

WYCKOFF BOARD OF ADJUSTMENT

NOVEMBER 21, 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 Fry:

"The November 21, 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: Mark Borst, Brian Tanis, Ed Kalpagian, Brian Hubert, Rosa Riotto and Kelly Conlon.

Board Members absent: Louis Cicerchia.

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 handheld electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

APPROVAL OF MINUTES

The October 17, 2019 work session and public hearing minutes were approved during the work session.

RESOLUTION FOR PAYMENT #19-11

Payment Resolution #19-11 was approved during the Work Session.

RESOLUTION(S) TO BE MEMORIALIZED**PRIYANA HOLDINGS, LLC** 440 Lake Road BLK 202.02 LOT 16

The applicant proposes to expand the first floor and add a second story to the existing home. The existing detached garage will be demolished.

JAMES ARNOLD CONSTRUCTION 361 Cornell St. Block 474 Lot 23

The applicant proposes to construct an addition of an attached single car garage.

The Resolutions were approved during the Work Session.

APPLICATIONS CARRIED**CASTRO, HUGO** 43 Park Avenue BLK 278 LOT 24.01

The applicant proposes to renovate the home and expand the second story.

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

At the October 17, 2019 meeting, the Board Members expressed concerns with the application; specifically, the 3.7' side yard setback on the right. Suggestions and recommendations were made by Members of the Board who struggled with the proposal as submitted with all of the mass on the right side with the 3.7' setback. After a lengthy deliberation and careful consideration, Chairman Fry advised Ms. Paredes to consider the Board's suggestions and recommendations and submit revised plans. He announced that the application will be carried to the November 21, 2019 meeting. Ms. Paredes took the recommendations under consideration, submitted revised plans and came forward to explain the changes as follows:

The revised plans were marked exhibit A-3. The 1 ½ story, right side of the home with the 3.7' setback will remain at 1 ½ stories. The proposed second story addition will now be constructed on the left side of the house above the existing family room resulting in a right yard setback of 15.25' on the second story. The box window and front entryway canopy will remain the same as on the plan that was originally submitted. The existing staircase in the home will remain. The proposed second story bathroom will be constructed on the existing right side of the home however, the roof will have to be raised 1.6' in order to match the proposed new construction to the left side second story.

Chairman Fry said that the revised plans have addressed the main concern of The Board by shifting the mass of the addition to the left side of the home and away from the 3.7' right side yard setback. In addition, the A/C units will be placed in the rear of the home and will be screened.

Mr. Hubert asked Ms. Paredes about the siding materials. Ms. Paredes stated that vinyl siding will be used and the existing brick foundation will remain.

A landscape plan, prepared by Borst Landscaping, was presented and was found to be quite thorough.

Mr. Hubert expressed his appreciation to Ms. Paredes, the Architect, and the Applicant for taking the time and effort to consider the comments and suggestions from The Board Members and revising the architectural plans.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Board Member Tanis made a motion to approve the application for 43 Park Avenue. Second, Ms. Riotto. Voting in favor: Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto and Chairman Fry. Vice Chairman Ruebenacker abstained.

Mr. Borst returned to the dais.

NEW APPLICATIONS

DISENSO, PHILLIP 58 Wyckoff Avenue BLK 466 LOT 45

(The applicant proposes to construct an addition to the second story and renovate the first and second stories. The lot is nonconforming in area, frontage, depth, both front yard setbacks and side yard setback.)

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

John McDermott, the Applicant's Attorney, came forward to provide an overview of the application. He stated that the application is very straight forward. The DiSenso family has lived in the home for many years and it is time to for improvements to make the home more functional. Mr. DiSenso's elderly mother lives in the home with him as does his nephew. The existing footprint will remain, and the home will be improved accordingly. The home is on a corner lot and is hindered by the existing lot size and side yard setback. The Applicant has worked with his Architect to try to minimize any impact the changes will have on the neighborhood. Mr. McDermott then introduced the Applicant.

Phillip DiSenso was sworn. Mr. DiSenso stated that his family has owned and resided at the property for 47 years. He purchased the property from his mother who still lives in the home with Mr. DiSenso and his nephew. The existing porch on the side of the house is original to when the house was built in the 1930's. There are two steps from the porch to the kitchen which pose a challenge for his elderly mother. He stated that he would like to rebuild the porch, which was built on posts, on an actual foundation and construct it at the same level as the kitchen without changing the footprint of the porch. The roof is 25 years old and needs to be replaced so it would be the perfect opportunity to dormer the second story to regain the unused attic space. The old, overgrown shrubs and bushes will be removed and replaced with new landscaping.

Frank Matthews, the Applicant's Architect, was sworn. His office is located at 111 Valley Road in Clifton New Jersey and he was accepted as an expert in Architecture. Mr. Matthews stated that here were some discrepancies in the calculations on the Section J and this will be revised and resubmitted. The application and plans were marked exhibit A-1. Mr. Matthews provided the following explanation of the application:

There are two additions proposed; the side porch and the second story dormer in the front of the house. This is a corner lot, which is nonconforming in lot size, both front yard setbacks and side yard setback requiring variance relief. None of the pre-existing nonconformities will be exacerbated. The side porch will be removed and reconstructed. The second-floor dormer will mirror the dormer on the rear of the home and there will be a decorative gable added. The second story addition will consist of an office, a sitting area and a walk-in closet. A small shed in

the rear will be removed and the entire house will be resided. There is no existing garage on the property, and none is proposed at this time due to the small lot size.

Chairman Fry remarked that the lot is extremely undersized with 8,517 square feet where 15,000 is required in the zone. He also mentioned that the section J was not included in the packet. Mr. McDermott stated that he will provide updated copies of the section J as there were some discrepancies in the calculations pertaining to the pool and shed on the original submission.

Todd Shells, of Grandscape Landscape Designs, LLC was sworn. He stated that the existing landscaping is probably 50 years old and needs to be removed. The old plantings will be replaced with dwarf, disease resistant cultivars of boxwood, hydrangea, Colorado blue spruce and a few hollies. The landscaping will be very consistent, classic and classy and will fit in well with the neighborhood. Chairman Fry said that the upgrades are very nice and are reasonable for the size of the property.

Ms. Riotto asked if there will be a basement underneath the proposed side porch. Mr. DiSenso stated that there will be full basement dug below the porch. A hole will be cut from the existing unfinished basement to connect to the basement below the porch to be used for storage.

OPEN TO THE PUBLIC

Gene Shunter, who resides at 57 Wyckoff Avenue came forward and was sworn. He stated that he thinks it is great that the house and the property will be renovated. He said that he viewed the plans and saw that an office and a sitting area are being proposed and he is wondering if Mr. DiSenso is going to run a business out of the home. Chairman Fry stated that the home is not being expanded in size other than the second story dormer. Mr. DiSenso stated that he will not be running a business out of his home however he does work from home. Mr. DiGennaro stated that businesses cannot be run out of a single-family home in a residential area and doing so would be a violation of the Township Ordinance however, working from home is perfectly legal. This application is not for a two-housekeeping unit in a residential zone. Mr. Shunter then stated that there are frequently vehicles parked in the front yard and would like to know if the applicant is proposing to expand the driveway to alleviate that problem in the future. Chairman Fry stated that there is no expansion of the driveway proposed according to the submitted plans. Mr. Borst stated that there is an Ordinance which states parking cars on the front lawn is prohibited. Mr. DiSenso said that there are three cars kept on the property and the three cars fit on the existing driveway. He stated that he does occasionally have company, especially during the summer months, and since the parking is very limited, he allows his guests to park on the front lawn. Township Engineer DiGennaro noted that cars may not be parked on the front lawn; especially overnight as this would be a violation of the Township Ordinance. Mr. Shunter thanked the Board for their time.

CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve the application for 58 Wyckoff Avenue, a single housekeeping unit with the stipulation that the removed shed be reflected on the revised plan and the revised section J also be submitted. Second, Mr. Ruebenacker. Voting in favor: Ms. Conlon, Ms. Riotto, Mr. Kalpagian, Mr. Hubert, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

LEACH, TIMOTHY 416 Vassar St. BLK 486 LOT 5.01

(The applicant proposes to expand the first and second stories of the existing home. The lot is nonconforming in area, frontage, depth and accessory structure side yard setback.)

Timothy Leach, the applicant, was sworn. He said that he and his family have been living in this home on Vassar Street for the past 11 years. They love the neighborhood and do not want to move however they are outgrowing the house and need to expand to accommodate their family. Mr. Leach said that he is proposing to expand the second story and also expand the first-floor kitchen by extending out the rear of the house. There is a preexisting nonconformity in that the front yard setback is 30.7' where 40' is required. The proposed covered front entryway will bring the front yard setback to 26'. Mr. Leach went on to say that the existing siding is stucco which will be replaced with vinyl siding, all windows will be replaced, and a new roof will be added. The garage will also be resided and receive a new roof, new windows and doors.

Chairman Fry pointed out that he A/C units are currently in that area where the rear expansion is proposed. Mr. Leach said they will be relocated to the rear of the new addition.

Mr. Tanis mentioned that the shed shown on the plan appears to be partially on the neighbor's property. Mr. Leach said the plastic shed was there when he purchased the home and that he did not know it was over the property line. He will relocate the shed onto his property.

Chairman Fry summarized the variances by stating that the property is deficient in size, frontage and depth. There is a pre-existing nonconforming front yard setback of 30.7' where 40' is required and 26' is proposed. The accessory structure (garage) has an existing nonconforming side yard setback of 4.8' which will remain unchanged and the plastic shed will be moved away from the property line as discussed.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Board Member Kalpagian made a motion to approve the application for 416 Vassar Street as submitted. Second, Vice Chairman Ruebenacker. Voting in favor: Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

MOSERA, ROBERT 241 Eastview Terrace BLK 393 LOT 6

(The applicant proposes to expand the first and second stories of the existing home. He is also proposing to construct a new 2 car detached garage in the rear yard 5' from both the rear and side yard property lines. The lot is nonconforming in area, width and depth.)

Robert Mosera, the applicant, was sworn. Roger Schlicht, the applicant's Architect, was also sworn. Mr. Schlicht has appeared before this Board numerous times and he was accepted as an expert in Architecture. Mr. Schlicht presented the application as follows: The lot is irregular and is nonconforming in size, frontage, both side yard setbacks and accessory structure setbacks. There is a lawfully existing structure on a nonconforming lot.

Referring to page V-2 of the plans, Mr. Schlicht stated that the first-floor footprint is not changing with the exception of the proposed covered front porch and two sets of steps in the rear of the home. There is an existing one car attached garage that is currently unusable due to its small

size. The existing garage space will be recycled and used for living space on the first floor. The entire first floor will be living space and all of the bedrooms will be upstairs along with 2 bathrooms. The front elevation will basically stay the same at 1 ½ stories and there will be matching dormers on the right and left sides of the front of the house. A full shed dormer is proposed for the second floor in the rear of the house. The applicant would also like to construct a detached 2 car garage in the rear of the property on the right side. Mr. Schlicht stated that this was the best location for the detached garage due to the location of the septic system on the left side as well as allowing room for a driveway.

Chairman Fry said that the location of the proposed two car garage is a sticking point as it is proposed at 5' from the right-side property line and 5' from the rear property line where 15' and 20' are required respectively. Mr. Schlicht said that the proposed garage has been designed that far to the right in order to allow for room to make a k-turn while saving the large oak tree in the middle of the back yard from being removed.

Mr. Tanis expressed concern with proposing the garage 5' from the property line to spare the Oak tree. He pointed out that the large oak tree remaining next to the proposed new driveway will be dropping acorns on the driveway and vehicles parked in the driveway. He added that, in his opinion, a perspective buyer of the newly renovated home will more than likely remove the tree for that reason. Mr. Kalpagian stated that The Board is always in favor of keeping trees whenever possible however he is in agreement with Mr. Tanis in that by removing the tree, there is a lot of leeway to place the proposed garage 10' to 12' away from the right property line versus the proposed 5'. Mr. Kalpagian stated that in his opinion, the tree should be removed.

Mr. Schlicht said that his client is open to moving the garage further away from the property line however making it conform to the requirements will have a significant negative impact on the back yard.

There was a lengthy discussion of the possibilities for the placement of the garage with regard to the septic system, the oak tree and the setback requirements. Mr. Ruebenacker and Mr. Fry suggested moving the garage to at least 10' from the rear and side property lines. Mr. Borst stated his disagreement in that there is ample space in the yard to construct a conforming garage at 15' from the side and 20' from the rear.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Mr. Schlicht proposed shifting the garage 10' from the right property line and 12.6' from the right rear corner. With this scenario, the left rear corner will actually be 16' from the rear due to the skewed property. The garage will be heavily screened with arborvitaes along the right and rear property lines and he will also redesign the garage to lower the roof ridge by 2'.

Board Member Borst stated that the landscape plan is very sparse and additional plantings should be added. The proposed arborvitaes to screen the garage also need to be added to the plan. Mr. Kalpagian stated that the A/C units are not shown on the plan. Mr. Schlicht said the A/C units will be placed in the left rear of the home and will be screened. He will submit a revised landscape plan which reflects additional plantings, arborvitaes to screen the garage, and A/C units in the rear with screening.

Chairman Fry announced that the application will be carried to the December 19th meeting pending submission of revised plans as discussed.

DE BOER, JEFFREY 494 Ivy Lane BLK 421.02 LOT 17

(The applicant proposes to expand the first floor, add a second story, add a 3rd garage bay exceeding 3,700 sf thereby triggering the enhanced side yard setback of 25'. He is proposing 20.3'.)

Bruce Whitaker, the Applicant's Attorney came forward to provide an overview of the application. Mr. Whitaker stated that the Applicant has owned and resided in the home since 2015 with his wife and four children. They wish to expand the home by constructing a second story above the existing footprint of the dwelling unit. They are also proposing to add a third garage bay. The property is in the RA-25 residential zone. The lot size exceeds the 25,000 square foot requirement and is conforming with all other requirements with the exception of the side yard #2 setback at 20.3' where 25' is required (enhanced) and the side load garage at 26.7' where 27' is required. The applicant is not proposing to expand the current first floor structure except to enclose a small indentation on the home that extends to the back wall of the home. The proposed house will not be massive. The side of the proposed second story, where the existing setback is nonconforming at 20.3', will be stepped back. The three variances being requested are for the side yard setback, side load garage and the height due to the basement walk-out.

Kiersten Osterkorn was sworn. She is a licensed Engineer, Architect and Planner and was excepted by The Board as an expert in all three fields. The plans were marked exhibit A-1. Ms. Osterkorn stated that the proposed changes to the home will not further encroach into the nonconforming side yard setbacks. The first floor will remain the same and the addition of the second floor increases the gross floor area. The existing right-side yard setback is 20.3' and the second story addition will have a side yard setback of 22.8' where the enhanced setback requirement is 25'. Ms. Osterkorn stated that the proposed enhancements of the home will be in conformance with the other homes in the neighborhood. Finally, Ms. Osterkorn stated that all bulk requirements will be met. Chairman Fry asked if the 20.3' on the right side is to the foundation or the soffit. Ms. Osterkorn stated that it is 20.3' to the foundation and 18.3' to the soffit.

Township Engineer DiGennaro asked if there are any plans to remove the existing retaining wall in the back yard. Mr. Whitaker stated that there may be some minor modifications made to the retaining wall however if such occurs the applicant will stipulate that an Engineer certification will be provided, as required by The Township. Ms. Osterkorn stated that it is her understanding that the retaining wall is to be removed and replaced. She added that if that is the case, she will work with her client and obtain any information required by the Township Engineer for that project.

Kevin Spink, the Applicant's Architect, was sworn. He was accepted by The Board as an expert in Architecture. Mr. Spink stated that the kitchen will be a main focal point of the house. His client desires a large open kitchen with a vaulted ceiling. There will be dormered windows in the vaulted ceiling and there will also be windows all along the back wall of the kitchen. There will be a large pantry off the kitchen and there will be a breakfast area with banquette on the east side of the house. There is an existing great room on the first floor which will remain however additional doors will be added for access to the back patio. There will be four bedrooms added to the second floor as well as a master bedroom suite and a laundry room. Mr. Spink presented photographs of the proposed renovated home which were marked exhibit A-2. He pointed out that the second story addition consists of a series of dormers and roof sweeps which serve to soften the overall

appearance of the house.

Jeffrey De Boer, the Applicant, was sworn. He that he heard the Board inquiring about a couple of things which he would like to address. With regard to the existing patio in the rear, he is planning to leave as much of the patio as possible as his children enjoy playing there. He would also like to place the utilities underground if it is feasible. Mr. De Boer thanked The Board Members for their time.

John Sadlon, the Applicant's Landscape Architect, was sworn. He was accepted an expert in Landscape Architecture by The Board. Mr. Sadlon stated that the site is currently heavily vegetated. The proposal for landscaping is limited to the front foundation to provide a presentation of structure and scale. We are proposing a few shrubs along the westerly prop line to enhance the existing buffer. There is an existing continuous buffer on the easterly side consisting of 10' - 15' arborvitaes on 5' rise. There are arborvitaes on the westerly side which are currently approximately 20'-25' tall. Basically, the landscape plan is limited to the presentation and scale of the structure in the front.

Board Member Tanis asked if any major trees would have to be removed during the renovations. Mr. Sadlon stated that there is large, asymmetrical oak tree on the front right side of the home. The bulk of the tree is hanging over the structure currently and, in his opinion, it is a liability. Mr. Sadlon said that it would be his recommendation to remove this tree.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker made a motion to approve the application for 494 Ivy Lane as submitted with the conditions that the utilities will be placed underground if feasible and engineering certification as to drainage and structural stability of the retaining wall shall be provided as discussed. Second, Mr. Kalpagian. Voting in favor: Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Ms. Riotto, Mr. Hubert, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

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 11:08 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment