obtained if an occupant/employee were to change. Second by Lombardo. Voting in favor: Chairman Boonstra, Lombardo, Bonsignore, Ciampo and Christie. Voting in Denial: Rooney and Donkersloot.

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.

Peter Cooper, applicant's architect, is continuing under oath from the previous meeting. This application is requesting a side yard setback. The previous plan shifted the home to the left to allow for a tree shared along the property line. The proposed plan moved the house to the right 2.8' from the originally proposed 13' to 15.8' or 17.8' excluding the chimney. There is no variance proposed on the left side. This is a very narrow lot with only 44' across with minimum market standard rooms. The house is designed to be more elongated. The front porch softens the house which is a 1 ½ story with a series of dormers from the front which is modest with 31.9' feet with the height.

Chairman Boonstra stated that a one year prepaid maintenance contract which is being requested needs to be revised to include the applicant's name instead of condominium association as indicated.

Doug Messineo, the applicant, is continuing under oath.

Mr. Donkersloot, questioned and confirmed for the record that the applicant will live in the house.

Mr. Rooney questioned the existing buffer in the front of the home. Protection for the existing root systems should be in place such as a snow fence up to the drip line during construction.

Mr. Messineo ensured that that the root systems will be protected during construction.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

Kevin Rooney made a motion to approve the application as amended and resubmitted. Second by Jim Donkersloot. Voting in favor: Chairman Boonstra, Rooney, Lombardo, Bonsignore, Christie, Ciampo, and Donkersloot.

NEW APPLICATIONS

- 2. FILIPIC, PAUL & SHERIDA, BLOCK 462, LOT 18 (RA-25), 379 Butternut Avenue.** Variance requested for a front yard setback, accessory building side and rear yard setbacks and total accessory building lot coverage. The proposal is to allow for a new entryway with front steps which extend into the front yard setback.

Fred Klenk, architect, 684 Route 208, Franklin Lakes, NJ, was sworn in by the Board Attorney.

Chairman Boonstra stated that the Board was familiar with Mr. Klenk's qualifications.

Mr. Klenk stated that the lot is substandard. Currently, the home is a ranch to be expanded into a two story home with an extension to the rear and an entry portico with steps towards the front of the house. The applicant is requesting relief for the lot size and a proposed 28.5' front yard setback to the front step with 3 treads and four risers. The covered entry platform would be proposed at 31.5' with a proposed 5'x11.8' wide projection for the foyer. Photographs submitted as Exhibit A2 depict existing conditions of the home along with adjacent properties with similar covered entry porticos. These photographs are submitted as evidence to show the applicant's attempt to keep this home consistent with the streetscape.

Mr. Klenk gave an overview of the zoning dimensional requirements. The essence of the application is a modification from a ranch to a two story home within a transitional neighborhood. Architecturally, the foyer is pushed forward due to the existing conditions within the home. The staircase within the house can't be pushed any further back without altering the existing hallway and a recently remodeled bathroom. The renovation is a benefit even though it is closer to the street.

Mr. Rooney questioned the front yard setbacks of the homes displayed on Exhibit A2.

Mr. Klenk stated that homes on the photographs were set further back and did not have to come before the Board for a variance. The hardship for this home is that the house is set at the setback of 40'. Any addition of steps will project into the front yard setback with this design.

Richard Bonsignore, Board Member, questioned the type of material being used on the renovation. One of the homes depicted in Exhibit A2 indicates an eave which breaks the vertical plane. A change in material can possibly break the vertical plane on the front of this home.

Jerry Lombardo, Board Member, questioned if the shed could be moved to comply with the setbacks and if the 4' porch could be reduced along with the foyer.

Mr. Klenk stated that the existing shed is on footings which would be difficult to move. The foyer and porch could be reviewed to be reduced.

Doug Christie, Board Member, stated that a 28' front yard setback is a difficult frontage to accept which is a major encroachment. This is just an open structure purely for aesthetics. It's not a master bedroom. Without the front stairs, the encroachment is 9' into the front yard setback proposed at 31.5' where 40' is required.

Chairman Boonstra stated that this applicant could build upon this proposed footprint if approved without any further action from this Board.

Mr. Klenk referred to a particular home on Exhibit A2 which was approved with a front yard setback within these dimensions being proposed.

Mark DiGennaro, P.E., Township Engineer, stated the project referred to by Mr. Klenk is currently under construction and needs to be reviewed for conformance to the resolution.

Mr. Christie stated that he didn't want to see a setback more than 35' exclusive of the stairs.

Mr. Klenk stated that a 3' reduction within the front of the house will be reviewed and adjusted where necessary to comply with the Board's suggestions.

Paul Filipic, the applicant, was sworn in by the Board Attorney. Mr. Filipic questioned specifically where the 3' reduction should take place.

Mr. Lombardo stated that the 3' ft. can be reduced wherever the applicant feels its best.

Chairman Boonstra stated that the entire side of Butternut Avenue is being transitioned into a new streetscape with this proposal fitting into the neighborhood. It just needs to be softened.

- 3. MAMOLA, JOE, BLOCK 510, LOT 5 (R-15), 506 Franklin Terrace.** Variance requested for a front yard setback to allow for a new covered front porch. The slope of the property exposes the basement requiring an additional variance for a third story after a second story addition is constructed.

