

WYCKOFF BOARD OF ADJUSTMENT

JULY 16, 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 July 16, 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, Brian Tanis, and Kelly Conlon.

Absent: Brian Hubert, Rosa Riotto and Kimberly Evans.

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

Pledge of Allegiance.

OLD BUSINESS

Approval of the June 18, 2020 Work Session and Public Business meeting minutes.

The June 18, 2020 Work Session and Public Meeting minutes were approved during the Work Session.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #20-07 Approval of vouchers for Engineering and Professional Services.

Payment Resolution #20-07 was approved during the Work Session.

RESOLUTIONS FOR MEMORIALIZING**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)

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)

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)

The Resolutions were approved during the Work Session.

REQUEST FOR EXTENSION OF APPROVAL

Jerome A. Vogel, Esq., on behalf of The Christian Health Care Center, has requested an extension of time to begin construction on The Administration Building and The Behavioral Management Ramapo Ridge Building. These projects were approved and are part of the Resolution for The Vista construction project on September 20, 2018. A previous one-year extension of time was requested for these same projects in June of 2019 and was approved at the July 18, 2019 Zoning Board meeting.

The Extension of Approval was approved during the Work Session.

CARRIED APPLICATIONS**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)

Mr. Sulo, the applicant, was reminded that he was sworn during the June 18, 2020 meeting and is still under oath. He thanked the Board for the comments and recommendations that they made regarding his application during the last meeting. Mr. Sulo stated that he reached out to the County regarding the right of way issue however, due to the Covid-19 virus, many services were not operational and he was unable to complete the process of dedicating the right of way to the County. He added that he is hoping to resolve the matter soon. Mr. Sulo stated that the revised survey that he submitted does not show the circular gravel driveway however he will provide an as built survey once all the construction work is completed, should the Board approve his application. Regarding the second story addition, Mr. Sulo stated that he is now proposing to bump the addition in 2' on the left side where the existing setback is 3.5' however he is not proposing to reduce the setback on the right side because the second story is already existing at 10.9' and has been for many years.

Mr. Borst stated that he appreciates the fact that the applicant pushed the second story addition in 2' and the revisions to the roof line on the right will make the addition less impactful to the neighbor on the right.

Chairman Fry asked for clarification of the proposed gross building area. Mr. DiGennaro stated that the gross building area is 2,534 sf which does not trigger the enhanced side yard setbacks.

OPEN TO THE PUBLIC

Joyce Zisa, who resides at 62 Shadyside Drive in Wyckoff, was sworn. Mrs. Zisa stated that she and her husband purchased their home 47 years ago. At that time, the husband and wife owners of 234 Franklin Avenue were raising two young children in what was a two-bedroom home. The former owners were granted a variance to add the existing second level to the home at 234 Franklin Avenue. Mrs. Zisa said that the request for that variance to add two additional bedrooms to the home was truly a hardship because the couple and their two children were living in a two-bedroom home. Mrs. Zisa went on to say that the home, as it currently exists, is a four-bedroom home. She stated that she feels the proposed addition is excessive for the lot and would appear out of character with the neighborhood.

Charles Zisa, who also resides at 62 Shadyside Drive, was reminded that he was sworn during the June 18, 2020 Zoning Board meeting and is still under oath. Mr. Zisa stated that he is concerned about the addition to the rear of the home behind the garage. Mr. Sulo stated that the rear addition is conforming. Mr. Becker clarified that the rear addition increases the principal building lot coverage which is why the applicant is requesting a variance. Mr. Zisa said that he feels the lot has already been developed as much as it should be. Mr. Becker stated that it is up to the Board to make that decision. Chairman Fry stated that the Board members do their due diligence to make sure that the impact of a proposal is viewed throughout, adding that the benefits and detriments to the neighborhood are well considered before a decision is made. Mr. Zisa stated that he feels the proposed addition will be a detriment to the neighborhood.

CLOSED TO THE PUBLIC

Mr. Ruebenacker stated that the application is a challenge for the Board specifically pertaining to the 5.5' side yard setback of the second story addition on the left side of the home. He added that due to the size and shape of the lot this is certainly a hardship however, the applicant was aware of the lot conditions when he purchased the home. Finally, Mr. Ruebenacker said that he appreciates the fact that the applicant listened to the suggestions made by the Board members and stepped in the second story and also revised the roof lines to reduce the impact on the neighboring properties.

Chairman Fry asked for a motion on the application. Mr. Becker stated that if the application is approved it will be subject to the applicant submitting a revised Section J, an as built survey showing the circular driveway, and the dedication of the right of way to the County.

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

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, stated that his client submitted a revised architectural plan and plot plan. The applicant is proposing to eliminate the previously proposed basement and shift the rear family room addition 5' to the right which will be conforming however the 11.1' side yard setback to the proposed garage is still proposed at 11.1' where the enhanced 25' is required. Mr. Whitaker stated that the topographic conditions of the property are such that the dwelling to the left, which will be most impacted by the addition of the garage, is higher than the

applicant's property. He added that there is also extensive landscaping that exists to provide screening. The applicant is also seeking variance relief for a principal building coverage of 16.1% where 15% is the maximum allowed however the combined lot coverage will be conforming at 17.8% where 20% is the maximum allowed. Finally, Mr. Whitaker stated that due to the substandard conditions in lot width and lot area, it is his opinion that the application meets the criteria for the C-1 and C-2 variances.

Kiersten Osterkorn, the applicant's Engineer, was reminded that she was sworn at the last meeting and is still under oath. Ms. Osterkorn stated that the plans have been revised based on comments made by the individual Board members at the last meeting. The rear family room addition has been shifted 5' to the right and out of the enhanced side yard setback while still meeting the septic setback requirements. The utilities will be placed underground as requested by the Board. While landscaping around the A/C units is not shown on the plan, as a condition of any approval, the applicant will place screening plantings around the A/C units. Mr. Whitaker stated that the A/C units are proposed to be placed on the right side of the home which is well out of the side yard setback and they will be screened.

Mr. Borst asked if the mud room could be eliminated thereby allowing the proposed garage to be shifted further out of the side yard setback which is proposed at 11.1'. Mr. Whitaker replied that the applicant's Architect will address that matter.

Chris Canzani, the applicant's Architect, was reminded that he was sworn at the last meeting and is still under oath. Mr. Canzani stated that the intent of the design is to maintain the charm of the existing traditional cape cod style home while improving upon the exterior aesthetics and modernizing the interior space. The proposed exterior siding is white hardy plank and stone veneer. The proposed roof lines are varied in scale and height to create a dynamic look to the exterior of the home while softening the mass of the addition. Regarding eliminating the mud room to facilitate shifting the garage to the right, Mr. Canzani stated that there is an existing change in elevation from the existing garage slab to the mud room as it currently exists. The mud room is at the level of the main part of the home which is four or five risers up from the garage slab. He added that eliminating the mud room, and shifting the proposed garage, would make it difficult to maintain the roof lines and the appeal of the proposed design.

Chairman Fry stated that the application is a struggle because the home as it exists is conforming and the nonconformities have been created by the proposed addition and renovation. He went on to say that he appreciates the fact that the proposed rear addition has been shifted to the right and will conform with the enhanced side yard setback however he would like to see the mud room eliminated and the garage shifted further out of the side yard setback. He added that he believes Mr. Canzani, the Architect, is very talented and could easily compress the size of the proposed home and keep the design aesthetically pleasing.

Mr. Kalpagian stated that although the 11.1' side yard setback is definitely a struggle, he feels that the topography of the property along with the extensive screening will soften the impact. He added that he thinks the architectural design is very nice and that the finished home will be an overall improvement to the neighborhood.

Mr. Tanis inquired about the interior dimensions of the proposed garage. Mr. Canzani, the Architect, stated that the garage is approximately 21' with one foot between the wall and the garage door opening and one foot between the two garage doors. Mr. Tanis stated that he does not see how the garage could be reduced in size and be functional without changing it to a one

and a half car garage. He then asked if any consideration had been given to bumping in the second story gable end on the left side over the proposed garage to lessen the impact. Mr. Canzani said that the second story is bumped in 1.4' on the left side. He added that in order to step it in any further, he would have to shrink the size of the bedroom and also change the window design on that side, but it would be possible to do so.

Mr. Borst asked what the elevation change is from the existing mud room to the existing garage slab. Mr. Canzani stated it is 1'. Mr. Borst said that he is having a hard time accepting the 11.1' side yard setback and feels that the garage could be shifted to the right and further out of the proposed 11.1' setback. The applicant has an existing house that conforms and is proposing a home that is nonconforming with a side yard setback of 11.1' where 25' is required.

Mr. Ruebenacker stated that while he admires the design of the proposed home, he is challenged by the self-imposed hardship which is not really a hardship.

Ms. Conlon stated that she understands the desire for the two-car garage and the mud room. She added that the design of the home is beautiful, in her opinion, and will fit in nicely with the character of the neighborhood.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Mr. Whitaker stated that the lot is substandard in area and width. He opined that the topographic conditions of the lot work in the applicant's favor. The subject home sits lower than the house to the left and there is a substantial amount of landscaping on the left side as well. Mr. Whitaker went on to say that the applicant is not proposing a monstrous sized home, adding that garages are encouraged in the Township of Wyckoff. Mr. Whitaker asserted that the topographic conditions of the property, in his opinion, justify granting the variance relief for the 11.1' left side yard setback.

Chairman Fry stated that topographic conditions of a lot are not a reason for a Board to grant a variance for an 11.1' side yard setback where 25' is required. He added that he believes there is room for discussion but 11'1 is not where we should be when 25' is required. The Chairman stated that the applicant heard the concerns of the Board regarding the 11.1' setback and did not offer a counter proposal to increase the side yard setback. Finally, Mr. Fry said that he would like to see at least 15' on the left side.

Mr. Ruebenacker inquired about the height of the retaining walls to the left of the home. Mr. Canzani stated that towards the front of the house, the retaining wall on the property line is 18" high and gets slightly higher as it moves to the rear yard.

Mr. Tanis said that he also struggles with the 11.1' side yard setback however he is very pleased with the aesthetics of the design and is afraid that if the Architect shrinks the house down, the mass will be shifted over the center of the house, and it will become a big boxy home.

Mr. Kalpagian said that he questions what would be gained by asking the applicant to shrink the home by 4' to achieve a 15' side yard setback adding that a variance will still be required and, in his opinion, something would be lost in the aesthetics of the home.

Mr. Whitaker stated that the applicant is willing to step in the left side of the proposed addition by 1' resulting in a 12' left side yard setback to the garage, the second story will be stepped in 1.4', the A/C units will be screened and utilities will be placed underground.

Chairman Fry asked for a motion.

Mr. Kalpagian made a motion to approve the application for 177 Van Houten Avenue subject to a 12' side yard setback to the garage, the second floor will be stepped in 1.4', the A/C units will be screened, and utility lines will be placed underground. Second, Mr. Tanis. Voting in favor: Ms. Conlon, Mr. Tanis, Mr. Kalpagian and Mr. Ruebenacker. Voting against: Mr. Borst and Chairman Fry.

GAETA, JOSEPH 200 Godwin Ave. BLK 266 LOT 21

(The applicant proposes to construct a second story addition to the existing home requiring variance relief for pre-existing nonconforming lot area, side yard setback and accessory structure side yard setback)

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

Doreen Winn, the applicant's Attorney, stated that this is an application for a C-1 variance. The lot is undersized and there are existing nonconforming setbacks on both the left and right sides. Ms. Winn stated that the existing home is a two-bedroom, one-bathroom home and the applicant wishes to turn it into a three-bedroom, three-bathroom home by adding a second story. Ms. Winn then called upon the applicant's Architect to provide testimony.

Michael Bet was sworn. His office is located at 85 Franklin Turnpike in Waldwick. Mr. Bet stated he has a degree in Architecture from the Pratt Institute and has been a licensed Architect since 2005. His credentials as an Architect were recognized by the Board. Mr. Bet provided the details of the application. He stated that the lot is undersized at 11,353 sf where 15,000 sf is required in the zone. The lot is also deficient in frontage at 68.67' where 100' is required. Both side yard setbacks are nonconforming with 7.4' on the left side and 6.6' on the right. Both of those setbacks are proposed to remain unchanged. The applicant wishes to add a second level to the existing home, which is slab on grade, with 1,368 sf of living space. Alterations will also be made to the first floor; however, the footprint of the existing home will not change. No changes are proposed for the existing one-car detached garage. The home, as it exists, has a dwelling area of 981 sf which is below the minimum requirement of 1,100 sf according to the Township of Wyckoff Code. The applicant is proposing to eliminate that nonconformity by adding a 966 sf second story resulting in 1,947 sf of dwelling area. The proposed second floor plan will include a master bedroom, master bath, laundry room, two additional bedrooms and one additional bathroom.

Vice Chairman Borst asked what is proposed for the existing first floor plan. Mr. Bet stated that one of the existing bedrooms will be converted to a den and the other bedroom will be an office. Closets will be removed from both existing first-floor bedrooms.

Township Engineer Di Gennaro pointed out that the covered patio must be included in the principal building lot coverage because it is attached to the house. The Section J as submitted does not include the covered patio. The roof over the patio is also connected to the detached garage. Mr. DiGennaro said that if the roof over the patio is connected to both the house and

the garage, that roof and the detached garage become part of the principal building. That being said, it was determined that the principal building lot coverage is 17.2% which exceeds the maximum allowed 15%. Mr. Becker stated that this will require another variance. Mr. DiGennaro said that a revised Section J will need to be submitted. Mr. Becker clarified that the requested variances are for principal building side yard setbacks on the left and right as well as principal building lot coverage.

Mr. Kalpagian asked if the applicant had considered bumping in the proposed second level on the right side of the home where the existing and proposed setback is 6.6'. Mr. Bet stated that they looked at the neighboring homes and properties and what is proposed is in keeping with the other homes in the area along Godwin Avenue. Ms. Winn added that the side of the home with the 6.6' setback abuts the driveway of the neighbor to the right which provides more space between the two homes.

Ms. Conlon pointed out that there are no A/C units shown on the plans and asked if the applicant is planning to add A/C units to the home. Ms. Winn asked the applicant to respond.

Joseph Gaeta, the applicant, was sworn. Mr. Gaeta stated that the home currently has central air conditioning with the A/C unit located on the right side of the house approximately 8' from the property line and it is screened.

Mr. Tanis asked how far the two dormer-like structures in the front of the home protrude and if they will be within the 40' front yard setback, which would require a variance. Mr. Bet stated that the architectural features protrude approximately 1.8' and are in line with the overhang of the roof. Mr. DiGennaro said they do not trigger a variance. These are considered architectural oriel features and according to the Township Code, they may protrude up to 2'.

Mr. Ruebenacker stated that he feels the landscape plan is lacking. Mr. Gaeta said that he recently had a professional landscape plan prepared however it was not completed in time to provide it to the Board members prior to the meeting. Mr. Borst stated that if the application is approved, the applicant can submit the landscape plan before the Resolution is memorialized. Mr. Ruebenacker also inquired about the proposed siding. Mr. Bet said the siding will be shiplap style siding in either hardy plank or vinyl. Finally, Mr. Ruebenacker asked the applicant if he plans to reside in the home or sell it after the renovations are completed. Mr. Gaeta stated that he grew up in Wyckoff, has lived in the town his entire life, and plans to live in the home.

Mr. Borst expressed concern about continuing the 6.6' setback straight up with the second level. Mr. Bet stated that the home does not have a basement and stepping in the proposed second story would result in smaller rooms and less storage space, which is much needed. Mr. Kalpagian suggested possibly added additional windows to that side of the home to lessen the impact of the outside wall in the setback. Ms. Winn said they could install larger windows on that side of the home.

Mr. Tanis stated that while the 6.6' setback is troubling, the applicant is proposing a very modest home that is very much in keeping with other homes in the neighborhood.

Mr. DiGennaro asked that a revised plan be submitted which reflects the correct block and lot numbers, a revised section J, and show A/C units on the plans, prior to the memorializing of a Resolution if the application is approved. Mr. Borst reiterated that the professional landscape plan should also be submitted.

Vice Chairman Borst asked for a motion.

Mr. Tanis made a motion to approve the application for 200 Godwin Avenue block 266 lot 21 subject to the submission of a revised Section J, revised architectural plans and professional landscape plan. Second, Mr. Ruebenacker. Voting in favor: Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Ruebenacker and Vice Chairman Borst.

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