

**WYCKOFF BOARD OF ADJUSTMENT
WORK SESSION MINUTES
FEBRUARY 21, 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 Kevin Rooney, Chairman:

"The February 21, 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, Jerry Lombardo, Jim Donkersloot, Carl Fry and Erik Ruebenacker. Absent: Libby Ciampo.

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

ORGANIZATIONAL BUSINESS

Introduction of New Member:

Harold P. Cook, Board Attorney, administered an oath of office to Mr. Eric Ruebenacker.

OLD BUSINESS

Approval of Minutes from the January 17, 2007 Work Session and Regular Meeting.

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

RECOMMENDATION FOR APPROVAL

A. RESOLUTION #08-02 - Approval of vouchers from various developers' escrow accounts.

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

FOR DISCUSSION

B. 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.

Chairman Rooney stated that on January 17, 2008, the Lucca application had been approved subject to a septic review.

Mark DiGennaro, Township Engineer, indicated that the preliminary septic design was determined to not be in compliance in accordance with the state code. The proposed septic would not satisfy the setback code requirements established in 1990. In order to get an approval, the applicants would need to apply to the state. In the interest of time, the applicants decided not to seek the approval from the state. It has been determined that the septic can be approved locally for a three bedroom repair. It's now our understanding that the house is an existing three bedroom even though testimony was given to the Board that the house was a two bedroom house. The house will now be reviewed as a three bedroom home with a three bedroom septic. The plans need to be revised accordingly. Building permits will only be issued for a three bedroom home.

Chairman Rooney questioned if a three bedroom septic system will fit in the back yard?

Mr. DiGennaro stated that technically it wouldn't fit. The code allows the local authority to approve the proposed septic provided it's in conformance with the septic code and only a repair. Once it was determined that the house was a three bedroom, the repair could be approved locally. If the septic were to be expanded, the Department of Environmental Protection (DEP) would have to approve it. The Township doesn't have the ability to approve an expansion.

Jerry Lombardo, Board Member, questioned the fourth bedroom that was approved at the January meeting? How close is the septic to not meeting the requirement?

Mr. DiGennaro stated certain requirements will be imposed such as no closets and a larger door opening before a building permit is issued. The septic was too close to adjacent septic systems. The property in the rear of this lot must have updated their septic recently. A new field needs to maintain a 50 foot setback from any septic field. The applicants would need to get a waiver from the state to expand the septic. A call was made to the state on the behalf of the applicants. The state indicated that an approval for a four bedroom would be a slim to none chance. An example of a typical state application would include wetlands or poor soil conditions. This site has favorable soil conditions. There might have been a chance that it would have been approved. This site is completely opposite from what the state typically sees. There is no guarantee. State approval would take 90 days.

Jim Donkersloot, Board Member, questioned whether the system was a gravity or pump?

Mr. DiGennaro stated that it was a gravity system. The setback would still not meet the requirement with a pump system. This lot doesn't have the space.

Mr. Lombardo questioned if the septic system could be enlarged at a later date?

Mr. DiGennaro stated that the Building Department would need to see an open bed inspection before they get a permit.

Mr. Donkersloot questioned if the resolution would need to be amended?

Harold P. Cook, Board Attorney, stated a hearing should take place for amended plans. The Board would need to adopt a Memorializing Resolution in 45 days from the approval date. A letter from the applicants should be sent to request that the actions of the Board not be memorialized. The letter should state that they would want to amend the application and be heard at the next meeting. This approach would allow the applicants to not have to notice all of the surrounding neighbors or refile a new application. The variance granted in January 2007 was specific to a four bedroom plan.

Doug Christie, Board Member, questioned the testimony given by the applicants that the home was for a two bedroom. How can the Township locally approve a septic system for a three bedroom?

Mr. DiGennaro indicated that a certified letter was received from a prior owner stating that the home was built as a three bedroom. In order for an applicant to be heard at a Board of Adjustment meeting, the Township doesn't have a requirement that a new and approved septic design is required up front. Without the Board's approval, an applicant may argue that getting an approved septic design is costly and may not be necessary. Review of the preliminary septic submission had a disclaimer from their engineer stating that no septic systems were located within 50 feet of the proposed system. Their engineer certified, with a disclaimer, that that condition was fact. Once their engineer did a more thorough investigation of the setbacks and town records, it became apparent that the setback could not be met.

Mr. Cook stated that a septic design is quite expensive at a minimum of \$3,500 to \$4,000.

Mr. DiGennaro stated that extra care will be taken with small lots and perhaps require that an applicant supply a septic design in the future. There are other methods that allow for a reduction in the field size such as infiltrators or a pump system but this site doesn't have the room.

Chairman Rooney wanted to state for the record that the applicant's engineer had misled them not the Township Engineer before coming to the Board. Has there been any discussion in regards to the certified letter sent out by the Township Zoning Officer. The letter referenced a business sign on the lawn and commercial vehicle parked in the driveway.

Mr. DiGennaro stated that the commercial sign has been removed by the applicant promoting their business. Whether or not the vehicle is still being parked in the driveway, would need to be answered by the applicant at the regular meeting.

Mr. Cook stated that a motion would be needed in order to memorialize the resolution in two weeks if a letter is not received from the applicants. This motion would authorize the execution of the resolution in two weeks.

Jim Donkersloot made a motion to authorize the resolution to be memorialized if a letter from the applicant is not received within two weeks. Second by Jerry Lombardo. Voting in favor: Chairman Rooney, Bonsignore, Lombardo, Christie, Donkersloot, Ruebenacker and Fry.

RESOLUTIONS FOR MEMORIALIZATION

1. **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.

Carl Fry made a motion to memorialize the resolution. Second by Doug Christie. Voting in favor: Chairman Rooney, Bonsignore, Lombardo, Christie, Donkersloot, Ruebenacker and Fry.

2. **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.

Further discussion on this application has required a letter to amend the previous approval from a four to three bedroom home. New three bedroom plans need to be resubmitted and reviewed by the Board at next month's meeting.

CONTINUED APPLICATION

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

Chairman Rooney stated that the Board requested that the applicant meet with an engineer to discuss their options. The only resubmission received by the Board was for an additional four bushes on the landscape plan. The four azaleas will not soften this structure at all. The Board would need to hear what the engineer can testify to.

Jim Donkersloot, Board Member, stated the landscape plan has not changed the structure at all.

Jerry Lombardo, Board Member, stated that once the railings are added, the structure will be more imposing than it is now.

NEW APPLICATIONS

4. **MARGROFF, JOHN**, BLOCK 265, LOT 68 (RA-25), 192 Crescent Avenue. A request for a front yard and side yard setback for a principal structure in order to relocate the deck and add on to the downstairs bedroom.

Chairman Rooney indicated that this application has been postponed to next month.

5. **GOSTKOWSKI, STEVEN & PARTHENOPI**, BLOCK 498, LOT 40.01 (R15), 474 Lafayette Avenue. Request for two side yard setbacks and the ability to continue a walk out basement in an existing structure.

Chairman Rooney indicated that this application has been postponed to next month.

At 8:21 p.m., the Board of Adjustment recessed the Work Session Meeting to enter into a Closed Session via Resolution #08-C2 with the following vote:

TOWNSHIP OF WYCKOFF
COUNTY OF BERGEN
STATE OF NEW JERSEY
RESOLUTION #08-C2

INTRODUCED: Richard Bonsignore

SECONDED: Jerry Lombardo

MEETING DATE: February 21, 2008

REFERENCE: Closed Session

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|-------|--------------------------|----------------------------|----------------|-----------|
| VOTE: | ROONEY: Y | BONSIGNORE: Y ¹ | CHRISTIE: Y | CIAMPO: A |
| | LOMBARDO: Y ² | DONKERSLOOT: Y | RUEBENACKER: 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 February 21, 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 9:01 p.m. the Board of Adjustment voted to remove themselves from Closed Session and re-enter the Work Session Meeting:

MOTION TO ADJOURN:

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

The Work Session meeting was adjourned at 9:02 p.m.

Jacqueline Denequolo
Board of Adjustment Secretary