

WYCKOFF BOARD OF ADJUSTMENT

MAY 16, 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 Carl Fry, Chairman:

"The May 16, 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: Brian Tanis, Ed Kalpagian, Brian Hubert, Rosa Riotto Mark Borst 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 hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

APPROVAL OF MINUTES

April 18, 2019 work session and public hearing minutes were approved during the Work Session.

RESOLUTION FOR PAYMENT #19-05

Payment Resolution #19-05 was approved during the Work Session.

RESOLUTION(S) TO BE MEMORIALIZED

CORDOVA, JOSE BLK 425 LOT 28.01 405 SICOMAC AVENUE. The applicant proposes to add a second story to the existing one story home.

The Resolution was memorialized during the Work Session.

UFFERFILGE, TED & BONNIE BLK 281 LOT 1 (RA-25) 558 Taunton Rd.

The applicant proposes to construct a Pool House addition onto the rear of the existing home.

The Resolution was memorialized during the Work Session.

APPLICATION APPROVED PENDING REVISED LANDSCAPE PLAN

COHEN, DAVID & LAUREN BLK 421 LOT 40 (RA-25) 783 Charnwood Drive

The applicant proposes to construct a master bedroom above the garage and construct an enclosed vestibule on the front of the house where an open porch exists.

The application was approved at the April 18, 2019 Zoning Board at Adjustment meeting with the stipulation that a revised landscape plan be submitted. The Resolution was not memorialized during the Work Session because upon review and discussion, The Board found that the submitted, revised landscape plan was deficient. The applicant, Lauren Cohen, came forward to provide testimony regarding the revised landscape plan.

Chairman Fry stated that the revised plans do not clearly represent what is being planted and where it is being planted. Ms. Cohen stated that she used the model that was given to her at the last meeting to create the revised landscape plan. She added that she provided a very clear chart on the right side of the plan which shows what will be planted on the property. Ms. Cohen said that in terms of exact location of plantings it is very difficult to do because things shift during construction. She stated that she thinks it is relatively reasonable to expect that a person coming out to inspect would be able to look at the plan she provided and figure out if all of the proposed landscaping has been completed. Finally, the applicant stated that she feels that The Board has lost sight of what we are here to discuss which is the variance for her house and not the exact location where her boxwoods will be planted. She asked The Board to reconsider memorializing the Resolution tonight.

Chairman Fry responded by saying that he completely disagrees with the comment that we have lost sight of what the purpose of The Board is adding that it could not be farther from the truth. He said The Board cannot accept this landscape plan as presented because we cannot see what you are planning to do. The document does not provide clarity. There are arrows pointing to things that do not exist and you are expecting us to accept it. We need to see a landscape plan that clearly shows the type, size, quantity and location of plantings.

Mr. Borst said that the revised landscape plan should be made to scale.

Mr. Hubert stated that the submitted landscape plan is not even close to what The Board would expect to see as part of this application.

Chairman Fry ended by stating that The Board cannot memorialize the Resolution tonight. The landscape plan will have to be revised so that we can see the details in it. The Board Members expressed their agreement with the Chairman.

APPLICATION CARRIED

FILA, GREG & DANIELLE BLK 291 LOT 10 (RA-25) 317 West Stevens Avenue

The applicant proposes to construct a 2 story addition/alteration to existing residence.

Ben Cascio, the applicant's Attorney, came forward to provide the following background of the prevailing situation:

At the April 18, 2019 Zoning Board of Adjustment meeting the Board Members expressed concern that the testimony presented left some unanswered questions with regard to how much of the existing structure will be demolished as well as the height of the proposed garage. His clients Architect was unable to attend the April meeting therefore the application was carried to allow the applicant's architect to provide testimony and clarity at tonight's meeting.

Mark Braithwaite of 63 Ramapo Valley Road was sworn. He is a licensed Architect in the states of New Jersey, New York and Connecticut. Mr. Braithwaite presented The Board members with an overlay to the original submission. Board Attorney Becker stated that the original packet was labeled exhibit A-1 and the overlay is exhibit A-2. The Architect stated that the plan is to use as much of the existing structure as possible. He went on to say that the garage walls will remain and all of the perimeter walls of the first floor will remain. The perimeter walls will be extended in order to allow for an increase in the ceiling height of the first floor. With regard to the height of the garage, Mr. Braithwaite stated that there will be a 5'10" increase adding the increased pitch of the proposed garage roof was designed to achieve the desired aesthetic. Chairman Fry stated that on the original plan that was presented, it appears that all of the perimeter walls and garage walls are to be demolished and replaced. Mr. Braithwaite again said that the perimeter walls and garage walls will be left standing. They will be jack studded in order to raise the ceiling height. Township Engineer DiGennaro pointed out that the builder may find issues with the existing walls and suggest that it would be easier to take them down and start from scratch. He cautioned Mr. Braithwaite that what he is proposing before The Board is what must be adhered to and the plan is not clear as to what walls are going to stay. Attorney Becker added that if the perimeter walls do get demolished, which is not what is being represented here tonight, the Applicants will find themselves back before The Board.

Chairman Fry stated the reasoning being is that the existing home is slab on grade which offers the opportunity to rebuild outside of the 25' setback if the building is demolished. Mr. Braithwaite suggested that he can keep the perimeter walls and ceiling joists, add a double plate, build the next floor on top and come back to carve out the old ceiling to obtain the 8' or 9' ceiling height. Mr. DiGennaro asked what the dimension of the soffit on the garage is. Mr. Braithwaite stated that the existing is approximately 1 foot and the proposed is 30 inches. Mr. DiGennaro pointed out that it will be encroaching an additional 1 ½ feet into the setback as a result of the increase in size.

Mr. Kalpagian inquired about placing the utilities below ground. Mr. Braithwaite stated that the utility pole is too far from the house as it is across the street. Chairman Fry stated that the A/C units are not shown on the plans. Mr. Cascio said that Mr. Weissman will submit the revised plan showing the location of the A/C units. Mr. Borst suggested placing the A/C units in the rear of the house. Township Engineer DiGennaro said that they may also be placed in the left side yard where a 22' side yard exists as long as they are 15' off the property line.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve the Fila application for the property located at 317 West Stevens Avenue, block 291 lot 10 with the stipulation that the Resolution states that a revised site plan will be provided which shows the revised architectural, the first floor perimeter walls which are to remain and the location of the A/C units with screening. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Borst, Vice Chairman Ruebenacker and Chairman Fry.

NEW APPLICATIONS

ULMER, KEVIN AND CHRISTINA BLK 315 LOT 2 (RA-25) 392 Frances Place.

The applicant proposes to construct a one story addition onto the rear of the existing one story home.

Kevin Ulmer was sworn. He stated that he and his wife are proposing to expand their kitchen which is extremely small. They have two young children and the existing kitchen barely accommodates their family of four. They would like to add a mudroom so that their children have a place to leave their shoes and book bags when they come home. They are also proposing to move the garage doors from the back of the house to the front which will enable them to remove a large amount of asphalt from the rear of the home to create more green space on their property as well as reduce the impervious coverage of the lot. Mr. Ulmer stated that he was told by Township Engineer DiGennaro that they would have to replace the septic system due to the proximity of the current system to the proposed addition. He added that he already has plans for a new 3 bedroom septic system provided by Map Engineering which he will submit to the Building Department. Chairman Fry stated that this was a condition of any approval. He also reviewed the pre-existing conditions of the property and noted that the applicant is not further encroaching and the existing deck is to be removed which will result in 0% accessory structure coverage. Board Member Borst noted that the applicant did not submit a landscape plan however it appears that there is no need for one adding that if any landscaping is damaged during construction it should be replaced in kind.

OPEN TO THE PUBLIC

NO ONE APPEARED

CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker made a motion to approve the application for 392 Frances Place Block 315 Lot 2 as submitted pending the review by Township Engineer of the proposed new 3 bedroom septic system. Second, Mr. Tanis. Voting in favor: Mr. Kalpagian, Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

CAMACHO, JOSE AND DONNA BLK 353 LOT 7 (RA-25) 200 Hillside Avenue.

The applicant proposes to construct an addition to the existing family dwelling.

Bruce Whitaker, Attorney for the applicant, came forward to discuss the application. He stated that he heard the concerns raised by The Board Members during the Work Session and would like to address those concerns. He made reference first to a 2001 Resolution approved by The Board which acknowledges the sub-standard lot width and the steep slope of the property. The approval at that time granted the previous owner of the home the ability to construct the garage that is currently located on the property some 6' off of the side yard. He then went on to address the 4 non-conforming sheds that exist on the property as discussed by Township Engineer DiGennaro during the Work Session. Mr. Whitaker stated that when his client purchased the home there was one shed on the property and his client obtained a permit to build a second shed adding that his client will remove the other 2 sheds and this will be shown on revised plans.

Another item of concern that was raised is the pond area in the front of the home which is in the right of way. Mr. Whitaker stated that the pond area was existing when his client bought the home in 2006. He said he will contact the Township Attorney Robert Landel and ask him to prepare the appropriate indemnification agreement, which they have collaborated on in the past, for clients who had fences and walls in the right of way. Finally Mr. Whitaker stated that in light of The Board's concerns, he will ask to have the application carried to the June 20th meeting to allow time for his client to revisit the plans and come back with revised plans.

OPEN TO THE PUBLIC

Joan Muscara of 196 Hillside Avenue was sworn. Ms. Muscara stated that she does not understand why Mr. Whitaker mentioned the addition of a garage in 2001 because the only garage on the property has been there for 60 years. Attorney Becker stated that the previous owner may have had to come before The Board due to a setback issue. Chairman Fry added that they may most likely added to the existing structure which created a setback issue. Ms. Muscara had additional comments and questions that went deeper into the application so The Board advised her to attend the June meeting to hear what the applicant is proposing and she may address her concerns at that time.

Board Member Borst asked Mr. Whitaker to revise the landscape plan to a 10 scale instead of 20 scale. Mr. Whitaker agreed. Board Attorney Becker announced to the public that the applicant will not have to notice before the June meeting.

CLOSED TO THE PUBLIC

BROWN, WILLIAM & DEBRA BLK 178 LOT 6 (B1-A) 241 Madison Avenue.

The applicant proposes to construct a 144 square foot addition to the second floor residence to permit a new bathroom and laundry area.

Harold B. Cook III, Attorney for the applicant, came forward to provide the following summary of the application: The proposed addition is a 144 square foot "bump out" of the second story in the rear of the building. The lot is deficient in width by 10'. This is a hardship variance based on the narrow width of the property and there is a pre-existing deficiency in the side yard setback which is 2.2' however the new addition will have a setback of 5.2'. The addition of the proposed bathroom and laundry area will greatly benefit the occupants of the second floor apartment.

William Brown of 241 Madison Avenue was sworn. He is a licensed Architect in New Jersey, New York and Connecticut. He is also the applicant. He stated that he has been in the building for 25 years and the only thing he has not yet replaced is the bathroom on the second floor. Mr. Brown is proposing to add a second bathroom in the rear of the dwelling. By doing so he can subsequently renovate the old existing bathroom without disrupting the current occupants. The proposed addition will also allow space for the washer and dryer to be relocated from the bedroom closet to the new addition. The addition is in line with the rest of the building and will not be seen from the street. The right side of the building is heavily landscaped with 6' Junipers and the left side is also well landscaped.

Board Member Hubert inquired about the large tree which appears to be hanging over the area where the proposed addition will be built adding that the tree has a history. Mr. Brown stated that the tree does have a history because it was cut down by the previous owner of the property to the right of his and the tree has since grown back. He added that the tree is actually on the property to the right of his however if some of the branches hanging over need to be trimmed he can

certainly do so. Finally, Mr. Brown stated that the addition will in reality be a foot narrower than what is reflected in the plans because he wants to keep the existing window on the right rear side of the building. Vice Chairman Ruebenacker asked if the applicant will provide a revised plan to reflect the reduction in size of the addition. Board Attorney Becker stated that the revised plan can be approved by the Building Department when the applicant applies for permits.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Mr. Kalpagian made a motion to approve the application for 241 Madison Avenue Block 237 Lot 6 as proposed. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Kalpagian, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

SINOCCHI, ANTHONY & SALLY BLK 498 LOT 82 (R-15) 485 Baxter Ave.

The applicant proposes to construct a 2 story addition on the rear of the existing home resulting in a gross building area greater than 2700 square feet triggering the enhanced side yard setback.

Anthony Sinocchi was sworn. He said that he moved to Wyckoff in 2006 and lives in the home with his wife and 3 young children. The house was built in 1926. The rooms are small and there is only one closet in the home. Mr. Sinocchi said that they desire to stay in this unique and quaint home however the family needs more living space.

Eric Kiellar of Blue Line Architecture was sworn and provided the following details of the application: He stated that this is a hardship due to the uniqueness of the skewed lot. The frontage is 86.07' where 100' is required. The existing front yard setback is 12.5' where 40' is required. The rear yard has a 209' setback and the applicant is proposing 202.92' where 30' is required. The proposed gross building area is 3,255 square feet. Side yard #1 is at 17.7' and side yard #2 is at 15'8". Both side yard setbacks will remain unchanged. Mr. Kiellar went on to say that the second floor addition will have a left side yard setback well beyond the required 20'. The right side of the second floor addition will have a side yard setback of 19.6'. The reason for the 19.6' setback is the fact that there is a steel beam in the structure which cannot be moved. The beam is needed to support the second floor addition and is in such a location that it prevents the option to meet the 20' setback.

Chairman Fry inquired how far the proposed addition will protrude off the back of the existing structure. Mr. Kiellar stated that the addition will protrude 8' out from what currently exist. The mass of the addition will be in the center of the rear of the house. The existing 304 square foot deck in the rear of the home will be removed.

Mr. Borst stated that the proposed addition seems very reasonable. Mr. Tanis remarked that it is a very nice house on a unique piece of property. Mr. Sinocchi said that the property is the main reason he wants to stay in this home adding that preserving the character of the home and the property is very important to him.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Mr. Tanis made a motion to approve the application for the property located at 485 Baxter Avenue, Block 498 Lot 82 as submitted. Second, Mr. Borst. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Tanis, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

RUEBENACKER, ERIK & KATE BLK 338 LOT 7 (RA-25) 539 Chestnut Street.

The applicant proposes to expand the first and second story living space.

Mr. Ruebenacker recused himself, stepped down from the dais and left the Court Room. Kate Ruebenacker was sworn. She stated that they are proposing to construct a two story addition to the rear of the existing home. They require a variance due to the enhanced side yard setback where 20.8' exists on side yard #2 and 25' is now required as a result of the proposed two story addition.

Chairman Fry asked if any portion of the proposed addition will be in the setback. Ms. Ruebenacker stated that everything will be outside of the setback. Mr. Fry then inquired about the A/C units. Ms. Ruebenacker stated that there is currently one A/C unit on the side of the house and they may add another unit once the addition is complete. She added that screening will be planted around the A/C units.

Chairman Fry stated that the application is very straight forward and everything is conforming with the exception of the enhanced right side yard setback.

Township Engineer DiGennaro pointed out that the applicant requested a landscape waiver.

Mr. Tanis asked if the applicant will be replacing the entire roof during construction as this could potentially damage existing landscaping. Ms. Ruebenacker stated that they are not replacing the roof of the existing structure. She explained to The Board that the property was recently professionally landscaped and an irrigation system is in place. The front of the house will not be affected by the construction and any plantings in the rear that are damaged will be replaced with like species and size.

Chairman Fry summarized by stating that on the first floor, the applicant is proposing to add a great room, a mud room, a home office and the kitchen will be expanded. On the second floor the master bedroom will be expanded and a laundry room will be added as well.

Mr. DiGennaro asked what type of access to the attic exists. Ms. Ruebenacker stated that there is a pull down ladder only.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Mr. Borst made a motion to approve the application for 539 Chestnut Street, Block 338 Lot 7 as proposed with the condition of adding screening around the A/C units. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Borst and Chairman Fry.

There being no further business, a motion was made to adjourn the Public Session Meeting, seconded, and passed unanimously. The Public Business Meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

05-16-19PM

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Board of Adjustment

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment