

**WYCKOFF BOARD OF ADJUSTMENT
WORK SESSION MINUTES
JANUARY 17, 2008**

Work Session: 7:30 p.m. Second Floor, Memorial Town Hall
Regular Meeting: 8:30 p.m. Second Floor, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meeting Statement by Jacqueline Denequolo, Board of Adjustment Secretary:

"The January 17, 2008 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: Kevin Rooney, Richard Bonsignore, Doug Christie, Libby Ciampo, Jerry Lombardo, Jim Donkersloot and Carl Fry.

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

ORGANIZATIONAL BUSINESS

1. Introduction of New Members

Mr. Cook administered oaths of office to Messrs. Jerry Lombardo, Jim Donkersloot and Carl Fry. This first order of business allows these members to participate in the election of officers for Chairman and Vice Chairman.

2. Election of Officers: Chairman and Vice Chairman

Jacqueline Denequolo stated that the first order of business would be to elect a Chairman. Doug Christie nominated Kevin Rooney for Chairman. This was seconded by Jim Donkersloot. There were no other nominations. Mr. Christie moved the nominations to be closed. Mr. Lombardo seconded.

Voting in favor: Mr. Rooney, Mr. Bonsignore, Mr. Lombardo, Mr. Christie, Ms. Ciampo, Mr. Donkersloot and Mr. Fry.

Chairman Rooney then opened up nominations for Vice Chairman. Mr. Lombardo nominated Mr. Christie for Vice Chairman. This was seconded by Ms. Ciampo. There were no other nominations. Mr. Lombardo moved the nominations to be closed. Mr. Donkersloot seconded.

Voting in favor: Chairman Rooney, Mr. Bonsignore, Mr. Lombardo, Mr. Christie, Ms. Ciampo, Mr. Donkersloot and Mr. Fry.

3. Resolution 08-001 for:

- Appointment of Board of Adjustment Attorney
- Appoint Harold P. Cook as Board Attorney and to defend the Board in any litigation.

Doug Christie made a motion to appoint Mr. Cook as Board Attorney. Second by Jerry Lombardo.

4. Appointment of Administrative Officer/Secretary

Kevin Rooney then opened up nominations for Secretary. Mr. Christie nominated Ms. Denequolo for Secretary. This was seconded by Ms. Ciampo. There were no other nominations. Mr. Christie moved the nominations to be closed. Mr. Lombardo seconded.

Voting in favor: Chairman Rooney, Mr. Bonsignore, Mr. Lombardo, Mr. Christie, Ms. Ciampo, Mr. Donkersloot and Mr. Fry.

5. Compliance with the Open Public Meetings Act:

- Annual Notice of Meetings
- Continuation of Current Rules and Regulations
- Official Newspapers – The Record, The Ridgewood News and The North Jersey Herald and News
- Acceptance of Annual Report

Chairman Rooney made a compliance motion in regards to the Open Public Meetings Act which includes the acceptance of the Annual Report.

Jerry Lombardo made a motion to approve the Annual Report. Second by Doug Christie. Voting in favor: Chairman Rooney, Bonsignore, Christie, Lombardo, Ciampo, Donkersloot and Fry.

OLD BUSINESS

Approval of Minutes from the December 20, 2007 Work Session and Regular Meeting.

Jerry Lombardo made a motion to approve the minutes. Second by Libby Ciampo. Voting in favor: Chairman Rooney, Bonsignore, Christie, Lombardo, Ciampo, Donkersloot and Fry.

RECOMMENDATION FOR APPROVAL

A. RESOLUTION #08-01 - Approval of vouchers from various developers' escrow accounts.

Jerry Lombardo made a motion to approve the resolution for payment. Second by Doug Christie. Voting in favor: Chairman Rooney, Bonsignore, Lombardo, Christie, Ciampo, Donkersloot and Fry.

RESOLUTIONS FOR MEMORIALIZATION

1. **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 covered entryway with front steps which extend into the front yard setback.
2. **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 being requested as well.

CONTINUED APPLICATIONS

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.

Chairman Rooney stated that the Board requested that both the Latin and Common names of the plant species be indicated on the landscape plan along with all existing trees. The cantilever on the front of the home was requested to be reduced as well. The second story addition creates a third story in the back of the home, due to the slope of the property which is well screened.

4. **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.

Mark DiGennaro, Township Engineer, reviewed the history of the property with the Board Members. The 2003 Memorialized Resolution indicated specific approved setbacks and lot coverage. Discrepancies were found between what was being proposed under the current application and what granted in the previous application. At the last meeting, the Board Attorney suggested that the discrepancies be clarified being going any further.

Mr. DiGennaro continued to state that he had gone to the site, as well as, pulled the 1998 file from the archives. The 1998 building plans were reviewed and measured to calculate the lot coverage, which came up higher than the existing lot coverage of 16.95% indicated on the applicant's application. A lot coverage percentage of 19.19% was granted in the 2003. In an attempt to figure out the discrepancy, it was determined that the Zoning Officer at the time included the overhangs in that figure to arrive at the 19.19%. In doing so, we were able to arrive at the same number. The property does have some larger overhangs. The lot coverage was calculated at 19.17% existing which is more in line with the resolution approved in 2003. The overall total lot coverage request is 20.28%.

Mr. DiGennaro stated that the proposed application used a survey performed in 2003. The previous survey used for the 1998 application was performed in 1992. There were discrepancies between the two documents. The applicant was advised to hire a surveyor and get a current survey to use as a basis. The current survey does not include a 2' foot overhang on the right side

of the house. This overhang projects into the side yard setback, thereby reducing the side yard setback from 9.9' to 7.9'. The applicants have taken some guidance from the Board at the last meeting by stepping in the 2nd floor over the garage area. The proposed structure is going to have a less encroaching right side yard setback. Instead of 7.9' it will be 9.4'. The front yard was regraded thereby reducing the encroachment by .4' and eliminating the need for the front steps.

Chairman Rooney questioned if there would be any problems putting the septic system in the back of the property?

Mr. DiGennaro stated that the applicant already has a preliminary septic plan in place. The plan would be contingent upon an open bed inspection which is required prior to getting a building permit. There appears to be enough space. No problems are envisioned.

Jerry Lombardo, Board Member, stated for the record that the property to the right of this lot has a huge garage. The applicant has done a good job with the suggestions given by this Board.

Chairman Rooney stated that there are three existing trees on the property that will not be taken down.

Mr. DiGennaro stated that if a problem is encountered during the septic design phase, the option of going to a pressure dose system which reduces the area requirements may be necessary.

NEW APPLICATION

- 5. BROUWER, SCOTT & CARYN**, BLOCK 462, LOT 17 (RA-25), 375 Butternut Avenue; Request for a front yard setback to allow for a covered front porch.

Mark DiGennaro, Township Engineer, gave an overview of this property which was issued a stop work order. This applicant is back before the Board due to an additional encroachment by the front steps from what was originally approved in April 2007. The original approval was for a front yard setback of 31.75' and the proposed application is for 29.8'.

Harold P. Cook, Board Attorney, stated that the Board needs to look at this application as if this front yard structure hasn't been built.

Chairman Rooney stated that the front mass of the structure is very ominous when you drive up to the home.

Mr. DiGennaro stated that this street is a challenging site with a slope that needs to be addressed. This home was renovated and not knocked down. The first floor was existing requiring the elevation to be met. If the front yard grade is built up more, this would require a retaining wall closer to the right of way.

Chairman Rooney stated that the home was existing with a front door and elevation met prior.

Mr. DiGennaro stated that the elevation was met prior in the style of home that was built in the 1960s. What happened between what was approved and what happened during construction needs to be addressed by the applicant.

Mr. Cook stated that the front yard structure made of stone can be a basis for granting the variance. The choice may be to raise the grade or if the stone is aesthetically pleasing, it can be a factor during the approval process.

Chairman Rooney questioned if there would be any issues with excess drainage into the street.

Mr. DiGennaro stated that the drains were for the retaining walls. In addition, landscaping will soften the volume of the structure and railings will be required.

Chairman Rooney stated that the Board's responsibility is to look at each application on its own. The Zoning Officer found the additional encroachment and issued a Stop Work Order. The applicant had a decision to either correct the encroachment or come back to this Board for approval.

Mr. DiGennaro stated that a Certificate of Occupancy will not be issued until this issue is rectified.

Mr. Cook added that while the aesthetics as shown on the plan can be taken into effect, the actual photographs that are submitted can not.

At 8:17 p.m. the Board of Adjustment recessed the Work Session Meeting to enter into a Closed Session via Resolution #08-C1 with the following vote:

**TOWNSHIP OF WYCKOFF
COUNTY OF BERGEN
STATE OF NEW JERSEY
RESOLUTION #08-C1**

INTRODUCED: Jerry Lombardo **SECONDED:** Libby Ciampo

MEETING DATE: January 17, 2008 **REFERENCE:** Closed Session

VOTE:	ROONEY: Y	BONSIGNORE: Y	CHRISTIE: Y	CIAMPO: Y²
	LOMBARDO: Y¹	DONKERSLOOT: Y	FRY: Y	

WHEREAS, the Zoning Board of Adjustment of the Township of Wyckoff is subject to certain requirements of the "Open Public Meetings Act", N.J.S.A. 10:4-6, et seq.; and,

WHEREAS, the "Open Public Meetings Act", N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and,

WHEREAS, it is necessary for the Zoning Board of Adjustment of the Township of Wyckoff to discuss in a session, not open to the public, certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

POTENTIAL LITIGATION – Inaccurate Statements Attributed to the Board of Adjustment

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Wyckoff, County of Bergen, State of New Jersey, that an Executive Session closed to the public shall be held on January 17, 2008, in the Town Hall, 340 Franklin Avenue, Wyckoff, New Jersey, 07481, for the discussion of matters relating to the specific items designated above.

BE IT FURTHER RESOLVED, that the minutes of the said closed session will be made public when the Zoning Board of Adjustment of the Township of Wyckoff determines the reason for the minutes to remain closed no longer exists.

Jacqueline Denequolo
Board of Adjustment Secretary

Kevin Rooney
Chairman

At 8:30 p.m. the Board of Adjustment voted to remove themselves from Closed Session and re-enter the Work Session Meeting:

MOTION:

VOTE:	ROONEY: Y	BONSIGNORE: Y	CHRISTIE: Y ¹	CIAMPO: Y
	LOMBARDO: Y	DONKERSLOOT: Y ²	FRY: Y	

The Work Session meeting was adjourned at 8:31 p.m.

Jacqueline Denequolo
Board of Adjustment Secretary