

**WYCKOFF BOARD OF ADJUSTMENT
SEPTEMBER 17, 2015 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 Erik Ruebenacker, Chairman:

"The September 17, 2015 Public Business Meeting 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.

Board Member Attendance: Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Susan Yudin; Tim Shanley, Mark Borst; Brian Hubert; Ed Kalpagian, Alt.; Brian Tanis, Alt.

Staff Present: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Secretary.

The Board of Adjustment Meeting began with the Pledge of Allegiance.

Chairman Ruebenacker stated that all phones, pagers, PDAs, etc. should be turned off or switched to vibrate in order to avoid interrupting the public session.

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Chairman Ruebenacker 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"*

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OLD BUSINESS

APPROVAL OF MINUTES

July 16, 2015 work session/public business meeting
August 20, 2015 work session/public business meeting

The above reference minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #15-08- Approval of vouchers from various escrow accounts.

This resolution was acted upon at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

BELSKÉ, MICHAEL BLK 351 LOT 18 (RA-25) 383 Cedar Hill Avenue. *(The applicant proposed to construct a 2 car garage, where none presently exists, which will encroach into the side yard accessory structure setback by 6' where 15' is required).*

PARKER, ERIC SEAN & AMY BLK 516 LOT 16 (R-15 CORNER); 19 Ravine Avenue. *(The applicant proposes to expand the current one car garage and to construct a first floor addition above the garage and a smaller second floor addition which will not encroach any further into the front yard setback).*

MINATELLI, JARED & AMY BLK 476 LOT 4 (R-15); 368 Dartmouth Street. *(The applicant proposes to construct an addition to the existing house which will encroach into the front yard setback).*

MUNGIELLO, ANTHONY & ASHLEY BLK 483 LOT 2 (RA-25); 147 Wyckoff Avenue. *(The applicant proposes to add a level to the existing home which will encroach into the front yard setback and exceed principal building lot coverage).*

The above 4 referenced resolutions were memorialized at the work session meeting. The following 4 resolutions will be memorialized at this time.

HAIG, ROBERT & EILEEN BLK 320 LOT 94 (RA-25); 310 West Stevens Avenue. *(The applicant proposes to demolish the existing residential dwelling and construct a new home which will encroach into the side yard setbacks and exceed principle building lot coverage).*

SPAROZIC, MICHAEL BLK 349 LOT 62 (RA-25); 319 Calvin Court. *(The applicant proposed to install a rear yard canopy over an existing patio which will encroach into the side yard setback).*

Board Member Shanley made a motion to memorialize the Haig & Sparozic Resolutions. Second, Board Member Hubert. Voting in favor: Mr. Hubert, Mr. Shanley, Ms. Yudin, Mr. Kalpagian, Mr. Fry and Chair Ruebenacker.

DAMATO, RICHARD BLK 394 LOT 6 (RA-25); 371 Newtown Road. *(The applicant proposes to add a second story level to the existing house which will not encroach any further than the existing side yard setbacks).*

CHU, KING-YUEN & PRISCA BLK 265 LOT 125 (RA-25); 44 Wild Duck Road. *(The applicant proposes to add a second story level over the garage which will increase the gross building area beyond 3,700 square feet which will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application).*

Board Member Shanley made a motion to memorialize the Damato & Chu Resolutions. Second, Board Member Hubert. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Shanley, Ms. Yudin, Mr. Kalpagian, Mr. Borst, Mr. Fry and Chair Ruebenacker.

APPLICATION(S) – CARRIED

FLORES, RADLEY BLK 376 LOT 3 (RA-25); 482 William Way. *(The applicant proposes to install solar panels on the front portion of the roof which is non-conforming according to Ordinance #1675).*

Mr. Flores explained the content of the documents that were handed out at the beginning of the meeting with regards to roof diagnostics and solar access and shade report for the lower front and rear of the roof.

Board Member Hubert asked why testimony was not offered for the solar panels being placed on the ground in the backyard. Township Engineer DiGennaro said the Board would like some information on ground installation.

Mr. Flores said he would be concerned with the safety of his children if the panels were on the ground.

Chair Ruebenacker thanked Mr. Flores for providing data to the Board but would like testimony on ground mounting which was asked to be provided at the August 20, 2015 meeting.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the October 15, 2015 public hearing meeting. Township Engineer DiGennaro said the applicant can also withdraw his application without prejudice.

DISCOLA, EMILIO BLK 436 LOT 23.01 (RA-25); 688 Birchwood Drive. *(The applicant proposes to demolish the existing home and construct a new home that is conforming to all setback requirements).*

Noel Holland, from the law firm of Anderson & Holland, Midland Park, NJ and Mr. Bob Weissman, Weissman Engineering, were present. Mr. Holland said this application is conforming except for pre-existing non conformities in lot size and lot frontage. Mr. Weissman was sworn as an engineering expert along with the placement of his credentials on the record. Mr. Weissman explained the revisions of the site plan to the Board. Board Attorney Becker asked that the entire application package be marked as A1. Marked as A-2 was the plot plan dated 9/4/2015. He explained the following revisions which are: the driveway has been pulled away from the easterly property line and the square footage of the driveway has been reduced; Belgium block curbing has been added along the entire driveway to control the drainage towards the seepage pit; Belgium block curbing has also been provided along the entire frontage and the rear patio cover has been removed which reduced the lot coverage. Since there was a concern with the neighbor regarding drainage Mr. Weissman said the roof drainage will be discharged on site and flow towards the 2 – 1,000 gallon seepage pits which will be a reduction in runoff and an improvement over what is present today. He continued and said that a building over 3,700 square feet will require an enhanced side yard setback and this plan conforms to this ordinance. A bonus room has been added and the gross building area is now 5,625 square feet.

Township Engineer DiGennaro noted that the impervious structure has been reduced to 3,289 sf to 3,262 sf because the covered porch has been removed and the principal building coverage has also been reduced to 14.81%.

Board Member Fry asked Mr. Weissman to confirm the proposed driveway area between the garage apron and the driveway curbing. Mr. Weissman said 36' is the closest dimension.

Mr. Holland asked that the landscape plan dated 8/24/2015 drawn by Peter B. Cooper be marked as A-3. Mr. DiScola, who was previously sworn at the last meeting, said the intent of the landscape plan is to utilize the property and surround it with trees. He said the entire width of the property has been landscaped from the street and softened with plantings. He said that existing trees in the rear yard will remain and since the septic field is also in the rear yard additional screening cannot be planted.

Board Member Borst said that at the last meeting the applicant was given very strict instructions on side yard screening and the plan shows 2 Norway spruce trees on the right property line and 3 Colorado blue spruce trees on the left property line. He said this is inadequate landscape plan. He said if the house is reduced in size the applicant will have a larger rear yard. Chair Ruebenacker said screening will be required along the perimeter of the rear yard.

Mr. Holland said this house is designed for the applicant's needs, this house conforms to the dimensional requirements and there is no town ordinance that requires he construct a smaller house. He suggested the applicant can decrease building height in the main section of the house by 2'; increase setback of the garage from the street by 2' which would decrease the width of the garage and as a result there would be a 200 square feet reduction in the size of the house. Mr. DiScola agreed to these revisions and added that the revised architectural plans show the 3 windows that were added to the rear of the garage and the covered porch was removed. This architectural plan was marked as A-4 with a revision date of 9/3/2015.

Mr. Holland said the landscape plan can be supplemented to add the additional landscaping to satisfy the Boards need. Board Member Borst was adamant that the Board gave Mr. DiScola clear direction as to what was required in the landscaping plan and it was not provided. Chair Ruebenacker opined that a 5,600 square foot house on an undersized lot is pushing the building envelope and suggested the house be reduced to 4,800 square feet. Board Member Hubert agreed this house does not fit in the neighborhood.

Mr. Holland said he would like to adjourn the meeting this evening so the applicant can submit a landscape plan and show the reductions in the square footage of the house on the architectural plan.

Board Member Fry again noted that there is a 6' egress window in the basement and asked if there will be any bedrooms in the basement. Mr. DiScola said that the basement was going to remain unfinished.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the Thursday, October 15, 2015 public hearing meeting. All revised material must be submitted to the Board office no later than 10 days before the scheduled meeting.

APPLICATION(S) – NEW

BERTELLI, JOSH BLK 434 LOT 19 (RA-25); 747 Mountain Avenue. (*The applicant proposes to expand an existing bedroom and bathroom, and adding a new master bedroom suite which includes a bedroom, bathroom, and closets all on the second floor of the existing non-conforming residence*).

Barry Poskanzer, from the architect firm of Poskanzer Skott Architects, was sworn. He said the applicant would like to add an addition to the second floor to enlarge a bathroom and add a master bedroom suite. He explained the application to the board and noted that this property is located on a corner lot.

Chair Ruebenacker noted that the existing landscaping will remain and requested that if it is damaged during construction it will be replaced with the same kind.

Township Engineer DiGennaro noted the zoning analysis on Sheet T-1 with a revision date of 9-4-15 will need to be revised as follows: the existing side yard of the principal building should be 9.7' and the rear yard accessory building setback should be 7.8'. He asked that a new revision date be placed on Sheet T-1 and that 5 copies of Sheet T-1 be submitted to the Board office. Mr. Poskanzer agreed to this re-submittal. Chair Ruebenacker said the accessory structure will remain in its current location.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Fry made a motion to approve this application subject to the following conditions: revisions will be made to the zoning table on Sheet T-1 and landscaping will be replaced with same kind if damaged during construction. Second, Board Member Shanley. Voting in favor: Mr. Hubert, Mr. Shanley, Ms. Yudin, Mr. Kalpagian, Mr. Borst, Mr. Fry and Chair Ruebenacker.

GLEN BROOK INC. BLK 483 LOT 12 (RA-25); 130 Starr Place. *(The applicant proposes to renovate the existing structure and add to the first and second floors utilizing the existing foundation).*

Brian Dunlap, Esq., Englewood, NJ, the applicant's attorney, was present. Glen Sternitzke, principle of Glen Brook, Inc., 89 Midland Avenue, Midland Park, NJ and resides at 381 Pinewood Drive, Wyckoff, was present. He said he would like to add a level to the existing ranch. The side yard setbacks will remain at 10' where 20' is required. The house will be under 3,700 square feet and the new design will be a center hall colonial with hardiplank siding and stone veneer with is not excessive and does not conflict with the intent of the ordinance.

Chair Ruebenacker was concerned with the second floor addition going straight up. He suggested the applicant step in the second floor 2 to 4 feet. Board Member Kalpagian agreed and suggested the applicant move the master bedroom to the other side of the house. Board Member Borst said the Board rarely approves a 10' setback off the property line. He added that the design of the house was beautiful. The Board asked the applicant to review the architectural plans and step in the second floor on the left side of the house and add additional screening to the left side property line.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the Thursday, October 15, 2015 public hearing meeting. All revised material must be submitted to the Board office no later than 10 days before the scheduled meeting.

TODE, MICHAEL & JILL BLK 491 LOT 31 (RA-25); 549 Lafayette Avenue. (*The applicant proposes to add a family room and adequate storage and closet space, which extends into the side yard setback and triggers the principal building maximum lot coverage*).

Xiomara Paredes, 240 Rock Road Glen Rock, NJ, a licensed architect in the State of New Jersey, was sworn. He stated that the applicant would like to construct an addition to the existing home which will include a mud room and family room. The variance request is for principal building lot coverage where 16.9% is proposed and 15% is required. The pre-existing variances are lot size, lot frontage, front yard setback and 2 side yard setbacks in this RA-25 zone. Mr. Michael Tode, the applicant, was sworn. He explained the landscape plan to the Board.

Board Member Borst noted that 2 existing trees will be removed. Chair Ruebenacker was not concerned with the side yard setbacks but asked the applicant to explain the need for the size of the family room which could be reduced in size since it is over on building lot coverage by 1.9%.

Ms. Paredes said the family is large and this family room will be used for family gatherings.

Board Member Fry said this is a hardship variance since the lot size is severely undersized where 11,790 sf exists and 25,000 sf is required in this RA-25 zone. He added that the principal building coverage is over by 1.9% but the combined lot coverage is under the 20% maximum by 16.9%.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Yudin made a motion to approve this application as presented. Second, Board Member Borst. Voting in favor: Mr. Hubert, Mr. Shanley, Ms. Yudin, Mr. Kalpagian, Mr. Borst, Mr. Fry and Chair Ruebenacker.

SCHWARTZ, PETER & DINA BLK 217 LOT 7 (RA-25); 88 Logan Lane. (*The applicant proposes to construct an in ground pool, patio pool, spa and pool equipment; the lot coverage variance was previously granted, but applicant proposes to change the manner of achieving compliance by not removing portion of existing driveway and instead, by removing or decreasing impervious coverage in the rear yard*).

Andy DelVecchio, from the law firm of Beattie Padavano, the applicant's attorney stated that the applicant proposes to not remove a portion of the existing driveway and instead remove or decrease impervious coverage in the rear yard from the existing in ground pool approval dated April 16, 2015.

David Hals, the applicant's engineer, 9 Post Road, Oakland, NJ was sworn. He said the applicant would like to keep the existing driveway width in the same location and instead remove a portion of the existing flag stone patio and walkway in exchange for the driveway. David Hals testified to the changes to the original storm water management plan were due to the fact that upon excavation they encountered 4- 500 gallon seepage pits rather than the expected 2 – 1000 gallon pits, therefore, since the capacity of the 4 pits is greater than the capacity of the 2 pits as a result of stone volume, the proposed cultec chambers were reduced from 12 units to 9 units which provide adequate storage capacity.

Township Engineer DiGennaro said there will be slight changes in the final grading which will not affect the neighbors. He added that due to this amendment the impervious coverage has been reduced from 31.39% to 31.36%.

OPEN TO THE PUBLIC

Michael Wolff, 92 Logan Lane, Wyckoff, NJ was sworn. He said there is grading from the pool to his driveway and asked if there will be any problem with runoff. Mr. Hals said there will not be any further runoff onto Mr. Wolff's property.

CLOSED TO THE PUBLIC

Board Member Hubert made a motion to approve this application as presented. Second, Board Member Kalpagian. Voting in favor: Mr. Hubert, Mr. Shanley, Mr. Kalpagian, Mr. Borst. Ms. Yudin abstained and Mr. Fry and Chair Ruebenacker voted in denial.

MOORE, CHRISTOPHER BLK 224 LOT 15.01 (RA-25); 441 Clinton Avenue. *(The applicant seeks to amend a previous approval for purposes of relocating the driveway entrance to the property).*

THIS APPLICATION HAS BEEN POSTPONED DUE TO INSUFFICIENT NOTICE. THE APPLICANT WILL NEED TO PROPERLY NOTICE THE PUBLIC AND THE NEWSPAPER FOR NEXT MONTH'S MEETING.

DEGELMAN, CRAIG BLK 259 LOT 7 (R-15); 11 Ward Avenue. *(The applicant proposes to construct a garage which will encroach into the side and rear yard setbacks, exceed combined lot coverage, exceed impervious coverage and exceed height requirements).*

Craig Degelman, 11 Ward Avenue, Wyckoff, NJ was sworn. He said the house was built in 1948 and the lot width is substandard at 50' where 100' is required in this zone. He said he would like to construct a 2 car garage 5' off the side yard setback where 10' is required. He added that the existing 385 sf deck will be reduced to 134 sf.

Frank E. Hall, AIA, 27 Chestnut Street in Ridgewood, NJ was sworn. He stated his credentials which the Board accepted. He said the lot area is 6,250 sf where 15,000 is required. The existing deficiencies are lot area, lot frontage, front yard setback, side yard setback, total accessory structure and total lot coverage. The new variances include building height and impervious coverage due the length of the driveway. He said there is an 8' grade change towards the rear of the property and a storm water management plan will be required for the trench drain in front of the garage.

Board Member Borst questioned the size of the overhead garage door located in the rear of garage on the ground level since it is only 5' off the property line. Mr. Hall said the large door is need in order to maneuver into the garage. Mr. Degelman sad the rear door can become a single door. Chair Ruebenacker noted that the paver patio and lawn area will be at the same level as the garage and the lawn will taper to the rear of the property. He and Board Member Shanley struggle with the size of the garage. Board Member Hubert asked if any trees will be removed and what utilities will be used in to the garage. Mr. Hall said one tree will be removed and only electric will be provided to the garage. The Board members were also concerned with the stairs located along the property line on the right exterior side of the garage. Vice Chair Fry said this is clearly a hardship variance and the applicant should keep the height of the garage but reduce the size to an oversized one car garage which would also reduce the impervious

coverage.

After further discussion the Board recommended that the applicant reduce the size of the garage, increase the side yard and rear yard setbacks from 5' to 7', remove the walkway along the side of the garage on the property line, screen along the property line by the garage and put a 3' man door on the lower side of the garage if the grade of the property can accommodate this door.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The board unanimously agreed to carry this application to the Thursday, October 15, 2015 public hearing meeting. All revised material must be submitted to the Board office no later than 10 days before the scheduled meeting.

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There being no further business, a motion to adjourn the meeting was made and seconded and passed unanimously. The meeting concluded at 11:50 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment