

WYCKOFF BOARD OF ADJUSTMENT

AUGUST 15, 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 Chairman Carl Fry:

"The August 15, 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.

Board Members absent: Louis Cicerchia

Staff present: Harold Cook, Substitute Board Attorney 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

July 18, 2019 work session and public hearing minutes were approved during the Work Session.

RESOLUTION FOR PAYMENT #19-08

Payment Resolution #19-08 was approved during the Work Session.

RESOLUTION(S) TO BE MEMORIALIZED

RAPPAPORT HOMES LLC 300 Cedar Hill Ave. BLK 352 LOT 1
The applicant proposes to construct a second story addition.

73 HARDING ROAD LLC 73 Harding Road BLK 263 LOT 56
The applicant proposes to renovate the existing home and add a second story.

The 2 Resolutions were memorialized during the Work Session.

APPLICATION(S) CARRIED

PAMA WOOD WORK 374 Oakwood Dr. BLK 250 LOT 40
The applicant proposes to utilize the existing foundation to construct a new home. It was announced during the Work Session that the application will be carried to the September 19, 2019 meeting.

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.

Bruce Whitaker, the applicant's Attorney, provided a brief summary of the revised plans. He stated that he heard the comments made by the Board Members during the Work Session and believes his client has met all of the concerns with the newly revised plans. He announced that 3 of the 4 sheds have already been removed. The landscape plan does not reflect that the sheds have been removed however it can be stipulated that a revised landscape plan will be submitted which will show only 1 shed remains. The walk-out basement has been eliminated so that the 3 story condition that was in the original application no longer exists. No new variances are being requested as it pertains to the proposed addition. There is a pre-existing nonconformity in that there is frontage of 100' where 125' is required and a front yard setback of 35.2' where 40' is required which will remain unchanged. The other concern the Board Members voiced at the initial hearing on May 16, 2019 pertained to the pond in the right of way. Mr. Whitaker stated that he has been in contact with Robert Landel, the Township of Wyckoff Attorney, who prepared a Township Indemnification Agreement which will be executed by his client and submitted to the Township Committee. Mr. Whitaker introduced the applicant's Engineer, Tyler Vander Valk.

Mr. Vander Valk was sworn. He is employed by Houser Engineering located at 1141 Greenwood Lake Turnpike in Ringwood, NJ. He has previously appeared before this Board and he was accepted as an expert in Engineering. Mr. Vander Valk stated that the applicant proposes to construct additions to the left side and rear of the existing home. The addition of a new single car garage is proposed for the left side of the home. The driveway will be widened slightly in that area and curbing will be added. Stormwater management was designed to result in zero increase in runoff. The runoff will be directed to the proposed dry well to the rear of the property. The new 5 bedroom septic system has been designed and approved for the proposed increase in the

number of bedrooms. The existing, southern side yard setback is nonconforming at 3.6' which was granted by variance to the previous homeowners in 2001. None of the existing nonconformities will be exacerbated by the proposed addition. Mr. Whitaker asked Mr. Vander Valk to address the concerns expressed by The Board regarding drainage; specifically on the right side of the property.

Mr. Vander Valk stated that a catch basin with a grate is proposed in the easterly corner of the driveway to collect any runoff coming down the driveway. The catch basin will prevent the runoff from pouring onto the neighboring property to the east. Curbing will be installed however Mr. Vander Valk said that he does not plan to carry the curbing all the way to the corner of the house as suggested by Mr. DiGennaro. In his report, Township Engineer DiGennaro recommended that the Belgium block curbing should wrap the entire driveway and tie into the corner of the house to ensure runoff is contained and directed into the stormwater management system and not onto the adjacent property as it currently does. Mr. Vander Valk stated that he feared this would create a tripping hazard. He added that he would set the grate lower in that area to ensure that all runoff will be directed to that area.

Vice Chairman Ruebenacker asked where all of the runoff water directed to the proposed drain will go. Mr. Vander Valk said that the drain will be tied into the dry well system. The plan is to trench across the driveway to the left side of the house and pipe the water into the other proposed catch basin which will be installed near the new single car garage addition on that side. The water will then flow towards the proposed 500 gallon seepage pit in the rear of the property. Chairman Fry expressed concern that leaves and debris will collect on the top of the catch basin's grate and water will run over the top and on to the easterly neighbor's property as is the current situation.

Chairman Fry asked if all of the leaders will be directed to the proposed 500 gallon seepage pit in the rear. Mr. Vander Valk stated that the catch basins in the right front and left front as well as the 3 leaders on the rear of the home will be directed to the seepage pit. Mr. Fry asked if the 500 gallon seepage pit will be sufficient. Mr. Whitaker commented that it meets the Township's stormwater management requirements according to Township Engineer DiGennaro's report. Mr. Ruebenacker also expressed concern about the ability of the 500 gallon seepage pit to capture the amount of water that could potentially flow from the street down the driveway. Mr. Vander Valk stated that the proposed seepage pit is designed to handle the increase as required by the Ordinance, adding that if more water flows there than it is ready to receive, it will go through the overflow and discharge to the back of the property.

At that point, Mr. Vander Valk presented the landscape plan. He stated that the plan, designed by Horizon Landscape dated July 16, 2019, proposes plantings along the northerly boundary line adjacent to the addition which will provide some screening along the property. Towards the front, 7'- 8' green giant arborvitaes will be planted in a staggered fashion to approximately the center line of the proposed addition on the left side. Beyond that, there will be a line of 11 viburnums of 10 gallon size planted. There will also be a number of new plantings around the pond area to provide a more

appealing view of that area from the street. As the property drops off towards the rear of the proposed addition where more foundation will be exposed, a number of shrubs and foundation plantings will be planted. Board Member Borst stated that the landscape plan is satisfactory.

Cathy Benson, the Architect was sworn. She explained the changes that were made to the architectural. A new basement will be constructed which will have windows towards the back to let in light however there will be no walk-out. There will not be a bedroom in the basement. On the first floor, 2 new bedrooms, a new bath and a private family area will be added. The existing first floor living room and kitchen will remain. There will be stairs leading up to a new study above the proposed garage. There is another flight of stairs that go up to the existing 2 bedrooms and 2 bathrooms. Mr. Kalpagian asked if the entire house will be resided when the addition is complete or just the new sections. Ms. Benson said that the entire house will be resided with materials to be determined.

OPEN TO THE PUBLIC

Joan Muscara of 196 Hillside Avenue was sworn. She lives on the property to the right of the applicant. Ms. Muscara provided photos of the property which were marked as exhibits IP1 – IP5. Ms. Muscara asked if the entire front of the property will be black top. Chairman Fry explained that the plan shows an additional 10' of macadam will be added to the driveway area where the proposed one car garage will be added. Ms. Muscara stated that the applicant's fence and gate on the right side of their property were installed on her property. Mr. Whitaker announced that his client will remove the fence and the gate from Ms. Muscara's property.

CLOSED TO THE PUBLIC

Board Member Borst inquired about the pile of stones and cement in the front of the house between the driveway and the foundation. He stated that the Engineering plan does not show what is located in that area where the cemented wall of rocks exists. Mr. Whitaker stated that the rocks and cement will be removed and landscaping will be added.

Mr. Ten Kate said that he is still not satisfied that the runoff issues on the front, right side of the house have been properly addressed so as to prevent water from flowing onto the neighboring property. He recommended extending the Belgium block curbing down the driveway and along the pavers on the right side of the house. Mr. Borst said that the Belgium block curb must at least be carried to the corner of the house. Chairman Fry emphatically agreed. Mr. Vander Valk said he will follow the recommendation.

Board Member Borst made a motion to approve the application for 200 Hillside Avenue with the stipulation that the fence and gate will be removed or moved off of the neighbor's property, a revised landscape plan is to be submitted which reflects the

removal of 3 nonconforming sheds, the removal of the cement and rock wall along the front foundation, landscaping to be added to the front foundation, Belgium block curbing to be extended from the driveway to the right front corner of the house and the applicant is execute the Indemnification Agreement. Second, Ms. Riotto. Voting in favor: Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

NEW APPLICATION

DANIEL TUBB 260 Wyckoff Avenue BLK 352 LOT 35.01

The applicant proposes to install a pool patio resulting in a 12' side yard setback where 20' is required.

Daniel Tubb, the applicant and owner of the property located at 260 Wyckoff Avenue, was sworn. Mr. Tubb stated that he obtained permits to install a 40' by 16' in-ground pool as well as a 6' by 8' spa in his back yard without variances. Tyler Vander Valk of Houser Engineering provided the layout, grading and soil erosion/sediment control plan which showed that the pool and spa were conforming to the rear and side yard setbacks. After the pool was constructed, and the pool patio was being installed, it was discovered that the patio was encroaching into the rear yard setback by 8' creating a 12' rear yard setback where 20' is required. Once this was realized, the work on the patio was halted and a variance application was submitted to allow the expansion of the pool patio into the rear yard setback. The applicant is proposing a 12' rear yard setback to allow for 8' of patio at the rear of the spa.

Brian Tanis stated that a 12' rear yard setback is concerning since the applicant chose to install a very big pool in a very small space and has now decided to expand the pool patio into the setback. Mr. Tanis suggested that a 15' rear yard setback would be a more acceptable compromise. Vice Chairman Ruebenacker agreed, stating that this is a challenge due to the fact that it is not a hardship. Chairman Fry asserted that the patio should be installed no closer than 15' from the rear property line.

Vice Chairman Ruebenacker made a motion to approve the application for 260 Wyckoff Avenue with the condition that the paver patio will not encroach any closer than 15' to the rear property line. Second, Mr. Tanis. Voting in favor: Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

GAF CONSTRUCTION, LLC 770 Birchwood Drive BLK 430 LOT 4

The applicant proposes to construct a new single family home on a nonconforming lot.

Bruce Whitaker, Attorney for the applicant, came forward. He stated that the applicant is proposing to construct a new home on a nonconforming lot. The lot is deficient in lot area at 22,595 square feet where 25,000 is required and 112.97' of frontage where 125' is required. The applicant is seeking no additional variance relief for the construction of the new home. Mr. Whitaker called upon the applicant's Engineer to provide the technical details of the proposal.

Bruce Rigg of Rigg Associates was sworn. He is a licensed Professional Engineer in the State of New Jersey. Mr. Rigg addressed sheet 1 of the plan dated May 17, 2019. He stated that the existing home, garage and shed are to be demolished and a new single family conforming dwelling will be constructed on the site. There are numerous overgrown shrubs in the rear yard that have not been trimmed in 20 years that are to be removed. Township Engineer DiGennaro's report referred to dead trees along the rear property line however those trees are on the adjacent property not the applicant's property. The row of evergreens to the easterly side are on the neighboring property and will remain. There is an existing railroad tie wall that runs through the property which will be removed and that area will be regraded. To the west of the existing garage there is a masonry retaining wall on the adjacent property that benefits the applicant however it is in disrepair. The applicant proposes to regrade the area to hide the wall from view. The driveway will grade out to the road where there is a storm drain. All of the roof leaders will drain to 2 proposed seepage pits which will retain approximately 4,000 gallons of water and are designed to meet the Township requirements.

Board Member Borst inquired about the amount of soil that will dug out for the new foundation. Mr. Rigg stated that approximately 240 yards of soil will be dug out and used to level out the back yard area. Chairman Fry asked Mr. Rigg how the runoff will be controlled once the railroad tie wall is removed since the subject property slopes to the adjacent property at a 6' pitch. Board Member Borst and Chairman Fry expressed great concerns about the potential increase in runoff once the lot is cleared due to the fact that the entire property pitches towards the lower neighboring property. Numerous options were discussed to prevent a runoff problem including creating a swale, adding a drywell, installation of French drains and constructing a retaining wall. Mr. Whitaker stated that his client will resolve any drainage issues by submitting various plan options to Boswell Engineering for review and recommendation.

Chairman Fry pointed out that the landscape plan and the engineering plan are conflicting as to where the air conditioning units will be placed. Mr. Rigg stated that the landscape plan reflects the correct location.

Phillip Finamore, the applicant's Architect, presented the landscape plan on behalf of the landscape designer, Larchstudio. He stated that the generator and air conditioning units will be screened by a 7'-8' Colorado blue spruce, skip laurels and American boxwood. He said that the primary focus of the landscape plan is ground cover and foundation cover which has been kept simple and tasteful and will provide color throughout the year. Mr. Finamore then gave an overview of the Architectural Plans. He stated that the proposed dwelling will be a 4 bedroom, 3 ½ bath home with 4,315 square feet of living space, a gross building area of 5,080 and a height of 34.7'. The home will also have a 3 car, side load garage. The exterior will be finished with hardy plank and natural stone in neutral colors.

OPEN TO THE PUBLIC

Christian Beane of 760 Birchwood Drive came forward and was sworn. He stated that he wants to be assured that the line of trees between his property and the applicant's property will not be removed. The applicant's Professional stated earlier that the trees will remain which pleased Mr. Beane.

Edward Torack of 765 Birchwood Drive came forward and was sworn. He said that the line of trees in question has been in that location forever and they provide a nice buffer. He concurs with Mr. Beane that the trees should not be removed.

CLOSED TO THE PUBLIC

Chairman Fry announced that the application will be carried to the September 19, 2019 meeting and listed the items that need to be addressed for the next meeting as follows:

- Drainage issue options to prevent runoff will be presented to Boswell Engineering
- A revised landscape plan will be submitted which identifies and labels the line of trees as discussed will remain and be protected during construction, screening added to the right side of the property, the 28" oak is to remain as discussed
- Identify who owns the fence in the rear of the property
- Plot Plan will be revised to reflect the generator and air conditioning units in the correct location
- Clarify the status of the retaining walls on the left and the right sides of the property

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 11:20 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment