

**WYCKOFF BOARD OF ADJUSTMENT
FEBRUARY 18, 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 Carl Fry, Vice Chairman:

"The February 18, 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: Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Brian Hubert; Ed Kalpagian; Brian Tanis, Alt.

Board Member Absent: Erik Ruebenacker, Chairman; Tim Shanley; 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.

Vice Chair 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.

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Vice 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"*

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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).*

Bruce E. Whitaker, from the law firm of McDonnell & Whitaker, representing 765 Wyckoff Avenue, LLC was present. He said that recognizing that the Board has only 5 board members present this evening he does not think it would be prudent to proceed with this application. He said that the board would like to determine the supplemental order that was attached with the application has been complied with and that no decision would be made until this has been reviewed. He stated that the plans submitted start that a 1,000 gallon propane tank will be installed on the site. He said that he did attach the resolutions in the supplemental order that

was previous approved to the application for the Board to review. He added that the as-built has been submitted for the garage. He said he would like to move forward with this applicant at the March 17, 2016 meeting. Board Attorney Becker said that the proof of service and proof of publication documentation has been provided and is satisfactory and the Board can hear this application. He said he was in receipt of a letter from the neighbors which cannot be accepted as testimony. Board Member Hubert made a motion to carry this application to the March 17, 2016 meeting. Second, Board Member Kalpagian. The board unanimously agreed to carry this application.

OLD BUSINESS

APPROVAL OF MINUTES

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

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #16-02- Approval of vouchers from various escrow accounts.
Resolution #16-02 was memorialized at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

NIKOLA STOJKOSKI & ZAKLINA AVRAMOSKA BLK 258 LOT 29.01 (RA-25 CORNER); 258 Monroe Avenue. *(The applicant proposes to construct a first and second floor addition with a garage which will exceed principal building and total lot coverage).*

This resolution was memorialized at the work session meeting.

APPLICATION(S) – NEW

DUCKMAN, STEWART & DEBRA BLK 393 LOT 17 (RA-25 CORNER); 254 Wyckoff Avenue. *(The applicant proposes to increase the footprint of the first floor area for a new kitchen and first floor master bedroom, add a second level over the existing first floor and construct an accessory 2 car detached garage where currently a garage does not exist).*

Mr. Kalpagian has recused himself from discussion and removed himself from the dais.

Thomas V. Ashbahian, 39 Spring Street, Ramsey, NJ was sworn. He stated he is a registered architect, professional engineer and professional planner in the State of New Jersey. He will be testifying as an architect this evening. He said the subject application is currently an existing 2 bedroom home with a single floor of 965 square feet. The property is deficient in lot area. The applicant proposes to add a second floor level to the existing first floor footprint to include 2 bedrooms and a bathroom, expand out the rear of the existing first floor for a kitchen and master bedroom addition, add a detached garage where one does not currently exist, install a new 3 bedroom septic system and the proposal satisfies the Township's Stormwater management requirements. The variance request is a rear yard setback for the detached garage of 15' where 20' is required. He said there are 28 shade trees on the property and there is significant natural landscaping around the perimeter of the property. He said that an additional 26 pieces of

shrubbery will be planted around the foundation of the house on Wyckoff Avenue and Heights Road along with Junipers along the property line by the garage.

Chair Fry asked what will be the true extend of the work on the existing structure. Mr. Ashbahian said the only wall that will be removed from the house is the rear wall where it will be extended toward the rear yard which is 30% of the total perimeter of the existing house. The entire foundation will remain on all 4 sides of the existing house. A new foundation will be added for the rear addition.

Board Member Yudin was concerned with the height of the garage. Board Member Tanis said the height of garage will be 20' at its highest point. The applicant is asking for a 15' rear yard variance where 20' is required which will make this garage seem very high. Mr. Ashbahian said the Duckman's are outdoor people and will need storage for camping in the loft area of the garage. Board Member Borst liked the aesthetics of the style of the garage. Chair Fry said if the garage were to be moved to a conforming 20' rear yard setback then it would make the garage too close to the house and reduce the side yard patio space. Board Member Borst suggested the applicant obtain a professional landscape plan since the proposed Juniper will not give the garage area enough screening and the foundation planting is not sufficient.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Borst approve this application as presented subject to the following conditions: a revised landscape plan be submitted for approval by the Township Engineer which will include basic front foundation plantings and screening on the rear property line along the garage with different species and an increase in quantity and also underground utilities be installed if possible. Second, Board Member Hubert. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Yudin, Mr. Borst and Chair Fry. Abstain: Mr. Kalpagian.

PUCHALIK, JOSEPH & SARAH BLK 352 LOT 4 (RA-25 CORNER); 269 Cedar Hill Avenue.
(The applicant proposes to enlarge the existing rear portion of the house for a family room).

Joseph Puchalik and Sarah Puchalik, 269 Cedar Hill Avenue, the applicant, were sworn. Mr. Puchalik stated that he has a 3 season room that he would to remove, enlarge and make it into a family room.

Chair Fry reviewed the variances with the applicant and said the variance request is for the rear yard setback where 14' is proposed and 40' is required on this corner lot. Chair Fry said this application is truly a hardship variance due to the existing location of the house on this lot and also since the septic is located along the side of the house and the rear of the house is the only location for expansion. Township Engineer DiGennaro said any structure must be 10' from the septic. Mr. Puchalik said the septic is 6' from the house. Mrs. Puchalik said the house was purchased through a family transaction in January 2012. Mr. DiGennaro said the township septic code changed in April of 2012. Mr. DiGennaro said this septic system is the original septic which has a cess pool which is a pre-existing condition therefore the septic will not be required to be updated.

Board Member Borst asked how much further the addition will encroach out the rear of the house. Mr. Puchalik said it will encroach 4' further. He added that the existing foundation is a concrete slab which will need to be removed and a new concrete slab poured.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

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

SQUARE ONE CONTRACTORS, INC. BLK 490 LOT 13 (R-15); 451 Louisa Avenue. *(The applicant proposes to increase the existing footprint of the first floor area and add a second level to the house).*

Chair Fry recused himself from discussion and removed himself from the dais. Board Member Borst, a senior Board Member, then took over the responsibility of the Chairman for this application.

Bruce E. Whitaker, from the law firm of McDonnell & Whitaker, representing Square One Contractors, Inc. was present. He said this property is in the R-15 residential zone and is 50% deficient in lot area, lot frontage, lot depth, front yard setback, rear yard setback and one side yard setback than what is required. The house was constructed in 1940 and is 963 square feet where 1,100 square feet is the minimum required and it will be increased to 2,464 square feet. The applicant would like to remove the existing non-conforming single car garage and construct a two story addition to the west that will have a first floor elevation matching the elevation of the existing dwelling unit and to construct a second floor addition over part of the existing dwelling. The front yard setback of 38.8' will remain where 40 feet is required. By modifying the dwelling the rear yard setback will be increased from 26 to 29.8' where 30' is required. He concluded that this is C2 variance request where the benefit outweighs the detriment due to the existing non-conformities where a modest house will be constructed and a few of the existing variances will be eliminated. There will also be an increase in light, air and space with the removal of the existing garage.

Chair Borst said that currently there are 9 non-conformities on this lot. With the construction of this house 2 non-conformities will be eliminated with the removal of the existing garage and some of the other non-conformities will be reduced. He concurred that the applicant is before the Board this evening requesting a principal building lot coverage variance of 18.11% where 15% is required. The total principal building and accessory structure coverage is 18.11% where 20% is the maximum.

Bruce Rigg, Rigg Associates, 1000 Maple Avenue, Glen Rock, NJ was sworn. He said that he is a licensed professional engineer and land surveyor and licensed in the State of New Jersey since 1976 and has testified before this Board in the past. The Board accepted Mr. Rigg's credentials. He reiterated that this house was constructed in 1940 which consists of a 963 square foot house and one car framed garage. He said there will be a minimal demolition to a portion of the house on the south side and the existing front porch landing setback will be reduced to 34.3' to the new proposed covered porch where 40' is required. The new addition

will meet the 40' setback and a new 2 car garage will be attached to the house and located in the front yard. The rear yard enclosed porch will be removed and the new addition will be at the same rear yard setback of the existing house which is 29.8' where 30' is required. The right side yard setback will remain at 10.6' where 15' is required. The existing macadam driveway will become lawn area and the impervious coverage will be reduced. He said the height of the house is 34.8' where 35' is required. He said this application does not qualify for a Stormwater management plan however the applicant has proposed an onsite Stormwater retention chamber for the roof drains which will be an enhancement over what currently exists. The impervious coverage on the property has been reduced with the removal of the long driveway.

Township Engineer DiGennaro said he was in receipt of an email from a neighbor with regard to screening on the southerly side who could not be in attendance at the meeting this evening. The neighbor requested additional evergreens be planted along the southerly property line. Mr. DiGennaro said that 2 Norway spruce are proposed along the property line with additional shrubbery around the entire foundation of the house.

Chair Borst said that he thought possibly the rear property line should be screened and not the southerly property line. But he felt the proposed landscape plan was sufficient. He then asked Mr. Rigg how far the house will be exposed out of the ground. Mr. Rigg said the first floor elevation is at 256 and the front of the house is at elevation 251.5. The elevation of the driveway will slope from 246 to 247 to the entrance to the garage. The side of the driveway will have a retaining wall. Chair Borst asked if the existing home will be torn down. Mr. Rigg said the foundation of the existing home is stable and will be maintained. Township Engineer DiGennaro said if the integrity of the foundation is not in good repair the house may need to be demolished. The applicant would need to return to the Board of Adjustment with a new application. Mr. Whitaker said the applicant understands this and the foundation will remain.

Mike Rodeiro, the Principal of Square One Contractors, the applicant, was sworn. He stated that he owns this home and has investigated the structure of the house. He said that it is visible that all 10" foundation walls are poured and have 18" footings inside the walls which add strength to the exterior walls. He stated he has no concerns that the existing structure will support a second floor. He said he cannot guarantee the walls will remain but the original foundation will be maintained. Board Attorney Becker reiterated that the intent of the applicant is to use the existing foundation. He added that if more than 50% of the walls are removed the applicant will need to return to the Board since this would be considered new construction. Township Engineer DiGennaro said the applicant will be leaving the foundation walls, removing the existing interior walls and building a new deck. Chair Borst said this application will be considered a tear down to the deck and the deck being replaced.

Board Member Yudin asked if the utilities can be placed underground. Mr. Rigg said the utility poles are located on the opposite side of the house which will interfere with the relocation of the utilities. Chair Borst said the new variance for this application is for principle building structure at 18.11% where 15% is required since the 2 car garage is now attached to the main house. The maximum permitted combined is 20%. He said he had no issue with the hardship of the application. Board Member Kalpagian, Board Member Hubert and Board Member Tanis concurred. Board Member Tanis asked what material will be used on the outside of the house. Mr. Rodeiro said he will use hardiplank siding on the exterior of the house.

OPEN TO THE PUBLIC

No one appeared.
CLOSED TO THE PUBLIC

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

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Chair Fry then returned to the dais as the Chairman of the Board.

PIRRMANN, LAUREN BLK 269 LOT 14 (RA-15 CORNER); 91 Edison Street. *(The applicant proposes to increase the footprint of the first floor and add a second level addition which will trigger the enhanced side yard setback ordinance).*

Brian J. Callahan, the applicant’s architect, 333 Fairview Avenue, Westwood, NJ, was sworn. He said that he has a bachelor of science degree from the University of the Arts in Philadelphia, PA, and master of architecture degree from the University of Houston, TX and is a licensed architect in the State of New Jersey since 1997 and in the State of New York since 2002 and has testified before several Board’s throughout Bergen County. The Board accepted Mr. Callahan's credentials. Mr. Callahan stated that the current house is a 2 bedroom one bathroom Cape Cod style house with no garage. The lot area is 6922 square feet where 6,922 square feet exists. The applicant would like to enlarge the house to 4 bedrooms and 2 full bathrooms and move the driveway entrance from Crescent Avenue to Edison Street and add a garage on this corner lot. The garage will be located in the rear yard of this corner lot and the applicant is proposing 12.3’ where 30’ is required. Also the principal building coverage is at 19.94% where 15% is the maximum and 20% is the total combined coverage. The setback to the front porch is 15.3’ to the covered front steps. He added that the existing shed will be removed.

Board Member Borst asked what the height of the new house will be. Mr. Callahan said the current height is 20’ and it will become 24.7’. Chair Fry said this house is currently constructed on a concrete slab. He asked if all the walls will be removed. Mr. Callahan said that all the walls will be removed and the house will be squared off in the front of the house to 19.3’ on Edison Avenue. He said the concrete slab will be expanded on the right side of the house to accommodate the new garage. Board Member Borst asked that the 12.3’ rear yard setback be increased to 15’ and that the house, not the garage, be reduced in width in order to achieve this reduction. Mr. Callahan said his clients are acceptable to this proposal. Board Member Tanis said by reducing the rear yard setback and reducing the length of the house the Gross Building Area (GBA) will be reduced and possibly eliminate a GBA variance request. Board Member Yudin asked where the AC units will be located. Chair Fry said the AC units are located within the 10’ setback in the rear yard. Borst Member Borst questioned how many mature trees will be removed in the front yard.

Chrisoula Pirrmann, the applicant’s mother, said one of the mature trees curves over the house and will need to be removed with the addition of the garage. She said there are approximately 4 mature (deciduous) trees that will be removed since they are very large trees and will be replaced with blue spruce and evergreen trees.

Board Member Borst requested a revised landscape plan be submitted that shows a different species of plants that are more shade tolerant along the property line by the garage and that the amount of the plantings be increased and the specie of plantings be identified.

Chair Fry asked what material will be used for outside of the house. Mr. Callahan said hardiplank will be used.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Chair Fry reviewed with the Board the proposed variances such as the Crescent Avenue front yard setback of 34.4' will be proposed at 32.9' where 40' is required because the house will be squared off in this area; the Edison Street front yard setback of 19.3' at the corner and will be at 15.3' due to the addition of the covered front porch; the rear yard setback exists at 26.3' and is proposed at 12.3' with the addition of the garage where 30' is required. The Board requested that the house be reduced in order to achieve a 15' rear yard setback and that a revised landscape plan be submitted with more detail. The Board unanimously agreed to carry this application to the March 17, 2016 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 10:51 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment