

**WYCKOFF ZONING BOARD OF ADJUSTMENT  
MAY 16, 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 Chairman Borst:

"The May 16, 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 the Work Session 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](http://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."*

**ROLL CALL**

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

**OLD BUSINESS**

Approval of the April 25, 2024 Work Session and Public Business Meeting minutes.

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

**PAYMENT RESOLUTION #24-05**

Mr. Joachim made a motion to approve Payment Resolution #24-05. Second, Mr. Veskov. Voting in favor: Mr. Tanis, Mr. Joachim, Mr. Veskov, Mr. Ruebenacker, and Chairman Borst. Abstained: Mr. Messineo and Mr. Hubert.

**RESOLUTIONS FOR MEMORIALIZATION****Stepe 304 Calvin Ct. 349/44**

(The applicant proposes to construct an addition over the attached garage with separate entrance from the outside requiring variance relief for a side yard setback of 5.48' to the second story addition)

Mr. Ruebenacker made a motion to approve the Resolution. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Joachim, Mr. Ruebenacker, and Chairman Borst. Abstained: Mr. Messineo, Mr. Hubert, and Mr. Veskov.

**REQUEST FOR EXTENSION OF APPROVAL****Medfield Properties, LLC 586 Overlook Drive Block 247 Lot 9**

(The applicant is requesting a second one (1) year extension of approval. The Resolution of Approval was memorialized on August 18, 2022. In 2023, the applicant requested a one (1) year extension of time due to an illness in the family and contractor issues. Work has not yet commenced, and the previously approved one (1) year extension will expire on August 18, 2024)

Mr. Hubert pointed out that this is a request for a second one year extension of the Board's approval.

Mr. Joachim said last month an applicant requested a second one year extension and the Board decided that the applicant should come back to the Board to explain what issues they are having with beginning the project.

Ms. Mitchell said the current extension does not expire until August, so there is time for the applicant to come to the next meeting.

Mr. Hubert said that based on the request email from the applicant, he personally does not feel that enough information has been provided to grant another extension. He added that the email states that they may move but they are not sure, so he would like to hear testimony about that.

Chairman Borst said it would be best to have the applicant come before the Board in June or July to provide more information about their intentions.

**CARRIED APPLICATIONS****Patel 811 Wyckoff Ave. 202.02/28**

(The applicant proposes to expand the first and second stories of the home requiring variance relief for both side yard setbacks)

Chairman Borst announced that the applicant has requested that the application be carried to the June 20, 2024 meeting pending the submission of revised plans.

NEW APPLICATIONS FOR PUBLIC HEARING**Bonamarte 392 Dartmouth St. 480/16**

(The applicant proposes to expand the second story of the home and construct a covered front porch requiring variances for front yard setback, one side yard setback, principal building lot coverage, and combined lot coverage)

Mark DiGennaro, the Township Engineer, provided the following technical report on the application:

I have reviewed the plot plan and architectural plan by Cesar F. Padilla, RA dated 12/19/23, last revised 4/14/24 sheets A1 – A3, landscape plan applicant prepared, survey by Butler Surveying & Mapping, application, and photos. The single family home is located in the R-15 residential zone and is non-conforming as to lot area, frontage, depth, front yard and side yard setbacks, accessory structure side yard setback, principal building lot coverage and combined lot coverages. The applicant is proposing a covered front porch and a second story addition requiring variance relief. The existing lot area is 9,600 sf where 15,000 sf is the requirement. Lot frontage is 80' where 100' are required and lot depth is 120' where 125' are required. The existing front yard setback is 30.9' and proposed is 29.1' to the first step where 40' is the requirement. The existing side yard setback on the left side is 19.5' and proposed is 18.5' to the overhang. The existing side yard setback on the right side is 12.4' and proposed is 11.4' to the overhang where 20' (enhanced) is the requirement for each side. The accessory structure setbacks are 13.4' rear and 2.6' side where 10' is required for each setback. The existing principal building lot coverage is 15.7% and proposed is 16.7% where 15% is the maximum allowed. Accessory structure lot coverage is 4.4% and will remain unchanged. The existing combined lot coverage is 20.1% and proposed is 21.6% where 20% is the maximum allowed. The existing building height is 22' and proposed is 30' where 35' is permitted. This application does not require Stormwater Management Plan review. The property is served by sanitary sewer.

