

**WYCKOFF ZONING BOARD OF ADJUSTMENT
MAY 19, 2022
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 Chairman Fry:

"The May 19, 2022, 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."

"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"

"This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times."

ROLL CALL

Board Members in attendance: Carl Fry, Chairman; Mark Borst, Vice Chairman, Erik Ruebenacker, Rosa Riotto, Brian Hubert, Brian Tanis, Ed Kalpagian, Ian Christ and Nekije Rizvani.

Staff in attendance: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the April 21, 2022 work session and public business meeting minutes.

Mr. Kalpagian made a motion to approve the April 21, 2022 work session and public meeting minutes. Second, Mr. Ruebenacker. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Ms. Rizvani, Mr. Christ, Mr. Borst and Chairman Fry. Mr. Tanis abstained.

RESOLUTION FOR PAYMENTS #22-05

Mr. Hubert made a motion to approve the Resolution for Payments #22-05. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr.

Ruebenacker, Mr. Christ, Ms. Rizvani, Mr. Borst and Chairman Fry.

RESOLUTIONS TO BE MEMORIALIZED

Spinato, Lauren 616 Woodfield Rd. Block 232 Lot 19

(The applicant constructed an elevated wooden deck connected to trees in the rear yard, without a construction permit, and is requesting an interpretation of the Ordinance due to the Construction Official's denial to allow the structure to remain based on the Township Code of permitted uses in the RA-25 zone)

Killby 28 Van Schaik Lane Blk 265 lot 33

(The applicant installed solar panels on a front facing roof)

Mock 288 Morse Ave. Blk 255 Lot 12

(The applicant proposes to construct a second story addition over existing first floor and also two covered porch additions requiring variance relief for front yard setback, and both side yard setbacks)

Carini 347 Voorhis Ave. Blk 316 Lot 3

(The applicant proposes to construct a one-story addition to the rear of the home requiring variance relief for side yard setback of 12.2', principal building lot coverage of 20.8% and combined lot coverage of 21.5%)

Donaghy 350 Voorhis Ave. Blk 316 Lot 15.01 – Corner Lot

(The applicant proposes to expand the existing structure requiring variance relief for front and rear yard setbacks)

Mr. Borst made a motion to approve the five (5) Resolutions. Second, Mr. Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Christ, Mr. Ruebenacker, Mr. Borst, and Chairman Fry. Mr. Tanis Abstained.

Stephen, Scott 57 Saxonia Ave. Blk 265 Lot 49

(The applicant proposes to expand the first and second floors of the house requiring variance relief for front yard setback, rear yard setback, side yard setback, accessory structure setback and other pre-existing nonconformities)

Mr. Ruebenacker made a motion to approve the Resolution. Second, Ms. Riotto. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Christ, Mr. Ruebenacker, and Mr. Borst. Chairman Fry and Mr. Tanis abstained.

NEW APPLICATIONS

The Chairman announced that the Vernieri application for 30 Godwin Drive and the Abbott Family Properties application for 394 Franklin Avenue will not be heard this evening due to time constraints and their placement on the agenda. The two (2) applications will be heard at the June 16, 2022 meeting.

Board Attorney Becker stated that both applicants noticed properly, and will not have to re-notice for the June meeting.

Powers, 90 Wood St. Blk 264 Lot 11 - Corner Lot

(The applicant proposes to expand the first and second stories of the home requiring variance relief for both front yard setbacks and other pre-existing nonconformities)

Mark DiGennaro, the Township Engineer, provided the following technical review of the application:

I have received and reviewed the application, photos, plot plan and architectural prepared by Evans Architects revised thru 1/24/22 consisting of 7 sheets, survey prepared by Ryan Harris PLS dated 3/20/13, and Landscape Plan prepared by Larchstudio dated 1/28/22. The existing single family dwelling is situated on a corner lot in the R-15 zone and is non-conforming due to lot area, depth, front yard setbacks. The applicant is proposing an addition to the first floor and to add a second story to the dwelling requiring relief from the code setbacks. The existing lot size is 9,981 sf where 15,000 sf is required in the zone and lot depth is 100' where 125' is the requirement. The existing front yard setback on Wood Street is 30.2' with 25.20' proposed, and the existing front yard setback on Crescent Avenue is 26.9' with 26' proposed where 40' is the requirement for both front yards. The application does not require a stormwater management plan. The property is served by municipal sewer. Impervious coverage proposed is 32.25 % where a maximum of 45% is permitted.

Chairman Fry said the undersized lot is a hardship however what is being proposed is a little aggressive. He added that the applicant should provide testimony about the fact that they are proposing four (4) bedrooms plus an office and a craft room adding that perhaps the size could be scaled back a bit. He went on to say that testimony should also be provided as to the number of trees to be removed, the location of A/C units, and if utilities will be placed underground.

Silva & Pisa 431 Lafayette Ave. Blk 483 Lot 30.01

(The applicant proposes to renovate the home, construct a second floor addition, front porch and covered stairway to the accessory building requiring a variance for a side yard setback of 20.5' where the enhanced 25' is required)

Court Recorder Patricia Pucciarello was present for the application on behalf of the applicant.

Mr. Borst and Board Attorney Becker recused themselves and stepped down from the dais. Chairman Fry announced that during the public hearing Mr. Harold Cook Esquire will serve as the substitute Board Attorney for this application.

Mr. DiGennaro provided the following technical details of the application:

The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to principal building side yard setback, accessory structure setbacks and lack of a 1 car garage. The applicant is proposing to expand and renovate the principal building and accessory building on the property, construct a new driveway requiring site regrading with the addition of retaining walls. The regrading triggers a soil moving permit which must be granted by the Zoning Board. The variance requested is for the enhanced side yard setback of less than 25 feet. The applicant is proposing to connect the existing principal building to the detached structure creating one large principal structure. It should be noted that there have been recorded agreements entered into by property owners that specify that the detached barn shall not be used as separate dwelling unit. A stormwater management plan has been submitted and satisfies the Township requirements. The lot is 60,596 sf where 25,000 sf is the requirement in the zone and is conforming to all setbacks with the exception of the proposed side yard #1 setback of 20.5'

where the enhanced setback of 25' is the requirement. The proposed height is 38' where 35' is the maximum allowed and it remains a 2 ½ story structure.

Mr. Ruebenacker said the proposed side yard setback of 20.5' for the new construction is critical. He added that they are not simply adding a level to the home, they are building into the required side yard setback with the new garage.

Mr. Fry agreed stating that the enhanced side yard setback requirement of 25' is being triggered because the proposed gross building area is greater than 7,000 sf. He went on to say that he is not a fan of connecting the principal building with the accessory building and that he has a lot of questions about why that structure is still standing. The Chairman said that years ago, there was a Developer's Agreement to remove the kitchen from the accessory building and turn the building into a garage which apparently was never done. Now there is an RV on the property which the Board approved because we were sympathetic to the circumstances of the house fire and the applicant put forth the case that the RV was the most cost saving way to have housing during the home renovation. Mr. Fry said that he thought the intent of the homeowners was to renovate the existing home to make it livable and live in the RV so their children could attend pre-school in Wyckoff however the submitted plans show a complete renovation and additions to the home. The expiration date for the use of the RV is June 30th and nothing has been done to the house.

Mr. Hubert brought up the height of the proposed home and pointed out that the Resolution from 1987 states that a height variance was granted however no number was listed in the Resolution for what the maximum height of the structure could be.

Varisano, 53 Cully Lane Blk. 212 Lot 4

(The applicant proposes to construct a second story addition and a front vestibule requiring variance relief for front and side yard setbacks)

Mr. DiGennaro provided the following technical summary if the application:
I have reviewed the plot plan and architectural plan by William Brown Architects, last revised 4/4/22, landscape plan by William Brown Architects dated 4/4/22, photos and complete Application. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to side yard setback and accessory structure lot coverage. The applicant is proposing an addition and renovation requiring variance relief for front yard and side yard setbacks. The existing front yard setback is 40.83' and proposed is 39.36' where 40' is the requirement. Existing side yard setback #1 is 15.55' and 17.47' is proposed where 25' is the requirement. Stormwater management is not required, and the property is served by sanitary sewer.