Joe Mamola, the applicant, 506 Franklin Terrace, Wyckoff, was sworn in by the Board Attorney.

Scott Bella, licensed architect in the State of NJ, 65 Glen Avenue, Glen Rock, 07452, was sworn in by the Board Attorney. Mr. Bella stated his qualifications for the Board which were acceptable.

Mr. Bella stated that this proposal before the Board is to add a level to an existing one story home. The two variances being requested are due to a topographical hardship with the home sloping heavily into the back. Any addition is creating a 3 story facade which is one of the variances being requested. The second variance is a front porch proposed with 31.1' for a front yard setback where 40' is the requirement.

Mr. Bella stated that the height is not above the 35' requirement. Different rooflines have been added to create some aesthetic value to break up the 3 story visual facade. The front yard setbacks of some of the homes a couple doors down are at 20.8' and 24.8'. The size of the proposed front porch was due in part to the other home's close front yard setbacks. A 6.6' front porch would like to be amended from the original proposal of 8'. This porch is at grade without the necessity of railings. In order to break up the two story facade, the bump out proposed on the plans is being requested to stay as submitted. The bump out would be similar to the garage in the back of the home.

Jerry Lombardo, Board Member, questioned the front yard setbacks of the neighboring houses.

Mr. Bella stated that 520 Franklin Terrace's front yard setback is at 20.78' to their dwelling, 510 Franklin Terrace is at 24.2' and this property is at 40.7'.

Mr. Rooney questioned if other designs were looked at without a porch.

Mr. Mamola stated that the second story without the porch wasn't appealing after reviewing several designs.

Mr. Rooney stated that the Board struggles with the extent of the proposed front yard encroachment when the home currently sits at the appropriate setback.

Mr. Mamola stated that his house is still setback further from the other homes. The neighbors were thrilled with the new design.

Chairman Boonstra stated that there other ways to create a facade without such a large structure deep into the setback. A front porch may not be necessary. The Board will typically grant relief when the structure doesn't visually impact any neighbors.

Mr. Mamola stated that the front porch made a huge difference cosmetically.

Chairman Boonstra stated that an aesthetic portico over the front door would not be a problem.

Kevin Rooney, Board Member, stated that a more comprehensive landscape plan would need to be submitted. The plan needs to include the quantity, size, species (both Latin and common names), and location.

Richard Bonsignore, Board Member, questioned what the front yard setback is from the 2' cantilever on the second floor.

Chairman Boonstra stated that the cantilever needs to be calculated in the front yard setback. Even if the porch is eliminated, the cantilever needs to be calculated.

Mr. Lombardo questioned the two garages in the basement level of the home.

Mr. Mamola stated that he has a couple of classic cars which would be kept in those garages.

Chairman Boonstra stated that the applicant would need to come back next month with new plans.

4. **DECURTIS, RICHARD & MARIA BELLA**, BLOCK 295, LOT 14 (R-15), 165 Packard Avenue. Variance requested for front and side yard setbacks for a principal building and accessory building rear and side yard setbacks. Total principal, accessory and total lot coverage variances are requested as well.

Richard DeCurtis, applicant, 165 Packard Avenue, Wyckoff, was sworn in by the Board Attorney. The application is requesting to raise the roof from a 1 ½ story to a 2 story, with a kitchen and master bedroom in the back. The hardship is the inability to pull the car into the garage if the home were designed differently. Due to the bottom footprint of the structure with a 4-5 ft. cantilever, an 11' foot wide master bedroom could only be constructed. If the applicant were to comply with a 15' side yard setback, an 11' foot wide master bedroom would be the maximum size. A 7 ½', 8 ft. hedge buffer runs along the property line where the new addition would be constructed. Lot coverage is also being requested.

Kevin Rooney, Board Member, questioned if two cars are parked in the garage?

Mr. DeCurtis stated that two cars are currently parked in the garage. If the proposed structure were positioned to the left, improving the side yard setback, the ability to park two cars in the garage would be impossible.

Jerry Lombardo, Board Member, questioned what the finished height of the proposed new structure would be.

Mr. DeCurtis stated that it would be 30.4'.

Doug Christie, Board Member, questioned how far the neighbor's home is where the home is encroaching into the setback.

Mr. DeBella stated that it is approximately 15-16 ft. away.

Mr. Rooney questioned if the master bedroom could be cut off by 2' which would improve the side yard setback and lot coverage.

Chairman Boonstra stated for the record that the dimensions sheet needs to be corrected to indicate the front yard setback going straight up over the existing property. To recap, the applicant needs to reduce the side yard setback addition from 9.25' to 11.25'. The application will be carried to next month.

Harold P. Cook, Board Attorney, stated a motion to authorize the Board Attorney to take legal action against the Friends of Wyckoff necessary to effectuate a retraction of the article in their newsletter needs to be made.

Kevin Rooney made a motion authorize legal action. Second by Bonsignore. Voting in favor: Chairman Boonstra, Rooney, Lombardo, Bonsignore, Christie, Ciampo, and Donkersloot.

Adjourn.

The meeting was adjourned at 11:45 p.m.

Jacqueline Denequolo
Board of Adjustment Secretary