Chairman Borst asked for clarification on the increase in the principal building lot coverage, and the measurement of the side yard setback to the roof overhang.

Mr. DiGennaro said they are adding a covered front porch, so the principal building lot coverage will increase from 15.7% to 16.7%. With regard to the side yard measurement he stated that if the house was conforming at 20', we would allow for a 1' encroachment for the soffit. Being that neither side is close to conforming, we have to measure to the farthest projection into the setback which is the roof overhang.

Mr. Ruebenacker asked when the Board is going to draw the line to prevent having houses on top of each other 10' off each other's property line. He went on to say that everybody wants to add that second floor straight up. It's easy for the homeowner, and it's easy for the architect to get the most square footage for the homeowner, but that's not what the Ordinance is about. They are proposing 11.4' to the overhang where 20' is required.

Mr. Joachim said he believes there is potential to move it over a bit.

Mr. Tanis said he has some questions about why the mass of the addition is proposed on the right side where the setback is 11.4' and what efforts were made to try to conform as much as possible.

**Factor 355 Auburn St. 469/3 Corner Lot**

(The applicant proposes to construct an inground pool and install a 6' high solid privacy fence on a corner lot requiring variance relief for accessory structure pool and shed setbacks, shed in front yard, 6' fence in front yard, accessory structure lot coverage, and combined lot coverage)

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

I have reviewed the survey prepared by Schmidt Surveying dated 8/23/23, plot plan and engineering plan by MGC Associates dated 7/15/23 last revised 4/10/24, application, photos, and landscape plan prepared by Harmony Design Group dated 1/27/24. The existing single family dwelling is situated on a corner lot in the R-15 zone and is non-conforming due to lot area, depth, front yard setbacks, side yard setback, accessory structure setbacks and location and absence of a garage. The applicant is proposing to install an inground swimming pool requiring variance relief. The lot area is 8,800 sf where 15,000 sf is the requirement in the zone. Lot frontage is 190' because it is a corner lot, so the frontage is conforming. Lot depth is 110' where 125' is required. The existing front yard setback on Auburn Street is 29.1', and 29' on Yale Avenue where 40' is required and both will remain unchanged. The existing side yard setback is 9.9' and will remain unchanged where 15' is required. There is an existing shed on the property which is will be relocated out of the right of way however the shed will remain nonconforming due to the rear yard setback of 4' where 10' is required, and the fact that the shed is in the front yard. The rear yard setback for the proposed pool is 5.4' to the pool patio where 10' is required. The existing principal building lot coverage is 17.3% and will remain unchanged where 15% is permitted. The existing accessory lot coverage is 1.6% and proposed is 7.8% where 5% is permitted. The proposed combined lot coverage is 25.1% where 20% is permitted. The submitted stormwater management plan satisfies the Township Code, and the property is served by municipal sewer.

Chairman Borst said he did not see a landscape plan included with the application.

Mr. DiGennaro said he received a landscape plan designed by Harmony Design Group dated 1/27/2024 which was received by the Township's Building Department on 1/29/2024. He shared the landscape plan with the Board.

Mr. Tanis said he believes the proposed pool is too large for this particular property. The pool itself surpasses the permitted 5% accessory lot coverage and then they are also looking to keep the shed. He said he would like to hear testimony on why they chose such a big pool on an 8,800 square foot lot. He said he would also like to know about tree removal to accommodate the proposed fence.

Mr. Ruebenacker said the fact that the proposed pool is 4' off the back yard should be addressed adding that it is just too big for the lot.

Chairman Borst agreed stating that they can definitely shrink the pool to get it 10' from the rear property line and there is no need to put a patio on the backside of the pool. He also said he would like to see more landscaping on the Yale Avenue side of the property. The Chairman brought up the fact that there is no garage on the property. He asked Mr. DiGennaro how the Town should handle this type of situation when there is an ordinance which states you must have a garage. In other words, if the homeowner wants to upgrade the property, would the Town require a garage to be added?

Mr. DiGennaro said this is a pre-existing nonconformity which predates the Ordinance. A lot of homes in Town were built without garages. The fact that there is no garage is most likely the reason they want to keep the shed.

Mr. Ruebenacker said he is not against the applicant keeping the shed however he would like to hear testimony about why the shed was installed in the front yard, in the right of way, without a permit.

Mr. DiGennaro said his understanding is that the shed may have been installed by the previous owners.

**Stahl 125 Franklin Ave. Block 208.01 Lot 75**

(The applicant proposes to install solar panels on a front facing roof which is not permitted by Ordinance unless certain requirements are met)

I have reviewed the copy of survey prepared by Christopher Lantelme, PE, LS, dated 9/6/00, Residential Solar Panel Installation Plans by Infinity Energy prepared by Michael Miele, PE dated 5/19/22, sheets PV1-5, an opinion letter prepared by Michael Miele PE. photos and an incomplete application. The applicant is proposing to install a solar panel photovoltaic roof mounted system on the roof of the existing dwelling facing the front yard and street along Franklin Avenue. The Township Code does not permit solar panels to be installed on the roof facing the front yard unless certain criteria cannot be satisfied, specifically, Solar Production Ratio (SPR) greater than or equal to 1. Based upon my analysis, the SPR for the rear facing array does satisfy the minimum SPR requirement. Therefore, it would not be justified to issue a building permit to install the panels on the front facing roof. The applicant is here tonight seeking relief from that requirement. It appears that the approval of installing front facing panel arrays would require 17 panels on a front facing roof and if they were installed in the rear, it would require 26 panels which is 9 more than required in the front. I would submit that we get testimony from the applicant's professional about that.

Mr. Joachim stated that he did the load calculations on this application, and that he agrees with Mr. DiGennaro's calculations. The solar market is completely different than it has ever been in its lifespan. There are multiple opportunities for panel sizing, different opportunities for arrays, and different size micro-inverters with boost allowance. Mr. Joachim went on to say that in reviewing the plan and the SPR limit, he is having a very hard time figuring out where they are not getting enough by placing the panels in the rear because it appears to him that it should be enough with just the rear panels.

Mr. Tanis said he was looking through the Ordinance pertaining to solar panels and was wondering if the Tesla building integrated, photovoltaic panels are permitted under the Township's Ordinance.

Mr. DiGennaro said we have issued permits for the Tesla panels because they are entire roof panels that are indiscernible as to which shingle generates solar power from which doesn't. Our discussions regarding revamping our Ordinance was to allow those types of shingle systems. However, from the analysis that I have done, their production output is far less than what you get from a solar panel array.

Mr. Joachim agreed with Mr. DiGennaro's point about the Tesla output being lower however he pointed out that the Tesla systems also have a solar retention storage unit. The system takes in

as much energy as it can and stores it to utilize as needed. Most people who are using the regular solar panel arrays today are using them to actually run their households.

Mr. DiGennaro said the firematic concerns with the Tesla roofing system is the location of the storage batteries. Those batteries are difficult to extinguish should they ignite, so we are concerned from the fire safety perspective. In the discussions we've had, the inclination was that the Tesla panels would be less obtrusive because its uniform and you can't tell the difference from a shingle roof, or a terra cotta roof, or a slate roof, or a Tesla roof so it's an aesthetic issue.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:03 pm.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment

## WYCKOFF BOARD OF ADJUSTMENT

### MAY 16, 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 Chairman Borst:

The May 16, 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

*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.wyckoffnj.gov](http://www.wyckoffnj.gov)*

*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.*

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

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

#### OLD BUSINESS

Approval of the April 25, 2024 Work Session and Public Business Meeting minutes.  
The minutes were approved during the Work Session.

#### PAYMENT RESOLUTION #24-05

The Payment Resolution was approved during the Work Session.

#### RESOLUTIONS FOR MEMORIALIZATION

##### **Step 304 Calvin Ct. 349/44**

(The applicant proposes to construct an addition over the attached garage with separate entrance from the outside requiring variance relief for a side yard setback of 4.5' to the roof overhang of the second story addition)

The Resolution was approved during the Work Session.

