

**WYCKOFF BOARD OF ADJUSTMENT  
JUNE 16, 2016 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 June 16, 2016 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; Mark Borst; Susan Yudin; Brian Hubert; Ed Kalpagian; Tim Shanley; Brian Tanis, Alt.; Rich DeLeo, Alt.

**Board Member Absent:** Carl Fry, Vice Chairman

**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 and hand held electronic devices should be turned off or switched to silent mode 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](http://www.wyckoff-nj.com)"*

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**OLD BUSINESS**

**APPROVAL OF MINUTES**

May 19, 2016 work session/public business meeting  
The minutes were approved at the work session meeting.

**RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #16-06-** Approval of vouchers from various escrow accounts.  
Resolution #16-06 was approved at the work session meeting.

**RESOLUTION(S) TO BE MEMORIALIZED**

**BAYKOWSKI, ROBERT** BLK 310 LOT 1 (RA-25); 530 Carlton Road. *(The applicant proposes to expand the existing house with a second floor addition and first floor front and rear addition which will exceed gross building area and encroach into the side yard setback).*

**FOX, MICHAEL & AMY** BLK 345 LOT 9 (RA-25); 456 Florence Avenue. *(The applicant proposes to add a master bedroom/bath, porch & mudroom addition which will increase the gross building area and therefore increase the side yard setback requirement).*

**420 WEST MAIN STREET, LLC** BLK 224 LOT 5.01 (L1); 420 West Main Street. *(The applicant proposes to construct a 38 car parking lot and a dumpster area and also install a 24 square foot sign illuminated with external solar power lighting).*

The above referenced resolutions were memorialized at the work session meeting.

**APPLICATION(S) – CARRIED**

**BORRELLI, JASON** BLK 477 LOT 4.01 (R-15); 372 Kingston Street. *(The applicant proposes to install an in ground pool and a new front porch which will exceed gross building area, encroach into the front yard setback and exceed lot coverage).*

Board Member DeLeo recused himself from discussion and removed himself from the dais.

Shawn McClellan, the applicant's engineer was sworn. Mr. Peter Carlock, the applicant's builder said the applicant is no longer constructing a front porch and that is why there are no architectural. He continued that the front steps will be repaired and repointed and the landing will be repaired. Mr. Carlock said the applicant is omitting the front porch construction doing away with a front yard setback variance and the principle building coverage will not be increased; the existing wood deck will be removed freeing up 251 sf of accessory coverage; the pool will be downsized from a 16' x 32' pool water surface with a 3' apron allowing the accessory coverage to be reduced to 4.8% thus removing another variance. The total lot coverage will be at 24.5% rather than the 28.9% proposed at the last meeting. The impervious coverage has also been reduced to 43.8%.

Board Member Borst asked that since the deck has been removed and changed to a paver patio does the patio count as impervious coverage. Township Engineer DiGennaro said the deck is an accessory coverage and not included as impervious coverage. Board Member Hubert said the pool patio has remained and the deck has been reduced to a paver patio. Board Member Shanley asked about the second floor deck above the garage and the possibility of its removal. Mr. Carlock said the deck has just been completed and is 8' from the pool.

Chair Ruebenacker said the size of the proposed work has been reduced and some variances have been eliminated. The lot coverage is over by 4.7%. He said the applicant has amended the plans to meet the spirit of the township ordinances.

Board Member Borst reviewed the landscape plan and asked that the landscape be increased to the following: the applicant will install 5 – 5 gallon 7' to 8' tall arborvitae on the property line by the pool; 1 – 1 gallon 3' to 4' tall arborvitae by the existing AC units.; 7 – 1 gallon 3' to 4' tall

arborvitae to the right property line by the existing AC units; and 3 – 1 gallon 3' to 4' tall arborvitae by the rear deck.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Chair Ruebenacker said the front steps will be repaired and repointed and the existing landing will remain. He said the remaining rear yard landscaping will remain as is along with the rail road tie wall. Board Member Yudin asked if the garage could be incorporated in this approval. Board Attorney Becker said the applicant is before the Board for principle structure and overall coverage and not the construction of the garage. Board Member Yudin said the approval would then be to accept the 19.7% in lot coverage.

Board Member Shanley made a motion to approve this application for 19.7% in lot coverage where 15% is required, to repair and repoint the front steps and the planting of 5 – 5 gallon 7' to 8' tall arborvitae on the property line by the pool; 1 – 1 gallon 3' to 4' tall arborvitae by the existing AC units.; 7 – 1 gallon 3' to 4' tall arborvitae to the right property line by the existing AC units; and 3 – 1 gallon 3' to 4' tall arborvitae by the rear deck. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian and Chair Ruebenacker. Voting in denial: Ms. Yudin and Mr. Borst.

#### **APPLICATION(S) – CARRIED/NEW**

**GRAY, JAMES & COURTNEY** BLK 491 LOT 46 (R-15); 452 Louisa Avenue. *(The applicant proposes a second floor expansion which will encroach within the side yard setback and remain within the existing footprint).*

James & Cortney Gray, 452 Louisa Avenue, Wyckoff, NJ were sworn. They said the second floor is studs and they would like to finish it and add a corner piece to the second floor. Mr. Gray said some of the existing grade has been upgraded along with their retaining wall with will be refaced. They added that they do not own the failing retaining wall. Mrs. Gray said they will plant arborvitae along the property line and they would also like to add some fruit trees.

Board Attorney Becker asked that the following exhibits be marked for identification:

A-1 Application package

A-2 Landscape plan

A-3 Photos

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

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

**POLISE, JOSEPH & ALEXIS** BLK 377 LOT 30 (RA-25) 541 Richard Place. *(The applicant proposes to install an in-ground pool and patio entertainment area which will exceed the impervious coverage).*

This application has been carried to the Thursday, July 21, 2016 public hearing meeting at the request of the applicant.

**APPLICATION(S) – NEW**

**DiSCOLA, EMILIO** BLK 436 LOT 23.01 (RA-25); 688 Birchwood Drive. *(The applicant proposes to demolish the existing home and construct a new single family home on the non-conforming lot where deficiencies are in lot area and lot width. The new home will be conforming to all setback requirements).*

Les Anderson, the applicant's attorney, said his client would like to replace a single family dwelling with a new home that is compliant with dimensional requirements. The applicant is before the board for deficiency in lot area and lot width.

Board Attorney Becker asked that the following exhibit be marked as identification:  
A-1 complete application

Emilio DiScola, the applicant, was sworn. He said he is the managing partner and authorized by the LLC to speak for LLC. He said this will be a speck house which will be put up for sale.

Bob Weissman, Weissman Engineering, was sworn. He described the lot as being deficient in lot area and lot width. He said that seepage pits will be installed which will reduce runoff from the roof. He said that drainage calculation have been submitted and the applicant will not change the flow or flow pattern of water.

Chair Ruebenacker said the pre-existing topography of the property will remain.

Stephanie Pantale, the applicant's architect, was sworn. She said that she is a graduate of NJIT and has been licensed for 20 years. The Board accepted Ms. Pantale's credentials. Ms. Pantale said this is a 4 bedroom home with a 3 car garage. She said the first floor will be 1503 square feet and the second floor 985 square feet. The exterior of the house will be hardi plank siding.

Chair Ruebenacker asked the applicant to address landscaping. Mr. Anderson said the applicant recognizes the landscaping plan is deficient and would like approval this evening without landscaping. He would like guidance after the approval. Board Member Borst said the applicant needs to submit a professional landscaping plan. He added that 4 to 5 additional new shade trees will need to be added to the plan along with additional screening along the left side of the property. Chair Ruebenacker said the applicant can submit a landscaping plan before the next meeting. He said the Board would like to see 5 to 7 additional mature spruce trees on the left side of the property and professional landscaping in the front of the house such as boxwoods. Board Member Borst said that 21 trees are proposed to be removed and he would like to see 4 new shade trees in the rear of the yard.

**OPEN TO THE PUBLIC**

Nancy Delamotte, 686 Birchwood Drive, Wyckoff, NJ was sworn. She said the Board has addressed her concern about the screening along the left side of the proposed house. She asked that the applicant needs to isolate the proposed house from her property. She asked for 10 trees to be planted.

## CLOSED TO THE PUBLIC

Chair Ruebenacker asked that 7 to 10 spruce trees be planted along the property line. He also asked that the landscape plan show what trees are to be removed and which trees will remain along with the addition of 7 to 10 spruce trees and 5 new shade trees be planted in the rear yard along with the proposed red maple that is on the plan.

Township Engineer DiGennaro asked that 5 revised sheets be submitted to the Board office. Board Member Kalpagian made a motion to approve this application with the receipt of the revised landscape plan to which 7 to 10 spruce trees and 5 new shade trees be planted in the rear yard along with the proposed red maple that is on the plan. Second, Board Member Shanley. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst and Chair Ruebenacker.

**PESCE, JAMES & MARY BETH** BLK 312 LOT 5 (RA-25); 460 Carlton Road. *(The applicant is proposing to construct an in-ground swimming pool and shed resulting in excessive impervious coverage requiring a variance).*

Jim Pesce, 460 Carlton Road, Wyckoff, NJ was sworn. He said that he purchased the house 4 years ago and was unaware of impervious coverage. He said he would like to install a pool and patio for his 5 children and 7 grandchildren. He said that he will be installing a seepage pit. He added that no landscaping is needed.

Chair Ruebenacker said the applicant is over on impervious coverage and he feel this is a self-imposed hardship. He said the pool is the problem but the patio will need to be reduced in impervious coverage since it is 9% over the required percentage of 28.5%. Board Member Borst said the pool is 925 square feet and the patio is 2500 square feet. He asked that the pool and patio be reduced to a more manageable number more like to 32%.

## OPEN TO THE PUBLIC

No one appeared.

## CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application until the Thursday, July 21, 2016 public hearing meeting. The applicant will not need to renote the newspaper or the neighbors.

**SINOWAY, TRACEY** BLK 351 LOT 2 (RA-25); 385 Carriage Lane. *(The applicant proposes to expand the kitchen and family room which will increase the gross building area and therefore increase the side yard setback requirement).*

Board Member Shanley & Board Member Kalpagian recused themselves from discussion and removed themselves from the dais.

Tracey Sinoway, 385 Carriage Lane, Wyckoff, NJ, Robert Weissman, Weissman Engineering, Midland Park, NJ and John Giammarino, the applicant's architect, were sworn. Mr. Giammarino, Ramsey, NJ said he has been a licensed architect for 20 years and has testified before this Board on numerous occasions. The Board accepted his credentials.

Ms. Sinoway said she would like to remove the existing deck and make this area into a family room. She said that due to the increase of gross floor area the side yard setbacks have now increased.

Bob Weissman said the addition will respect the dimensional requirements. He said the side yard setbacks have been increased due to the increase in gross floor area. He said a seepage pit will be installed to take the increase of roof run off to the seepage pit.

JohnGiammarino said the house is an existing split level home. He said a one story addition is proposed onto the rear of the house. He said a dormer will be changed on the second floor and left side of the house to make it larger.

Chair Ruebenacker said the landscape plan submitted from Horizon Landscaping is proposing 7 to 8' arborvitae down the left side of the property line. Board Member Borst said these arborvitae will provide privacy.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

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

**PRO-CONTRACTORS, II, LLC** BLK 425.01 LOT 54 (RA-25); 729 Terrace Heights. *(The applicant proposes to demolish the existing single family residential dwelling resulting in a building height at 37.5 feet consisting of 3 stories).*

Harold Cook, the applicant's attorney, said the applicant is requesting two (2) variances. One is for third story walk out of the basement and the second is for a height variance.

Board Attorney Becker asked that the following exhibit be marked as identification:

A-1 Application package

Mr. William Brown, William G. Brown Architects, 241 Madison Avenue, Wyckoff, NJ; Mr. Mark Palus, MAP Engineering, Kinnelon, NJ and Mr. Raymond Springer, Pro Contractors, 299 Briarwood Drive, Wyckoff, NJ were sworn.

Mr. Palus explained that an existing single family home will be demolished and a new home will be constructed. The property drops off 8' in elevation towards the rear of the property which creates a height variance and a walk out basement. The drainage system will be sized based on the square footage of the new house and three (3) – 1,000 gallon seepage pits will be provided and installed for proper functioning. He added that the on-site septic system will be installed to the left rear of the property in order to accommodate a future in-ground pool and patio area which is not part of this application.

Mr. Brown said this house is designed with cedar shakes and Dutch gambrels in order to create 3 peaks across the front of the house so the gables will aesthetically intercept the shallower roof pitch. In the rear of the house there will be a walkout basement but the rooflines have been lowered to keep it a 2 story look in the rear yard even though it is considered a 3 story.

Board Member Yudin asked about the fire code since this is a 3 story construction. Mr. Brown said a 45 minute requirement of sheet rock is used on the joist under the UCC fire rating for 5A residential construction.

Chair Ruebenacker asked if the landscape plan was adequate. Board Member Borst said the landscape plan is fine and would suggest that four (4) additional 3 – 3.5' caliber shade trees be added to the property with two (2) in the front yard; one (1) in the rear yard and one (1) to the right side of the property near the driveway. Mr. Palus said that 25 trees will be remaining on the property.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Shanley made a motion to approve this application with the addition of four (4) additional 3 – 3.5' caliber shade trees be added to the property with two (2) in the front yard; one (1) in the rear yard and one (1) to the right side of the property near the driveway. Second, Board Member Hubert. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, and Chair Ruebenacker.

**LIEBOWITZ, LAURENCE** BLK 338 LOT 16 (RA-25); 555 Miller Court. *(The applicant proposes to demolish the existing home and construct a new fully conforming home and fully conforming accessory structures on a pre-existing lot which does not meet the lot frontage requirements).*

Antimo DelVecchio, member of the firm of Beattie Padavano, the applicant's attorney, stated that this property is oversized in lot area and the applicant would like to demolish the existing home and will construct a fully compliant new home on the property with regards to dimensional requirements in the RA-25 zone. He added that the sole variance is for the deficiency in pre-existing lot frontage along the bulb of the cul-de-sac on Miller Court.

Board Attorney Becker asked that the following exhibit be marked for identification:

A-1 Application package

Township Engineer DiGennaro said that in his report the cut fill calculations appear to contain a typographical error in the unit dimension, however it is clear that the soil disturbance outside of the exempted exaction items results in soil movement in excess of 100 cubic yard therefore requiring a soil moving permit also be approved for the onsite grading. Mr. DelVecchio said the applicant will fully comply with the soil movement requirements.

Calisto Bertin, 66 Glen Avenue, Glen Rock, NJ, the applicant's engineer, was sworn. He said he is a professional engineer in the State of New Jersey and 5 other states. He said he has appeared before the Wyckoff Planning Board in the past. The Board accepted Mr. Bertin's credentials. Mr. Bertin said he prepared the site plan and the new construction will comply with all dimensional requirements in the RA-25 zone. He said the existing home will be demolished and the proposed house will be in the same location with the new basement foundation being larger than what previously existed. He said soil will be removed from this basement area as well as soil from the in ground pool area and a retaining wall will be removed and this area graded. He continued that the water will be directed with a curbed driveway and a swale around

the rear of the house to a drainage basin and then to dry wells. He said there are currently 2 existing 1,000 gallon seepage tanks which will be inspected and reused and then one additional 1,000 gallon seepage tank will be added to the property (for a total of 3 seepage tanks).

Township Engineer DiGennaro said the applicant will need Stormwater approval before construction begins. He said the volume of water will need to be calculated to make sure the existing 2 tanks are adequate for water storage on site.

Chair Ruebenacker asked if the landscape plan was sufficient. Board Member Borst was disappointed with what landscaping was presented this evening. He asked that a professional landscape plan with irrigation be prepared and reviewed by Township Engineer DiGennaro before the next meeting and approved by the Board before a building permit can be submitted.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Mr. DelVecchio said the 6,500 square foot home complies with code and the exterior will consist of stone & hardiplank material. Chair Ruebenacker asked that a professional landscape plan with irrigation be submitted prior to next month's meeting. This landscape plan should include what shade trees are going to be removed and what trees will remain.

Board Member Borst made a motion to approve this application subject to the submittal of a professional landscape plan with irrigation. Second, Board Member Hubert. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst and Chair Ruebenacker.

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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 11:10 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary  
Wyckoff Board of Adjustment