

WYCKOFF BOARD OF ADJUSTMENT

FEBRUARY 25, 2021 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:

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act NJSA 10:4-6 et seq., and in consideration of Executive Order #103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency in the State of New Jersey, the Zoning Board of the Township of Wyckoff does hereby notify the public that to protect the health, safety and welfare of our citizens, the meeting of the Zoning Board of the Township of Wyckoff scheduled for Thursday February 25, 2021 will be conducted virtually through Zoom technology and it will be live-streamed on the Township of Wyckoff's YouTube channel. The Work Session is scheduled for 7:30 and the Public Business meeting will begin at 8:00 pm.

These measures are implemented to allow members of the public to observe the meeting via live streaming and to provide the ability to comment during the periods for public comment during the meeting through Zoom telephone call in technology. Joining the meeting by telephone will be utilized as security against the sharing of inappropriate video content.

General instructions regarding access to the meeting is posted on the Wyckoff web site's home page at www.wyckoff-nj.com as a "News" item.

"The February 25, 2021 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. Members of the public are welcome to be present at this meeting. However, in accordance with Section 7 (A) of the Open Public Meetings Act, participation on the part of the public at this meeting will not be entertained."

Mr. Fry read the following 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 time."

Pledge of Allegiance**OLD BUSINESS**

Approval of the January 21, 2021 Work Session and Public Business meeting minutes. The minutes were approved during the Work Session.

RESOLUTION FOR PAYMENTS #21-02

Payment Resolution #21-02 was approved during the Work Session.

MEMORIALIZING RESOLUTIONS**Makela, Ray 191 Henry Pl. Block 395 Lot 16**

(The applicant proposes to install an A/C condenser unit in the side yard requiring variance relief for a side yard setback of 8')

Hildebrandt, John 371 Oakwood Dr. Block 250 lot 43

(The applicant proposes to add second story loft/dormers to the existing detached garage requiring variance relief for side yard setback of an accessory structure and nonconforming lot area, frontage, and depth)

Nicol, John 123 Midland Ave. Block 302 lot 12.01

(The applicant proposes to construct a two-story addition to the existing home requiring variance relief for a side yard setback of 10.50' and nonconforming lot frontage)

Brouwer, Scott 375 Butternut Ave. Block 462 Lot 17

(The applicant proposes to construct an inground pool requesting variance relief for an accessory lot coverage of 11% where 5% is the maximum allowed and combined lot coverage of 22.7% where 20% is allowed)

The four (4) Resolutions were approved during the work session.

CARRIED APPLICATION**Quiroga, Walter 469 Cedar Hill Ave Blk 349 lot 70**

(The applicant proposes to construct an addition to the existing home requiring variance relief for a side yard setback of 16.2')

Board Attorney Becker reminded the applicant and his professionals that they were previously sworn in and are still under oath. He also stated that the original submission was marked as exhibit A-1 and the revised plans and section J will be marked exhibit A-2.

Harold Cook, the applicant's Attorney asked William Brown, the applicant's Architect, to provide the details of the revisions made to the plans. Mr. Brown described the changes as follows: The side yard setback has been increased from 16.2' to 20.1' by reducing the size of the proposed covered porch. As a result, the building lot coverage has been reduced from 12.87% to 12.74%. The patio has been removed from the left side of the septic tanks and the second story balcony has been reduced in size resulting a side yard setback of 27.1' to the balcony where the enhanced side yard setback requirement is 25'. The location of the proposed pool equipment is now reflected on the revised plan. The elevation remains the same as previously proposed.

Chairman Fry stated that it appears that all of the concerns expressed by the Board at the last meeting have been addressed however a revised landscape plan was not submitted. Mr. Cook stated that the proposed plantings on the original landscape plan that was submitted will remain.

Mr. Hubert pointed out the gross building area on the zoning table of the revised plan does not match the revised section J, which has the correct calculation. Mr. Cook said the corrections will be made.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Board Member Tanis made a motion to approve the application with the condition that the gross building area calculation will be corrected on the zoning table on the plan and the proposed plantings on the original landscape plan L-1 dated 11/20/2020 will be adhered to. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Christ, and Chairman Fry.

NEW APPLICATIONS

Urban, Lauren & Richard 239 Cottage Place Blk. 461 Lot 13

(The applicant proposes to demolish the existing home and construct a new conforming single-family residential dwelling on the existing lot requiring variance relief for a nonconforming lot frontage of 119.8')

Lauren and Richard Urban, the applicants, were sworn in. Kiersten Osterkorn, the applicant's Engineer and Chris Canzani, the applicant's Architect were also sworn in. Chairman Fry stated that both Ms. Osterkorn and Mr. Canzani have appeared before this Board many times and he recognized them as experts in their respective fields.

Mr. Urban stated that he and his wife purchased the existing home 5 ½ years ago and wish to remain in the home. They propose to demolish the existing home and construct a conforming home on the lot which has a pre-existing nonconforming lot frontage of 119.8'. He added that all setback and lot coverage requirements will be met. It will be a complete teardown of the existing dwelling and the existing tennis court will also be removed.

Ms. Osterkorn provided the following details of the application:

The existing structure will be completely demolished including the foundation. The tennis court and surrounding fence will be removed. A new four-bedroom septic will be constructed in the rear of the property. The proposed 2 ½ story dwelling will conform with all bulk requirements of the Township of Wyckoff. With the removal of the tennis court and the proposed changes to the driveway and patio, there is reduction in impervious coverage of approximately 4,300 sf. A drainage chamber system is proposed in the front yard to capture all of the runoff from the roof area. We are proposing a side entry garage with the driveway to run parallel to the easterly side of the property line. We are proposing a flair of approximately 36' at the end of the driveway on Cottage Road. The main throat of the driveway will be 16'. Curbing along the driveway will contain runoff from the proposed driveway. Landscaping is proposed around the A/C units however we understand that based on the Board's comments during the work session, additional landscaping may be requested.

Chairman Fry said that he has questions about the flare into the right of way at the end of the driveway and whether or not there are any restrictions for that.

Mr. DiGennaro commented on the proximity of the proposed driveway to the property line and the flare into the right of way stating that there is no setback requirement for a driveway to a property line. He added that as a result of that, you are going to have an apron with a radius that will project into the right of way and cross the property line. In areas where there are smaller lots, it is very common to have a driveway right up against the property line. Mr. DiGennaro stated that whenever a driveway is proposed near the property line, he always recommends the installation of Belgium block to be placed along the driveway to prevent the runoff from cascading on to the neighboring property. The applicant is proposing Belgium block along the driveway which will direct runoff towards the street; not onto the neighboring property.

Mr. Fry asked why a 16' width is proposed for the driveway. Ms. Osterkorn stated that Wyckoff does not have a specific requirement of 12' or 15' for the width of a driveway. She added that she recommended the 16' width to the applicant so that two (2) cars could pass or park safely if there are multiple cars in the driveway.

Mr. Fry pointed out there are no plantings proposed along the driveway and recommended adding some evergreens to provide screening from the car lights as vehicles are pulling in and out of the side loading garage. Ms. Osterkorn stated that evergreen shrubs will be added along the driveway to provide screening. Mr. Hubert pointed out there is a substantial amount of screening in that area on the neighboring property however new trees should be proposed to replace the four (4) mature trees that are being removed.

Mr. Kalpagian stated that in light of the fact that mature trees are being removed from the property, he feels that a more substantial landscape plan should be provided which includes the addition of some trees to replace the ones that are being removed. Mr. Fry agreed, stating that if the application is approved, the submission of a more comprehensive landscape plan could be a condition of approval.

Chris Canzani, the applicant's Architect, provided the following details of the architectural plans: The overall style of the house is a shingle style with large sweeping gables. The proposed exterior siding is a PVC simulated shake to simulate traditional cedar siding. The window trim, siding trim, and soffit will be PVC white clad, and the roof will be asphalt shingles. A three (3) car garage, covered front entry porch, and a covered rear patio structure with a wood burning fireplace are also proposed. The proposed height is 32.6' which is below the maximum allowed 35'. The width of the proposed dwelling is 66' which aligns with the engineering plan and fits within the required setbacks. The first floor will have 9' ceilings, the second floor will have 8' ceilings, and a vaulted ceiling is proposed in the master bedroom.

Mr. Hubert asked if the basement will be finished. Mr. Canzani stated that the basement will be partially finished to include a playroom, office, mechanical room and a ½ bathroom.

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Robert Ishkanian, a neighbor who resides at 441 Glendale Avenue, was sworn in. Mr. Ishkanian stated that there are inconsistencies between the engineering plan and the architectural plan regarding the width of the proposed dwelling adding that the engineering site plan shows the width is 64' but the architectural plan shows 66'. Ms. Osterkorn confirmed that she checked the

proposed width of the home on the site plan she prepared, and it is 66'. Mr. Ishkanian asked how far the proposed flared driveway will encroach onto his property. Ms. Osterkorn stated that the driveway flare will be in the public right, not on Mr. Ishkanian's property, and it will be approximately 8' into the public right of way of the extended line of his property. Mr. Ishkanian asked if the driveway could have been designed without the flare at the end of the driveway in the right of way of his property. Ms. Osterkorn stated that this was the best design in her opinion.

Chairman Fry asked if the flare can be eliminated. He stated that Cottage Road is not a main road adding that the driveway is proposed at 16' wide and it does not seem necessary to have the flare at 36' wide. Mr. DiGennaro agreed stating that he does not understand the need for the 36' driveway apron and that it is not unreasonable to request that the driveway and curbing go straight down to Cottage Road without extending past the property line.

Ms. Osterkorn took a short break to speak privately with the applicants about other options for the driveway. After speaking with the applicants privately, Ms. Osterkorn stated the driveway and block curbing will be brought in a straight line down to the street thereby eliminating the flare.

CLOSED TO THE PUBLIC

Mr. Ruebenacker stated the Board should come to a decision on the landscape plan and what they would like to see added. The applicant is removing four (4) mature trees and the Board should require at least four (4) new trees going back in to replace those trees; possibly two (2) in front along the curb line and another two (2) or three (3) in the rear. Evergreen plantings should be proposed along the right side of the driveway as discussed, and foundation plantings along the front, left, and rear. Mr. Tanis recommended at least three (3) to four (4) shade trees and plantings along the right side of driveway as screening and to alleviate concerns of the neighbor.

Mr. Kalpagian made a motion to approve the application with the condition that the driveway with block curbing will be straight to the street without a flared apron, and a more comprehensive landscape plan will be submitted showing evergreen screening along the right side of the driveway, foundation plantings along the front and rear, and the replacement of the four (4) trees that are to be removed. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Ms. Riotto, Mr. Ruebenacker, Mr. Christ, and Chairman Fry.

Messina, Charles 191 Hillside Avenue Blk 354 Lot 15

(The applicant proposes to construct an addition in the rear of the existing home requiring variance relief for the rear yard setback of 31.92 and principal building lot coverage of 17.15%)

Charles Messina was sworn in. Mr. Messina stated that he and his wife purchased this home in 2016 and they wish to remain in it with their three (3) children however the house is no longer workable for his family. There is no room in the kitchen for a table and chairs, so they currently utilize the very small kitchen island and bar stools to eat and spend time together in the kitchen. Mr. Messina said that the family spends about 90% of their waking hours in the kitchen and family room area. The scope of the project is to construct a small bump-out to expand the kitchen area to provide room for a table and chairs.

Robert Forbes, the applicant's Architect was sworn in. His office is located at 38 Chatham Road in Short Hills New Jersey. Mr. Forbes said that he has a bachelor's degree in architecture from NJIT. He is a licensed Architect in the State of New Jersey and he affirmed that his license is in

good standing. Mr. Forbes was recognized as an expert in architecture, and he provided the following details of the application:

The lot is undersized as it is approximately 40% of the required of lot size in the zone. The lot frontage, and depth are also nonconforming which is a hardship. The existing principal building lot coverage is 16.2%. We are proposing a 91-sf addition which will result in a principal building lot coverage of 17.15% however the combined lot coverage will be 17.15% which is below the maximum allowed 20%. There is an existing patio that will be reused and will be reduced slightly in size which will reduce some of the coverage. The requested variance is for a rear yard setback of 31.92' where 40' is required. We were very careful with the design of the modest addition to be sensitive to the neighbors. The calculations for gross building area include the garage, the house and covered porch; everything with a roof. The property is densely screened.

Chairman Fry summarized by stating that this is a nonconforming, extremely undersized lot with nonconforming frontage and depth as well. The principal building lot coverage exceeds the maximum allowed however the total combined is below the maximum allowed and conforms. A previous variance was granted in 2005 to construct the home on a nonconforming lot and it seems odd that it was built without space in the kitchen for a sitting area. The requested variances are for rear yard setback and principal building lot coverage.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Mr. Ruebenacker made a motion to approve the application as submitted. Second, Ms. Riotto. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Ms. Riotto, Mr. Ruebenacker, Mr. Christ, 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 10:00 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment