WYCKOFF BOARD OF ADJUSTMENT
APRIL 16, 2015 PUBLIC BUSINESS 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 Erik Ruebenacker, Chairman:

> "The April 16, 2015 Public Business 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: Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Brian Hubert; John Carolan; Brian Tanis, Alt.

Board Member(s) Absent: Ed Kalpagian, Alt.

Staff Present: John A. Spizziri, Sr. Esq., Board Attorney; Robert E. Landel, Township Attorney; Mark DiGennaro, Township Engineer; Susan Schilstra, Board Secretary.

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

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

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Chairman Ruebenacker read this statement into the record: *"All applicants are hereby reminded that your application, if approved, may be subject to the terms, conditions and payment of the Affordable Housing Development Fee requirements of the Township. Information can be obtained from the Code of the Township of Wyckoff, Chapter 113-8 on the Township's website, www.wyckoff-nj.com"*

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OLD BUSINESS

APPROVAL OF MINUTES
March 19, 2015 work session/public business meeting
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #15-03- Approval of vouchers from various escrow accounts.
Resolution #15-03 was approved at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

OMLAND, ANDREW & KIERSTEN BLK 332 LOT 6 (R-15); 22 Madison Heights. *(The applicant proposes to expand the footprint of the existing home and add a second level which will trigger the enhanced side yard setback requirement of 20 feet requiring a variance application).*

KAYAL, GARY BLK 351 LOT 19 (RA-25); 387 Cedar Hill Avenue. *(The applicant proposes to install an in-ground pool and construct an addition to the rear of the house which will trigger the enhanced side yard setback ordinance).*

CERVONE, RYAN & DANIELLE BLK 456 LOT 63 (RA-25); 204 Coolidge Terrace. *(The applicant proposes to expand the second floor and add a covered front porch and landing which will encroach into the front yard setback).*

The above referenced resolutions were memorialized at the work session meeting.

APPLICATION(S) – CARRIED

CHRISTIAN HEALTH CARE CENTER (CHCC) BLK 443 LOTS 49.03, 52.01 & 51; 301 Sicomac Avenue; Amended site plan/Variance/Use Variance. The applicant proposes to amend the previous variance and site plan resolution adopted by the Board of Adjustment on May 13, 2013. The application amends the prior approval to provide for a reduction of building coverage in; 1) Wyckoff from 126,587 sf to 118,132 sf for a net change of minus 8,455 sf; 2) a reduction of impervious surface in Wyckoff of 11,672 sf; 3) a reduction in building coverage in Hawthorne from 26,502 sf to 25,935 sf for a reduction of 567 sf, and 4) a total reduction of impervious surface in Hawthorne of 1,221 sf. The total reduction in both municipalities of building coverage is 9,023 sf and the reduction in impervious area is 10,452 sf. The total number of units previously approved at 199 remains unchanged with some redistribution of 1 & 2 bedroom units. The applicant is also seeking an adjustment of the construction materials required in the Wyckoff resolution of approval.

Chairman Ruebenacker announced that the CHCC application has been carried to the Wednesday, April 29, 2015 special meeting at 7:30 p.m.

PRO-CONTRACTOR, LLC BLK 425.01 LOT 53 (RA-25); 723 Terrace Heights*. (The applicant proposes to demolish the existing house and construct a new house which will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application and also create a 3 story dwelling due to the topography of the land).*

Board Attorney Spizziri and Board Member Yudin recused themselves from discussion and removed themselves from the dais.

Harold P. Cook, the applicant's attorney, was present. Mr. Palus, the applicant's engineer was reminded by Acting Board Attorney Landel that he remains under oath.

Mr. Palus said that at the previous meeting the Board was concerned over the width of the proposed home and resulting minimal buffer area between the edge of the driveway and the side property line. He said that the applicant's architect was able to reduce the width of the house by 31/2 feet and applied it to the buffer area where there is a landscape buffer of nine (9) green giant arborvitae with a planting height of 8' to 10' in height and on the opposite side of the house there will be three (3) green giant arborvitae and 5 different variety of spruce trees will be

planted at 8' to 10' in addition to 85 low lying plants and shrub variety plants. Since the house was reduced in width the house was deepened to the rear. He added that the building height will remain the same since the lowest finished grade did not change.

Township Engineer DiGennaro said the house is 6,630 square feet.

Mr. Palus said the footprint of the basement is 3,092 square feet. He added that the building coverage is at 12.18% where 20% is permitted and the impervious coverage is 20.89% where 28.5% is permitted. He said the applicant is before the board for a variance for building height and there are no other variances being requested.

Acting Board Attorney Landel asked that the following exhibits be marked as identification:
A-5 Site plan with a revision date of March 25, 2015
A-6 Landscaping plan

Township Engineer DiGennaro asked if it was accurate to say the gross floor area of the house has increased by 831 square feet.

Mr. Palus said the foot print of the house has increased by approximately 400 square feet.

Township Engineer DiGennaro said the first and second floor is 5,845 square feet which does not include the porches and the garage. The prior application was 4,905 square feet. He added that basements are not counted as gross floor area. He said there is a difference of 904 square feet.

Acting Board Attorney Landel asked why the gross square footage of the house had to increase.

Mr. Palus said the configuration of the rooms had to be change in order to accommodate the reduction of the width of the house. He added that the house is fully conforming.

Chairman Ruebenacker asked how much soil will be brought to the site.

Mr. Palus said the bulk of soil will be for the foundation of the home which is approximately 500 to 700 cubic yards of soil.

Acting Board Attorney Landel said the applicant has increased the livable square footage of the house by 20% since the last meeting.

Board Member Borst asked what the height of the house is in the front yard.

Mr. Palus said the height of the new house is 33.8 feet. He said the current house is at 25.7 feet in height.

Board Member Borst said the center garage bay will be shorter than the other 2 bays due to the location of the staircase coming out into the garage.
Board Member Hubert noted that the front porches are now covered where the previous application plan just had a coverage front stoop area by the steps.

Township Engineer DiGennaro said the applicant has increased the gross living space by 20% but the footprint is only increased by 400 square feet. He said he had a hard time visualizing the total volume of the proposed house.

Chairman Ruebenacker said he is not comfortable moving forward with this application until these numbers are corrected. He said it was not the intent of the Board to increase the size of the house but to just make it narrower to accommodate a planting buffer.

Mr. Cook noted for the record that an irrigation system will be installed.

Board Member Fry asked what the setbacks will be for the air conditioning units and the generator on the left side of the house.

Township Engineer DiGennaro said these setbacks are noted on the landscape plan and not on the site plan.

Mr. Palus said the air conditioning units are proposed in the rear of the house and a generator is not proposed at this time.

Board Member Borst and Board Member Carolan said they are concerned with the garage and not comfortable with this application.

Chairman Ruebenacker opened the meeting to the public for any questions.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Chairman Ruebenacker asked the applicant to clarify the numbers with Township Engineer DiGennaro. The Board unanimously agreed to carry this application to the Thursday, May 21, 2015 meeting at 7:30 p.m.

Board Attorney Spizziri and Board Member Yudin returned to the dais at this time.

SCHWARTZ, PETER & DINA BLK 217 LOT 7 (RA-25); 88 Logan Lane. *(The applicant proposes to construct an in-ground pool, patio, spa and pool equipment which will result in an impervious coverage of 34.85% where 28.5% is allowed).*

Antimo DelVecchio, the applicant's attorney, and Mr. David Hals, the applicant's engineer, were present. Mr. DelVecchio said the applicant has submitted revised plans and have reduced the patio area around the pool and have removed some of the existing driveway in order to lower the impervious coverage percentage. He added that Mr. Halls has investigated the existing swales on the property and drainage situation and is now proposing further drainage improvements to the property to address the comments regarding the drainage. He said that when the application was initially filed the applicant was asking for impervious coverage at 34.85%, then it was reduced 32.5% and now it has been reduced to 31.39% which is over the maximum allowed by 2.89% where 28.5% is required. He said that there was a pool proposed when this house was to be built in 2008. At that time the pool was removed from the plans due to the cost of the pool and time period for construction.
Board Attorney Spizziri conferred with Mr. DelVecchio that the plans being reviewed this

evening are dated as revised on April 1, 2015.

The following exhibits were marked as identification at this time:
A-5 Revised site plan dated 4/1/15
A-6 Colored photo sheet
A-7 Revised Section J
A-8 Updated drainage calculations job number 5366-1441

Mr. Hals said that several modifications have been made to this plan specifically the reduction of patio area in order to reduce the impervious coverage from 445 square feet to 364 square feet and 175 square feet of driveway has been removed from the left side of the driveway. The impervious coverage has been reduced from 32.5% to 31.39%. He added that there are 2 existing seepage pits from the original renovation in 2008 and he found the water level to be 57" below the surface of the ground. He said that 12 storm tech chambers which are 30" in height will be installed which are equivalent of 3 - 1,000 gallon pits. He said the applicant is also proposing to plant an additional nine (9) arborvitae trees along with spruce trees. He said that he took site pictures of the swale and opined that the existing swale meets with the adjoining neighbor properties and the plantings on the applicant's property is higher than the rear property owner.

Township Engineer DiGennaro said the rear property is higher in elevation than the swale and the 2 properties to the east are not graded uniformly which would not have any bearing on the swale located in the applicant's yard.

Mr. Hals said there is not an even flow of water from the applicant's property to the neighbor's property.

Board Member Yudin asked if the 12 storm tech chambers require any maintenance.

Mr. Hals said the storm tech chambers are plastic chambers that sit on a bed of stone. Site tubes will be installed over the top of them to see if they are functioning properly and they are designed for a 100 year storm. They will be maintained as you would a seepage pit.

Board Member Borst said that he is in favor of this plan. He said that the drainage issues have been redesigned and improved and the applicant is requiring a variance for 2.89% over on impervious coverage.

Township Engineer DiGennaro asked how many gallons of water will runoff from the proposed pool and how many gallons of water will be stored.

Mr. Hals said the 12 storm techs units will store 7,000 gallons or 922 cubic feet of water in addition to the existing seepage tanks that are present on the site. He said this system is one third larger than what was previously designed in order to capture as much water runoff as possible from this site to assist the neighbors with the water issue that presently exists.

Board Attorney Spizziri asked if this plan will affect or remediate the flooding issue with Mr. Nowak's property.

Mr. Hals said this proposal will not affect the neighbor's property on Frost Court since he is higher in elevation from this site. He opined that this proposed pool construction and storm tech

chamber system will not impact the neighboring property to the south of this site.

Chairman Ruebenacker said there is a net improvement to the drainage and any other existing drainage issue is due to the topography of the land and not due to this application or the drainage from this property. He then opened the meeting to the public as it relates to this application.

OPEN TO THE PUBLIC
Susan Winton, 80 Logan Lane, Wyckoff, NJ opined is that this property was the lowest property on the block. At some point improvement was made to the property and the flooding stopped. Then 23 trucks of soil was brought in to fill the property and the construction of the house began and the flooding started again. She said there has been water ponding since the house was built. She said that natural water flows from Crescent Avenue down to Edgewood Avenue. She felt the Board is not concerned with the people in the neighborhood.

Chairman Ruebenacker said the Board does think of the neighborhood however there is zero net increase in water and that the water will not leave the property. He said that if the neighbors are getting water then it is not coming from this yard.

Eugene Nowak, 111 Frost Court, Wyckoff, NJ said there is a storm drain at the top of his driveway that has been backing up for the past 7 years. He said water comes down my driveway towards the neighbor's property and this flooding is taking place annually.

Board Member Borst said this water does not come from the Schwartz property.

Ronald Miller, 96 Logan Lane, Wyckoff, NJ said the applicant should be approved for the pool and the patio and the problem with drainage goes back a long time. He said there used to be a stream in the area of Frost Court before it was built. He said that every time there is a large storm a huge pond appears in my rear yard. He said this issue should be addressed at another time.

Board Attorney Spizziri said the rectification of this ponding issue is in the providence of the governing body. He said the Board of Adjustment has no jurisdiction over the correction of this water issue.

Township Engineer DiGennaro said he is aware of this water situation in the area and will make some recommendations to the Township Committee.
CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve this application for 31.39% impervious coverage where a maximum of 28.5% is allowed. Second, Board Member Huber. Voting in favor: Mr. Kalpagian, Mr. Hubert, Mr. Borst and Chairman Ruebenacker. Voting in denial: Mr. Carolan, Ms. Yudin and Vice Chairman Fry.

APPLICATION(S) – CARRIED & NEW

DeGREGORIO, JOSEPH & ELIZABETH BLK 352 LOT 14.01 (RA-25); 331 Newtown Road. *(The applicant proposes to construct a detached garage adjacent to the dwelling which triggers a variance due to the fact that the detached accessory structure will be located in front of the front plane of the principal structure facing the street).*

Joseph DeGregorio, 331 Newtown Road, Wyckoff, NJ was sworn. He stated that he is proposing to construct an additional 2 car garage which will be located in the front plane of the house.

Chairman Ruebenacker said there is sufficient landscaping around the garage. He asked if the garage could be placed behind the front plane of the house.

Mr. DeGregorio said a mature tree is in that area and he did not want to remove this tree.

Vice Chairman Fry said this application satisfies a hardship variance because the house does not sit parallel to Newtown Road.

Board Member Hubert said this is a perfect location for the garage.

Board Member Borst said the landscaping is sufficient.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Board Member Carolan made a motion to approve this application as presented. Second, Vice Chairman Fry. Voting in favor: Mr. Kalpagian, Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

COLLADO, FRANK BLK 207 LOT 13 (RA-25); 288 Brookside Avenue. *(The applicant proposes to extend the overhang on the front of the house by 2 feet which will encroach into the front yard setback).*

Mr. Frank Collado, 288 Brookside Avenue, Wyckoff, NJ was sworn. He said he would like to extend the roof overhang in the front of his house for protection of the walkway from the elements. The overhang will extend into the front yard setback by 37.2 feet where 40 feet is required. He said that a few existing bushes will be removed since the proposed overhang will cover these bushes.

Board Member Borst said that during construction the landscaping will most likely be destroyed. He asked that the landscaping be replaced with same kind.

Vice Chairman Fry said the walkway from the driveway to the house will now have coverage.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC
Vice Chairman Fry made a motion to approve this application subject to the following condition: if the landscaping is destroyed during construction then it will be replaced with the same kind. Second, Board Member Yudin. Voting in favor: Mr. Kalpagian, Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

PISA, ANTHONY BLK 265 LOT 50 (RA-25); 55 Saxonia Avenue. *(The applicant proposes to connect the garage to the existing house and add a level to the second floor which will encroach no further than the existing front and side yard encroachments).*

Board Member Borst recused himself from discussion and removed himself from the dais since his landscaping company designed the landscape plans for the applicant

Mr. Anthony Pisa, 285 Awosting Road, Hewitt, NJ was sworn. He said that he would like to add a level to the existing home and incorporate the single garage within the structure of the home. He said the existing front yard variance of 16.8 feet where 40 feet is required and side yard variance of 18.6 feet where 20 feet is required will remain. He said he is the owner of the property and the builder and will reside in this house upon completion of the building.

Township Engineer DiGennaro said the revision date on the plans are March 3, 2015. He said that the contents of the revised plans meet with his review.

Mr. Pisa said he will be building straight up and is requesting a variance for a front yard and side yard setback variance. He presented to the Board photographs of the area which present other homes on this street.

Chairman Ruebenacker said he is struggling with the boxy look of the house. He said the first floor is pre-existing but there is no creativity with the architecturals for the second floor.

Board Member Kalpagian said this is an interesting street with older homes at the beginning of it and at the end of the street are new lots with new houses.

Board Attorney Spizziri said he will need a copy of the original plan signed and sealed by the applicant's professional.

Board Member Yudin said she would like to see some architectural feature on the left side elevation of the house which is above the garage such as a window. She added that the front elevation of the house should be stepped in on the second floor to break up the front plane of the house.

Mr. Pisa suggested cantilevering the front of the house.

Board Member Fry said there is a hardship due to the pre-existing non-conforming lot size in the RA-25 zone where 25,000 square feet is required and this lot is 11,429 square feet as well as a deficiency in frontage, depth, front yard setback and principle building side yard setbacks. He said that the front yard setback is at 16.8' where 40' is required. He said the applicant is exacerbating by building up with a second floor. He said the purpose of the Board is to review what currently exists on this property and the purpose of the applicant is to convince the Board why you need this variance or to minimize the variance request as best as possible. He continued that the lot coverage exceeds the maximum allowed by .50%.
Mr. Pisa said he could reduce the garage by a few inches to compensate the .50% over in lot coverage.

Board Member Hubert agreed with Board Member Yudin that windows will need to be placed on the second floor of the addition over the garage.

Township Engineer DiGennaro asked what material will be used for the outside of the house.

Mr. Pisa said he will use cultured stone along the bottom of the house and cedar shake vinyl or vinyl clapboard siding.

Chairman Ruebenacker said the front yard setback is 16.8' where 40' is required and this is unacceptable. He asked that some aesthetics be done to break up the front plane of the house and reduce the front yard setback on the second floor.

Board Member Yudin suggested to the applicant that he revise the plan and return next month because at this time the plan is not acceptable.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Chairman Ruebenacker suggested that the applicant take a month to amend this proposed plan. He asked that the second floor be setback and not softened.

Township Engineer DiGennaro said the front of the house is setback at 25.4' and the first step overhang is at 16.8'. He said the second floor addition is at 25.4'. He directed the applicant to step back the second floor in order to break up the front façade of the building.

Board Member Fry said the front yard setback of the proposed house is too close to the road and the second floor of the house should be setback which would reduce the front yard setback. He also asked for a window on the second floor above the garage.

The Board unanimously agreed to carry this application to the Thursday, May 21, 2015 meeting at 7:30 p.m.

PEKALA, KRZYSZTOF & EWA BLK 268 LOT 24 (R-15); 112 Linden Street. *(The applicant would like to demolish the existing home and construct a new home which will encroach into the front and rear yard setbacks and exceed principal building lot coverage).*

Robert Weissman, Weissman Engineering Co., licensed professional engineer and land surveyor, 686 Godwin Avenue, Midland Park, NJ; Philip Finamore, Evans Architect, the applicant's architect; Matthew Evans, Architect, Planner, 70 Chamberlain Avenue, Paterson, NJ; and Krzysztof Pekala, property owner, were sworn.

Phillip Finamore, said a new residence is proposed on 112 Linden Street, Wyckoff, NJ. The existing home will be demolished and new home will be constructed. He said that 3 variances are being requested for: 1) front yard setback of 36.3' to the new front landing where 40' is required for a 3.7 variance encroachment; 2) rear yard setback of 27.2 where 30' is required for a 2.8' relief; and 3) principle building lot coverage where 19.4% is proposed where 15% is required therefore seeking relief for 4.49%. He said that the existing home and accessory structure will be removed and the new proposal will be consolidated with new improvements for an increase of .77% than the existing home.

Mr. Weissman said there will be 2 – 1,000 gallon seepage pits which will accommodate the roof drainage and improve the drainage condition on site. He added that there will be zero percentage of runoff from the property.

Board Attorney Spizziri asked what the rear yard setback will be.

Mr. Finamore said the rear of the house will be setback to maintain a 27.2'' rear yard setback. He said that the balance of the second floor will be at 30.1.

Chairman Ruebenacker asked Mr. Finamore to explain the landscaping plan.

Mr. Finamore said there will be a planting bed along the perimeter of the property and the balance of the area will be lawn with a modest brick paver sidewalk and patio in the rear yard. A fence will be located along the property line.

Board Member Borst said he is fine with the foundation plantings but would like 1 or 2 spruce trees planted along the property line for privacy and to soften the height of the house.

Mr. Finamore said the height of the house is 32'.

Board Member Fry said the existing house is beautiful and looks like it is in great condition.

Mr. Finamore said the house has structure fatigue. He added that there is a drop in floor elevation due to stress cracks along the foundation.

Chairman Ruebenacker asked if Mr. Pekala was the homeowner.

Mr. Pekala said he is currently renting in Fair Lawn and will move into the house as his primary residence when it has been completed.
Mr. Finamore said the exterior of the house will be stone veneer and hardiplank siding with cedar impressions.

Township Engineer DiGennaro said this will be new construction and as a result an affordable housing development fee applies.

Mr. Pekala said yes he understands this since it is a new house.

Chairman Ruebenacker asked that the air conditioning units be moved from the left side of the property to the right side.

Mr. Finamore said the air conditioning units will be moved to the right side of the house.

Township Engineer DiGennaro said the utilities will need to be placed underground.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve this application subject to the following conditions: additional shrubbery for screening on either side property line will be planted and the air conditioning units will be place on the right side of the house in the rear and payment of the affordable housing development fee. Second, Board Member Yudin. Voting in favor: Mr. Kalpagian, Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

APPLICATION(S) – NEW

THORWARTH, CHRISTOPHER & CAITLIN BLK 215 LOT 8 (RA-25 CORNER); 750 Wyckoff Avenue. *(The applicant proposes to construct a detached garage adjacent to the dwelling which triggers a variance due to the fact that the detached accessory structure will be located in front yard on this corner lot).*

Caitlin and Christopher Thorwarth, 750 Wyckoff Avenue, Wyckoff, NJ were sworn. Ms. Thorwarth said they purchased this house and a variance was approved for a garage setback of 10' on this corner lot. She said they would like to increase the size of garage from 22' x 22 to 24' x 26' in order to accommodate 2 large cars plus garbage cans and a snow blower. She said the setback will remain at 10'.

Chairman Ruebenacker asked if the proposed garage will have the same façade and siding as the primary structure.

Ms. Thorwarth said the proposed garage will match the existing house.

Board Member Borst asked if the distance of the existing home from the garage is 57'.

Ms. Thorwarth said this distance will remain the same.

Township Engineer DiGennaro said the garage has been moved further towards the septic system and into the rear yard.
Board Member Fry said that the proposed garage will not be moved any closer to the road.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Board Member Carolan made a motion to approve this application as presented subject to the following condition: the facade of the garage will match the existing house. Second, Board Member Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Huber, Mr. Carolan, Ms. Yudin, Mr. Fry and Chairman Ruebenacker. Voting in denial: Mr. Borst.

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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 11:16 p.m.

Respectfully Submitted,

Susan Schilstra McQuaid, Secretary
Wyckoff Board of Adjustment