#### **REQUEST FOR EXTENSION OF APPROVAL**

##### **Medfield Properties, LLC 586 Overlook Drive Block 247 Lot 9**

(The applicant is requesting a second one (1) year extension of approval. The Resolution of Approval was memorialized on August 18, 2022. In 2023, the applicant requested a one (1) year extension of time due to an illness in the family and contractor issues. Work has not yet commenced, and the previously approved one (1) year extension will expire on August 18, 2024)

The matter was discussed during the Work Session. Ms. Mitchell will ask the applicant to attend either the June or July Zoning Board meeting to provide additional information pertaining to the request.

#### **CARRIED APPLICATION**

##### **Patel 811 Wyckoff Ave. 202.02/28**

(The applicant proposes to expand the first and second stories of the home requiring variance relief for both side yard setbacks)

Chairman Borst announced that the applicant has requested that the application be carried to the June 20, 2024 meeting pending the submission of revised plans.

#### **NEW APPLICATIONS FOR PUBLIC HEARING**

##### **Bonamarte 392 Dartmouth St. 480/16**

(The applicant proposes to expand the second story of the home and construct a covered front porch requiring variances for front yard setback, one side yard setback, principal building lot coverage, and combined lot coverage)

Board Attorney Garlick recused himself and stepped down from the dais. Kevin Hanly took over as the Board Attorney for the application.

Chris Bonamarte, the Applicant, was sworn in and explained why he and his wife wish to construct the addition. Mr. Bonamarte stated that when he and his wife moved into the home in 2018 it suited them fantastically. The upstairs was, and is, a big master suite which worked out nicely for them. They now have two children aged five and three, and it is not practical for the children to be sleeping on the first floor while he and his wife are on the second floor. We believe we have laid the plans out in the most practical way possible by adding some bedrooms upstairs. Nothing is being added above the sunroom on the left side of the house, or the kitchen in the rear. He went on to say that his wife grew up in Wyckoff. They love the neighborhood, love their house, and do not want to move. Finally he said that he is not going to spend hundreds of thousands of dollars to something they do not love. They love this plan, and they believe it fits into the neighborhood nicely.

Chairman Borst asked how many bedrooms are currently existing in the house.

Mr. Bonamarte stated there are 2 bedrooms on the first floor and a master suite on the second floor.



Cesar Padilla, the Applicant's licensed Architect, was sworn in, provided his professional credentials, and was accepted as an expert in the field of Architecture.

The following exhibits were marked:

A-1 Sheet 1 site plan and first floor plan

A-2 Sheet 2 second floor plan

A-3 Sheet 3 exterior elevations

A-4 Application

Mr. Padilla said we are not expanding the footprint of the house. The plan is to bring the bedrooms upstairs. The bedrooms are not oversized. They are 12' by 10' and the master bedroom is 15' by 11'. We believe we are keeping with the scale of the neighborhood as well as making the home more efficient. We are proposing four (4) bedrooms and an additional bathroom on the second floor. The reason for not bringing it in, is just to keep it in line with downstairs which we feel is more aesthetically pleasing as well as simpler and more efficient. We added the front porch to break up the two-story structure. There are a couple of other homes on the street that are full two-story homes. It is a nonconforming lot in lot area, front yard setback, side yard setbacks and lot coverage.

Mr. Joachim asked for clarification on EQ shown on sheet A-2 adding that he is looking for the total dimension.

Mr. Padilla said it means both of the kids bedrooms will be the same size, 10' by 12'.

Mr. Hubert asked if the homeowner plans to remain in the home during construction, or if the house will be gutted.

Mr. Padilla stated that it will be difficult for the family to stay in the home however the house will not be gutted. We are opening up some walls on the first floor to make the dining room larger and we are adding some walls to make a mudroom off the rear. The kitchen will stay the same. The only part of the house that will be gutted is the second floor.

Mr. Veskov asked if any consideration was given to building over the sunroom.

Mr. Padilla said getting there would push everything back due to the location of the existing stairs which are geared more towards the right side of the house. In addition, having the main house with the porch on the side is something you see on colonial style homes which is aesthetically nice.

Mr. Joachim explained that from the Boards perspective there is nothing against the design, however with the community growing so much, it's very difficult for the Board to see an addition proposed on the side that has an 11.4' setback when the other side has 18'. We have to ask if any consideration was given to shifting it over, or if all opportunities to conform were considered.

Mr. Ruebenacker said he is not comfortable with the right side of the second floor proposed at the 11.4' from the property line adding that he would want to see it stepped in at least 2 feet. He said he understands that the location of the stairs makes it a little hard on the front right bedroom however that room is going to be the fourth unused bedroom on the second floor.

Mr. Messineo pointed out that there is no closet shown on the plans for that bedroom.

Chairman Borst said some of the direction is figuring out what can be done to shift the second floor over and possibly building over the sunroom.

Mr. Padilla stated that it is a hardship from the standpoint of the stairs being where they are, and creating bedrooms that are really not habitable by reducing the size by 2 feet.

The Chairman said the lot size is a hardship however, ideally what we would like to see is the second story shifted over. This property is in the R-15 zone where you are required to be 15' off the property line. Now you are enlarging the house, so you are required to be 20' off the property line, and you are proposing the second story at 11'.

Mr. Hubert stated that he spent a lot of time on the right side of the house when he visited the property and he feels that adding that mass on the right side, with a proposed building height of 30', is a problem.

Regarding the aesthetics, Mr. Bonamarte said he feels that if the addition is shifted, and the right side is cut off, it will look silly in his opinion.

Mr. Tanis said he knew a family that lived in that house for over twenty years and raised a family of six in the house. He went on to say that the struggle with this is the fact that the enhanced side yard setbacks of 20' are in play now, which is a big jump from the proposed 11' setback. He pointed out that the other two-story homes on the street appear to be less than 2,700 square feet and that in his opinion, once you trigger the enhanced side yard setback, the hardship goes away. He added that the Town's Ordinance is meant to prevent massive houses that are close to the property line. He recommended shifting the mass over to the left where the sunroom is and softening the right side or getting the gross building area below 2,700 square feet.

Mr. Veskov said it is a little bit of a challenge for the architect, but I think you hear where we are headed with this. It is going to take some creativity and maneuverability. We understand the hardship of the undersized lot and the fact that you are trying to accommodate your growing family, however the whole Board is reiterating that the right side is going to be a hard impact for the neighbor. He recommended trying to shift the second story over if there is a possibility to do so.

After speaking with the applicant, Mr. Padilla asked the Board to carry the application to the next meeting while they try to see what they can do to lessen impact on the right side as much as possible.

#### OPEN TO THE PUBLIC

Peter Cahill, who resides at 126 Madison Avenue in Midland Park, was sworn in. Mr. Cahill stated that he is the owner of 41 Wyckoff Avenue which is two (2) houses away from the subject property. He said the existing side yard setback is a hardship and they are only going straight up. He added that it seems like it will be a nice appealing home in the neighborhood.

#### CLOSED TO THE PUBLIC

Mr. DiGennaro pointed out that the proposed gross building area, which is triggering the enhanced side yard setback, includes the 400 sf detached garage. He said if the applicant reduces the gross building area below 2,700 sf, they will still be dealing with the existing side

yard setback of 11.4' where 15' will be required. Mr. DiGennaro asked the Board to give the applicant some direction on that.

Mr. Hubert said we have had this situation before where we have been challenged by the side yard setbacks. We have sent architects back to take another look at it to see if there is a better way to satisfy the applicant's needs while trying to meet what the Board has to try to do every month. He asked that it be looked at to try to get as close as possible to the ordinance requirements to avoid the Board having to make a hard decision.

Mr. Tanis said that in his opinion when you get over the 2,700 sf it's not a hardship. He added that by being a bit more creative, they can still build a house that will suit their family, while moving some of the mass away from the right side.

Chairman Borst said they will have to remove 3/5 of the addition to get the gross building area below 2,700 sf.

Mr. DiGennaro agreed saying they will have to remove approximately 300 sf and if a bedroom is 10' by 10', that's 100 sf so that's 3 bedrooms.

Mr. Hubert said there is no way they are going to be able to satisfy the 2,700 sf threshold unless they get very creative. He reiterated the Board's previous suggestion of sliding the addition to the left.

Chairman Borst mentioned that there have been plenty of homes that have been stepped in 2 or 3 feet and in his opinion it looks better. He said to Mr. DiGennaro's point, the Board might be a little more lenient on the setback if the gross building area gets below 2,700 sf however they will not be able to achieve what they are trying to achieve by doing that. Finally he said if you can get the addition stepped in a couple of feet that would be fantastic.

The application will be carried to the June 20, 2024 meeting pending the submission of revised plans.

Board Attorney Garlick returned to the dais.

#### **Factor 355 Auburn St. 469/3 Corner Lot**

(The applicant proposes to construct an inground pool and install a 6' high solid privacy fence on a corner lot requiring variance relief for accessory structure pool and shed setbacks, shed in front yard, 6' fence in front yard, accessory structure lot coverage, and combined lot coverage)

Jeffrey and Reena Factor, the applicants, were sworn in.

Jason Werner, the Ever Clear Pools representative, was sworn in. Mr. Werner placed his credentials on the record as being a Certified Building Professional, Certified Service Technician, and a Certified Pool Operator with 20 years of industry experience.

Ms. Factor explained that she would like to have a pool to enjoy with her twin 9 year old children, her nuclear family, and her neighbors.

Mr. Werner referred to the pool site plan dated July 15, 2023, last revised April 10, 2024 and provided the following details of the application:

We are seeking variances for the construction of an inground pool, a 6' privacy fence in a front yard, accessory and combined lot coverage, accessory shed and pool rear yard setbacks, and a shed in the front yard. There is an existing 144 sf shed which will be relocated inside the property line and out of the right of way. The proposed pool with coping is 544 sf which puts us over the permitted 5% accessory lot coverage at 7.8%. With respect to the accessory structure rear yard setbacks, the shed is 4' from the property line. At the time of the home purchase, there was an existing shed in this location on the property and neither the realtor nor the attorney made the homeowner aware that no permits were obtained by the previous owner to install the shed. During covid, the applicants hired a company to remove the dilapidated shed and construct a new shed in the same location. The Factors relied upon the shed company to obtain the required permits for the new shed, however that did not happen. The proposed rear yard setback to the pool patio is 5.4' where 10' is the requirement. We are proposing a 6' privacy fence in the front yard along Yale Avenue which is well away from the corner and will not block the line of sight.

Chairman Borst asked what type of fence is being proposed.

Mr. Werner stated it is a solid, white PVC fence.

Mr. Hubert pointed out the size of the pool versus the size of the backyard and asked if they had considered a smaller pool considering the size of the backyard and the fact that the rear setback to the pool patio is only 5.4'.

Mr. Werner said the homeowners wish to maintain their existing patio off the rear of the home to accommodate a table and some chairs, which is why the pool is pushed further back. He went on to say that they are willing to reduce the width of the pool from 15' to 14' and move the pool 1' closer to the house.

Chairman Borst said that in all honesty, no one is going to use the patio on the back side of the pool. He said it would not be difficult to meet the required 10' setback if the patio was removed. He also suggested bringing the patio entertainment area out to the left side of the pool to accomplish what they are looking to do.

Mr. Werner said the applicant really wants the patio on the back side of the pool because the kids are going to be running around out there, and it will keep mud and grass out of the pool. In addition, Mr. Werner stated that there is really no support between the coping and the grass which will create a trip hazard. He asked if a 9.4' setback would be amicable.

Mr. Tanis said this is a big pool for this yard, and the pool just needs to be smaller. The pool alone exceeds the accessory lot coverage and that does not even include the shed, not to mention the fact that there is no garage on the property. He went on to say that the lot is only 8,800 sf. If the pool is 10' from the house, you will not be able to fit a table and chairs there without someone backing their chair into the pool. On the back side, you've got green giant arborvitaes that after 3 years will be hanging over the pool. He said it does not make sense to try to shoehorn this big pool into that yard.

Mr. Werner said his clients want a pool this size because they are going to be entertaining a lot of the families and children in the neighborhood.

Mr. Messineo asked Mr. Werner if he is now proposing a 9'4" rear yard setback and if they are willing to shrink the pool width by 1'.

Mr. Werner replied yes, we will shrink the pool width and also move the pool 3' closer to the house. He added that the 3' could be added off to the side to accommodate some circular tables, but the homeowners are really trying to make this a family friendly backyard.

Mr. Borst pointed out that will leave only a 10' patio which is small.

Mr. Joachim said that a few months ago the Board heard an application for a pool and the architect stated that there is a formula to figure what size pool is best for the size of the property. He went on to say that this pool seems too big for this backyard and once you start shrinking that front patio, you losing that availability for the family gatherings. He suggested working with a different shaped pool which would better suit this property such as a kidney shape or lagoon shape.

Mr. Werner said aesthetically they would like to keep the rectangular pool and they would lose about 25% of the usable surface area of the pool if they go with a freeform pool.

Chairman Borst said the maximum combined lot coverage permitted is 20% and now you are going to 25% which is a big jump, and that is what everyone is struggling with. He recommended getting rid of the patio on the back end of the pool and utilizing the side of the yard to make a larger patio area over there. The Chairman stated that as a Landscape Designer, the design does not make sense to him. In addition, you are looking to install a solid 6' fence which requires another variance, and you are going to have to soften that fence on the outside with landscaping. There is a lot going on here that does not make sense aesthetically and this is a big pool for this property.

Mr. Werner asked that the Board not take a vote on the application at this time to allow them to make some revisions.

Chairman Borst advised having the landscape architect come up with a nice plan, and possibly add a Jerith type open fence surrounded by nice landscaping instead of the white vinyl. As far as the pool size is concerned, he said you've heard the Board's comments that the pool should be smaller.

Mr. Tanis said any time this Board has approved a 6' privacy fence, we have required landscaping on the outside of the fence to screen it. He advised the applicants to speak with their landscape architect about adding some screening so that the neighbors are not looking at a 6' white wall. He also recommended bringing the pool away from the rear property line and planting something other than green giant arborvitae along the back property line because they are going to get very big.

Mr. DiGennaro said that a 6' privacy fence in a front yard requires a variance because the Township does not permit fences greater than 4' tall in a front yard. If the proposed fence is solid, that's another issue. With a 6' privacy fence in the front yard, we require screening on the street facing side of the fence and the plants must be on the homeowner's property; they cannot be in the right of way. In this case, that is going to require the fence being pushed at least 3' to 4' further onto the applicant's property. He recommended avoiding the privacy fence for that reason so the screening could be planted on the inside of the fence. He also suggested that the

pool could be shifted 6' to the left and the shed could be relocated to the right side of the backyard. He said it would be up to the Board if they wanted to grant a variance for a pool in a front yard.

Chairman Borst said he does not really have an issue with the location of the shed in the front yard once it is out of the right of way.

Mr. DiGennaro said the homeowner must apply for a permit for the shed, so it's documented as permitted and it runs with the land.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

The Chairman said the application will be carried to the next meeting and the revised plans need to be submitted at least 10 days prior to the meeting for the Township Engineer to review.

**Stahl 125 Franklin Ave. Block 208.01 Lot 75**

(The applicant proposes to install solar panels on a front facing roof which is not permitted by Ordinance unless certain requirements are met)

Robert Stahl, the applicant, and Michael LaRosa, the Infinity Solar representative were sworn in.

Mr. Stahl stated that due to the location of his house, all of his neighbors live on Van Blarcom Lane which is to the side and rear of his property. Most of the activities that take place with his neighbors face the back of his house where the solar panels will be visible. He said that his neighbor across the street on Franklin Avenue has a 100' stretch of 6' high solid white vinyl along Franklin Avenue. He opined that there is no way they will be looking at the solar panels on the front of his house.

Chairman Borst said we will listen to the presentation, but you heard the comments during the work session about our Ordinance. If the panels can go on the back of the house that is what we prefer and in this particular case we think it can be done. You are here to tell us why it can't be done.

Mr. LaRosa stated we are proposing 17 solar panels on the southern facing front roof. He asked for clarification on the Township Code 186-36.1 which states "no other solar energy system array on the property other than a front-facing solar array will generate an SPR of at least one." He explained that the proposed front facing array would have an SPR of 1.12, and the rear facing array would have an SPR of 0.72 which are the calculations provided by a Professional Engineer.

Mr. DiGennaro said he has an undated letter from Michael Miele, the Professional Engineer. The application was originally filed in early 2023 so it's been around for a while. The letter states the proposed front-facing panels will serve the current needs of the home, however it does not give me any information regarding the SPR calculations and how they came up with the SPR numbers.

Mr. Joachim pointed out that the system design sheets provided by Infinity Solar are dated 5/19/2022. He asked if there have been any types of enhancements to the household since

2022 such as A/C or appliance upgrades. He explained that if any upgrades have been made to the home, the 2022 load calculations would be invalid for what would be suitable for the load for the roof panels.

Mr. Stahl stated there have been no changes since 2022.

Mr. LaRosa stated that he believes the SPR was calculated by taking the 6.885 kilowatts of the 17 panel system in the front and dividing by the 7,720 kw hours of energy which yields an SPR of 1.12. The rear 26 panel system has a total kilowattage of 10.5 divided by the annual percentage of 7,603 which yields an SPR of 0.72.

Mr. Joachim said the provided load calculations are from 5/19/2022 and technology has been upgraded since 2022. He pointed out that if we were at the standard design for the current year, the rear facing panels might be sufficient due to the tremendous upgrades of the panels since 2022. He added that if the design was to be recalculated now, the applicant may not need to be here before the Board.

Mr. Veskov asked if the roof is going to be replaced, and if at this point we are alluding to a new updated analysis.

Mr. Stahl stated that the roof is 20 years old so it will be replaced as part of the project.

With regard to recommending an updated analysis, Mr. LaRosa said he believes it should be done, however their design team recently looked at the plan and they were still confident in this design.

To Mr. Joachim's point, Mr. Hubert suggested looking at what is available today with the explosion of solar panel technology getting smarter, smaller, and more efficient.

Mr. Tanis said that in looking at sheet PV3, which shows a cross section of the roof and a maximum rafter span chart, it shows a 2"x6" roof rafter on a 16" spacing. That being said, it looks like the roof falls short of the span it is supposed to have to hold that whole new level of weight that is going to be introduced. He asked Mr. LaRosa to get clarification on that from his Engineer.

Board Attorney Garlick asked Mr. LaRosa if he has an Engineering background. Mr. LaRosa stated that he works in the Operations Department of the Company and that he does not have an Engineering background. Mr. Garlick recommended having the Professional Engineer attend the next meeting in case the Board members of the Township Engineer have any technical questions that should be answered by a licensed Engineer.

Mr. DiGennaro said he is not sure why the Engineers letter is not dated however he believes it was provided long before the additional tables listing the SPR factors were provided. He went on to say that based on the calculation information Mr. LaRosa provided tonight, the SPR is .724 which is less than the threshold of 1. He recommended figuring out what the latest technology is and if an updated plan can work on the rear-facing roof. If not, the Engineer should issue a letter certifying that the SPR in the rear is less than 1, and we can issue the permit straight away. We will need a signed, sealed, dated letter explaining how the SPR was calculated as well as an analysis on the integrity of the roof which does not appear to be structurally sound based on what is shown on the plan.

Mr. Ruebenacker said they should be required to place as many panels on the rear of the house as possible before installing panels on the front facing roof.

Chairman Borst asked Mr. DiGennaro what happens next if they can't accomplish the goal on the back roof and if they have to fill the back roof before installing on the front.

Mr. DiGennaro replied that if the SPR is less than 1 on the back, they can obtain a permit to install all of the panels on the front.

Mr. Joachim asked what size electric panel is in the house.

Mr. Stahl stated he thinks it is 150 amps or 200 amps.

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

Chairman Borst advised Mr. LaRosa to go back to the Engineer, get some new specs, prove that you can't make it work in the back, and then you are free to go.

Mr. DiGennaro said we will carry the application with the potential to withdraw.

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 9:40 p.m.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment