

**WYCKOFF BOARD OF ADJUSTMENT
AUGUST 20, 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 August 20, 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.

Board Member(s) Absent: None.

Staff Present: Ben Cascio, Esq. Acting Board Attorney; Mark DiGennaro, Township Engineer; Krista Hogue, Acting Board Secretary; Anna Coscia, Acting Board Secretary; Robert Shannon, Township Administrator.

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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APPLICATION(S) – CARRIED

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).*

Mr. Cook stated that the applicants tried to address all of the Board's concerns. They had attempted to buy property from the neighbor. Further, the building size was reduced from 19.03% to 16.61%, and the accessory building from 4.4% to 1.67%, thereby eliminating the combined lot coverage variance.

The architect, Kevin Martin, said that the home will have hardi-board clapboard siding, and the added windows requested by the Board, one to the right side elevation and two to the left side elevation, will match the others. The height at the lowest grade to ridgeline is 34.38'. The home was reduced in width by 1.5'. Mr. Martin also confirmed with Mr. Shanley that the foundation will be covered by a stone veneer. Mr. DiGennaro asked if the roof covering was taken off the deck, and asked for clarification about whether there was a patio under the deck. Chairman Ruebenacker asked Mr. DiGennaro and the other Board members if the left side was discussed at the last meeting, and was informed that it had not been only the right side that was discussed. Mr. Shanley said that he would like the left side softened up because there appears to be too much house. Mr. Martin and Mr. Cook agreed to add windows. Mr. Shanley suggested the addition of two windows for the sake of symmetry. Chairman Ruebenacker suggested three added windows, on the second floor left side and on the garage. He said to Mr. Cook that there be a minimum addition of two windows at the discretion of the applicant. Chairman Ruebenacker asked about the power pole to underground and underground electric is required. Mr. DiGennaro suggested the installation of Belgian block curbing along the entire gutter line, along the property frontage, as well as along the driveway to help mitigate unwanted runoff onto the site. Mr. Cook agrees to provide curbing.

OPEN TO THE PUBLIC

No one appeared.

CLOSE TO THE PUBLIC

Mr. Shanley made a motion to approve the application subject to the following five conditions: 1) that the applicant use clapboard siding with stone veneers; 2) that a window be added to the right side of the structure; 3) that two windows be added to the left side of the structure; 4) that the power is run underground; and, 5) that the applicant have a Belgian block curb installed along the gutter line, for entire frontage, and driveway. Ms. Yudin seconded the motion. Chairman Ruebenacker, Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, and Mr. Fry voted in favor, with Mr. Borst and Mr. Tanis abstaining.

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).*

Mr. Sparozic stated that he provided Mr. DiGennaro with a landscape plan, that the proposed patio cover will be running along the house but not attached to the principal structure; reiterated that his lot is non-conforming; and requested from the Board guidance as to the installation of a fence, plantings, or both, and reminded the Board that his neighbor has a large trailer that had previously taken out Mr. Sparozic's previous planting when the neighbor was trying to maneuver his trailer into the neighboring driveway. Mr. Sparozic went on to say that in the event it was suggested he install a fence, he would ensure that it conformed to his neighbor's fence.

Mr. Fry stated that with the revisions of detaching the canopy from the house, a variance had been eliminated. He added that the photographs provided by the applicant were a positive, and that he believes that planting arborvitae would be sufficient. Mr. Shanley commented that a fence would be easier to repair than plants. Chairman Ruebenacker said that the Board is looking to soften the patio structure because the applicant will not live there forever. He then recommended 6'-8' arborvitae to be planted along the property line. Mr. DiGennaro inquired as to whether or not there would be a distance gap between the canopy and the home. Mr. Sparozic specified that the canopy would not be attached, but would be located under the soffit. Mr. DiGennaro opined that it should be left up to the applicant whether or not to attach the

structure, since it is a “form over function” issue; he believes the patio canopy would look the same whether or not it was attached. Mr. Tanis inquired as to the lifespan of the proposed canopy, and believes that it would be less likely to be replaced if damaged if attached.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Mr. Fry made a motion to approve the application subject to the following: 1) removal of fences on plans; 2) clarification of the four evergreens to be planted; and, 3) that Section J be updated to reflect the correct necessary coverage figures. Mr. Hubert seconded the motion. The motion passed with Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Chairman Ruebenacker, and Mr. Fry voting in favor, and Mr. Borst and Mr. Tanis abstaining.

APPLICATION(S) – NEW

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 gave a description of the proposed solar panels. The panels would be mostly black with some blue, trim is aluminum, and the brackets are stainless steel or aluminum. The coverage would be about 10’ by 23’ mounted on the front roof of the home. The current roof is approximately seven years old and is made of gray shingles.

Mr. Hubert asked how high the panel would sit above the roof, and Mr. Flores said about 7” at the highest. Chairman Ruebenacker inquired as to why the panels are not being mounted on the back roof. Mr. Flores stated that there is more sun in the front of the house, with 95% March through October, and 70% November through February. The company who Mr. Flores is consulting with is Solarmetric. Mr. Fry suggested that Mr. Flores provide a survey, which would show that the house faces south, thus also providing evidence in support of the application. Mr. Borst agreed with Mr. Fry. Mr. Shanley asked what the difference was in order to prove a hardship. Mr. Hubert requested more information because he is concerned that it could set a dangerous precedent. Mr. Fry suggested to Mr. Flores that he conduct some more research, provide the Board with a signed report supporting the hardship, and to look into black-framed panels which would help with aesthetics. Mr. Fry also mentioned that this project should be looked at from a fire department perspective because the panels may make roof access difficult, as well as pose an electrical shock danger if proper disconnects are not installed. Mr. Borst said that solar technology has become so advanced, the need for panels is dwindling. He expressed that he was not in favor of this proposed project as he does not want to see panels and does not think they fit into Wyckoff. He suggested that the applicant research solar shingles instead; Ms. Yudin agreed with Mr. Borst. Mr. Fry disagreed and pointed out that the newer options may not generate the same amount of power, and he does not believe that the technology is advanced enough for residential use. Mr. Borst referenced a home on Mountain Avenue that has solar panels and suggested that the Board members drive by prior to the next meeting. Mr. Tanis said he does not like the way the proposed design looks, that it is not symmetrical and that it should instead be squared off with the roofline. Chairman Ruebenacker said that the Township Committee took this into account when drawing up the ordinance, and asked what variance applies to this proposed project. Mr. Cascio said that it falls under the “conditional use variance” if it does not comply with the ordinance.

Chairman Ruebenacker requested that the applicant return next month with more research in support of his application so that the Board may make a decision as to the efficiency and if it is adequate enough to go against the ordinance. Mr. Kalpagian questioned the hardship of this application since the applicant already has electricity coming into his home. Chairman Ruebenacker asked about an alternative method of mounting the solar panels on the ground in the backyard. Mr. DiGennaro stated that this application does not qualify as a hardship. Chairman Ruebenacker suggested that the applicant return next month prepared to present a report on efficiency analysis.

OPEN TO PUBLIC

No one appeared.

CLOSED TO PUBLIC

This application will be carried until the September 17, 2015 meeting.

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).*

Mr. Damato explained that he is proposing to expand his home so that he will have room to start a family. The outside of the structure will be sided in hardiplank and existing stone will remain. Mr. Damato said that he is amenable to installing screening landscape. He also added that he included a skirt roof in the front to break it up.

Mr. Borst stated that while he has no issue with the house itself, he does believe it needs to be softened with landscaping. Mr. Fry pointed out that the garage appeared low compared to the house proper. Mr. Borst said that the right side was 39' and the left side 33.7', which was only a 4' difference. Mr. DiGennaro said that a 4-bedroom septic system had been approved. Chairman Ruebenacker said that he is struggling with the second floor and the side yard setback. He said that Wyckoff has been trying to get away from the "box look," and requested that the applicants step in the second floor on both the right and left side. Mr. Damato said that he cannot move the staircase, which the proposed staircase leading to the second floor is set to be above the existing staircase leading to the basement. Mr. Shanley does not have any concerns about the proposed structure being "boxy," because of the windows and the pitch of the roof. Chairman Ruebenacker suggested that the applicant expand upon the landscaping plan, Mr. Damato asked if he would be able to drop off a plan to Mr. Borst for review. Mr. Hubert inquired about the retaining wall located at the back of the house and was informed by the applicant that it is to remain as is. Mr. Tanis asked about the existing walls and the applicant said that the plan is to cover them with stone if funds are available. Mr. Hubert questioned the applicant regarding tree removal and Mr. Damato said that only two were being removed as a result of the new septic system installation.

OPEN TO PUBLIC

No one appeared.

CLOSE TO PUBLIC

Mr. Borst made a motion to approve the application with the condition that a landscape plan be submitted and approved by the Township Engineer, and Mr. Kalpagian seconded. The motion

passed with Mr. Borst, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Tanis and Mr. Fry voting in favor, and Chairman Ruebenacker voting against.

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).*

Mr. DiScola explained that he has designed and planned on building the proposed structure specifically for him and his family. The current home is dark and damp. He would like his home to be unique, and the outside of the structure will include brick and a hip roof. He said that there have been trees removed on his lot, but that they were scraggly pines, and he is amenable to planting additional trees on his property. He went on to say that he is aware the Board does not like the stucco, but said that the home is set back about 100' from the pavement and that there is "a lot of movement in the design," that he does not see any issue. Mr. DiScola also added that he was not able to obtain or purchase the next-door lots.

Chairman Ruebenacker asked the applicant where he currently resided, and the applicant said Franklin Lakes. Chairman Ruebenacker then asked if Mr. DiScola would be willing to revise the landscape plan on the recommendation of the Board. Mr. Hubert suggested adding screening to the left and the right. Mr. Shanley asked if the applicant would be open to changing the siding to something other than stucco. Mr. DiScola explained that it is not the AFIS siding, but true concrete stucco, and that anything other than that in his opinion would not go with the style of the proposed home. Mr. Kalpagian inquired as to what the color of the stucco would be, and Mr. DiScola said it would be sand-colored. Ms. Yudin asked about what material the pillars are, and he replied that they would be fiberglass, which is a typical material used. She also asked about the height of the brick and was informed by the applicant that it would be about 4'. Ms. Yudin then inquired as to the chimney and what color has been chosen for the shingles; Mr. DiScola replied that the chimney would be brick for the entire length and that the shingles would be slate or charcoal. Mr. Borst then commented on the L-shape of the house and its three-car garage, which in his opinion, is not aesthetically pleasing. He also asked if it would be possible to shift the house a few feet.

Mr. Weissman explained the existing non-conformity, that the application was in compliance, and that the drainage and septic plans have been accepted. He also added that the proposed structure is close to the limit for impervious coverage, and that a pool in the future can be accommodated by the partial removal of the driveway. Chairman Ruebenacker asked if the garages could be moved to the rear and still be compliant. Mr. Weissman said that would require a longer driveway. Mr. Hubert asked if the basement could be a potential bedroom. Mr. DiScola said that the basement was going to remain unfinished and that there is only four bedrooms. Chairman Ruebenacker asked what the square footage of the proposed was, and Mr. Weissman said it was 5,038 square feet.

OPEN TO PUBLIC

Nancy Delamott – next door neighbor, 686 Birchwood Avenue. Ms. Delamott believes that the property is tight for the existing structure and is worried because the proposed structure is larger. She also expressed her concern about the tree removal on the lot, that she estimates about 13 will be removed. She suggested that the driveway be switched to the other side of the property because of possible drainage issues. Ms. Delamott said that after heavy rains, water flows like a river down the street, and that even with the town-added curb, there is flooding. She

asked if there were dry wells to help prevent flooding, because the water “jumps the curb” from the street onto the property. Lastly, Ms. Delamott commented on the large size of the proposed structure, saying that it is close to twice the size of her home.

Chairman Ruebenacker asked the Mr. DiGennaro about the runoff, and was informed that the storm water plan was submitted and approved.

Stanley Goodman, neighbor across and up one house, 691 Birchwood Drive. Mr. Goodman requested further landscaping. He is against clearcutting properties and not replacing removed trees. He said that it is out of character with the neighborhood. He added that it would help to camouflage the house with additional landscaping.

CLOSED TO PUBLIC

Chairman Ruebenacker said that in this particular instance, he will not allow this application to move forward with just the submission of a landscaping plan, that there are more concerns that need to be addressed. He requested that the applicant take into consideration the comments from the Board and public regarding the size and architectural design of the structure. He went on to say that it would look favorable if the structure was reduced in size and the stucco siding changed. Chairman Ruebenacker also expressed concern that the applicant is a builder and may not end up residing in the home. Mr. DiScola said he was “not looking to pull a fast one,” that the home he designed specifically for his family’s needs, and that it is too expensive to build and would never get what he paid. Chairman Ruebenacker asked Mr. Borst for guidance on this application. Mr. Borst said that the trees that had been removed were worthless (diseased hemlocks), and that the left side of the property is overgrown and unattractive. He went on to say that the applicant needs a professional plan that includes some kind of screening as well as shade trees. Chairman Ruebenacker also suggested that an irrigation plan be submitted. Mr. DiGennaro said he was familiar with Birchwood and the runoff that occurs and that there are no storm drains. He suggested that Belgian block be installed along the driveway and along the front of the property. Mr. Fry pointed out that at the back of the garage there is 42’ of no windows that it looks to be all stucco. He suggested that from an aesthetic point of view, window installation would soften the structure. Chairman Ruebenacker asked about the porch and that a professional landscape plan be submitted.

This application will be carried until the September 17, 2015 meeting.

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).*

Mr. Chu explained that he would like to build space over the garage.

Chairman Ruebenacker said that the design was acceptable. He understands that the new ordinance has affected Mr. Chu’s original porch plan, and he requested that Mr. Chu submit a landscape plan. Mr. Chu said that he is open to whatever the Board suggests.

OPEN TO PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

08-20-15PM

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Board of Adjustment

Mr. Chu's builder, Pete from North Jersey Pro Builders, 291 Godwin Avenue, Midland Park, NJ asked what the purpose of a landscape plan was. Chairman Ruebenacker answered that its purpose is to ensure the Township perspective, and that anything damaged or removed will be replaced by adequate plantings.

Mr. Hubert made a motion to approve the application subject to the submission of an adequate landscape plan to the Township Engineer, and Ms. Yudin seconded. The motion was passed with all in favor.

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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 10:57 p.m.

Respectfully Submitted,

Krista Hogne, Acting Secretary
Wyckoff Board of Adjustment