

**WYCKOFF ZONING BOARD OF ADJUSTMENT
JUNE 18, 2015 PUBLIC WORK SESSION MINUTES**

Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall
Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meetings Statement by Carl Fry, Acting Chairman:

"The June 18, 2015 Public Work Session 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.

Members of the public are welcome to be present at this meeting. However, in accordance with Section 7 (A) of the Open Public Meetings Act, participation on the part of the public at this meeting will not be entertained."

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

Board Member(s) Absent: Erik Ruebenacker, Chairman

Staff Present: John A. Spizziri, Sr. Esq., Board Attorney; Ben Cascio, Esq. Acting Board Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Board Secretary.

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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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New Board of Adjustment Member Timothy Shanley was sworn in by Board Attorney Spizziri. The Board welcomed Board Member Shanley.

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Board Attorney John Spizziri made an announcement that he has been an attorney in this State and in Wyckoff since 1961 and it has come to his realization that it time after 54 years of serving the public to take some time off for myself. He said with regrets that he will be resigning his position as Wyckoff Zoning Board Attorney effective on July 31, 2015 and he will be leaving the State of New Jersey and moving to Montana to be with his family. He thanked the Wyckoff Board of Adjustment for the opportunity to serve you as Board Attorney.

Vice Chairman Fry said on behalf of the Board and the Chairman your expertise and guidance has been an asset and very valuable to this Board.

Ben Cascio, Esq, Acting Board Attorney for the public hearing meeting this evening honored John Spizziri by saying that not only has he been a mentor and a great friend and it has been an honor to have known him all of these years. He wished God's blessing on John.

John Spizziri said that Ben Cascio is a former Marine helicopter pilot who was wounded in Viet Nam and has served his country honorably and he is one of my American Heroes. Thank you Ben.

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Chairman Fry noted that Brian Hubert arrived at 7:39 p.m.

OLD BUSINESS

APPROVAL OF MINUTES

May 21, 2015 work session/public business meeting

Board Member Yudin made a motion to approve the May 21, 2015 work session and public hearing minutes. Second, Board Member Borst. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Ms. Yudin, Mr. Borst and Chairman Fry.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #15-05- Approval of vouchers from various escrow accounts.

Board Member Borst made a motion to approve Resolution #15-05 for payment. Second, Board Member Kalpagian. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Ms. Yudin, Mr. Borst and Chairman Fry.

RESOLUTION(S) TO BE MEMORIALIZED

CHRISTIAN HEALTH CARE CENTER (CHCC) BLK 443 LOTS 49.03, 52.01 & 51; 301 Sicomac Avenue; Amended site plan/Variance/Use Variance. *(The applicant proposes to amend the previous variance and site plan resolution adopted by the Board of Adjustment on May 13, 2013. The application amends the prior approval to provide for a reduction of building coverage in; 1) Wyckoff from 126,587 sf to 118,132 sf for a net change of minus 8,455 sf; 2) a reduction of impervious surface in Wyckoff of 11,672 sf; 3) a reduction in building coverage in Hawthorne from 26,502 sf to 25,935 sf for a reduction of 567 sf, and 4) a total reduction of impervious surface in Hawthorne of 1,221 sf. The total reduction in both municipalities of building coverage is 9,023 sf and the reduction in impervious area is 10,452 sf. The total number of units previously approved at 199 remains unchanged with some redistribution of 1 & 2 bedroom units. The applicant is also seeking an adjustment of the construction materials required in the Wyckoff resolution of approval).*

Board Attorney Spizziri noted that Mr. Montroy's report marked as exhibit B-1 had not been specified in the resolution and as of today this information has been added on page 17. He asked that this resolution be adopted. He added that this resolution does not change anything in the original resolution except the construction methodology. He said that he has drafted the developer's agreement and will need the sequence of construction costs and bonding amount.

Board Member Borst made a motion to approve the CHCC resolution subject to the condition of the original sewer allocation adjustment for sewer usage and the new language added this evening. Second, Board Member Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Tanis, Ms. Yudin, Mr. Borst and Chairman Fry.

PRO-CONTRACTOR, LLC BLK 425.01 LOT 53 (RA-25); 723 Terrace Heights. *(The applicant proposes to demolish the existing house and construct a new house which will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application and also create a 3 story dwelling due to the topography of the land).*

The Board will act on this resolution at the public hearing meeting.

PISA, ANTHONY BLK 265 LOT 50 (RA-25); 55 Saxonía Avenue. *(The applicant proposes to connect the garage to the existing house and add a level to the second floor which will encroach no further than the existing front and side yard encroachments).*

Township Engineer DiGennaro said plans were revised for the Pisa application which included pushing back the second floor by 2' and reducing the ceiling height on the second floor from 9' to 8'. The Board will act on this resolution at the public hearing meeting.

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Chairman Fry said that Board Attorney Spizziri will be leaving early this evening to attend to his wife who is having surgery early tomorrow morning. He said that Mr. Cascio will be filling in tonight.

APPLICATION(S) – CARRIED

AYDIN, EMIN BLK 231 LOT 4 (RA-25); 524 Clinton Avenue. *(The applicant proposes to add a level to the second floor which will encroach no further than the existing side yard encroachment but will trigger the enhanced side yard setback requirement of 25 feet).*

Township Engineer DiGennaro said the applicant has reduced the side yard variance from 16.6' to 19.6' where 25' is required and also has reduced the overall building footprint by 173 square feet and the pool by 62 square feet and the principle and accessory lot coverage by .4% which reduced the total lot coverage by .7%. The building height by 4 feet, the driveway has been reduced by 202 square feet and the architectural style of the home has been changed.

Chairman Fry said the applicant has reduced the encroachment by removing the existing crawl space foundation by 3 feet and the variance has been reduced from 16.6 feet to 19.6 feet. The air conditioning units are now outside the setback.

Board Member Borst asked if the side structure of the house could be softened since it seems rather imposing since there are no windows on this side of the house.

Board Member Hubert would like additional testimony regarding the retaining walls.

APPLICATION(S) – NEW

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).*

This application has been carried to the Thursday, July 16, 2015 Board of Adjustment public hearing meeting at the request of the Board.

IQBAL, MOHAMMAD BLK 202 LOT 65 (RA-25) 416 Woodbury Drive. *(The applicant has constructed a wood deck which encroaches into the side yard setback by 8.9' where 24.9' existed and 20' is required).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone and is conforming. The applicant has constructed an accessory deck without permits which encroaches into the side yard setback by 6.25 feet and as a result of our discovery from a neighbor's complaint has opted to apply to the Board to obtain a variance rather than remove the non-conforming structure. The deck is an accessory structure which is 2 feet off the ground and 8.75 feet from the side yard setback where 15 feet is required.

Chairman Fry said the applicant has constructed a deck from which they did not receive building department approval and unfortunately it is non-conforming. His concern is that this deck is located right next to plate glass windows used for the enclosed sun room.

Board Member Yudin said this deck has to be treated like it wasn't there and this is a new request.

RODAK, CHRYSTIAN BLK 232 LOT 14 (RA-25); 511 Franklin Avenue. *(The applicant proposes to add a level over the entire house and garage which will trigger the enhanced side yard setback requirement of 27 feet where 24 feet is proposed).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone and is not conforming due to frontage and side yard setback. The applicant is proposing a second story addition to the structure requiring variances for side yard setback and setback to the existing side loading garage which is less than required by the Township's new ordinance. He added that the property will be served by a new 4 bedroom septic system which must be submitted for approval. The application does not qualify for a storm water management plan.

Chairman Fry said the existing side loading garage is at 24.5 feet where 27 feet is required.

Township Engineer DiGennaro said 2 trees will be removed in order to construct the new septic system in the rear yard. He said the hardship is the narrowing and tapering of the property to the rear yard where wetlands are located.

GORDON, RICHARD & LAURIE BLK 354 LOT 57 (RA-25 CORNER); 300 Saw Mill Lane. *(The applicant proposes to construct a portico over the existing front stairs which will encroach into the front yard setback).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area and frontage. The applicant proposes to construct a covered front porch above the main entrance and existing steps requiring a front yard setback

variance of 37.75 feet where 42 feet currently exists and 40 feet is required.

Chairman Fry said the applicant is requesting a covering to protect the front steps for safety reasons.

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).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone is non-conforming due to lot frontage and accessory structure setback. The applicant is proposing to construct a detached garage requiring variances for side yard setback of 6 feet where 15 feet is required and enhanced side yard setback on the principal building where 21.21 feet is existing and 25 feet is required. He said he just received a revised data zoning table from the applicant's architect which states the gross building area is less than 3,700 square feet thus reducing the one side yard variance.

Chairman Fry said a 6 foot side yard setback for the proposed garage is aggressive. He would like to see what the functionality of the garage will be. He understands that the applicant did not want to encroach any further towards the septic field which is located in the center of the rear yard.

KERTESZ, JONATHAN & JENI BLK 278 LOT 14 (RA-25); 88 Morley Drive. *(The applicant proposes to construct a portico over the existing front stairs which will encroach into the front yard setback).*

Township Engineer DiGennaro said the applicant is seeking to expand the existing conforming dwelling by adding a two story addition and deck to the side and rear as well as a covered front entry requiring a variance for front yard setback of 35 feet where 40 feet is requires. It appears that the dwelling is being expanded in a manner which would be conducive to a two housekeeping unit based on the fact that it has 2 kitchens and 2 front entrances. This is not permissible in the RA-25 zone. He added that the storm water management plan satisfies Township requirements.

Chairman Fry said the applicant is requesting a front yard setback to protect the front steps which will encroach 10" more into the front yard setback. The Board will hear testimony regarding the 2 kitchens and 2 front entrances.

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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 8:10 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment