

## **WYCKOFF BOARD OF ADJUSTMENT JANUARY 16, 2014 PUBLIC MEETING MINUTES**

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

Public Meeting: 8:00 p.m. – Court Room, Second Floor, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meetings Statement by Chairman Lombardo:

"The January 16, 2014 Public 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." Formal action may be taken.

**Board Member Attendance:** Jim Donkersloot, Chairman; Erik Ruebenacker, Vice Chairman; Carl Fry; Susan Yudin; Mike Madigan; Brian Hubert, Alt.

**Absent:** Mark Borst

**Staff Attendance:** John A. Spizziri, Board Attorney; Mark DiGennaro, Township Engineer; Peter Ten Kate, Boswell Engineering Representative; Susan Schilstra, Board of Adjustment Secretary.

The Board of Adjustment Meeting began with the Pledge of Allegiance.

Chairman Donkersloot stated that all phones, pagers, PDAs, etc. should be turned off or switched to vibrate in order to avoid interrupting the public session.

### **OLD BUSINESS**

#### **APPROVAL OF MINUTES**

The December 19, 2013 work session/public business meeting minutes were approved at the work session meeting.

#### **ORGANIZATIONAL BUSINESS/MOTIONS**

1. Oaths of Office to be administered to the new and continuing members, where applicable.
2. Election of Officers: Chairman and Vice Chairman
3. Appointment of Secretary
4. Resolution #14-001: Appointment of Board of Adjustment Attorney
5. Roll call of Board of Adjustment Members.
6. Compliance with the Open Public Meetings Act:

The above items were acted upon at the work session meeting.

**OLD BUSINESS****APPROVAL OF MINUTES**

December 19, 2013 work session/public business meeting minutes

Board Member Fry made a motion to approve the December 19, 2013 work session and public hearing minutes. Second, Board Member Hubert. Voting in favor: Mr. Hubert, Ms. Yudin, Mr. Fry, Mr. Borst and Chairman Lombardo.

**RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #14-01-** Approval of vouchers from various escrow accounts.

Board Member Borst made a motion to approve voucher for payment. Second, Board Member Fry. Voting in favor: Mr. Hubert, Ms. Yudin, Mr. Fry, Mr. Borst, Vice Chairman Donkersloot and Chairman Lombardo.

**RESOLUTION(S) TO BE MEMORIALIZED**

**BACH, CYNTHIA** BLK 254 LOT 2 (RA-25); 261 Monroe Avenue. *(The applicant proposes to amend the original approved plan in order to replace the existing foundation with footings).*

**ACKERMANN, ADAM & LAUREN** BLK 285 LOT 14 (RA-25); 371 Dorothy Lane. *(The applicant proposes to construct a second floor which will increase the principal building lot coverage by 1% on this substandard lot).*

**APPLICATION(S) - CARRIED**

**PENSALLORTO, FRANK & MARY** BLK 472 LOT 1.01 (R-15); 346 Dartmouth Street. *(The applicant proposes to expand the second floor, add an addition to the rear of the house and a front porch which will encroach into the front yard and rear yard setback).*

Frank Pensallorto and Mary Pensallorto were reminded that they remain under oath. Mary Pensallorto said they took the Board's advice and revised the front yard setback from 22.1' to 26.1'.

Chairman Donkersloot thanked the applicant for accommodating the Board.

Board Member Fry asked the applicant if they are satisfied with how they are going to enter the house through the front door.

The Pensallorto's said they are satisfied with the new plan.

Board Attorney Spizziri said the applicant's attorney will need to draft a deed restriction for the 3 story height of the house with a walk out basement due to the topography of the land where the dwelling cannot become a 2 family housekeeping dwelling unit.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Fry made a motion to approve the revised application with a 26.1' front yard setback and a deed restriction that the dwelling cannot become a 2 family housekeeping dwelling unit. Second, Vice Chairman Ruebenacker. Voting in favor: Mr. Hubert, Mr. Madigan, Ms. Yudin, Mr. Fry, Mr. Ruebenacker and Chairman Donkersloot.

### **APPLICATION(S) – NEW**

**EDWARDS, MICHAEL** BLK 427 LOT 2 (RA-25); 379 Durham Road. *(The applicant proposes to install an in-ground pool which will exceed impervious coverage to 35.5% where 28.5% is the maximum permitted).*

Toni-Ann Edwards and Michael Edwards, 379 Durham Road, Wyckoff, NJ were sworn. Mr. Mark Palus, Map Engineering, 170 Kinnelon Road, Kinnelon, NJ was sworn. He stated that he is a licensed professional engineer and planner in the State of New Jersey.

The Board accepted Mr. Palus' credentials.

Mr. Palus said the existing home was constructed in 2009. He said the applicant would like to install an in-ground pool in the rear yard with an attached spa and patio area, an 8' x 10' shed to house the basic pool equipment and a natural waterfall feature which will add to the character of the pool. The existing property lot is fully conforming and the home structure is within all the setback requirements. However, they are near the maximum 28.5% impervious coverage and currently are at 25.64%. The proposed impervious coverage is proposed at 35.5%. The pool is conforming within the setbacks. He added that an exhaustive landscaping plan to buffer the pool from their neighbors has been provided and no trees are going to be removed. The grade of the property is flat. He said the applicant did contemplate a deck which is not included as impervious coverage but the deck would need to be 2' off the ground. He said that the applicant has provided five (5) different culvert chambers which are large vaults buried under the ground which will collect the storm water and pipe it to these chambers which will redistribute the water into the ground. He concluded that the applicant has gone to great lengths from both the storm water design and from a landscaping plan to minimize the impact of the excessive coverage that the applicant is requesting.

Board Member Yudin said she has not seen any application approved which is in excess on impervious coverage.

Township Engineer DiGennaro said two (2) in-ground pool applications have been approved which were in excess of impervious coverage.

Chairman Donkersloot recommended that the patio area be reduced.

Township Engineer DiGennaro said the paver patio is the largest area of impervious coverage area at 1,283 square feet. He said the equipment pad is at 32 square feet and the shed is conforming in accessory structure setbacks. He recommended that the patio and pool be reduced.

Vice Chairman Ruebenacker said the 35.5% of impervious coverage will need to be reduced to 33%. He added that this variance request is a self-imposed hardship.

Board Attorney Spizziri said that State Statute requires that a grant of a variance from the bulk dimensional requirements requires the applicant to show either a hardship or to grant the variance would show better than a detriment would. He said the applicant has presented to the Board a self-imposed hardship. He said the applicant has the ability to reduce the impervious coverage. The variance application requests 7% over the maximum coverage and the Board should request the applicant come back with a lesser percentage of impervious coverage.

Board Member Fry asked the applicant to reduce the impervious coverage by possibly adding stone to some area.

Chairman Donkersloot said that the impervious coverage should be reduced to at least 33%.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

At the request of the Board this application will be carried to the February 20, 2014 public hearing meeting. The applicant will not need to re-notice for the meeting.

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There being no further business, a motion to adjourn the meeting was made and seconded and passed unanimously. The meeting concluded at 8:55 p.m.

Respectfully Submitted,

Susan Schilstra, Secretary  
Wyckoff Board of Adjustment