

## WYCKOFF BOARD OF ADJUSTMENT

### FEBRUARY 17, 2022 PUBLIC BUSINESS MEETING MINUTES

=Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall  
Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

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

"The February 17, 2022, 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](http://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."*

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

Board Members in attendance: Carl Fry, Chairman; Mark Borst, Vice Chairman, Erik Ruebenacker, Rosa Riotto, Brian Hubert, Ed Kalpagian, Brian Tanis, Ian Christ, and Nekije Rizvani.

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

#### **OLD BUSINESS**

Approval of the January 20, 2022 work session and public business meeting minutes. The meeting minutes were approved during the work session.

#### **RESOLUTION FOR PAYMENTS #22-02**

Payment Resolution #22-02 was approved during the work session.

**MEMORIALIZING RESOLUTIONS****McMillin 284 Crescent Ave. Blk 217 Lot 1**

(Applicant proposes to install A/C condenser units in the second front yard of a corner lot)

**St. Elizabeth's 700 Wyckoff Ave. Block 216 Lot 16.02**

(The applicant proposes to install eleven (11) directional signs on the Church/school campus)

The two (2) Resolutions were approved during the work session.

**APPLICATION CARRIED****Grano, Anthony 178 Cottage Rd. Blk 456 Lot 24**

(The applicant proposes to construct 2 covered patios, a storage room, powder room and a pool requiring variance relief for accessory lot coverage and total combined lot coverage)

Ms. Riotto recused herself and stepped down from the dais.

Santo Alampi, the applicant's Attorney, stated that he and the applicant's Professional heard the comments made by the Board members during the work session and will address those comments this evening.

Bob Weissman, the applicant's Engineer was reminded that he was previously sworn and is still under oath. Board Attorney Becker stated that the original submission was marked exhibit A-1 and the revised Engineering plan will be marked exhibit A-2. Mr. Weissman said the revision date of the plan is 1/5/2022 and provided the following comments about the revised plans: The proposed covered patio has been relocated to the rear of the house. Since the gross building area exceeds 3,700 sf, the enhanced side yard setback of 25' is required. The Architect will provide testimony on the enhanced side yard setback issue. The shed will be removed which will eliminate three (3) nonconformities.

Chairman Fry questioned why the applicant would submit a revised plan requesting a new variance for a side yard setback of 19.6' and asked if there is a structural reason for the proposed new location. Mr. Fry suggested shifting the covered porch over to get to a 20' setback to bring it in line with the right side which is at 20.2'.

William Brown, the applicant's Architect was reminded that he was previously sworn and is still under oath. Mr. Brown stated that the proposed covered porch was shifted to the left to avoid blocking the large living room windows on the right side of the back of the house however the applicant is willing to shift the addition over to achieve a 20' side yard setback on the left side. He went on to say that the addition of the storage area, powder room and covered patio will be one story and the proposed powder room is only 5' wide. The structure will also have a hip roof, architectural columns, and a stone base.

Mr. Alampi circulated two (2) photos of the rear of the home to the Board members which were marked exhibits A-3 and A-4.

Mr. Borst pointed out that the arborvitaes shown on the landscape plan going beyond the right rear corner are currently not existing. He added that they currently stop at the back corner, and he recommend adding another 25' of arborvitaes for screening of the outdoor living space.

Chairman Fry said the applicant should follow the landscape plan as presented and add the additional arborvitae beyond the end of the house to screen the sitting area.

Mr. Alampi said they will install the plantings as shown on the landscape plan.

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NO ONE FROM THE PUBLIC COMMENTED  
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Board Attorney Becker clarified that three (3) new variances are being requested for principal building lot coverage, a left side yard setback of 20' and right side yard setback of 20.2' where the enhanced side yard setback of 25' is the requirement for each side.

Mr. DiGennaro suggested allowing the applicant to keep the shed and move it out of the accessory structure rear and side yard setbacks which will eliminate two (2) nonconformities.

Chairman Fry said he did not hear a request by the applicant to keep the shed and the Professionals have stated that the shed will be removed so the Board has concluded that the shed should be removed which will eliminate three (3) nonconformities

Mr. Alampi stated that the applicant would be willing to move the shed out of the accessory setbacks as he would like to keep the shed to store the lawn furniture and children's pool toys.

Chairman Fry emphasized that removing the shed will greatly help this application by eliminating three (3) nonconformities so we will leave it at removing the shed. He added that the addition will be shifted to get the left side yard setback to 20' instead of 19.6' and the plantings will be installed as shown on the submitted landscape plan.

Mr. Borst made a motion to approve the application with the conditions that the addition will be shifted over to achieve a left side yard setback of 20', the shed is to be removed and the plantings will be installed according to the submitted landscape plan. Second, Mr. Kalpagian. Voting in Favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Mr. Ruebenacker, Mr. Christ, Mr. Borst, and Chairman Fry.

Ms. Riotto returned to the dais.

## **NEW APPLICATIONS**

### **Mendez, Angel 343 Meadowbrook Road Blk. 206 Lot 4**

(The applicant proposes to construct an inground swimming pool, patio and pavilion requiring variance relief for accessory lot coverage)

Matthew Capizzi, the applicant's Attorney, provided the following summary of the application: The applicant has lived in this home for the last seven (7) years with his family and is in the process of fixing up the back yard to create some space for recreational purposes. An inground pool and patio area have already been constructed. We are proposing a 16' x 20' pavilion adjacent to the pool to provide a shaded entertainment area. The structure will be 12'10" in height and will be open on three (3) sides. The other component of the application is a shed. The existing 80 sf shed is outdated, and the applicant is looking to upgrade and increase to a

140 sf shed. It will be 9' in height, made of a resin material, and will be used to store pool patio equipment and kids sports equipment. The proposed pavilion and shed will conform with the accessory structure side and rear yard setback requirements. The principal building coverage is conforming at 6.7% and will remain unchanged. The proposed accessory lot coverage will be nonconforming at 6.7% where 5% is the maximum allowed however the combined lot coverage will be conforming at 13.4% where 20% is allowed. A substantial landscape plan has been submitted. One variance is being requested for the accessory structure lot coverage limitation.

Jeff Egarian, the applicant's Engineer, was sworn in. His professional address is 271 Route 46 Fairfield NJ. Mr. Egarian stated that he has been licensed in the State of New Jersey since 2006 and his license is in good standing. The Chairman recognized Mr. Egarian as an expert in the field of Engineering. Mr. Becker marked the submitted grading plan, last revised on 10/19/2021, exhibit A-1, and the landscape plan exhibit A-2.

Mr. Egarian said that everything on the site plan has been constructed except the pavilion and shed. The rough grading is done, and the inground pool and hardscape are completed. We are proposing a 16' x 20' pavilion with a 26.7' side yard setback and a 52' rear yard setback. The pavilion will be open on three (3) sides and the height will be slightly less than 13'. No water lines, or gas lines will be installed. An electric line will be run to the structure for the purpose of installing a ceiling fan light and a wall mounted television set. The proposed shed is approximately 140 sf in size. The accessory building lot coverage will be 6.7% where 5% is the maximum allowed. Mr. Egarian then addressed the proposed landscaping. He said we are proposing forty (40) green giant arborvitaes, 6'-7' in height at the time of planting, on the south side of the property and twenty-five (25) green giant arborvitaes, 8' in height at the time of planting, on the north side of the property behind the proposed pavilion. In addition there is a 6' tall solid privacy fence along the perimeter of the property.

Mr. Borst asked how they will grade the property from the pool to the pavilion because there is a step down in grade from one side yard to the other and the pool is about a foot lower than the patio area. He added that it looks like there will need to be a small retaining wall between the pool equipment and the pavilion however it is not shown on the plans.

Mr. Egarian stated there may be some minor regrading done in and around that area and there will be a footing wall.

Chairman Fry asked if there will be lighting, or speakers installed. Mr. Capizzi stated that only a ceiling fan light and a television are planned for the pavilion.

Mr. Tanis asked if any thought was given to removing the deck since there is so much hardscape existing and proposed including patios and the new pavilion. He suggested eliminating the deck and continuing the hardscape which would flow better, and it would also lessen the accessory lot coverage.

Angel Mendez, the applicant, was sworn in. He stated that he has four (4) daughters and that he and his family spend a lot of time outside on the deck. He said his house is not very large and the family enjoys utilizing the outdoor living space on the deck which is right off of the dining room.

Mr. Hubert said he was pleased to see such a substantial landscape plan adding that the proposed arborvitaes will provide a great amount of screening.

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Chairman Fry summarized by stating that a substantial landscape plan has been submitted and the applicant will be expected to install whatever is proposed on the landscape plan if the application is approved. There is no lighting proposed for the pavilion except for a ceiling fan light fixture, and there will be no outdoor speakers in the pavilion.

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

**Shelmac, LLC 47 Wyckoff Avenue Blk. 486 Lot 2**

(The applicant constructed a dormer on the front of the house requiring variance relief for the front yard setback)

Michael DeMarco, the applicant's Attorney, called upon his first witness. George Held, the applicants Architect was sworn in. Mr. Held's professional address is 587 Getty Avenue in Clifton, New Jersey. Mr. Held stated that he has been a licensed Architect in the State of New Jersey for 44 years and his license is current and in good standing. The Chairman recognized Mr. Held as an expert in the field of Architecture.

Mr. Held provided the following details of the application: the application is for a small dormer constructed on the front of 47 Wyckoff Avenue. The dormer was built over the existing roof and is commonly known as a layover dormer or a crossing dormer. It has no effect on the attic space whatsoever and did not increase habitable living space within the roof line. It is setback at the same elevation as the front of the house. It is purely an architectural feature. When the applicant put the roof on, and constructed the dormer, he did not believe there was an issue with the front yard setback because he was not further encroaching past the existing setback. When the Township's Inspector came out to inspect the other work being done, the applicant was informed that the dormer violated the front yard setback which is the reason we are before you this evening. The house has a long list of pre-existing nonconformities. The dormer itself is a front yard variance however it does not exceed the existing front yard setback of the house. The cover over the front entryway, which was mentioned during the work session meeting, was pre-existing.

Chairman Fry asked for confirmation that a small room was not constructed in the attic.

Mr. Held confirmed that there is no space for a room due to the roof joists, there is no access to the area, and the dormer is purely an architectural element.

The Chairman asked what other work was done under the open permit.

Mr. Held stated that the kitchen was renovated on the first floor, and a third bathroom was added on the second floor. The entire interior of the home was renovated and all off the renovations were within the existing footprint of the home. New windows, siding, and HVAC systems were installed.

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Chairman Fry asked for a motion on the application. Mr. Tanis made a motion to approve the application as submitted and built. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Kalpagian, Mr. Ruebenacker, Mr. Borst, 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 9:30 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment