

**WYCKOFF BOARD OF ADJUSTMENT
MAY 19, 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 May 19, 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; Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Ed Kalpagian; Tim Shanley; Brian Tanis, Alt.

Board Member Absent: Brian Hubert; Rich DeLeo, 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 and hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

* * * * *

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"*

* * * * *

OLD BUSINESS

APPROVAL OF MINUTES

April 21, 2016 work session/public business meeting
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #16-05- Approval of vouchers from various escrow accounts.
Resolution #16-05 was approved at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

765 WYCKOFF AVENUE, LLC (STONE HOUSE NURSERY) BLK 204 LOT 11 (RA-25 CORNER); 765 Wyckoff Avenue. *(The applicant proposes to install a propane filling station and installation of shade structure over a portion of the area where nursery products are located).*

DAMIANI, NICHOLAS & LISE BLK 443 LOT 1 (RA-25 CORNER); 768 Hickory Hill Road. *(The applicant proposes to redirect the driveway from Squawbrook Road to Hickory Hill Road for safety which will exceed impervious coverage).*

DOICK, JONATHAN BLK 462 LOT 68 (RA-25 162 Wyckoff Avenue. *(The applicant proposes to add an addition to the first floor and renovate the second floor providing rooms with full height ceilings and also enlarge the existing detached garage. Both additions which encroach into the side yard setbacks due to the unique shape of the property).*

INFANTOLINO, ANTHONY BLK 230 LOT 3 (RA-25) 548 Old Woods Road. *(The applicant proposes to add a level to the existing home which will increase the gross building area. The existing side yard setback of 16.63 will remain).*

BERGEN COUNTY'S UNITED WAY/MADELINE HOUSING PARTNERS BLK 238 LOT 2 (B1A); 370 Clinton Avenue. *(The applicant, a non-profit corporation, proposes to develop this property for a multi-family community residence consisting of a four bedroom unit, 2 2-bedroom units and a studio unit for adults with developmental disabilities. The applicant seeks a determination that the proposed community residence is a permitted use in the B1A zone).*

The above referenced resolution were acted upon at the work session meeting.

EXTENSION OF TIME

CHRISTIAN HEALTH CARE CENTER (CHCC) BLK 443 LOTS 49.03, 52.01 & 51; 301 Sicomac Avenue; Amended site plan/Variance/Use Variance. *(The applicant is requesting an extension of time since the Vista has not received county approvals both in Passaic and Bergen counties since this property is located in both the Borough of Hawthorne and the Township of Wyckoff).*

The Board discussed the request from the applicant's attorney for a two (2) year extension of time for the approval of the Vista on May 13, 2013 and June 18, 2015. According to Wyckoff Ordinance, Chapter 46-23 it states that a one (1) extension can be requested. At this time, Jerome Vogel, attorney for the applicant, is requesting a two (2) extension. Board Member Shanley made a motion to grant a one year extension of time. Second, Board Member Fry. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian, Ms. Yudin, Mr. Borst, Mr. Fry and Chair Ruebenacker.

APPLICATION(S) – CARRIED

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).*

Mark Steffanelli, the applicant's architect, was reminded by Board Attorney Becker that he remains under oath. Board Attorney Becker asked that the revised application package be marked as identification:

A-2 Application package

Mr. Steffanelli said he stepped in the rear corner on the second floor and added a bay window thus eliminating the second floor cantilever. He said the side yard setback will be 19.6' where 25' is required due to the enhanced side yard setback requirement. He added that the roof line will be symmetrical and will add character to the building and addresses the Board's comments. He said that all overhangs are 1' except for a front and rear overhang of 2' and the total impervious coverage includes the overhangs. He said the level of encroachment on the second floor is approximately 70 square feet. He said the height of the house is 35' except the turret height will be 36'. He summarized that the variance request is for 19.6' from the property line to the second floor wall; 18.5' from the property line to the second floor overhang; 14.4' from the property line to the first floor overhang, 16.5' from the property line to the first floor foundation wall and a 70 square foot encroachment.

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

A-3 Pictures (4)

Mr. Steffanelli said the rear of the property is heavily planted with dense vegetation and mature trees. He said the grade slopes in this corner. Board Member Borst said the proposed landscape plan does not address the size and height of the plantings. He said that a full landscape plan was requested. Chair Ruebenacker said the landscape plan needs to be detailed. Mr. Steffanelli said the landscape plan could be submitted with the building plans. Township Engineer DiGennaro said a revised plan will be needed with regard to the turret architectural feature and this revision can include a detailed landscape plan identifying species, their size and location. Vice Chair Fry said Section J will also need to be revised. Township Engineer DiGennaro said all the information must be consistent and 5 copies must be received 10 days before the next Board of Adjustment meeting, which is June 6, 2016.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Shanley made a motion to approve this application subject to the submission of revised plans, a revised Section J and a detailed professional landscape & irrigation plan pending next month's review of the revised plans. Second, Vice Chair Fry. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian Mr. Borst, Mr. Fry and Chair Ruebenacker.

APPLICATION(S) – NEW

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).*

Michael Scro, the applicant's architect, Z+ Architects, 634 Franklin Turnpike, Allendale, NJ was sworn. He said he is licensed in New Jersey and has appeared before numerous Boards. The Board accepted Mr. Scro's credentials. He said the applicant is looking to add a mud room and

a laundry room addition on grade which will be 361 square foot and master suite addition over the garage. This addition has triggered the enhanced side yard setback requirement where 25' is required and 21.6' is existing. He added that the addition in all setbacks except for the pre-existing side yard setback condition. He said there is an existing glass enclosed family room/conservatory which will be hard roofed and hard walled and built in its current footprint. He said the house will be resided and new windows will be installed. He said the addition over the garage has been stepped in to avoid sheer blank walls. Chair Ruebenacker questioned the addition of the 402 square foot open area patio. Mr. Scro said this area is currently a patio and will have a roof placed over it. He added that the proposed family room/conservatory is located between the mudroom and the open area. He said there is mature landscaping and any landscaping that is damaged during construction will be replaced with the same kind. Board Member Borst said there are detailed photos of the existing landscaping. Vice Chair Fry said the applicant has met the ordinance. Chair Ruebenacker asked what material will be used on the exterior of the house. Mr. Scro said the siding will be blue or gray hardiplank.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

Board Member Yudin made a motion to approve this application subject to the condition that any existing landscaping that is damaged during construction will be replaced with the same kind that is documented in the photographs. Second, Board Member Shanley. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian, Ms. Yudin, Mr. Borst, Mr. Fry and Chair Ruebenacker.

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*).

Board Member Borst recused himself from discussion and remove himself from the dais.

David Russo, the applicant's attorney, Michael Kukol, the applicant and Richard Wostbrock, the applicant's engineer were present. Michael Kukol, the owner of the property, and Rich Wostbrock, engineer from LAN Associates, were sworn.

Mr. Russo said the applicant purchased this property which is a vacant lot across the street from his business, Horizon Landscape, and would like to use this vacant lot for equipment and storage. He said this lot is located in the L1 zone and was previously approved for a medical/office building. The DEP is involved with parking in the rear of the property since this area is located in the 100 year flood plain and the regulations may change as to what can be placed in this area. The application this evening is for a 38 car parking lot for employees and equipment, bins for rock and paving stone, a dumpster for materials, leasing of parking spaces for vehicles and to install a 24 square foot sign illuminated with external solar power lighting. He added that the rear of this property is a residential zone.

Michael Kukol said he purchased 411 West Main Street for his landscaping business in 1996. He said he is looking for additional parking and storage. He said he has between 40 to 50 employees and his hours of operation are from 7:30 a.m. to 5:30 p.m. with ½ day on Saturday and closed on Sunday unless there is a snow emergency. He said he has 35 trucks and trailers on his property along with bins located along Railroad tracks which contain top soil, mulch and

gravel along with boulders for masonry use. He said he would like to use the vacant lot for employee parking, parking of trucks and equipment, outdoor bin storage and renting parking spaces to other people. Chair Ruebenacker asked if the bin area would exceed 23' x 13' dimension. Mr. Kukol said no they will not exceed this size.

Township Engineer DiGennaro is concerned with the appearance of this rental property and would it become self-storage for boats and recreational vehicles. He said the vehicles would need to be tagged and registered. Mr. Kukol said it would be for employee parking and parking for his equipment such as a skid loader, excavator & 16' flatbed trailers and the rental spaces would be for straight box trucks or work trailers. He said he would not want anything to detract from his public image and would maintain a clean operation. He would not want to rent to boats or recreational vehicles. Mr. DiGennaro asked that anything stored on this site be stored on a trailer at all times.

Township Engineer DiGennaro asked if storage containers with bulk materials would be allowed on site. Mr. Kukol said no containers would be allowed; only 16' flatbed trailers. Mr. DiGennaro said he does not want to see any satellite offices being located in enclosed storage containers. He asked if there would be fencing installed on site. Mr. Kukol said he cannot put fencing other than post & rail in a flood plain area. He is proposing post & rail fencing with the planting of arborvitae. Chair Ruebenacker asked if it could be stated that leasing be allowed to commercial vehicles only. Mr. Kukol agreed to this statement.

Township Engineer DiGennaro asked if bulk salt will be stored on site. Mr. Kukol said salt will only be contained at the 411 West Main Street location. Board Member Shanley asked that dumping be limited from 8 a.m. to 5 p.m. on weekdays. Vice Chair Fry asked how debris & dirt that might be tracked out of the property onto West Main Street. Mr. Kukol said the vacant lot will be paved and there will not be any tracking from a work site. Board Member Tanis asked if this vacant lot will be serviced with utilities. Mr. Kukol said no electricity will be going to this property. He said the proposed sign will be illuminated with solar lighting.

Mr. Rich Wostbrock said the proposed lot used to house the masonic temple which was demolished years ago. The ground has been stabilized with gravel. He said there is existing vegetation along the property where the Wyckoff code requires 3 staggered rows 15' width of evergreens. This area can be supplemented further if the Board request. He said the parking lot will be paved and striped. He said there will be no utilities to the site today. Mr. Kukol said he is proposing a dusk to dawn signage light with a flag pole located in the entrance planting on West Main Street. Chair Ruebenacker asked that the lighting not impact the rear yard neighbors. Mr. Wostbrock said the neighbors are 200' from the West Main Street entrance and the lighting will be cast down and rechecked in a few months. He added that the height of the flag pole will be 35'.

Township Engineer DiGennaro asked about the curbs. Mr. Wostbrock said the curb cuts would be large enough. He said the prior approval requested a side walk be installed. Mr. DiGennaro said a sidewalk is not required and the damaged curb cuts can be repaired. Mr. Wostbrock said the applicant first needs to address the use and then the applicant will need to address the DEP requirements. Mr. DiGennaro asked if there is any runoff from the site. Mr. Wostbrock said the water flows from the NE to the SW on site. He said there has not been any runoff since the Masonic Temple building was demolished. Chair Ruebenacker asked about the existing rows of evergreens. Mr. Kukol said he will plant additional evergreens around the paved area. He said

arborvitae will survive under the mature canopy of the trees. Chair Ruebenacker said he like the sign and the flag pole in the front of the property.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Chair Ruebenacker reviewed the proposed application with the Board Members. He said the applicant will need to apply to DEP for the flood plain limitations. He listed the following stipulations for this request for a use variance: parking for Horizon Landscaping employees; Horizon Landscaping vehicle parking; bin storage for bulk material only and no organic storage; ability to lease out parking to other commercial entities but there will be no watercraft or recreational vehicles; no salt storage; hours of operation 8 to 5 weekdays and 10 to 4 on Saturdays and no Sunday hours; the equipment will need to be stored on trailers; lighting shall not impact the neighbors in the rear; maintain the roadway; shrubbery to be provided where stipulated; only the owners personal recreation vehicle can be parked on the site; repair curbs and leave the curb cuts; no sidewalk will need to be installed at this time.

Board Member Shanley made a motion to approve this application as follows: allow parking for Horizon employees; allowing Horizon vehicles to park on the property; equipment storage on the property but it must be on a flatbed or trailer; no storage of organics in the trucks that are being stored on the property; allowing of rentals of the space of commercial vehicles; no watercraft boats or recreational vehicles for storage on the property except for the owners personal recreational vehicles; use of the 23' x 13' bin area is permitted but no organics or salt/calcium to be stored in this area; limited to time of operation for the bin area from 8 to 5 on weekdays and 10 to 4 on Saturdays and no operation on Sunday; lighting on the property shall not impact the residential neighbors to the rear of the property and will be addressed by the owner; landscaping in the front as proposed and landscaping around the rear of the property as discussed; the existing curb cuts shall be repaired and no sidewalks will be required but may be required at some future point if the street gets improved. Second, Board Member Yudin. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian, Ms. Yudin, Mr. Fry and Chair Ruebenacker.

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).*

Thomas J. Barret, the applicant's attorney was present. Peter Carlock, PHC Systems, the applicant's builder, was sworn. He showed the original plan for the garage as to what is existing and what has been constructed to Township Engineer DiGennaro. Mr. DiGennaro said the plans show the garage was detached and is now attached to the existing home with a bonus room above it. Board Attorney Becker said the applicant has received permits and the garage is built to code.

Mr. Carlock said the applicant proposes to remove the existing landscaping in the front yard and create a covered front porch. He said the 8' x 22' porch will give the applicant direct coverage to the driveway.

Mr. Louis Longo, Aqua Pools, Midland Park, NJ was sworn. He said the applicant would like to install a 16' x 36' pool in the rear yard. He said that the first 4' of the pool are stairs descending

into the pool which makes the pool are 16' x 32'. He said a patio will surround the pool which is necessary. Mr. Barret said the pool can be reduced. He said the applicant is 2.8% over on accessory coverage and 3.5% on impervious coverage which includes some of the decking around the pool. Township Engineer DiGennaro suggested that the applicant reduces the accessory coverage by 295 square feet. He said this is a self-created hardship. Board Member Yudin suggested that the applicant keep the front porch and remove the pool installation. Mr. Barret said the applicant is installing a perimeter drain so the neighbors will not be impacted with drainage. Board Member Borst said the pool is not excessive and suggested the applicant reduce the patio area.

Jason Borrelli, 372 Kingston Street, Wyckoff, NJ was sworn. He said that he would like to reduce the patio area. Chair Ruebenacker asked that the pool area be reduced. He said he would like to see revised plans showing the reduction of combined coverage. He asked if the applicant needed a covered front porch. Board Member Borst also recommended that the impervious coverage be reduced. He said the applicant is fortunate to have built the attached garage and bonus room above it without a variance where one was required. Vice Chair Fry said he cannot justify this application as a hardship. He said that the Board has never granted a 28.9% combined lot coverage where 20% is the maximum permitted.

OPEN TO THE PUBLIC

Doug Kurys, 373 Virginia Street, Wyckoff, NJ was sworn. He said he is in support of this application. He said Mr. Borrelli's pool is within the property setbacks and a seepage pit will be installed to capture water.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the Thursday, June 16, 2016 public hearing meeting at 8 p.m. The applicant will not need to renote the neighbors or the newspaper.

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).*

This application has been carried to the June 16, 2016 public hearing meeting at 8 p.m. at the suggestion of the Board due to the amount of applications this evening.

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 June 16, 2016 public hearing meeting at 8 p.m. at the suggestion of the Board due to the amount of applications this evening.

* * * * *

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