

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

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

**Staff Attendance:** Harold P. Cook, Board Attorney, Tom Gensheimer, Construction Official and Jacqueline Denequolo, Board of Adjustment Secretary.

**OLD BUSINESS**

Approval of Minutes from the March 20, 2008 Work Session and Regular Meeting.

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

**RECOMMENDATION FOR APPROVAL**

- A. RESOLUTION #08-04** - 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, Donkersloot, Ruebenacker and Fry.

**RESOLUTIONS FOR MEMORIALIZATION**

- 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.
- C. 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 reconstruct the deck and add on to the downstairs bedroom.

Chairman Rooney stated that the resolutions will be memorialized at the regular meeting.

### **CONTINUED APPLICATION**

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

Chairman Rooney read a letter received by Mark DiGennaro, Township Engineer, regarding the resubmissions and status of this application. The applicant resubmitted a new as-built survey and landscape plan as requested. An irrigation plan, maintenance plan and plan noting the relocation of the air conditioning units has not been resubmitted. Testimony is expected in reference to the air conditioning units.

Jerry Lombardo, Board Member, questioned the height of the structure.

Doug Christie, Board Member, stated that the height is proposed at 36.65.' The applicant would need to either apply for a variance for 1.5' or raise the grade and take out the walkout basement.

Chairman Rooney stated that the height of the structure is an issue. Some additional screening was added as requested.

Mr. Lombardo questioned what logic the Board would apply to this application referencing a decision made on a prior application with a similar situation?

Chairman Rooney stated that each application needs to be reviewed on its own merits without comparison. This application is similar in the sense that the applicant became aware of the encroachment from a neighbor and proceeded with this project anyway.

Jim Donkersloot, Board Member, stated that a bilco door could be added in the rear to resolve the height issue.

Tom Gensheimer, Construction Official, stated that the applicant could raise the grade, put in a foundation on the first floor and add a covered set of stairs leading to the downstairs.

Carl Fry, Board Member, stated that depending on the basement's ceiling height, the framing may be able to be raised in order to raise the grade and still allow for a full door. Secondly, was the height issue built differently from the original drawings?

Mr. Gensheimer stated that the original height was submitted at 35' with two stories. The walkout basement door was existing but was removed which brought the grade up. The door was removed with the understanding that if the walkout basement was sought, a variance would be necessary. A building permit would not have been issued if the height was over 35'.

Chairman Rooney questioned if Mr. Gensheimer had been in the house, specifically the basement. If so, what was the height of the basement and would it support the different ideas offered tonight?

Mr. Gensheimer stated that he had never been on the site to do a framing inspection. An issue with the retaining wall needed to be resolved before a framing inspection took place. The request for an as-built survey for the retaining wall is what triggered the notification that the side yard setback had been encroached upon.

Mr. Lombardo stated that this home is new construction which doesn't meet the side yard setbacks, height and is a three story with a walkout basement. This is a self created side yard encroachment.

Chairman Rooney stated that additional testimony regarding why some of the Board's suggestions weren't reviewed. Our decision will be based on what we hear.

### **NEW APPLICATIONS**

2. **SANTULLI, DAVID & CATHY**, BLOCK 270, LOT 3 (R-15-CORNER); 119 Wood Street. Request for a rear yard and two front yard setbacks. Total principal and total lot coverage variances are also requested.

The Board Member's view on this application was that the proposed principal lot coverage of 23.5% is very ambitious for a very small lot with a rear yard setback proposed at 7.5'. An existing front yard setback of 16.45' being proposed at 12.8' further impacts the lot coverage.

Chairman Rooney stated that there are two oak and three to four large beech trees proposed to be removed. With respect to the town's concerns regarding tree removals, this is a sensitive topic and should be reviewed carefully.

3. **ACITO, JOSEPH**, BLOCK 353, LOT 4 (RA-25); 290 Newtown Road. Variance requested for lot frontage.

Mr. Lombardo stated that this home is proposing a new septic system.

Jim Donkersloot, Board Member, questioned if new construction should include putting the electrical service under ground?

Erik Ruebenacker, Board Member, stated that underground electrical is only required for a subdivision. It also depends what side of the street the utilities are located.

Mr. Fry stated that it also depended on the location of the nearest pole. If a pole is not on this property, crossing someone else's property to get to a pole is not an option.

Mr. Lombardo stated that the right side elevation of the house is indicative of a gymnasium appearance. Nothing architecturally speaking is breaking up the right side of the house.

Chairman Rooney stated that a much more detailed landscaping plan needs to be submitted for a new project starting with a clean slate. Shrubs are currently the only landscaping submitted to soften the structure. The figures on the dimension page need to be corrected for the principal building area.

4. **AINSWORTH, JENNIFER**, BLOCK 317, LOT 19 (RA-25); 370 Martom Road. Request for principal building lot coverage and two existing side yard setbacks.

Mr. Lombardo stated that the left side of the house doesn't impact the neighbors at all. The right side appears to be an equal distance off of the property line as the neighbors are on that side.

Carl Fry, Board Member, referenced two air conditioning units on the right side of the home.

Chairman Rooney stated that the air conditioning units are an additional 1 ½' - 2' into the side yard setback which is currently existing at 9.8'. Testimony can be given at the regular meeting as to whether the air conditioners could be moved to the rear of the property.

Doug Christie, Board Member, stated that the two doors in the back would constitute a two story home.

Tom Gensheimer, Construction Official, stated that the resolution should state that the room with the casement windows should not be used as a bedroom.

Harold P. Cook, Board Attorney, stated that a restrictive covenant could be attached to the memorialized resolution if required. The covenant would indicate that the bedrooms are limited to the capacity of the septic system.

Chairman Rooney stated that it's important to note that a full bath is located in the basement and needs to be restricted and not to be used as a bedroom. This Board is concerned with the three bedroom proposed home. It is up to the applicant to decide if they want to upgrade the septic system.

Mr. Fry stated that the plans indicate that a four bedroom septic has been approved.

Mr. Gensheimer stated that a bedroom is allowed in the basement as long as the windows are egress.

Chairman Rooney stated that clarification from the applicant is necessary to determine if the home is being proposed as a three or four bedroom home.

*The Work Session meeting was adjourned at 8:25 p.m.*

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Jacqueline Denequolo  
Board of Adjustment Secretary