

**WYCKOFF ZONING BOARD OF ADJUSTMENT
FEBRUARY 15, 2024
PUBLIC WORK SESSION MINUTES**

Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall
Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

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

"The February 15, 2024 Public 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." Formal action may be taken. Members of the public are welcome to be present at this meeting. However, in accordance with Section 7 (A) of the Open Public Meetings Act, participation on the part of the public at this meeting will not be entertained."

"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"

"This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times."

Vice Chairman Ruebenacker chaired the meeting in Chairman Borst's absence.

ROLL CALL

Board Members in attendance: Erik Ruebenacker, Chis Joachim, Nekije Rizvani, Brian Hubert, Brian Tanis, Doug Messineo, and Zvonko Veskov. Absent: Ed Kalpagian and Mark Borst.
Staff in attendance: Mark DiGennaro, Township Engineer and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the January 18, 2024 Work Session and Public Business Meeting minutes.

Mr. Veskov made a motion to approve the January 18, 2024 Work Session and Public Business meeting minutes. Second, Mr. Joachim. Voting in favor: Mr. Tanis, Ms. Rizvani, Mr. Joachim, Mr. Messineo, Mr. Veskov, and Vice Chairman Ruebenacker. Abstained: Mr. Hubert.

PAYMENT RESOLUTION #24-02

Mr. Tanis made a motion to approve Payment Resolution #24-02. Second, Ms. Rizvani. Voting in favor: Mr. Tanis, Ms. Rizvani, Mr. Joachim, Mr. Messineo, Mr. Veskov, and Vice Chairman

Ruebenacker. Abstained: Mr. Hubert.

RESOLUTIONS FOR MEMORIALIZATION

Thorne 303 Crescent Ave. 214/130

(The applicant proposes to construct an addition to the home requiring variance relief for the front yard setback on Landi Ct.)

Cifarelli 390 Circle Dr. 462/47.01

(The applicant proposes to expand the second story of the home requiring variance relief for lot area, frontage, front yard setback, side yard setback, and accessory structure side yard setback)

Mr. Veskov made a motion to approve the two (2) Resolutions. Second, Mr. Joachim. Voting in favor: Mr. Tanis, Ms. Rizvani, Mr. Joachim, Mr. Messineo, Mr. Veskov, and Vice Chairman Ruebenacker. Abstained, Mr. Hubert.

NEW APPLICATIONS FOR PUBLIC HEARING

Vartabedian 369 Steinhauser Lane 428/3.02

(The applicant proposes to construct an addition to the first and second floors of the home requiring variance relief for the enhanced side yard setback)

Mr. DiGennaro provided the following details of the application:

I have reviewed the following documents plot plan and survey prepared by Schwanawede, Hals, Vince last revised 1/19/24, architectural plan by Fred Klenk Architect, last revised 11/1/23, landscape plan prepared by CLC Landscaping dated 1/3/24, photographs and application. The existing single family dwelling is in the RA-25 zone on a corner lot and is non-conforming as to side yard setback and three story structure. The applicant is proposing an addition/alteration requiring variances. The existing lot is 29,766 sf where 25,000 sf is required. The existing frontage is 349' where 125' required. The lot depth is 246.5' where 150' is required. The existing front yard setback on Steinhauser Lane is 54.18' and proposed is 40.2'. The front yard setback on Zachary Court is 22.24' and will remain unchanged. Both front yards require 40'. The existing principal building side yard setback is 21.06'. Proposed is 17.8' to the fireplace projection and 20' to the building where the enhanced 25' setback is required. The existing principal building lot coverage is 8.9% and proposed is 14.2% where 15% is the max allowed. The existing combined lot coverage is 11.6% and proposed is 16.1% where 20% is the max allowed. The proposed height is 35' and 3 stories where 35' is the max allowed and 2.5 stories are permitted. The home is currently existing as a 3 story as there is a walk-out basement due to the gently sloping property, and they desire to continue that use as a 3 story structure. The proposed new AC unit in the front yard on Zachary Court requires a variance. The existing home is served by sewers. The following items must be addressed:

1. Stormwater management calculations meeting the Township requirements must be submitted, signed, and sealed with a statement of zero net increase in runoff standard being satisfied.
2. No filter fabric is to be shown below the proposed drywell.
3. The landscape plan fails to identify proposed plant sizes.
4. Section J has corrections required to existing building area value and lot coverage percentages and the deck must be included on the existing conditions column.

Vice Chairman Ruebenacker said that although the existing structure has a side yard setback of 20' on the right side, he has an issue with the garage being expanded 14' forward with that side yard setback of 20' where 25' is required because the gross building area is going up to 5,700 sf. He added that this is not a hardship in his opinion. In addition, the landscape plan does not list the sizes of the proposed plantings.

Mr. Tanis pointed out that the existing building height is 35' and the proposed states the height will not exceed 35' however it looks like they are going up quite a bit more and the plan says verify height in the field. He said he would like to hear testimony from the architect if the height is actually going to stay at 35'.

Walker 451 Lafayette Ave. 483/34

(The applicant proposes to construct an outdoor kitchen and patio requiring variance relief for accessory structure side and rear yard setbacks, principal building lot coverage, and combined lot coverage)

Mr. DiGennaro provided the following technical details of the application:

I have reviewed the submitted Plot Plan and survey prepared by Omland & Osterkorn revised thru 2/2/24, complete application and photos, and landscape plan prepared by VisionScape Design dated 9/25/23. The existing single family home is located in the RA-25 zone and is non-conforming as to lot area, frontage, front, side and rear yard setbacks, principal building, and combined lot coverages. The applicant is proposing to remove the existing accessory deck and construct an uncovered outdoor living space including patios, outdoor kitchen, fire pit and seat walls. The variance required is for walls, accessory firepit and outdoor kitchen all encroaching into the required property line setback. The existing lot area is 8,998 sf where 25,000 sf is required. Lot frontage is 73' where 125' of frontage is required. The existing front yard setback is 35.3' where 40' is the requirement. The principal building side yard setbacks are 18' and 1.8' where 20' is required for each side. The existing rear yard setback is 20.5' where 40' is the requirement. The existing principal building lot coverage is 24.8% and will remain unchanged where 15% is the maximum permitted. The existing accessory lot coverage is 1.9% and 0% is proposed as the existing deck is to be removed. Proposed combined lot coverage is 24.8% where 20% is the maximum allowed. The applicant has prepared a stormwater management plan to collect the additional runoff from the proposed back yard improvements in accordance with the Township Design Standards and the design engineer certifies that the design shall result in a zero net increase in runoff from the required design storm.

Vice Chairman Ruebenacker said this is an application to construct an outdoor kitchen and fire pit in the side yard setback. All of the other nonconformities on the lot are pre-existing.

Mr. Hubert made the observation that the setback numbers that were approved in 1998 and 2006 do not match what is listed as existing on the current section J of the application. Mr. DiGennaro said it could be that an as built or survey was not done after construction at that time.

Mr. Joachim said he thinks what is being proposed for that area is very tight adding that he is concerned from a firefighting aspect with the fire pit proposed for the back corner close to the trees and plant growth.

Mr. Veskov agreed stating that the proposal is going to intensify the side yard setback, so a redesign may be desirable.

Vice Chairman Ruebenacker said he would like to hear testimony as to why the fire pit could not be placed further to the right side of the yard and out of the setback.

Mr. Tanis said this is a uniquely shaped lot as are other lots in that area and that he would like to hear some testimony about where the adjacent houses are situated, and why the project was designed this way.

Dwyer 306 Voorhis Ave. 288/39

(The applicant proposes to expand the second story of the home and construct a front portico requiring variance relief for lot area, frontage, depth, front yard setback, accessory structure setbacks, accessory structure lot coverage, and combined lot coverage)

Mr. DiGennaro provided the following technical review of the application:

I have reviewed the Plot Plan and Architectural Plan prepared by Canzani Architects dated 11/8/23, sheets A1 – A3, property survey prepared by Butler Surveying, John Butler, PLS last revised 8/14/23, application and photos. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, depth, front and side yard setbacks, accessory shed setbacks, accessory structure lot coverage and combined lot coverages. The applicant is proposing to expand the structure by constructing a covered front portico and second story gable dormer requiring variance relief. The existing lot area is 14,484 sf where 25,000 sf is required in the zone. The existing frontage is 99.9' where 125' is the requirement, and lot depth is 132.93' where 150' is required. The existing front yard setback is 34.2' with 31' proposed to the first step where 40' is the requirement. The existing side yard setback #2 is 15' and will remain unchanged where 20' is the requirement. Side yard #1 setback is conforming at 22.8' and will remain unchanged. The existing and proposed accessory structure lot coverage is 9.96% where 5% is the maximum allowed. The proposed combined lot coverage is 22.46% where 20% is the maximum allowed. A 4 Bedroom septic system was installed in 1997 and the proposal does not include any increase in bedrooms. A Stormwater Management Plan is not required.

Mr. Messineo said he likes the fact that the applicant is building over the existing space with the two dormers with no expansion of the footprint, and it is a nice design.

Vice Chairman Ruebenacker said he does not have any issues with the proposed front yard setback to the proposed portico or the slight increase lot coverage.

Ms. Rizvani agreed saying she is fine with what is being proposed.

Mr. Hubert pointed out that no landscape plan was submitted. Mr. DiGennaro said there is a note on the plan which states anything damaged during construction will be replaced.

St. Hilaire 507 Carlton Rd. 281/7

(The applicant proposes to expand the second story of the home requiring variance relief for the enhanced side yard setback on both sides)

Mr. DiGennaro provided the following report on the application:

I have reviewed the location survey prepared by EID Associates, Inc. dated 9/11/23, the plot plan and architectural plan sheets A1-A-3 prepared by Canzani Architects dated 9/25/23, application, and photos. The applicant is seeking to expand and renovate the existing non-conforming single family home located in the RA-25 zone. The existing structure is non-conforming due to enhanced side yard setback and requires variance relief. The lot is otherwise conforming in area,

frontage, depth, and lot coverage. The existing side yard setbacks are 23.5' and 15' where 25' is required due to a gross building area greater than 3,700 sf, which triggers the enhanced side yard setback requirement. Both side yard setbacks will remain unchanged. The property is served by a 4 Bedroom septic system installed in July 2011 and the proposed home is a 4 bedroom home with no proposed bedroom count expansion. A stormwater management plan is not required for this proposal.

Mr. Messineo said in addition to the 2 proposed dormers, they are adding a gable end on the right side of the house to the right of the larger dormer.

Ms. Rizvani pointed out that the home has a 4 bedroom septic however the architectural plan shows an office and a playroom upstairs in addition to the 4 bedrooms. She questioned if it is actually a 4 bedroom or a 6 bedroom house. Mr. Tanis said the playroom also has a closet and a door which appears to be a bedroom.

Mr. DiGennaro said that due to our recent experiences, it's important to note that people have been converting rooms in their homes into bedrooms, when they do not have the adequate septic size. When they go to sell the home, they have all kinds of problems because the buyers thinks they are buying a 5 bedroom home however it is only a 4 bedroom home due to the septic system. He went on to say that in cases like this application, it needs to be stated clearly in the Resolution that there is a 4 bedroom septic therefore it must remain a 4 bedroom home.

Vice Chairman Ruebenacker said no landscape plan was submitted with the application.

Lunardoni 196 Crescent Ave. 265/70

(The applicant proposes to construct an addition to the home requiring variance relief for lot area, frontage, side yard setback and principal building lot coverage)

Mr. DiGennaro provided the following review of the application:

I have reviewed the survey prepared by John J. Galiano, PLS dated 3/16/22, plot plan and architectural plan prepared by BlueLine Architecture sheets Z1-3 & L1 dated 12/15/23, application and photos. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, side yard setbacks, accessory structure side yard setback, and principal building lot coverage. The applicant is proposing a one story addition to the rear and a covered front porch. The existing lot area is 16,387 sf where 25,000 sf is required. The existing lot frontage is 80' where 125' is required. The existing principal building side yard setback #1 is 9.7' and 21' to the new addition is proposed. The existing side yard setback # 2 is 3.6' and proposed is 16.17' where 20' is the requirement for each side. The existing principal building lot coverage is 15.4% and proposed is 18.65% where 15% is the maximum permitted. The existing accessory structure coverage is 2.27% and 0% is proposed resulting in combined lot coverage of 18.65% where 20% is the maximum permitted. The property is served by municipal sewers, and a stormwater management plan is not required for this proposal.

Mr. Messineo said he likes the fact that the applicant was conscious of the setback on the left side, and on the right side where they are encroaching, it is just a set of stairs and a small family room addition.

Vice Chairman Ruebenacker said he has no concerns about this application.

Mr. Tanis said it is well set up in keeping within the setbacks considering that this is a ranch home on an 80' wide lot.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:05 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment

WYCKOFF BOARD OF ADJUSTMENT

FEBRUARY 15, 2024 PUBLIC BUSINESS MEETING MINUTES

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

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

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

"The February 15, 2024 Public 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." Formal action may be taken. Members of the public are welcome to be present at this meeting. However, in accordance with Section 7 (A) of the Open Public Meetings Act, participation on the part of the public at this meeting will not be entertained."

"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"

"This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times."

Vice Chairman Ruebenacker chaired the meeting in Chairman Borst's absence.

PLEDGE OF ALLEGIANCE

ROLL CALL

Board Members in attendance: Erik Ruebenacker, Chis Joachim, Nekije Rizvani, Brian Hubert, Brian Tanis, Doug Messineo, and Zvonko Veskov. Absent: Ed Kalpagian and Mark Borst.

Staff in attendance: Mark DiGennaro, Township Engineer and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the January 18, 2024 Work Session and Public Business Meeting minutes.

The meeting minutes were approved during the work session meeting.

PAYMENT RESOLUTION #24-02

The Payment Resolution was approved during the work session meeting.

RESOLUTIONS FOR MEMORIALIZATION

Thorne 303 Crescent Ave. 214/130

(The applicant proposes to construct an addition to the home requiring variance relief for the front yard setback on Landi Ct.)

Cifarelli 390 Circle Dr. 462/47.01

(The applicant proposes to expand the second story of the home requiring variance relief for lot area, frontage, front yard setback, side yard setback, and accessory structure side yard setback)

The two (2) Resolutions were approved during the work session meeting.

NEW APPLICATIONS FOR PUBLIC HEARING**Vartabedian 369 Steinhauser Lane 428/3.02**

(The applicant proposes to construct an addition to the first and second floors of the home requiring variance relief for the enhanced side yard setback)

Tom Garlick, the Board Attorney, verified on the record that he reviewed the Affidavit of Notice, and all was in order.

Allison Vartabedian, the applicant, was sworn in.

Fred Klenk, the applicant's Architect was sworn in, provided his professional credentials as a licensed Architect, and was accepted as an expert in architecture.

Joseph Vince, the applicant's Engineer was sworn in, provided his professional credentials as a licensed Engineer, and was accepted as an expert in engineering.

Ms. Vartabedian stated that she and her husband have lived in the home at 369 Steinhauser Lane for 11 years and they have 3 children. She went on to say that they love the town, their neighborhood, and their property and intend to stay in the house for a long time to come.

The site plan prepared by Joseph Vince, last revised 1/19/2024 was marked exhibit A-1. Photos (7) were marked A-2. Architectural plan prepared by Fred Klenk, last revised 11/1/2023 was marked A-3. An aerial photo of the site was marked A-4.

Mr. Klenk provided the following details of the proposal:

In surveying the existing house we found some glaring deficiencies. The second floor has bedrooms with a severe slope towards a knee wall in front. The applicant would like to provide full height ceilings in those rooms. On the first floor, the position of the staircase renders the family room unusable. Only 2/3 of the basement is useable because 1/3 of the basement is either crawl space or a slab for the garage. There is significant development in the backyard with a pool and patio. There is an existing daylight basement which exits out to service the pool area. Part of the footprint of the existing home extends into the front yard setback on Zachary Court and we are planning to keep that footprint on that side. On the right side, where the garage is, we are conforming at 20' however since we are increasing the gross building area, a 25' setback is required. We are adding more towards the front but keeping with the existing side yard setback on the right side. We cannot build to the rear due to the extensive investment in landscaping, and we did not want to build any further into the setback on Zachary Court. The garage and driveway will remain in the same location. We are going to extend the garage forward maintaining the existing setback however, the roof will slope away from the setback so the neighbors virtually will not even see that. We intend to hold to the maximum height of 35' which is measured from the existing basement door in the rear to the ridge, and we will establish the pitch so that we do not

exceed 35'. On the first floor we are proposing a two-story entry foyer, living room, kitchen, dining room, music room, study, bath room, mud room, and a two-story great room. On the second floor we are proposing a master suite, study, and 3 additional bedrooms, 2 of which are over the garage. If we have to pull the garage back, it will place an unreasonable constraint on the size of those bedrooms over the garage. Finally, for the basement we are proposing a guest room and a basement play area. The existing basement ceiling height is 7'6" high and the proposed plan is to raise the first floor 6" to achieve an 8' ceiling height in the basement.

Mr. Joachim asked Mr. Klenk to clarify if they are proposing to raise the entire floor plate of the house 6" to which Mr. Klenk replied yes. Mr. Joachim said this is a tear down and asked if this is a tear-off or a full lift. Mr. Klenk said it can be done 2 different ways but yes, we are raising the first floor 6". Mr. Joachim asked where it is shown on the plans that the floor is being raised 6". Mr. Klenk pointed out that sheet #7 shows an 8' ceiling height in the basement. Mr. Joachim said this takes the entire application in a different direction in his opinion, because they are building a new house. Mr. DiGennaro said if the building is taken down to the deck, you are essentially building a new house, so you should conform to the zoning requirements.

The Chairman asked Mr. Klenk to finish up with his presentation before opening the discussion for the rest of the Board's comments.

Mr. Klenk said a landscape plan has been submitted to the Board. He pointed out that there is extensive landscaping existing on the property and they are proposing enhanced landscaping to be added. The Chairman said this application is definitely going to be coming back, so a revised landscape plan with the size of the proposed plants will be required.

Mr. Klenk said he sensed some concerns about the proposal. Mr. Joachim said he is extremely concerned because raising the floor is not a small detail. It involves plumbing, hvac work, and a lot of things that go into that lift, and you are essentially doing a full rebuild. Mr. Klenk said there are a couple of different ways to do this. One way is to take the structure down to the foundation, and then extend the foundation up. The other way is to leave the walls, and frame into the walls to achieve a higher basement without taking the whole structure down. Another option is to leave the basement height as it is now and leave the first floor deck.

Mr. Tanis asked about the existing first floor framing and height. Mr. Klenk stated that the existing walls are framed with 2 by 4's and the existing height is 8'. Mr. Tanis pointed out that they will want 2 by 6 framing for a house that size, and you are proposing to increase the height to 10'. Mr. Klenk said we will supplement the existing framing. Mr. Tanis said this house is going down to the foundation and the house we see today will be non-existent. Mr. Joachim said there is much more involved in this than what we are seeing.

The Chairman said that in his opinion, the basement has to stay as it is, otherwise, both sides come into play here. Without us looking at the detail right now this house would have been a full 3 stories with an 8' basement, a 10' first floor, and an 8' third story. He reiterated that the basement should be left as is.

Mr. Tanis asked what the existing height of the home is. Mr. Ruebenacker said that number was conveniently omitted from the entire application. Mr. Klenk stated that he does not have the existing number on the drawings however we agree that the new ridge height is not going to exceed 35'. Mr. Hubert persisted and asked what the height is today. Mr. Klenk stated it is approximately 35'.

Mr. Tanis said if they are taking the whole thing down they should come back with a house that fits this lot. Mr. DiGennaro agreed saying the project is calling for a clean slate. You have a 22' front yard setback on Zachary Court where 40' is required and you have ac units in that front yard which is a variance condition. You also have a 20' side yard setback where you need 25' due to the enhanced requirement.

Klenk we have a lot of restrictions with the lot being on the corner, and the existing significant pool area. If you envision a new footprint and new build, there will be a lot of restrictions on what can be done due to the existing conditions of the lot.

Mr. DiGennaro said the applicant's lot is 127' wide by 246' deep. A standard lot in Wyckoff is 125' by 200'. We are building homes on those standard lots and meeting the 25' setback on each side. You are challenged by the corner lot however you are doubling the size of the house and not even meeting the 25' setback, so that is the challenge here.

The Chairman offered the applicant some guidance from Board. He said the basement and first floor deck should remain. How you will manage the 10' height on the first floor is up to you. I am not comfortable with the addition on the right side in the side yard setback. Also, the entire second story in the right rear is a two-story, open air great room which is unnecessary as it will be impeding into the side yard setback. It would be preferable if it was a one-story great room. In the front you should try to push the addition back as well.

Ms. Vartabedian said she would like to carry the application to the next meeting.

Joseph Vince came forward to provide the following additional information about the proposal: We do show the first floor coming up however we were planning to use the majority of the existing foundation. As far as the enhanced side yard setback, that Ordinance was adopted in 2014. This lot was created before that time and developed accordingly. The house was fully conforming at the time that it was developed. We are not triggering the enhanced side yard setback because currently the gross building area is approximately 4,918 sf so the existing house is pre-existing nonconforming with the enhanced setback requirement.

Mr. Ruebenacker corrected Mr. Vince by stating that the new addition, pulling the garage forward in the side yard setback, and the two-story great room addition in the side yard setback are absolutely triggering the enhanced side yard setback variance due to the expansion.

Mr. Vince continued:

The existing structure is technically a three-story house however that is just in the rear of the house. The lot has a significant slope from front to back. There is significant evergreen buffering along the property lines that will remain, and we are proposing additional evergreens in the area of the proposed addition as well. As far as the conformance with the height in terms of feet, that is measured from the finished grade to the ridge. I know we were proposing to raise the floor level and change some of the wall heights, but the finished product where the ridge is will be maintained as to what it is today. I think some of the variances could be granted under the C-1 hardship criteria due to the existing physical features that are constructed there. We have topographic constraints with the sloping property. As far as the C-2 criteria goes, we are proposing to modernize the house, promoting a better visual environment. We believe there will be no detriment to the public, the zoning plan, or the master plan.

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker said we will carry the application to the March 21, 2024 meeting.

Walker 451 Lafayette Ave. 483/34

(The applicant proposes to construct an outdoor kitchen and patio requiring variance relief for accessory structure side and rear yard setbacks, principal building lot coverage, and combined lot coverage)

Mr. Garlick verified on the record that he reviewed the Affidavit of Notice, and all was in order.

The applicant's Attorney, Bruce Whitaker, placed his appearance on the record and then introduced the application:

This is a grossly undersized, irregularly shaped lot in the RA-25 zone. There are three prior Resolutions pertaining to the development of this lot dating back to 1955 which recognize those nonconformities. The applicant is not proposing to increase the building on the lot but to make outdoor improvements only. There are a number of nonconformities on the lot. We have a lot area of 8998 sf where 25,000 sf is the requirement. We have a lot frontage of 73' where 125' is the requirement. We have a deficient front yard setback, side yard setbacks, and lot coverage. With all of that said, what is proposed will not exacerbate any of the existing nonconformities. In fact, we are proposing to reduce the overall lot coverage, which is a positive element from a planning perspective. There is an unusual condition with this property and that is although the deed shows that we have 8,998 sf of lot area, the lot lines of the lot next door and our lot lines do not mesh. There is a gore between the two lots. A gore is an area that is not contained in either deed, but it is there. This owner has been maintaining that piece of property although he does not own it and no one owns it. That extra piece of property beyond the applicant's lot line gives the Board the ability to approve what we are proposing this evening. To the rear of the applicant's property is the Ridgewood Water property which is expansive land. The drainage improvements we are proposing are better than what exists now and meets the criteria under your ordinance. If you look at the C-1 criteria, this is an undersized, irregularly shaped lot with multiple unusual conditions of the lot that warrants variance relief. To alleviate the fire concerns mentioned in the work session, we are proposing a gas fire grill and a gas fire pit so there will be no sparks flying onto the neighbor's property and we will stipulate that.

Mark Walker, the applicant, was sworn in, and provided the following details of what he is proposing:

Since the time my wife and I purchased this home, we thought our property was actually larger than shown on the survey. The reasons being that Ridgewood Water installed a fence a few feet back from the rear and side property lines and I have been mowing and maintaining that property as my own. There is also the gore to the left between my property and my neighbor's property which I have been mowing and maintaining as well. We are going to remove the existing concrete pad which is currently encroaching onto the Ridgewood Water property to the rear as well as the gore to the left rear corner. We will also remove the existing brick patio and deck. We are proposing an outdoor kitchen with a gas grill and a gas fire pit with a sitting wall similar to a retaining wall. There will be no roof or pergola constructed above the outdoor kitchen or fire pit. To the left of the area where we are proposing the fire pit is the neighbor's driveway.

Mr. Ruebenacker asked Mr. Walker if he considered placing the fire pit on the right side of the patio and outdoor kitchen to get it away from the left property line.

Mr. Walker stated that based on the topography of the property, and the location of the rear patio door, the location we chose flows better. He added that the lot is only 73' wide, so if he moved the fire pit to the right, it would eat in to the only area of grassy area he has in the back yard.

Kiersten Osterkorn, the applicant's Engineer was sworn in, provided her credentials, and was accepted as an expert in her field. She then provided the following information:

I surveyed the property, and also reviewed a recent survey of the neighboring property and found that we have differing surveys with the neighbor based on the location of the white picket fence between the two properties. There is a gap or a gore between the properties. Technically we are here for the retaining wall and the fire pit setback. Due to the gore, the fire pit is actually not right on the property line. The north side of the seat wall will be built into the property as a seat. As you come down to the south side of it, it becomes more of a retaining wall however it is only 8" out of the ground. We are removing the existing deck and everything that is proposed will be at grade level. One reason why we placed the fire pit on the left side is due to the topography. We worked it into the grade on the left side of the property which was already there with the existing concrete pad and rock wall. As far as the drainage plan is concerned, we are proposing a pit in the front and a pit in the back to collect all surface areas. For the C-1 and C-2 criteria, the drainage will be better than the existing conditions which is a substantial benefit. The elimination of the existing concrete pad, which is closer to the property line, is a positive aspect. We are reducing the lot coverage which is a positive element. We are not exacerbating any of the existing nonconformities. The lot is extremely undersized in area and width, as well as being irregularly shaped which warrants granting variance relief.

Mr. DiGennaro pointed out that there is nothing on the plan or survey that indicates a gore exists. He asked Ms. Osterkorn if she would have known the gore existed if the homeowner had not shared this information with her. Ms. Osterkorn said she would not have known about it, and the gore is not shown on the tax map. Mr. DiGennaro asked how this can be rectified. Mr. Whitaker stated that one could file a "suit to quiet title" whereby you would notify your neighbor that since there is a gore and it is not in my deed or your deed, I am going to seek ownership of it. It's common to do and a little costly. In many instances people will say let's just leave it the way it is, as long as the neighbors get along. The argument one could make to a neighbor is I have been maintaining it (the gore), and you never knew you had it.

Mr. DiGennaro said the one new variance we have is for the retaining wall because our ordinance states retaining walls need to be stepped one (1) horizontal foot for each one (1) vertical foot off of a property line. In this particular case, the patio is lower, and this seat wall is basically holding up the adjacent land. It is not creating a visual to the neighbor's property and is less invasive. They will not be looking at a wall, just a cap stone, so I am ok with granting the variance without any issues.

Mr. Garlick brought up that the applicant was proposing arborvitaes to be planted in the gore. He asked the Board if they wished to have the applicant stipulate to same and as to quantity and size. A discussion ensued about the trees, and whether this is something the Board could consider in light of the fact that they would be planted in the gore. It was decided that plantings in the gore were outside the scope of the application and the applicant would need to work it out with his neighbor about whether or not he plants the trees in the gore.

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NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

Mr. Ruebenacker said he was not sold on keeping the fire pit so close to the left property line. He added that in his opinion, an effort could have been made to move the fire pit to the center of the backyard versus on the left property line.

In closing, Mr. Whitaker said we have established why this proposal is appropriate from a planning perspective. I think we have established the reasons for placing the fire pit in the proposed location. Of all the activity going on in the back yard, the fire pit will be the most passive use and will be used less frequently than the outdoor kitchen or swing set.

Mr. Joachim made a motion to approve the application with the conditions that no roof or pergola will be constructed over the patio or fire pit, and the grill and fire pit will be gas powered. Second, Mr. Messineo Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, and Mr. Veskov. Not in favor: Vice Chairman Ruebenacker.

Dwyer 306 Voorhis Ave. 288/39

(The applicant proposes to expand the second story of the home and construct a front portico requiring variance relief for lot area, frontage, depth, front yard setback, accessory structure setbacks, accessory structure lot coverage, and combined lot coverage)

James Stevens, the applicant's Attorney, placed his appearance on the record. Mr. Stevens said the variances we are seeking for the front yard setback and lot coverage are de mini mus. We believe these variances fall under the C-1 criteria as there are multiple existing nonconformities on the property, however we are not exacerbating any of those conditions.

John Dwyer, the applicant, was sworn in. Mr. Dwyer said he moved into the house at 306 Voorhis Avenue in 2020. He said the proposed dormer over the garage is for a new master bathroom on the second floor, and that he would also like to construct a portico in the front to provide cover at the entryway.

Christopher Canzani, of Canzani Associates Architects, was sworn in. Mr. Canzani said he is currently in the process of obtaining his license and has previously been qualified by this Board a number of times. He then provided the following details of the architectural plans:

We are proposing to expand the area attached to the master bedroom suite on the right side of the second story which is currently his and her closet space. We are going to add a gable dormer in that location to obtain full height space in the master bathroom. In addition to that, we are proposing to expand the front landing and construct a portico, which will add an additional 19 sf of building coverage. The portico will provide protection at the front door, as well as create a little more depth and aesthetic to the front of the home. We are adding another larger gable on the left side of the home to balance the appearance of the home and improve the aesthetics. The side yard setback on the right side of the home is 15' where 20' is required. The proposed gable gradually moves away from the setback, so we are not encroaching further into the setback than what is existing. The proposed portico in the front will project 3.33' from the building wall, and will be approximately 8.5' in width, with just 2 steps to grade at that point. The applicant proposes to replace all existing siding with Hardie plank siding, PVC trim, and a stone water table at the base of the home. The roof will be replaced with dimensional asphalt shingles, and a metal standing seam roof will be added over the garage doors. In listening to the work session comments the

Board identified that a landscape plan has not been submitted. It was noted on the plans that any plants damaged during construction will be replaced in kind. I have an additional photo exhibit which identifies what is existing, so in the event that any plantings get damaged during construction, they will be replaced.

The architectural plans were marked exhibit A-1, and the landscape photos A-2.

Acting Chairman Ruebenacker pointed out that there are no sizes listed on the plant listing. Mr. DiGennaro said he does not take issue with that.

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

Mr. Hubert made a motion to approve the application as submitted. Second, Ms. Rizvani. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, Mr. Veskov, and Vice Chairman Ruebenacker.

St. Hilaire 507 Carlton Rd. 281/7

(The applicant proposes to expand the second story of the home requiring variance relief for the enhanced side yard setback on both sides)

Nicholas St. Hilaire, the applicant, was sworn in. He stated that his wife has lived in Wyckoff all of her life. They moved into the home at 507 Carlton Road in 2012, and they have 3 children. Mr. St. Hilaire said they would like to make the home more functional for their family. He also stated that the existing playroom on the second floor will remain a playroom, and the home will remain a 4 bedroom home.

Christopher Canzani was reminded that he was previously sworn and is still under oath. The architectural drawing were marked exhibit A-1. Mr. Canzani then provided the following details of the proposal:

The existing side yard setback on the right side of the house is 15' and will remain unchanged. The left side is 23.5' and will also remain unchanged. We are proposing a gable end on the right side of the home which will allow for additional ceiling height for the proposed office space. The other proposed addition towards the center of the second story of the house is partly aesthetic and partly functional in that it will bring natural light into an otherwise dark hallway space in the middle of the home on the second story. Other modifications to the front of the home include decreasing the height of the existing brick veneer to below water table height, new garage doors, new siding throughout, new pvc trim and new asphalt roofing. Some modifications will also be made to the interior of the home. We heard the work session comments about the septic system and the number of bedrooms, and there is no intention here to create any more bedrooms in the home. The playroom with the closet is existing and will remain a playroom. With regard to the landscaping, I have photos of what is existing on the site with species listed. Anything that is damaged during construction will be replaced in kind. The photos were marked exhibit A-2.

Mr. Tanis asked if the proposed new windows in the dormers and the gable end on the second story are egress windows. Mr. Canzani said they are not, however the windows in the front of the second story are not in bedrooms, so they would not need to be egress windows. Mr. Tanis then asked if there are egress windows in the rear of the home on the second story. Mr. Canzani stated that there are existing windows which we are not planning to replace. Mr. Tanis strongly

recommended installing egress windows on the front, in the event of an emergency, where firefighters have to get to that second floor from outside. Mr. Canzani said he would rather integrate them somewhere else where it's not going to be so visible. He went on to say that size wise, the egress windows will look out of place since the double hung windows are consistent across the house. Again, Mr. Tanis urged considering the egress windows for the new addition, as well as the children's bedrooms on the first floor, for safety reasons. Mr. Canzani said we were not intending to reframe those openings, but it could be a consideration. Mr. DiGennaro said it's a construction code issue.

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker asked for a motion on the application as submitted with the condition of the landscaping, shown on exhibit A-2, which will be replaced in kind if damaged. In addition, the Resolution will annotate that there is an existing 4 bedroom septic therefore the home is to remain a 4 bedroom home.

Ms. Rizvani made a motion to approve the application as submitted with the conditions that any landscaping damaged during construction will be replaced in kind, and the home is to remain a 4 bedroom home. Second, Mr. Messineo. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, Mr. Veskov, and Vice Chairman Ruebenacker.

Lunardoni 196 Crescent Ave. 265/70

(The applicant proposes to construct an addition to the home requiring variance relief for lot area, frontage, side yard setback and principal building lot coverage)

Mr. Garlick verified on the record that he reviewed the notice documents for this application, and all of the applications heard this evening, and they were all in order.

Thomas Lunardoni, the applicant, and his Architect Eric Kiellar were sworn in. Mr. Kiellar provided his professional credentials as a licensed Architect and was accepted as an expert in his field.

Mr. Lunardoni stated that he and his wife bought the house at 196 Crescent Avenue in 2017, and they live in the home with their 3 children. They completely intend on staying in the home however, they need more room to improve the functionality of the home for his family.

Mr. Kiellar provided the following details of the proposal:

There are a few pre-existing nonconformities with the property including the lot area, frontage, both side yard setbacks, and principal building lot coverage. We are proposing to remove an existing nonconforming deck in the rear of the home and construct a very small addition in its place with a side yard setback of 16.17'. We are also proposing an addition on the left side which will conform with the setback requirement. A front porch will also be added which will conform with the setback requirement. Our existing combined lot coverage is 17.74% and we are proposing 18.65%, which is under the permitted combined lot coverage.

Mr. Ruebenacker said this is a very straight forward application. The principal building lot coverage is increasing however the combined lot coverage will still be below the permitted 20%.

Adjustment

Mr. Kiellar said we looked at this project from a few different standpoints. We believe removing the existing nonconforming deck is a benefit to the application and to the neighbors. We tried to be respectful with the new addition on the left side and stayed out of the side yard setback. We tried to come up with something that the Board would feel comfortable approving.

Mr. Veskov said this is a very well designed addition and a great job was done maximizing the space while keeping it within the setback requirements. Mr. Messineo agreed saying it is well done.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Tanis made a motion to approve the application as submitted. Second, Mr. Joachim. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, Mr. Veskov, and Vice Chairman Ruebenacker.

There being no further business, a motion was made to adjourn the Public Session, seconded and passed unanimously. The Public Business meeting was adjourned at 10:25 p.m.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment