

WYCKOFF BOARD OF ADJUSTMENT

JUNE 20, 2019 PUBLIC BUSINESS MEETING MINUTES

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

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

The meeting commenced with the reading of the Open Public Meetings Statement by Carl Fry, Chairman:

"The June 20, 2019 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.

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

"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 was taken.

Board members in attendance: Carl Fry, Chairman; Erik Ruebenacker, Vice Chairman; Board Members: Brian Tanis, Ed Kalpagian, Brian Hubert, Rosa Riotto Mark Borst and Kelly Conlon.

Staff present: David Becker, Board Attorney, Mark DiGennaro, Township Engineer and Maureen Mitchell, Board Secretary.

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

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Chairman Fry stated that all phones, pagers and hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

APPROVAL OF MINUTES

May 16, 2019 work session and public hearing minutes were approved during the Work Session.

RESOLUTION FOR PAYMENT #19-05

Payment Resolution #19-06 was approved during the Work Session.

RESOLUTION(S) TO BE MEMORIALIZED

COHEN, DAVID & LAUREN BLK 421 LOT 40 (RA-25) 783 Charnwood Drive
The applicant proposes to construct a 3rd bay to the existing 2 car garage, construct a master bedroom above the garage and construct an enclosed vestibule on the front of the house where an open porch exists.

FILA, GREG & DANIELLE BLK 291 LOT 10 (RA-25) 317 West Stevens Ave.
The applicant proposes to construct a two story addition/alteration to the existing residence

ULMER, KEVIN AND CHRISTINA BLK 315 LOT 2 (RA-25) 392 Frances Place.
The applicant proposes to construct a one story addition onto the rear of the existing one story home.

BROWN, WILLIAM & DEBRA BLK 178 LOT 6 (B1-A) 241 Madison Avenue.
The applicant proposes to construct a 144 square foot addition to the second floor residence to permit a new bathroom and laundry area.

SINOCCHI, ANTHONY & SALLY BLK 498 LOT 82 (R-15) 485 Baxter Ave.
The applicant proposes to construct a 2 story addition on the rear of the existing home resulting in a gross building area greater than 2700 square feet triggering the enhanced side yard setback.

RUEBENACKER, ERIK AND KATE BLK 338 LOT 7 (RA-25) 539 Chestnut Street.
The applicant proposes to construct a two story addition onto the rear of the home.

All of the Resolutions were memorialized during the Work Session.

APPLICATION(S) CARRIED

CAMACHO, JOSE AND DONNA BLK 353 LOT 7 (RA-25) 200 Hillside Avenue.
The applicant proposes to construct an addition to the existing family dwelling.
The applicant’s Attorney requested that the application be carried to the July 18, 2019 meeting to allow his client to submit revised plans.

NEW APPLICATIONS

PAMA WOOD WORK 374 Oakwood Dr. BLK 250 LOT 40
The applicant proposes to utilize the existing foundation to construct a new home.

Levi Kool, the Attorney for the applicants, came forward. He is with the firm Huntington Bailey. Mr. Kool stated that the applicants, Mr. and Mrs. Paluch are the sole owners of PAMA Woodworking and they plan to reside in the subject home

once the renovations have been completed. Mr. Kool clarified that the application has been amended to reflect that this is a C-1 Hardship variance request not a C-2 Flexible as indicated on the submitted application. He then introduced the applicant's Engineer.

Engineer David Hals was sworn. His office is located at 9 Post Road in Oakland New Jersey and he is a licensed Professional Engineer. Board Attorney Becker stated that Mr. Hals has been before this Board numerous times and he accepted his credentials as a Professional Engineer.

Mr. Hals provided the following summary of the application:

The property is located on the southerly side of Oakwood Drive. It is 90' wide by 164' deep and contains 14,760 square feet where the minimum lot size requirement is 25,000 square feet. The existing lot is undersized in terms of lot area as it is approximately 60% of the required lot size of the zone it is located in and it is only 90' wide where the requirement is 125'. The existing dwelling on the property is in disrepair and the house is not centered on the lot. It is positioned to the easterly side of the lot resulting in an existing side yard setback of 9.3' on the east side of the property where 20' is required. The applicant is proposing to renovate by taking the existing wood structure down to the foundation and utilizing the foundation upon which to construct a new home. A new 2 car garage is proposed on the left side of the home, as well as an addition to the front of the house, the covered porch will be extended into the front yard setback by 2' and there will be additions to the rear of the home including a covered patio where the screened porch currently exists.

The existing principal building coverage is 11% and the proposed building coverage is 18.3% with 15% being the maximum allowed. The existing front yard setback is 44.6' and the applicant is proposing to construct an extended front porch with portico which will result in a front yard setback of 36' where 40 is required. The proposed 2 car garage addition to the left side of the home will result in a side yard setback of 5' where the existing setback is 9.3'.

Lastly, Mr. Hals stated that the proposed garage, which will result in a 5' side yard setback, will be one story and the proposed second story addition will maintain the existing 9.3 side yard setback.

Chairman Fry asked Mr. Hals to clarify how much of the existing structure will be taken down as the submitted application states that the existing foundation and first floor will be utilized to construct a new home. The Engineer affirmed that the entire wooden structure will be demolished down to the foundation which will be utilized for the new home construction. Mr. Hals added that new areas of foundation will also be added to construct the garage, mud room and back porch. Chairman Fry made the assertion that in light of the fact that the entire structure will be torn down and there will be modifications made to the foundation, there is an opportunity to create a design which does not result in a 5' side yard setback; adding that the 5' is a non-starter in his opinion. He recommended constructing a one car garage instead of a 2 car garage like many other home in that neighborhood or possibly constructing a detached 2 car garage in the rear yard. Mr. Hals stated that they looked at other options for the placement of the proposed garage and none were feasible.

Board Member Kalpagian said that he is struggling with the fact that the applicant is proposing to further exacerbate the existing non-conformity on the left by constructing a 2 car garage. He also expressed concerns that there may be deficiencies with the existing foundation.

Vice Chairman Ruebenacker pointed out that the existing Ordinance regarding the Township's dimensional requirements has been in effect for approximately 4 years and that prospective buyers of homes in disrepair should avail themselves of this information to prevent this type of problem. He added that it puts the Board in a very difficult position when an applicant comes before the Board with a massive home design for a very undersized lot.

Township Engineer DiGennaro asked Mr. Hals if the existing foundation has been inspected. Mr. Hals stated that the architect inspected it and he is not in attendance. Mr. DiGennaro pointed out that the house has been vacant and in disrepair for at least 13 years. He said that he could not access the inside of the home because the floors are rotted and he is concerned that the existing foundation may not be viable. If it is not viable, and the foundation has to be replaced, the applicant will then have the opportunity to center the proposed house on the lot and still have approximately 15' side yard setbacks on both the right and left of the structure. Lastly, Mr. DiGennaro said that he believes it is extremely important to determine the condition of the existing foundation before any commitment to construction is made.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Board Member Borst suggested that the Board might be agreeable with the design if the second garage bay is eliminated thereby keeping the home at the existing side yard setback.

Chairman Fry stated that if the foundation is not sound it will be a clean slate and the applicant can focus on staying outside of the the setback.at 15 or 20 feet.

Board Attorney Becker announced that the application will be carried to the July 18, 2019 meeting and the applicant will not have to re-notice.

SAVITT, DAN & CHRISTINA 582 Cresthaven Rd. BLK 245 LOT 95

The applicant proposes to construct an in ground swimming pool and a sports court.

Board Member Borst recused himself and stepped down from the dais.

Harold Cook, Attorney for the applicant, stepped forward. He explained that there were some calculation inaccuracies in the original application submission which have been corrected. The revised plan is what has been provided to The Board Members for review in advance of this meeting. Mr. Cook stated that the application is for a flexible (C-2) variance. He went on to say that while the proposed sports

court is considered an accessory structure according to The Township of Wyckoff Code, it is different from an accessory structure. Wyckoff's Ordinance, with respect to accessory structures, makes no distinction between a pool cabana of this size or a sports court. If this were a pool cabana, it would have a much greater impact on the property. The sports court is a basketball court at grade similar to a driveway. He added that if this were simply an extension of the backyard patio, it would be permissible. He asked that the Board take into consideration the fact that the construction will not exceed the maximum allowed impervious coverage and a landscaping plan has been submitted which will screen the court from the neighbors. Mr. Cook then introduced the applicant to provide testimony regarding the size of the proposed sports court.

Daniel Savitt was sworn. He said that the size of the proposed court was based on the idea that it would allow the ability to have a 3 point line for shooting a basketball. The ability to have a full 3 point line with room to move around drove the design. Chairman Fry stated that the applicant has an oversized lot so the fact that the proposed design will result in lot coverage exceeding the 20% maximum allowable is concerning. He asked Mr. Savitt if the size of the court could be reduced to get below the 20% requirement; adding that it would be approximately a 280 square foot reduction in size. Mr. Savitt explained that the court size could of course be reduced however that would take away from the purpose of what he is trying to accomplish. Mr. Fry said that the Board would have an easier time reviewing this if you were not exceeding the 20% maximum allowed lot coverage.

Board Member Kalpagian asked if the basketball hoop could be placed on the side. Mr. Savitt replied that the 3 point line would not be achievable with the hoop in any other location.

Board Member Cicerchia suggested that placing a mobile basketball pole with hoop on the court in lieu of a permanent pole would negate the sports court from being considered an accessory structure.

Township Engineer DiGennaro recommended that the Board stipulate that no fences or barrier walls are to be constructed around the sports court. Enclosing the area would make it more obtrusive.

Board Member Hubert mentioned that the plan indicates that lighting will be installed near the court and asked for clarification as to what type of lighting is permissible. Mr. DiGennaro stated that there is a height limitation and LED lighting must be less than 3000 Kelvin. Most importantly the lighting cannot impact the neighbors. He suggested that The Board stipulate in the Resolution that there will be a period of 6 months whereby the lighting can be assessed and the neighbors will have the ability to voice any concerns they may have regarding the impact of the lighting. Mr. Cook stated that the applicant will stipulate that the lighting selected can be at the discretion of Township Engineer DiGennaro.

Dave Beasley, the Landscape Designer, was sworn and gave the following summary of the landscape plan he designed for the applicant: 6' Green Giant Arborvitae have been planted along the side property lines and 6'-7' Serbian Spruce have been planted across the back property line. The Green Giant Arborvitae will grow to approximately 30'tall and 10' wide. The trees are installed and will provide adequate screening for the neighbors.

Board Member Tanis asked how large and how quickly the Serbian Spruce will grow. Mr. Beasley stated that they will grow to a maximum of 30' tall at a rate of approximately 8" per year. The Arborvitae's will grow at a rate of approximately 12" – 18" per year.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Lastly, Vice Chairman Ruebenacker advised Mr. Savitt that if The Board were to approve the application for the proposed sports court, he must understand that he cannot add another square foot of accessory structure to his property as he will already be exceeding the 20% maximum lot coverage. Mr. Savitt stated that he understood.

Mr. Ruebenacker made a motion to approve the application for 582 Cresthaven Road, block 245 lot 95 with the following stipulations:

1. No walls, fences or barriers will be erected around the perimeter of the sports court.
2. There will be a 6 month assessment period for the lighting and the type of lighting selected may be at the discretion of Township Engineer DiGennaro.

Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Borst, and Mr. Ruebenacker. Not in favor, Chairman Fry.

RAPPAPORT HOMES LLC 300 Cedar Hill Ave. BLK 352 LOT 1

The applicant proposes to construct a second story addition to the home.

Board Member Borst recused himself and stepped down from the dais.

Harold Cook, the Attorney for the applicant, came forward to address The Board. He stated that the application is for a hardship variance and a flexible variance. The hardship aspects are that the property is a corner lot with 2 front yard setbacks. Secondly, there is a pre-existing, nonconforming, legal structure on the property which encroaches into the front yard setback. The fact that the applicant is adding a second story over the encroaching portion of the home, they require a variance. The flexible variance is due to the desired aesthetics of the proposed design. Mr. Cook added that there are also structural deficiencies which affect the proposed design of the home which Mr. Brown, the Architect will explain when he provides testimony.

William Brown was sworn. He gave the following overview of the proposed project:

There is some history in the home and it is estimated that it may date as far back as the 1850's based on what was found after the removal of plaster and lath. There was also beautiful old 10" molding in the home which had to be removed due to the amount of lead paint on it.

The existing foundation is fieldstone and needs to be repointed and parched on the inside. The framing on the first floor is in fairly good condition with the exception of the front left corner which is completely rotted and all of the studs and walls there will need to be replaced. The floors on the second story need to be replaced as well as the roof.

Mr. Brown then presented photos taken of the interior of the home which show the existing roof lines, ceilings and deteriorated walls on the side of the house facing Cedar Hill Avenue. The photos were marked as exhibit A-2.

Mr. Ruebenacker inquired about the porch in the rear of the house. Mr. Brown said that the porch is in good condition and will remain. New windows, siding and roofing will be added. The footings and foundation are sound.

Chairman Fry commented that he was expecting to see a historic home renovation but this has turned into something completely different. He added that what is proposed is now a modern farm house, almost doubled in size from the original home and it is just 5 feet from the road. Mr. Brown stated that his intention is to preserve as much of the historic charm of the home by using some of the same materials. He is proposing to add to the old structure and bring it back to life. The intent is to have 4 bedrooms and 3 bathrooms on the second floor. Mr. Brown also stated that they are not adding any additional square footage of living space on the first and second floor; the plan is to reconfigure and renovate.

Chairman Fry expressed concerns about the foundation, as it appears to be in poor condition. He believes that with the extent of construction that is being proposed, a thorough investigation of the viability of the foundation should have been done. Mr. Brown affirmed that the foundation is fine and he is not the least bit concerned about the foundation. The areas of concern are the rotted walls on the left front and the condition of the beams between the first and second floors.

Board Member Tanis recommended removing the sun room from the back of the house to get the home further out of the setback considering there is a proposed dining room and an office on the first floor. It was agreed that the sun room will be removed resulting in a 20' setback.

The Board Members expressed concern with the height of the proposed roof peaks and asked if something could be done to lower the height. Mr. Brown stated that there are some changes he could make to reduce the height. Vice Chairman Ruebenacker said that he is struggling with the height of the left roof line and asked Mr. Brown how much it could be lowered while still accomplishing what he is trying to obtain.

A deliberation ensued between the Board Members and the Architect with regard to making revisions in the height of the proposed home. It was agreed that the gable on the left will be reduced to approximately 11', the main roof will be lowered by 2' and the height of the gable on the right side will be 13' from the ceiling joists of the first floor. The first floor will have 8' ceilings.

The landscape plan will be revised to add plantings to the left side and a fence will be added to the plan which will be 15 feet from the property line as recommended by Township Engineer DiGennaro.

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Steven Domingues of 287 Newtown Road was sworn. He expressed concern about the aesthetics of the proposed new home and would not like to see the historic charm completely go away. He added that he is familiar with Mr. Brown's work and is sure he will do a nice job.

CLOSED TO THE PUBLIC

The application will be carried to the July 18, 2019 meeting and revised plans will be submitted no later than 10 days prior to the meeting.

PACANOVSKY-NOLAN, KIM 322 Village Place BLK 289 LOT 19

The applicant proposes to construct a portico over the front entry way.

Kim Pacanovsky-Nolan was sworn. She stated that the subject dwelling is a 1950's ranch on a nonconforming lot. The existing lot size is 15,747 square feet where 25,000 is required and the existing frontage is 100' where 125' is required. Existing side yards #1 and #2 are 8.9' and 12.9' respectively, where 20' is required on each side.

The applicant went on to explain that the concrete front steps, which are exposed to the elements, are badly degrading and spawling as a result of rain, snow and ice in addition to the use of salt on the steps in the winter time. She said that as a result of the icing on the stairs last winter her husband fell and hit his head which resulted in a visit to the Emergency Room. Ms. Pacanovsky-Nolan stated that she would like to replace the degraded front steps and construct a portico over the entryway to provide protection from the elements and a safer entrance to the home.

Chairman Fry stated that The Board does consider safety as a benefit when considering granting a variance. In addition, the proposed front entry portico will not further encroach into the front yard setback and all other existing setbacks will remain unchanged.

OPEN TO THE PUBLIC

NO ONE APPEARED

CLOSED TO THE PUBLIC

Board Member Hubert made a motion to approve the application for 322 Village Place as submitted. Second, Mr. Tanis. Voting in favor: Mr. Kalpagian, Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

PECK, KAREN 130 Wyckoff Ave. (Corner Annette Ct) BLK 462 LOT 41
The applicant proposes to expand the first second stories of the home.

Peter Cooper, the applicant's Architect, was sworn. The Board accepted his credentials as a Professional Architect. Mr. Cooper gave the following overview of the application:

There is a proposed addition to the back of the existing structure to enlarge the kitchen, dining area and living room as well as adding a mud room and enclosed porch. The applicant is also proposing an addition to the second floor to include a new master bedroom and bathroom. This is an existing, small 2 bedroom house with 1,366 square feet of living space. The lot is nonconforming at 16,841 square feet where 25,000 is required in the zone. The lot width is also nonconforming at 100.2' where 125' is required. In addition, this is a corner lot with 2 frontages; Wyckoff Avenue and Annette Court. Front yard #2 which faces Annette Court has an existing setback of 36.8' where 40' is required. These nonconformities created the need for the variance relief. At this time, Mr. Cooper introduced the applicant/owner, Karen Peck.

Karen Peck was sworn and gave the background story of the need for the expansion of her home. She stated that she and her young daughter have been living in the house since she purchased it approximately 2 years ago. She would like to remain in Wyckoff to raise her daughter. Ms. Peck stated that she recently became engaged and her fiancé has 2 young daughters who will be spending time staying in the Wyckoff home. The existing 2 bedroom home is too small to accommodate the blended family. Ms. Peck said that she and her fiancé considered moving however the cost of a larger home in Wyckoff would be prohibitive and she desires to stay in the town.

Chairman Fry stated that his initial concern with the application is the fact that the addition will encroach further into the setback of front yard #2 on the right side which is already nonconforming. Mr. Cooper stated that they had considered a design with the bulk of the addition on the left side of the existing home however it would have greatly impacted the neighbor to the left. He then presented photos of numerous houses along Wyckoff Avenue that are situated on corner lots and appear to be nonconforming on the right side (second front yard) as well. A landscape plan was also presented which was acceptable to the Board.

Finally, there was a discussion regarding the driveways. There are currently driveways on both Wyckoff Avenue and Annette Court. The applicant is proposing to remove the large driveway coming off Wyckoff Avenue; the driveway to Annette Court will remain and may be widened slightly.

OPEN TO THE PUBLIC
NO ONE APPEARED

Adjustment

CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve the application for 130 Wyckoff Avenue BLK 462 LOT 41 as submitted. Second, Ms. Riotto. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Riotto, Mr. Hubert, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

KANNING, MICHAEL 17 Colonial Dr. BLK 261 LOT 14

The applicant amended the original landscape plan which was approved by The Board on October 19, 2017.

Michael Kanning and Taline Kundakji, the applicants, were sworn.

Board Member Tanis recused himself and stepped down from the dais.

Chairman Fry stated that he reviewed the original landscape plan which was submitted and approved by the Board in 2017 then compared it to the revised landscape plan that is currently being proposed and was very surprised at how lacking in plantings the front and sides of the house are as represented on the revised plan. He also commented that the revised landscape plan does not show adequate screening around the A/C units.

Ms. Kundakji admitted that she assumed that the side yard fence was screening the units from her neighbor however she will add more plantings to completely screen the units.

With regard to the side yard plantings, Mr. Kanning stated that the right side of the house does not get a lot of sun and the back corner stays very wet most of the time. He would prefer to plant 6 or 7 feet back from the front corner of the house along the foundation and not carry the plantings all the way to the back corner due to the moisture issue.

Ms. Kundakji said that if the Board wants plantings along the entire side of the house, they will do what is recommended.

Board Member Borst asked why the applicants did not adhere to the original landscape plan which was approved by the Board in 2017. He asserted that the applicants took the liberty to disregard the approved landscape plan including changing the design of the front walkway. In addition, the Board had requested that 3 shade trees be planted in the front yard as stated in the Resolution, and this was not done. This was an important condition of the approval because so many trees were cleared from the property during the construction. Ms. Kundakji stated that she was under the impression that the 2 trees they planted in the front yard were shade trees; one is a cherry tree and the other is a pear tree. Mr. Borst reminded the applicants that the approved plan called for 3 October Maple Glories in the front yard.

Ms. Kudakji explained that she and Mr. Kanning realized after the home renovation was completed, that the original landscape plan would overwhelm the property and take away from usable space in their yard. They have planted 19 green giant arborvitaes along the back property line where the original plan called for 53 to be planted along the entire rear yard perimeter. Mr. Kanning stated that he did not feel it was necessary to plant the arborvitaes along the 2 sides of the rear yard as there is solid fencing there.

Ms. Kudakji professed her desire to follow the recommendations of the Board at this time so the matter can be resolved and they can obtain a Certificate of Occupancy for their home.

In summary, the Board Members made the following recommendations:

Adjustment

1. Two Dwarf Alberta Spruce trees to be added to complete the screening of the A/C units.
2. Little Leaf Hollies and False Spirea to be planted along both sides of the home from front to back. Blue Angel Hostas will also be added to the plantings on the left side of the home.
3. Little Leaf Hollies and Big Blue Lily Turf will be planted along the front walkway.
4. The existing Cherry tree and Plum tree will be replaced with 2 October Maple Glory trees in the front yard out of the right of way.

The applicants were advised to submit a revised landscape plan which reflects the recommendations made by the Board. The revised plan will be reviewed by Township Engineer DiGennaro for completeness prior to the August Zoning Board meeting at which time the Resolution may be memorialized.

The applicants were also advised to begin work on the landscaping as soon as possible as their Temporary Certificate of Occupancy expires on July 31, 2019.

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NO ONE APPEARED
CLOSED TO THE PUBLIC

Board member Hubert made a motion to approve the application with the items of discussion that were agreed upon during this meeting. Second, Vice Chairman Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

There being no further business, a motion was made to adjourn the Public Session Meeting, seconded, and passed unanimously. The Public Business Meeting was adjourned at 11:50 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment