

WYCKOFF BOARD OF ADJUSTMENT

DECEMBER 19, 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 December 19, 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 November 21, 2019 work session and public hearing minutes were approved during the work session.

RESOLUTION FOR PAYMENT #19-12

Payment Resolution #19-12 was approved during the Work Session.

RESOLUTION(S) TO BE MEMORIALIZED

CASTRO, HUGO 43 Park Avenue BLK 278 LOT 24.01

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

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.)

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.)

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'.)

The Resolutions were approved during the Work Session.

APPLICATIONS CARRIED

PERGOLIZZI, JOHN 316 Calvin Court BLK 349 LOT 48

(The applicant proposes to move his A/C units from the rear yard to the side yard.)

The applicant requested in writing that his application be carried to the January 16, 2020 meeting.

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 and Roger Schlicht, the architect were reminded by Attorney Becker that they were previously sworn. Mr. Schlicht explained how the plans have been revised. He stated that no architectural changes have been made to the principal building. Based on comments made by The Board at the last meeting, the location of the proposed garage has been moved 10' from the side property line and 12.5' from the right rear property line. Since the property is skewed, the left rear of the garage will be 16.1' from the rear property line. The proposed garage could not be moved any further from the property lines due to the location of the septic system. Mr. Schlicht went on to say that the revised landscaping shows that the number of plantings has more than doubled what was previously proposed. The new garage will be screened along the right side and the rear with 6' green giant arborvitaes, 5' on center. The A/C units will be screened on all three sides by 10 sky pencil hollies. A variety of other plantings have been added around the house as well.

Chairman Fry said that the revisions have addressed all the concerns expressed by the Board at the November meeting. He added that the hardship is the unusable, existing one-car garage. The benefits of the proposed detached garage will outweigh the detriments.

Board Member Borst stated that he does not see the hardship with the garage and feels that the proposed garage could be constructed outside of the setback.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Mr. Ruebenacker made a motion to approve the application as revised and presented this evening. Second, Ms. Riotto. Voting in favor: Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker and Chairman Fry. Not in favor, Mr. Borst.

NEW APPLICATIONS**HALILI, SEMRA 11 Madison Heights BLK 334 LOT 2**

(The applicant proposes to expand the first floor and add a second story. The lot is nonconforming in area, frontage, depth, both front yard setbacks (corner lot) and side yard setback.)

Semra Halili, the applicant and Lawrence Quirk, her architect were sworn. Ms. Halili stated that she is proposing to add a second story addition to the existing home. Mr. Quirk gave the following overview of the application: the existing 1 ½ story home is on an undersized lot at approximately 50% of the required lot size in the zone. The house is positioned to the left of the property and is 14.10' from Madison Heights and 29' from Elmwood Place. On the left side, the house is 9.4' at its closest point to the property line and we are not proposing to build over that 9.4' extension. The second story above that section of the existing home will be constructed 12.7' from the property line. The proposed second story addition will also be pulled in 1' on the Madison Heights side. On the Elmwood Place side, we are keeping in line with the existing 29' setback. A two-story addition is proposed in the rear of the existing home with the second story constructed out of the 40' required setback on the Elmwood Place side and the 15' setback on the left side of the home. Finally, Mr. Quirk stated that this is a major hard due to the severely undersized lot of 7'499 sf and the large deficiencies in the width of the lot which is only 75'.

Chairman Fry stated that by expanding the gross building area of the home to 2,776 sf, triggers the enhanced setbacks which makes it that much harder to comply. He added that proposing the placement of the front entrance on Madison Heights further complicates matters as it will result in a front yard setback of 5.1' to the front steps, which would be a great challenge for the Board to allow. Mr. Kalpagian stated that he would not be comfortable with approving the 5' setback on Madison Heights. Mr. Quirk stated that, in his opinion, it is a much better look architecturally however if the approval of the application is compromised by the proposed front entrance on Madison Heights, we will move it back to its original location on Elmwood Place. The Board Members discussed the challenges of this application and made numerous suggestions and recommendations regarding the location of the front entryway and reducing the gross building area to get it below 2,700 sf.

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Chairman Fry summarized the recommendations by stating that the applicant will have to submit a full landscape plan for the property with details of sizes and species of plantings. It should also identify which existing plantings will remain and which will be removed. A/C units should be located outside of the setback and identified on the landscape plan with screening. The plan should identify that the existing garage will remain and will be resided. The type of siding proposed for the house and garage is vinyl clapboard, board and batten, and stone along the foundation. Relocate the front entryway to the Elmwood Place side of the home, get the gross building area below 2,700 sf, get the combined lot coverage as close to 20% as possible and place utilities underground if feasible.

The application will be carried to the January 16, 2020 meeting.

WYCKOFF BARBER SHOP, LLC 637 Wyckoff Ave. BLK 235 LOT 3

(The applicant is requesting a parking variance to permit a Barber Shop at this location.)

Bruce Whitaker, the applicant's attorney, provided the details of the application. His client is proposing to operate a Barber Shop on the first floor of the Wyckoff Shopping Center in 901 sf of space previously occupied by an insurance agent. The shopping center has been owned by the Ringer family for 3 generations and it has always been deficient in parking spaces. Mr. Whitaker stated that his client is seeking a variance for parking to operate a Barber shop which will have 4 adult barber chairs, 2 child chairs, and 4 employees. Mr. Whitaker further stated, "there is a parking lot in the rear of the shopping center which is rarely used." The applicant will have a rear entrance to the shop and will post a sign in the front to alert clients that additional parking is available in the rear of the building.

Mr. Whitaker then addressed the ADA parking as was discussed by Mr. DiGennaro during the Work Session. Mr. Whitaker stated that the shopping center is defunct as it pertains to ADA parking. His client will upgrade the parking lot to be compliant with the ADA code. Mr. Ringer, the owner of the shopping center is ready, willing and able to do so. Currently only 1 ADA parking space exists, where 6 are required. Due to the larger size requirements of an ADA parking space, the 6 ADA compliant spaces will create an additional deficiency in regular parking spaces in the lot by using up 4 regular spaces. Mr. Whitaker stated, "the benefits of adding the ADA parking spaces will far outweigh the detriments of losing 4 regular spaces."

Michael Rubera, the applicant, was sworn. He is the co-owner of a barber shop in Glen Rock named Little Joe and Johns Barber Shop which has been in existence for 55 years. He has been a co-owner for 2 years. Mr. Rubera stated that approximately 20% of their customers come from Wyckoff. He said that "these clients go to the Glen Rock Barber Shop because there is currently no traditional type barber shop located in Wyckoff." Mr. Rubera said that in researching the best location for a barber shop in Wyckoff, he liked the idea of a shop with front and rear entrances that also offered parking in the rear. He went on to say that the shop's busy times will most likely be 7:30 am to 11 am and 3 pm to 6 pm. The hours of operation will be Monday thru Friday 8 am to 7 pm, 7:30 am to 6 pm on Saturday and the shop will be closed on Sundays.

John Corak was sworn. He is an Engineer with Stonefield Engineering and his office is located at 92 Park Avenue in Rutherford New Jersey. He is a licensed Professional Engineer in the State of New Jersey. He is an expert in the field of traffic and transportation and has prepared over 100 traffic and parking studies in the State of New Jersey. The Board acknowledged his credentials and accepted him as an expert in Engineering and specifically as a traffic expert. Mr. Corak stated that he was hired by the applicant to perform an on-site traffic evaluation and submitted a detailed report of the potential parking impacts of operating a barber shop within the existing Wyckoff Shopping Center. He provided the following detailed report of his findings:

In order to identify the potential impacts that the proposed development would have on the existing shopping center parking demand, parking utilization counts were conducted at the Wyckoff Shopping Center located at 637 Wyckoff Avenue during the Saturday midday, weekday midday and evening hours. The counts were conducted in 15-minute intervals during the duration of the study periods. Based on the parking utilization count results, the weekend midday peak occurred at 12:45 p.m., the weekday midday peak occurred at 12:15 p.m., and the weekday evening peak occurred at 4:45 p.m.

Mr. Corak continued. The Township of Wyckoff Zoning Ordinance requires 247 parking spaces for the various retail, residential and office uses for the Wyckoff Shopping Center. The Ordinance requires one (1) parking space per 50 square feet of gross floor area for barber shops. For the proposed 901-square-foot barber shop with four (4) adult chairs and two (2) child chairs, and four (4) employees, this equates to 18 required parking spaces. Therefore, under the future condition with the proposed barber shop occupying the space previously occupied by Allstate Insurance, the site would require 259 parking spaces where 167 exist and have existed for many years. The parking supply was also evaluated with respect to data published within the Institute of Transportation Engineers' Parking Generation, 5th Edition, for Land

Use 820 "Shopping Centers". The average parking demand rate during the peak Saturday period, according to their data, is 4.58 vehicles per 1,000 square feet of gross leasable area. For the 31,822 square feet of commercial space within the Wyckoff Shopping Center, this equates to a projected parking demand of 146 vehicles. As such, the parking supply of 167 spaces would be sufficient to support the demand of the shopping center according to the published data. The barber shop should not have a significant impact on the parking operations of the site.

Finally, Mr. Corak addressed the addition of ADA parking spaces. He stated that six (6) ADA complaint spaces are required based on the total number of existing parking spaces in the lot for the shopping center which is 167 and only one (1) ADA parking space exists. Board Members inquired as to the best place to add the ADA spaces. Mr. Corak stated that he will work with the Engineer to find a suitable location for the ADA spaces and make sure that all of the grading and ADA requirements of the spaces are met and are compliant. Mr. Whitaker said that this can be a stipulation of approval.

John C. Ringer was sworn. His family has owned the Wyckoff Shopping Center since his grandfather built it in 1950. He is currently the property manager and Vice President of the Wyckoff Shopping Center. Mr. Ringer stated that as the property manager, he is aware of the day to day operations at the shopping center 7 days a week. He added that he has not witnessed any parking problems in the rear lot and there is actually an excess of parking spaces available during the peak hours. There are no designated parking spaces for commuter parking or parking for businesses who are not tenants in the lot, although commuter parking had been proposed at one time many years ago.

Chairman Fry asked Mr. Ringer if he would consider installing bicycle racks on the property which might encourage people to ride a bicycle to the shopping center instead of taking a car. Mr. Ringer said that he might be able to put a bicycle rack in the front court yard area.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Mr. Whitaker stated that due to the winter weather, it may not be possible to complete the ADA parking requirements however the applicant would like to occupy the space now with the stipulation that the site will be ADA compliant by a deadline of June 30, 2020.

Chairman Fry summarized the proposal: If the application is approved, the applicant will be permitted to occupy the premises with the condition that the site will be made ADA compliant with a total of 6 ADA parking spaces by a deadline of June 30, 2020. No commuter parking exists nor is it proposed for the site. The net number of spaces will be 16 including 12 for the barber shop and 4 to reconfigure for the ADA spaces. The hours of operation will be 7:30 a.m. to 6 p.m. on Saturday and 8 a.m. to 7 p.m. Monday thru Friday. The barber shop will be closed on Sunday.

Board Member Kalpagian made a motion to approve the application for the barber shop at 637 Wyckoff Avenue as summarized by Chairman Fry. Second, Mr. Borst. Voting in favor: Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Borst, Ms. Riotto, Mr. Ruebenacker and Chairman Fry.

377 DOROTHY LANE, LLC 377 Dorothy Lane BLK 285 LOT 16

(The applicant (Turner Group) proposes to construct a second story addition to the one-story home. The lot is nonconforming in area, frontage and both side yard setbacks.)

Jarred Lanz, the applicant's Attorney, stated that the application is very straight forward. The lot has pre-existing nonconformities in lot size, frontage and both side yard setbacks requiring variance relief. Mr. Lanz introduced the applicant's architect, Albert Martorano and he was sworn. The applicant's representative, Kevin Finnan, was also sworn.

Mr. Martorano stated that his office is located at 22 Smoky Ridge Road in Ringwood New Jersey and that

he has appeared before this Board many times in the past. Mr. Becker said that the Board recognizes Mr. Martorano as an expert in Architecture. The architect went on to provide the following details of the application: The existing home on the subject property is a one-story ranch with an attached one car garage. The side walls are gable walls with no roof overhang. The applicant is proposing a hip roof which slopes to the sides resulting in a 1' soffit.

Chairman Fry asked how extensive the construction will be on the existing home. Mr. Martorano stated that the existing home will be taken down to the first-floor deck. The first floor will have 9' ceilings and the second story will have 8' ceilings.

Mr. Becker reminded the applicant that if more than 50% of the walls are taken down, it will be considered new construction. Mr. Finnan stated that they can leave all of the first floor walls, pad them out to make them 2' by 6' construction, place additional insulation in the walls and add 1' to the height of the walls to achieve the proposed 9' ceilings on the first floor. Mr. Becker stated that he is not advising the applicant that they must leave the first-floor walls, he is simply stating that if more than 50% of the walls are removed, the Board will consider this new home construction.

Chairman Fry summarized the proposal as follows: the existing foundation footprint will remain, and the walls will be taken down to the first-floor deck. A second story will be added with a hip roof on the left and right sides rather than gables. A cantilever is proposed off the second floor. The proposed roof will have a 1' soffit however the right and left side yard setbacks to the walls of the home will not change. The proposed covered front portico will be conforming, no accessory structures are proposed, and the existing one-car attached garage will remain. The proposed siding is cedar and cultured stone will be used for the chimney.

Chairman Fry asked if the utilities can be placed underground. Mr. Finnan stated that the utility pole is right on the corner of the property and there are no obstructions to prevent placing the utilities underground.

Mr. Tanis asked if any trees will be removed from the property during construction. Mr. Finnan said no trees will be removed.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve the application for 377 Dorothy Lane as submitted with the condition that the utilities will be placed underground. Second, Ms. Riotto. Voting in favor: Ms. Conlon, 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, seconded and passed unanimously. The Public Business Meeting was adjourned at 10:20 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment