

WYCKOFF BOARD OF ADJUSTMENT

JUNE 18, 2020 PUBLIC BUSINESS MEETING MINUTES

Work Session: 7:30 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube account

Public Meeting: 8:00 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube account

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

"The June 18, 2020 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; Mark Borst, Vice Chairman; Erik Ruebenacker, Ed Kalpagian, Kimberly Evans, Brian Hubert, Rosa Riotto and Kelly Conlon.

Absent: Brian Tanis.

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

Pledge of Allegiance.

OLD BUSINESS

Approval of the May 21, 2020 Work Session and Public Business meeting minutes.

The May 21, 2020 Work Session and Public Meeting minutes were approved during the Work Session.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #20-06 Approval of vouchers for Engineering and Professional Services.

Payment Resolution #20-06 was approved during the Work Session.

REQUEST FOR EXTENSION OF APPROVAL

Pacanovsky-Nolan, Kim 322 Village Place Block 289 Lot 18

The application to construct a portico over the front entryway, requiring variance relief for pre-existing nonconforming lot area and frontage, was approved at the June 20, 2019 Zoning Board meeting. The Resolution was memorialized on July 18, 2019. The applicant is requesting an extension of the approval to begin construction, which was to begin in the spring, due to work constraints brought upon by the Covid-19 pandemic.

The Extension of Approval was approved during the Work Session.

APPLICATION(S) – NEW

HEBERT, PAUL & CINDY 553 Fairmont Rd. BLK 279 LOT 6 CORNER LOT RA-25

(The applicant proposes to relocate the whole house generator in front yard #2)

The details of the application were discussed during the May 21, 2020 Work Session meeting. At that time, the main concern of the Board was that the applicant's plan did not specify what type of screening would be placed around the generator to screen it from the street.

Paul and Cindy Hebert were sworn. Chairman Fry asked the applicants why moving the generator would be a benefit. Mr. Hebert stated that the generator currently sits directly at the edge of their backyard patio. They desire to move the generator to the side of the house and away from the patio. Chairman Fry asked about providing screening for the generator. Mrs. Hebert stated that they will plant six (6) three (3) foot evergreen boxwoods around the generator to properly screen it from the street.

Mr. Borst made a motion to approve the application. Second, Mr. Ruebenacker. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Ms. Evans, Ms. Conlon, Mr. Borst and Chairman Fry.

TURNAMIAN, MICHAEL & ALLISON 630 Mountain Ave. BLK 391 LOT 29

(The applicant proposes to expand the first and second stories of the existing home requiring variances for lot area, front yard setback and impervious lot coverage)

The details of the application were discussed during the May 21, 2020 Work Session meeting. At that time, the Board members had questions about the proposed height of the home as well as the door in the rear of the home and the existing garage door on the left side of the home. Chairman Fry stated that the applicant listened to the Board's comments and submitted revised plans which provided clarity on those issues.

Harold Cook, the applicant's Attorney, provided an outline of the application. He stated that the lot is slightly undersized at 24,911 SF, which is the hardship, and it is a corner lot with two (2) front yards. Mr. Cook clarified that the applicant is requesting a variance for a third story because of the man door in the rear of the home. He said that the applicant's Architect will provide the details of the application as well as testimony regarding the rear man door and the existing garage door on the left side of the home which is proposed to remain.

William Brown, the applicant's Architect, was sworn. His office is located at 241 Madison Avenue in Wyckoff and he has appeared before this Board many times. Chairman Fry stated that Mr. Brown is well known to the Board and his credentials are acceptable.

Mr. Brown stated that the double garage door in the rear will be replaced by a man door to provide easy access to the backyard for the applicant's children. The existing single garage door on the left side of the home will be replaced by a new garage door and the space will be used for storage of gardening equipment and backyard toys. The existing asphalt in the rear will be removed and no driveway is proposed for the third garage door on the left side of the home. Mr. Brown went on to say that a large front porch is proposed which meets the bulk setback requirements. The existing one-story structure on the right side of the home will remain at one-story so as not to further exacerbate the front yard setback on Kenneth Place.

Township Engineer DiGennaro stated that there are some discrepancies on the Section J of the application which need to be corrected. Front yard #1 should be listed as Mountain Avenue with a proposed set back of 40.11' and front yard #2 should be listed as Kenneth Place proposed at 33.93'. These are reversed on the submitted Section J. The Section J should also be revised to reflect the request for a variance for a third story. Mr. Cook stated that the applicant will amend the Section J as clarified by Mr. DiGennaro.

Mr. Ruebenacker asked if the Turnamians are the current owners of the home and if they plan to reside in the home after the renovation. Mr. Cook confirmed that they are the owners and will continue to reside in the home.

Mr. Kalpagian asked for clarity on the type and color the of siding that is being proposed. Mr. Cook stated that the home will be sided with white hardy plank siding.

Chairman Fry asked Mr. Brown if placing the utilities underground had been considered. Mr. Brown stated that the utility pole is across the street from the subject property however, if it is economically feasible to do so, placing the utilities underground will be considered.

Mr. Ruebenacker pointed out that the proposed patio is within the 40' setback on Kenneth Place. He added that the Board was not provided with any architectural plans for the patio and he inquired as to whether it will be a raised patio or if a structure is planned for the area. Mr. Cook stated that it is his understanding that the proposed patio will be an at grade paver patio. Mr. DiGennaro stated that since the patio is behind the front plane of the house on the right side, it would not be considered as encroaching unless it is turned into a structure.

Mr. Ruebenacker stated that the landscape plan was nicely prepared. Mr. Borst said the landscape plan is perfect.

Chairman Fry summarized as follows: the third garage bay on the left side of the home will be used for storage only, no asphalt driveway will be added to access the storage garage, the patio will be built at grade, and the siding will be white hardy plank.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

A motion was made by Mr. Kalpagian to approve the application subject to the corrected Section J, the proposed patio to be constructed at grade, white hardy plank will be used for the siding, the third garage bay on the side of the home will be used for storage only, and no asphalt driveway will be added to access the storage garage. Second, Mr. Borst. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Ms. Evans, Ms. Conlon, Mr. Borst and

Chairman Fry.

SULO, SOKOL 234 Franklin Ave. BLK 263 LOT 21

(The applicant proposes to expand the second story of the existing home requiring variance for pre-existing nonconforming side yard setbacks and undersized lot)

Sokol Sulo, the applicant, was sworn. Chairman Fry asked the applicant to explain the revisions he made to his plans after listening to the comments made by the Board during the May 21, 2020 Work Session. Mr. Sulo thanked the Board for their comments. He stated that he revised the roof line and added a few windows on both sides of the proposed addition. He also enhanced the front façade with some stone veneer and added a landscape plan. Mr. Sulo stated that he was aware when he purchased the home that the lot was undersized and irregularly shaped however this was an opportunity to purchase a home in Wyckoff where he would like to live and raise a family.

Mr. Ruebenacker stated that the lot is extremely undersized and irregular in shape. The applicant is proposing a second story addition to include a laundry room, a large walk-in closet, a large master bathroom, three (3) bedrooms and an additional bathroom with the house being 3.5' from the left property line and 10.9' from the right property line. He added that the applicant is proposing a lot of house on a very small lot and it does not appear that steps were taken to minimize the expansion and the impact.

Chairman Fry said that the major sticking point of the application is the 3.5' left side yard setback. In addition, the house to the left also sits very close to the side property line. There is an existing bump out on the left side of the house which further impacts the setback on that side.

Mr. Sulo said that the bump out is a closet in the first-floor bedroom. He desires to keep the first-floor bedroom and closet to use as an in-law suite when family comes to visit, but not as a second housekeeping unit. The applicant said that he heard the Board's comments about the roof line and the height of the roof. He clarified that the attic height is only proposed at 6'6" which is just enough space for a cooling unit and the roof line has been revised to soften impact of the second-story. He added that the siding will be a combination of hardy plank and stone veneer. Chairman Fry said the revised roof line is much better however, the fact that the house is so close to the side property line is the challenge.

Each of the Board Members commented on the hardship, the proposed design, and the challenge the Board faces when a homebuyer purchases an undersized, irregular lot and then desires to create a large home on that small lot. The consensus of the Board members was that the design is aesthetically pleasing and will be an improvement on what currently exists however the addition of a second story with a 3.5' side yard setback would be a challenge to approve. There was also a consensus that carving up the design to make it conform better would be more of a detriment. Board members also had positive comments about the landscaping and the newly installed circular driveway in the front of the home.

Mr. Ruebenacker suggested bumping in the second story 2' on both the left and right sides.

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Charles Zisa was sworn. Mr. Zisa said he is a neighbor of the applicant and resides at 62

Shadyside Drive. He stated that his backyard is adjacent to Mr. Sulo's back yard. Mr. Zisa stated that the variance request is for significantly smaller right and left side yard setbacks and undersized lot than is allowed by ordinance in the zone. He added that the front yard is also in violation of the Township Code. Mr. Zisa opined that the buyer knew when he purchased the home what the lot and the existing structure looked like. The lot deficiencies are magnified because it narrows as it goes to the rear of the lot where the rear property line is only 20' wide. The applicant proposes to build up to 2 ½ stories and expand back into the rear yard where the lot narrows tremendously. Mr. Zisa stated that the tax map of the Township shows that the area of the property is smaller than the dimensions shown on the applicant's plan adding that if the dimensions on the tax map are accurate, that would be more of an overburdening of the property.

Mr. DiGennaro stated that the property line shown on the plan is measured to the center of Franklin Avenue. The right of way must be dedicated to the County. The lot size as presented shows the lot as 10,803 sf but if you subtract the right of way, the lot is appr 2,500 sf smaller. He added that the lot is in fact smaller than what is represented on the Section J of the application.

CLOSED TO THE PUBLIC

Mr. Kalpagian stated that if the second story could be reduced by 2' on the left side it would still be encroaching, however it would be less imposing on the neighbors and less of a challenge for the board. If the applicant bumps in the right side by 2', it will really shrink the size of the two (2) proposed bedrooms on that side.

Chairman Fry advised Mr. Sulo that he has two options at this point. If he chooses to have the Board vote on the application as submitted, and the application is denied, he will have to start all over with a new application. Option number two would be to take time to think about the recommendations and comments made by the Board, revise the plans, and come back next month to present the revised plans.

Mr. DiGennaro stated that the applicant must clear up the question of the lot area which includes the right of way on his plans. He suggested to Mr. Sulo that, for his benefit, he needs to clarify the lot area discrepancies before the Board votes on the application because it will be difficult to come back with a new plan if the application is denied. Mr. Becker stated that Mr. Sulo will have to wait one year before he can submit a new variance application, unless he were to submit a substantially different application.

Mr. Sulo asked for clarification as to whether he needs a new survey. Mr. DiGennaro advised the applicant to contact the surveyor regarding how he measured the lot. Mr. Sulo said he would like the Board to carry his application so he can clear up the Right of Way matter and consider revising his plans.

Chairman Fry announced that the application for 234 Franklin Avenue will be carried to the July 16, 2020 meeting.

TRAVERS, ROBERT & PATRICIA 165 Greenhaven Rd. BLK 331 LOT 3

(The applicant proposes to construct a two and a half story addition to the existing home requiring variance relief for a pre-existing nonconforming front yard setback)

Chairman Fry recused himself. Vice Chairman Borst assumed the role of Chairman for the

hearing of this application.

Patricia and Robert Travers, the applicants, were sworn. Rocco Orlando, the applicant's Architect, was sworn. Mr. Orlando's office is located at 316 Allen Place in Ridgewood and he has been licensed in the State of New Jersey since 1994. He is a member of the A.I.A. The Board accepted Mr. Orlando's credentials as a professional Architect.

Mr. Orlando provided the details of the application. He stated that the subject home is an existing 2 ½ story, single-family dwelling located in the R-15 zone. Mr. and Mrs. Travers are the owners of the home and they have lived in the home for the last 17 years. They are proposing to enclose the existing screened porch to add to the living space of the home, and to add a level above the screened porch. The footprint of the home will not be expanded. The home is situated on the lot in such a way that the side of the home, where the screened porch exists, is actually the front yard. The front entryway, which is facing the side yard, will also be enhanced to add more character to the home. Mr. Orlando said that the applicants would like to use hardy board siding and some stone or a higher-grade vinyl, depending on the cost. The exterior siding will be in keeping with the character of the home. He went on to say that the lot is undersized at 11,907 SF where 15,000 SF is required in the zone. The front yard setback on Greenhaven Road is 28' where 40' is required and 28' is proposed. The existing nonconforming front yard setback creates the hardship requiring variance relief.

Mr. Kalpagian pointed out that a landscape plan was not submitted with the application. Mrs. Travers stated that she will replace the existing plantings once construction is complete. Vice Chairman Borst stated that a landscape plan is always required prior to any approval. Mr. Becker stated that the Board may approve the application subject to existing plantings to be replaced with like kind. Mr. DiGennaro advised that a landscape plan be submitted in two (2) weeks to allow review prior to the memorializing of the Resolution at the July 18, 2020 meeting. Mr. Borst suggested foundation plantings at a height of at least 2'. Mrs. Travers said she would like to plant boxwoods adding that she and her husband will submit a landscape plan within two (2) weeks as advised.

OPEN TO THE PUBLIC
NO ONE CALLED IN OR COMMENTED
CLOSED TO THE PUBLIC

Mr. Ruebenacker made a motion to approve the application subject to the submission of a landscape plan showing foundation plantings of a minimum 2' in height to be submitted two (2) weeks prior to the memorializing of the Resolution at the July 18, 2020 meeting. Second, Mr. Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Ms. Evans, Ms. Conlon, and Vice Chairman Borst.

At this time, Chairman Fry announced that the meeting will end at 11:00 p.m.

CANZANI, ROBERT & ANNE 177 Van Houten Ave. BLK 292 LOT 9
(The applicant proposes to construct an addition to the existing home requiring variance relief for lot area, lot frontage, front yard setback, side yard setback and principal building coverage)

Bruce Whitaker, the applicant's Attorney, provided a summary of the application. Mr. Whitaker stated that Robert and Anne Canzani are the owners and occupants of the home located at 177 Van Houten Avenue in the RA-25 zone. The applicant is proposing to construct a 1 ½ story

addition to the existing single-family dwelling, a full second story, a front entry portico, a second garage, and add a family room and deck off the rear of the home. Mr. Whitaker said that the property is deficient in area being 16,500 SF where 25,00 SF is required. It is also deficient in lot width at 110' where 125' is required. The proposed gross building area of the home exceeds 3,700 sf thereby triggering the enhanced side yard setback requiring 25' on each side. The applicant is requesting variance relief for the side yard setback requirement, front yard setback requirement and principal building lot coverage. The applicant is proposing to add a second garage to the existing one-car garage home which will result in an 11.1' left side yard setback at the closest point and will widen as the home extends to the rear of the property. A portico is proposed for the front entryway. The front yard setback is currently conforming at 40.3' however, with the addition of the roof over the entryway, the proposed front yard setback will be 32.3'. The third variance the applicant is seeking is for maximum lot coverage with 16.1% proposed for the principal building where 15% is the maximum allowed however the combined lot coverage is proposed at 18.4% where 20% is the maximum allowed. Finally, Mr. Whitaker said that he heard the Board members comments about the location of the proposed family room in the rear of the home. He stated that the location was necessary due to the location of the septic system adding that the applicant's Planner/Engineer, Kiersten Osterkorn, will provide testimony regarding that matter.

Board Attorney Becker announced that the initial application packet will be marked exhibit A-1.

Kiersten Osterkorn, the Professional Surveyor, Engineer and Planner was sworn. Her office is located in Wyckoff. The Board recognized Ms. Osterkorn as a qualified expert in her fields. Chris Canzani, the applicant's Architect, was also sworn. His office is located at 80 East Ridgewood Avenue in Paramus. The Board recognized Mr. Canzani as qualified expert in the field of Architecture.

Ms. Osterkorn provided the following details of the application:

The topography of the lot slopes from front to rear. The lot area and width are undersized at 15,500sf and 110' respectively. The home as it currently exists is dated and the proposed renovation will bring the home up to a standard in keeping with other homes in the neighborhood. The proposed renovation and addition in the rear was developed based on the constraints of the lot area and width as well as the location of the septic system in the rear. We had to make sure that the addition complied with the setbacks from the septic system which is why this location was chosen. The front entryway portico will be columns with an open roof covering which will result in a 32.3' front yard setback where 40' is required however, this will not be an enclosed front porch. The existing setback on the east side of the existing home is 29.6' and will remain. The existing setback on the west side is 21.8' with a proposed setback of 11.1' at the closest point. The setback will widen to 20' as the structure moves to the rear of the proposed addition. The second story addition will be stepped back slightly on the west side. A seepage pit is proposed for drainage due to the increase in principal building coverage. Ms. Osterkorn stated that they are not proposing to demolish the existing structure but will instead renovate and add to what is existing. A landscape plan has been submitted and screening will be added as a buffer for the A/C units. Ms. Osterkorn added that it is her professional opinion that the benefits of the proposal outweigh the detriments, in support of the request for the C1 and C2 variances.

Chairman Fry stated that this application creates the need for the variances. The home, as it exists, is conforming however the proposed addition creates the problems which is what needs to be carefully considered by the Board. Mr. Fry said that he does not think the addition of the

portico is a problem. Exceeding the 3,700 sf gross building area means the setback requirement is larger and the applicant is proposing to move the structure further into the setback instead of away from the required enhanced setback. Mr. Fry opined that the proposed side yard setback of 11.1' is the struggle. The Chairman then inquired about the location of the proposed family room addition in the rear, which will also be within the side yard setback.

Township Engineer DiGennaro explained that the septic system is in the rear yard. The setback requirement for the septic system is 15' to a crawl space and 25' to a basement wall. The submitted plan shows the addition proposed at 20.8' from the septic system.

Mr. Ruebenacker pointed out that the applicant did not provide the Board members with the architectural plans of the existing and proposed basement. He added that because the basement will impact the application and the setbacks, architectural plans for the basement should be provided.

Chairman Fry questioned why the proposed family room addition could not be shifted 5' closer to the septic and 5' out of the side yard setback. Ms. Osterkorn stated that the applicant would lose basement space if they were to do that. Mr. Fry pointed out that the applicant is proposing a large kitchen with breakfast area, a dining room, family room, living room, office, playroom, and mud room. He added, considering that there will be a lot of square feet of living space in the proposed home, it is difficult to accept that the applicant is not willing to give up space in the basement to push the addition further back out of the setback.

Mr. Borst stated that he understands the benefit of a two-car garage. He suggested reconfiguring the first floor and possibly eliminating the mud room to shift the garage over. He added that he does not foresee the Board going with an 11.1' side yard setback where 25' is required.

Mr. Whitaker stated that the applicant will take the Board's comments into consideration and perhaps revise the plans.

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Brian Saxton was sworn. He resides at 270 Demarest Avenue in Wyckoff. He stated that he has reviewed the plans and has no objection to the renovation. He said that it enhances the charm of the neighborhood and he welcomes the renovations.

David Ware was sworn. He resides at 290 Sunset Blvd. He stated that he has no objection to the renovation or the second car garage adding that it is exactly what this neighborhood needs.

Ryan Barry was sworn. He resides at 191 Van Houten in the house to the left of the Canzani's. Mr. Barry stated that his property will be the most affected by the proposed addition and that he has no objection to the variances they are requesting. He added that he supports the application.

CLOSED TO THE PUBLIC

Chairman Fry stated that the application will be carried to the July 16, 2020 meeting. He advised the applicant's professionals to analyze the options for revisions and to also submit a plan which shows the existing and proposed basement. We will hear testimony from the applicant's

Architect next month.

Chairman Fry announced that the Gaeta application for 200 Godwin Avenue Block 266 Lot 21 will also be carried to the July 16, 2020 meeting.

Mr. Becker stated that if the July meeting is held virtually the current applicants will not have to re-notice.

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 11:10 p.m.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment