

**WYCKOFF BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
DECEMBER 20, 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 December 20, 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: Patricia Cistaro, Board Attorney Stand-in, 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 November 15, 2007, Work Session and Regular Meeting.

The approval of the November 15, 2007 Work Session and Regular Meeting minutes took place at the Work Session.

RECOMMENDATION FOR APPROVAL

- A. RESOLUTION #07-12** - Approval of vouchers from various developers' escrow accounts.

Approval of Resolution #07-12 had taken place during the Work Session.

RESOLUTIONS FOR MEMORIALIZATION

- B. 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 used as a security office.
- C. 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 demolished and rebuilt.

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.

WITHDRAWN APPLICATION

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

CONTINUED 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.

Chairman Boonstra stated that Mr. Filipic and Mr. Klenk were continuing under oath from the last meeting.

Fred Klenk stated that the Board was looking for a 3' foot reduction in the front yard setback which was accomplished and resubmitted. The grade was raised 8" in order to eliminate the first riser. The latest revision is dated November 27.

Kevin Rooney, Board Member, stated for the record that Mr. Klenk stated that the shed is on footings and would be difficult to move.

Mark DiGennaro, Township Engineer, stated that the left column of the front porch appears that it is in line with the existing retaining wall. Mr. DiGennaro questioned if there was any plan to increase the height of the retaining wall in order to accommodate the bottom step to where the landing is going to end? Are there any plans to include a railing or guard rail at the top of the wall?

Mr. Klenk stated there will be a railing on the stairs.

Mr. DiGennaro questioned what would protect someone from coming off of the steps and falling onto the driveway over 6' down.

Mr. Klenk stated that the steps will be designed to flare out so that people will be coming down the middle of the staircase with landscaping between the retaining wall which should provide a barrier.

Mr. DiGennaro questioned if the retaining wall will be reconstructed?

Mr. Klenk stated that the existing retaining wall has steps that will be closed off and reconstructed closer to the street to come up along the sidewalk.

Mr. DiGennaro confirmed that the top of the wall will be at grade before the first riser.

Doug Christie, Board Member, stated that the wall will need to be raised if a tread is taken away.

Mr. Klenk stated that the wall will be raised a bit where the retaining wall will be added. The prudent thing to do is to use the existing retaining wall and build on top of it in case it crumbles. A railing could be added set back from the retaining wall instead of landscaping.

Mr. Rooney questioned what type of landscaping is planned to be used as an adequate barrier to prevent a small child from tumbling over the wall.

Mr. Klenk stated that at least a dozen 24" high row of Yews planted directly behind the retaining wall at least 15 feet wide. A railing from the stoop to the steps coming down is proposed which is 3' away from the wall as it transitions from the railing.

Mr. Christie stated that there would be a 7'-8' fall if someone were to slip. Landscaping may not suffice.

Mr. DiGennaro suggested considering a curved railing into the walkway.

Mr. Klenk stated that the code used to allow the use of a living barrier instead of a fence which no longer exists. The approval could be left up to the Township Engineer.

Chairman Boonstra stated that the Board could approve the application with a condition or leave it up to the architect and township engineer.

Mr. DiGennaro stated that any new walls which exceed 2' in height need to be designed by a licensed engineer and submitted for approval.

Chairman Boonstra stated that pedestrian safety may not be a concern for this Board. Land use in connection with aesthetics is our responsibility. Unless there's an ordinance governing it, safety is left up to the homeowners. Landscaping is also under our realm. Approval can be left to the discretion of the Building Department.

Mr. DiGennaro stated that the height of the wall will require a structural engineer design because it's above 2 ft. The concern is that the design professional is confident that he can build this front porch the way it is shown so that later he does not find out that what is proposed isn't going to work. The concern is that the grades don't allow the proposal to be built with the reduction of the setback. These grades are challenging and they're trying to achieve a lot with a challenging site. They need to be confident enough to make this design happen within the approved setback limits. The wall can be addressed with design calculations and must be submitted. Personally, I don't like the steps right off of the wall.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

Richard Bonsignore, Board Member, stated that it was odd that the treads are the full length of the platform and don't relate more to the path.

Mr. Klenk stated that the railing could go into the sleeve of the sidewalk allowing a curvature which would take away the possibility of stepping onto the wall. This could be a solution to this issue.

Chairman Boonstra stated that the curvature railing coming down and blending in with the walkway should solve the problem.

Mr. Klenk questioned if flexibility would be given if the soil is adequate to possibly narrow the design and have it slope differently as long as it isn't any closer to the street.

Mr. DiGennaro agreed provided the structure doesn't encroach any further than what is approved by this Board.

Chairman Boonstra confirmed Mr. DiGennaro's response along with a safety railing suggested by Mr. Klenk.

Mr. Klenk summarized that the stoop would be 11' wide, the railing would be curved on a 4' wide walk just in front of the existing retaining wall. The railing would end at the last step and landscaping would be planted between the walk and the wall at a length of 15 feet.

Jerry Lombardo, Board Member, stated that the porch would be at 33.5' not including the risers which would be at 31.5'.

Jerry Lombardo made a motion to approve the application as revised and conditioned as per testimony of the architect regarding the railing and plantings at the discretion of the engineer with a front yard setback of 31.5' maximum. Second by Bonsignore. Voting in favor: Chairman Boonstra, Bonsignore, Lombardo, Rooney, Christie, Ciampo, and Donkersloot.

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 had been previously sworn in at the last meeting. Mr. Mamola stated that the front portico was reduced down to 4'1" to bring the front yard setback to 35'. The cantilever was reduced to 1.7'. Revised changes to the landscape plan now include the quantity, size, location and species (both Latin and common names) as requested by the Board. The appearance of the third story from the back of the home is screened by quite a few evergreens for the neighbors. Two of the five houses on the same side of the street have front yard setbacks of less than 25' ft. The proposed front yard setback of 35' for this lot would not stand out in any way.

Richard Bonsignore, Board Member, stated that he still had a problem with either rendition resubmitted. The second floor cantilever hangs over too far and doesn't appear to be necessary. The cantilever is almost half the length of the front porch. The plan has too many roof lines coming down. The concern is the large volume projecting from the second floor.

Mr. DiGennaro recommended the second floor cantilever be removed and built on the same footprint of the first floor. The plans do not reflect the desired appearance for the porch.

Mr. Mamola stated that he agreed with Mr. Bonsignore and Mr. DiGennaro's assessment of the cantilever and roof lines and would discuss the situation with his architect.

Chairman Boonstra questioned the applicant's need for a three car detached garage and two car attached garage for a total of five. Is the need for the attached garage for purposes of running a business out of the house?

Mr. Mamola stated that he currently has collectable cars stored at his Dad's house which would now be stored in his own garage. There is no intention of running a business out of his home.

Chairman Boonstra stated that the applicant make the changes to the cantilever and rooflines and resubmit for next month. The "preferred option" will be selected with the wider porch and a front yard setback at 35'.

Mr. DiGennaro confirmed that the front yard setback will not be less than 35' to the front entry porch. The desired 4' porch is currently greater than the 35' setback. The second floor will be built right on top of the first floor. The center section will be cantilevered 3' off of the right side as it currently exists. The A-frame will not be cantilevered.

Mr. Bonsignore questioned if the applicant would consider matching the windows on the second floor, in particular the window within the A-frame.

Mr. Mamola stated that he would speak with his architect in regards to the windows as well.

Mr. Rooney requested that the applicant mark all of the existing plants on the landscape plan for the Township Engineer.

Mr. Mamola ensured that the plant legends will match on the existing and conceptual landscape plans when resubmitted.

Chairman Boonstra requested that Mr. Mamola come back next month with revised 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 requested as well.

Richard DeCurtis is continuing under oath from the last meeting. Mr. DeCurtis stated that the Board's comments from the last meeting requested the side yard setback be brought in 2' from the originally proposed 9.25' to 11.25' which has been resubmitted for the Board's review.

Chairman Boonstra stated that the Board's suggestions have been made. The right side is at 11.25' rather than 9.25' as originally submitted. Total accessory coverage came up at the Work Session in reference to the shed in the back of the property.

Mr. DeCurtis stated that the shed is cedar, and is part of the landscape element. The shed provides a visual barrier from the neighbor's garage and street as depicted in photo number 13 of 16.

Jim Donkersloot, Board Member, questioned what the existing garage was being used for.

Mr. DeCurtis stated that his cars are typically housed in the garage. French drains were recently installed in the basement. All of the basement storage is being housed in the garage temporarily.

Mr. Donkersloot stated that the total lot percentage could be adjusted without the shed.

Chairman Boonstra requested that Mr. DiGennaro explain the rules governing an 80 sq. ft. shed for the record.

Mark DiGennaro, Township Engineer, stated that an 80 sq. ft. shed is permissible 6' off of the rear or side property line. Whether or not this size shed would be considered necessary coverage would need to be further reviewed.

OPEN TO THE PUBLIC

No comments from the public.

CLOSED TO THE PUBLIC

Kevin Rooney, Board Member, stated that the shed does provide privacy from the neighbor's garage and the street.

Chairman Boonstra stated that the severe restriction of the lot size and pre-existing nature of the shed would not significantly improve lot coverage.

Jerry Lombardo made a motion to approve the application as resubmitted with a side yard setback of 11.25'. Second by Christie. Voting in favor: Chairman Boonstra, Bonsignore, Lombardo, Rooney, Christie, and Ciampo. Voting in denial: Donkersloot.

NEW APPLICATION

- 5. LUCCA, STEVEN & DENISE**, BLOCK 250, LOT 30 (RA-25), 369 Pinewood Drive. Variance requested for a front yard setback, lot coverage and existing non-conformities. A new entryway and steps will extend into the front yard setback.

Denise and Steven Lucca were sworn in by the Board Attorney Stand-in, Patricia Cistaro. Mr. Lucca stated that his proposal is to add more storage and an additional bathroom upstairs. The garage would be moved forward in the front of the house to allow for storage in the back. There are only 2 ½ bedrooms upstairs in total. A new foyer entryway will allow for additional space as well.

Chairman Boonstra stated that the lot is in the RA-25 zone which requires 25,000 sq. ft. where this lot is 10,995 sq. ft. and deficient in frontage and depth. For the record, the property is not sewered. This application is proposing a principal lot coverage of 18.22%.

Jerry Lombardo, Board Member, asked Mr. DiGennaro if he had reviewed the new septic design and questioned if the system will be large enough to accommodate four bedrooms.

Mark DiGennaro, Township Engineer, stated that the soil logs have been performed with a preliminary layout of where the septic is to go in the rear yard and its size is sufficient for four bedrooms.

Chairman Boonstra stated that there was a variance granted in 1998 which entailed a front yard setback for a porch covering, two existing side yard setbacks and principal building lot coverage of 19.19%.

Jim Donkersloot, Board Member, stated that the side yard setback is proposed at 9.2' to the foundation. The apparent setback should be 7.5' due to an existing overhang. On the East side of the second floor an overhang is indicated which should be included in the setback.

Mr. DiGennaro stated that the eave needs to be included assuming it's a 1 ft. overhang bringing the side yard setback to 8.2'.

Kevin Rooney, Board Member, stated that the previous resolution's figures didn't match the figures presented in this application.

Chairman Boonstra stated that the 19.19% total lot coverage was to include a family room which is listed as existing on this application. The existing lot coverage of 16.95% is listed as the lot's present state.

Patricia Cistaro, Board Attorney Stand-in, stated that it seemed that the 19.19% was existing at the time unless the prior approval was built smaller.

Chairman Boonstra stated that the lot coverage was approved up to 19.19%. The resolution was for a roof extension over the front steps. Chairman Boonstra deferred to Ms. Cistaro as to whether or not testimony could be continued with these discrepancies.

Ms. Cistaro stated that the discrepancies need to be cleared up before going further.

Mr. DiGennaro, stated that the applicant is seeking to improve upon those conditions with what is in front of the Board.

Chairman Boonstra stated that the concern for this Board may only be for setbacks and not lot coverage. The structure should be stepped in on the second floor 5-6 ft. From a land use perspective, the house is on top of the property line.

Mr. Lucca stated that the neighbor next door was recently approved with 12' industrial garage doors.

Chairman Boonstra stated that the neighbors being referred to were within the setbacks. For this application, the first floor is pre-existing but the second floor needs to be stepped in by redesigning the inside. Chairman Boonstra stated that to some degree an applicant needs to live within the lot's restrictive conditions.

Jerry Lombardo, Board Member, stated that the front porch is being proposed from an existing front yard setback of 26' to 25'. The prior resolution was approved for a 30' front yard setback. A 25' front yard encroachment would be difficult to approve.

Mr. Lucca stated that the front door is the central design of the home. The additional space will ensure that we aren't on top of the staircase when entering the home.

Chairman Boonstra stated that the curve is a hardship but that there are other issues like the lot width that need to be clarified. The applicants would need to be carried until January.

Ms. Cistaro stated that the use approved in 1998 was not abandoned but further review of the plans to correct the discrepancy would be necessary before moving forward.

Chairman Boonstra summarized the findings. The applicants would need to work with Mr. DiGennaro to determine the discrepancy of the numbers in the resolution from 1998 to the resubmitted dimension sheet figures for this application. In addition, the determination of the applicant's rights to the previous variance approval needed to be determined. The figures submitted need to be re-verified with your architect for extreme accuracy. Consideration should be taken in regards to any suggestions made by this Board.

Mrs. Lucca wanted to confirm the issue with the side yard setback.

Chairman Boonstra stated that the new construction is the only option this Board can change. The first floor is pre-existing. The second floor should be setback at least 5 ft. in order to break the plane and give some spatial relief from the 9' side yard setback. The project is ambitious for an 83' wide lot. If the front yard is accurate and is existing at 26' and proposed at 25', the front yard setback could be kept at 26'. Without the request for an additional foot, there wouldn't be an additional encroachment. These are just the Board's suggestions in order to streamline the process at the January meeting.

Chairman Boonstra stated that he would like to "pronounce the benediction. If the Board's experience was half as rewarding as my tenure as Chairman, we've done a good job. It's been great since 1989 with great current and great former Board Members, secretaries and Board Attorney Harold Cook. This was a very enjoyable and rewarding experience. Thank you all."

A plaque was presented to Chairman Boonstra from Kevin Rooney on behalf of the Wyckoff Zoning Board with the following engraving read aloud:

"This is presented to Chairman Rudolf Boonstra for years of diligent hard work, dedication and contribution to the Wyckoff Zoning Board, Township of Wyckoff and its residents. Under your leadership as Chairman, you conducted the meetings in a manner consistent with the dignity, integrity and achieved the ethical standard required under the law for all Zoning Boards of Adjustment."

"One cool judgment is worth a thousand hasty councils. The thing to do is to supply light and not heat (by Woodrow Wilson)."

"As Chairman, Rudy, you led by this example. Presented by the Wyckoff Zoning Board, 1989-2007."

The meeting was adjourned at 10:30 p.m.

Jacqueline Denequolo
Board of Adjustment Secretary