Chairman Fry pointed out that the Engineer's completeness report states that a corrected section J has not been submitted.

Mr. DiGennaro stated that the section J should have been corrected and will need to be corrected prior to Resolution approval.

Mr. Fry stated that the history of the property states that in 1985 a variance was granted for a side yard setback of 15.55' for a one-story addition and now the applicant is looking to add a second story to that.

Mr. Borst said that based on the landscape plan that was submitted, he believes the Board

should reject the application. He went on to say that the landscape plan does not propose any landscaping and simply states that all existing plantings will remain. This is a full renovation, and it is hard to believe the existing landscaping will remain. He recommended that the applicant come back next month with a complete application including a landscape plan which is a requirement.

Mr. Kalpagian and Mr. Tanis were in agreement with Mr. Borst.

Mr. Becker recommended that the Board hear the application this evening and have the applicant come back next month with the landscape plan prior to approving the application.

Mr. Borst suggested that going forward the Board should not approve any application until a landscape plan is submitted.

Mr. Ruebenacker commented on the proposed addition stating he likes that the second story is stepped in 2'.

Roufanis 371 Circle Dr. Blk 462 Lot 52.01

(The applicant proposes to construct a one-story addition and a second floor addition requiring variance relief for pre-existing nonconforming lot area, frontage, depth, front yard setback and rear yard setback)

I have received and reviewed the plot plan and architectural drawings by Lawrence P. Quirk Architects dated 9/15/20 sheets A1 – A3, survey prepared by James P. Deady PLS dated 3/20/20, photos, and application. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area deficiency, frontage, depth, front yard setback, rear yard setback. The applicant is proposing to add a single story addition to the rear of the structure and a partial 2nd story addition to the front of the structure requiring variance relief for front yard setback and rear yard setback. A stormwater management plan is not applicable, and the property is served by sanitary sewer. The existing lot area is 19,964 sf where 25,000 sf is the requirement and lot depth is 101' where 150' is the requirement. Existing frontage is 111.07' where 125' is the requirement. Existing and proposed front yard setback is 35.69' where 40' is required and existing rear yard setback is 10.36' with 21.74' proposed to the new addition where 40' is required. Stormwater management is not required, and the property is served by sanitary sewer.

Chairman Fry pointed out that there is a fence in the rear that appears to be on the neighbor's property and the new addition will be less than 10' from the actual property line. He added that he would like to hear testimony about this.

Mr. Kalpagian said there is a good amount of screening where the addition is proposed however it is certainly going to get tight back there. He added that there is a hardship with the depth of the lot.

Gattoni 47 Dale Ave. Blk 277 lot 8

(The applicant proposes to construct a detached garage requiring variance relief for an accessory structure side yard setback of 5' where 15' is the requirement)

Mr. DiGennaro provided the following technical summary of the application:

I have received and reviewed the survey prepared by James P. Deady Surveyor dated 6/24/21,

plot plan by Thomas W. Skrable PE dated 3/28/22, architectural plan prepared by Drafting Concepts last revised 9/7/21, and complete application. The existing single family dwelling is situated in the RA-25 zone and is not conforming due to the fact that there is currently no garage. The applicant is proposing to construct an accessory detached garage requiring side yard setback variance relief as the proposed accessory structure side yard setback is 5' where 15' is the requirement. A stormwater management plan is required.

Mr. Kalpagian asked if the existing shed is conforming.

Mr. DiGennaro stated that the shed is not dimensioned however he scaled it and it is conforming.

Vice Chairman Borst said the 5' side yard setback is a non-starter as far as he is concerned. He added that the structure could easily be pushed further into the back yard.

Vernieri 30 Godwin Dr. Blk 261 Lot 19

(The applicant proposes to construct a two-story addition in the rear of the home and a front portico requiring variance relief for pre-existing nonconforming lot area and both side yard setbacks)

Chairman Fry announced that this application will be heard at the June 16, 2022 meeting.

Abbott Family Properties 394 Franklin Ave. Blk. 250 lot 3.01

(The applicant proposes to add a second story to the existing one-story building for the purpose of residential use in the B-1 zone requiring a Use variance, a parking variance, and variances for impervious coverage and front yard setback)

Chairman Fry announced that this application will be heard at the June 16, 2022 meeting.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:25 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment

WYCKOFF BOARD OF ADJUSTMENT

MAY 19, 2022 PUBLIC BUSINESS MEETING 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 Chairman Fry:

"The May 19, 2022, 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."

Mr. Fry read the following 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"*

"This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times."

PLEDGE OF ALLEGIANCE

ROLL CALL

Board Members in attendance: Carl Fry, Chairman; Mark Borst, Vice Chairman, Erik Ruebenacker, Rosa Riotto, Brian Hubert, Brian Tanis, Ed Kalpagian, Ian Christ and Nekije Rizvani.

Staff in attendance: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the April 21, 2022 work session and public business meeting minutes. The minutes were approved during the Work Session.

RESOLUTION FOR PAYMENTS #22-05

The Payment Resolution was approved during the Work Session.

RESOLUTIONS TO BE MEMORIALIZED

Spinato, Lauren 616 Woodfield Rd. Block 232 Lot 19

(The applicant constructed an elevated wooden deck connected to trees in the rear yard, without a construction permit, and is requesting an interpretation of the Ordinance due to the Construction Official's denial to allow the structure to remain based on the Township Code of permitted uses in the RA-25 zone)

Killby 28 Van Schaik Lane Blk 265 lot 33

(The applicant installed solar panels on a front facing roof)

Mock 288 Morse Ave. Blk 255 Lot 12

(The applicant proposes to construct a second story addition over existing first floor and also two covered porch additions requiring variance relief for front yard setback, and both side yard setbacks)

Carini 347 Voorhis Ave. Blk 316 Lot 3

(The applicant proposes to construct a one-story addition to the rear of the home requiring variance relief for side yard setback of 12.2', principal building lot coverage of 20.8% and combined lot coverage of 21.5%)

Donaghy 350 Voorhis Ave. Blk 316 Lot 15.01 – Corner Lot

(The applicant proposes to expand the existing structure requiring variance relief for front and rear yard setbacks)

Stephen, Scott 57 Saxonía Ave. Blk 265 Lot 49

(The applicant proposes to expand the first and second floors of the house requiring variance relief for front yard setback, rear yard setback, side yard setback, accessory structure setback and other pre-existing nonconformities)

The Resolutions were approved during the Work Session.

NEW APPLICATIONS**Powers, 90 Wood St. Blk 264 Lot 11 - Corner Lot**

(The applicant proposes to expand the first and second stories of the home requiring variance relief for both front yard setbacks and other pre-existing nonconformities)

Bruce Whitaker, the applicant's Attorney, provided the following details of the application: The lot is smaller in area than required in the zone. The lot depth and frontage are also undersized. The existing front yard setbacks are deficient on both Wood Street and Crescent Avenue which will be testified to by our Architect this evening. The lot has an unusual shape and the lot line is skewed as it runs along Crescent Avenue which creates the front yard setback of 26.9'. There is an indentation in the easterly side of the home which the applicant is proposing to square off and we are seeking variance relief for the front yard setback for that. The applicant is proposing a second story addition over the existing footprint of the home and to square off the footprint of the southeast corner of the dwelling unit. The house does not have a basement so the concept was to create a home which will bring all of the bedrooms upstairs and create more living space on the first floor with the addition of an office and a room for children's activities. The applicant is seeking variances for the front yard setbacks on Crescent Avenue and Wood Street. Finally Mr. Whitaker stated that he is aware that the Board is always concerned with how much of an existing dwelling will remain or if it is a complete knock-down. He read into the record a letter

from Messineo Builders dated May 2, 2022 which states that it is the intention of the Builder to remove only two (2) exterior walls of the existing home totaling 18 LF or 13.4% of the total perimeter length. The letter from Messineo builders LLC was marked exhibit A-1.

Philip Finamore of Evans Architects was sworn in. Mr. Finamore stated that he works under the guidance of licensed Architect Matthew Evans and has been working in the field for 25 years. He has previously testified before this Board. Mr. Finamore cited the existing and proposed nonconformities of the lot and existing dwelling. He stated that the slab on grade home was built in 1951, has been neglected, and is in dire need of an upgrade. The home will be beautified and will be consistent with other homes in the neighborhood. Mr. Finamore stated that a portico will be constructed above the front landing which will also be replaced as it is deteriorating. The percentage of the home to be demolished is approximately 13%. The home currently has four (4) bedrooms with two (2) on the first floor and two (2) on the second floor. We are proposing to enlarge the second story to accommodate four (4) modest bedrooms on the second floor and convert the existing first floor bedrooms to an office and a craft room for the children. The A/C units will be placed in the back of the house with a 40' setback. Mr. Finamore mentioned that sheet S-1 of the architectural drawings was revised on 5/17/22 to reflect the proposed location of the A/C units however the revised sheet was not submitted to the Zoning Board Secretary for distribution to the Board members. Mr. Finamore stated that the proposed height is approx. 31', the roof will be black shingles, and the siding will be granite gray with white trim and white windows. A fully redone landscaping plan has been submitted with over sixty (60) plantings proposed and no trees are to be removed.

At this time, Mr. Whitaker provided the Board members with a series of photographs of the existing conditions of the home as well as photos of other homes in the neighborhood with front porticos similar to the one proposed by the applicant. The photos were marked exhibit A-2.

Mr. Hubert inquired about the ceiling height on the first and second floors.

Mr. Finamore stated the first floor will have 8' high ceilings and the second floor will have 9' high ceilings.

Mr. Tanis pointed out that the sheet A-3 contains a construction note which states "Existing 2 inch by 8 inch ceiling joists to remain. Set new floor joists adjacent or above existing (verify field)". He asked if anyone has figured out if the building height will go above the proposed 31' if the joists are placed above the existing joists.

Mr. Finamore stated that this determination has not been made yet because it is difficult to determine since there is an existing second floor in place right now. The placement of the new joists will be verified in the field once the existing second floor is removed. If the new joists are placed above the existing, it will only increase the height by approximately 1'.

Mr. Hubert said the Board has to know what height they are approving.

Mr. Whitaker stated that there may be an increase of approximately 1' however the building will still be well under the permitted 35'.

Mr. Kalpagian asked if any changes are proposed for the detached garage. He pointed out that it appears the garage is currently being used as an office and there is a window air conditioning unit. He asked what the planned use is for the garage now that the house is being

expanded to add an office.

Mr. Finamore stated that the garage will be resided to match the house.

Mr. Whitaker stated that the current conditions of the garage existed when the applicant purchased the home. He added that the garage will be used for storage.

Chairman Fry asked if the garage has plumbing.

Mr. Whitaker said it does not have plumbing.

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

The Chairman asked for a motion on the application. Mr. Kalpagian made a motion to approve the application with the stipulation that the height will not exceed 32' and the A/C units will be installed in the rear of the home out of the setbacks. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

Silva & Pisa 431 Lafayette Ave. Blk 483 Lot 30.01

(The applicant proposes to renovate the home, construct a second floor addition, front porch and covered stairway to the accessory building requiring a variance for a side yard setback of 20.5' where the enhanced 25' is required)

Vice Chairman Borst, and Board Attorney Becker recused themselves and stepped down from the dais. Harold Cook joined the Board members at the dais as the substitute Board Attorney for this application.

Bruce Whitaker, the applicant's Attorney, provided the following details of the application: The home was built in the 1920's. The property far exceeds what is required in area consisting of 60,596 sf where 25,000 sf is required in the RA-25 zone. There is a lawfully existing structure on the property which exceeds the minimum requirements for setbacks for the front and rear yards. The current existing building exceeds 3,700 sf so it already triggers the enhanced side yard setback which preceded the zoning ordinance. What we are proposing will not further exacerbate the nonconforming side yard setback. We are seeking a variance for a 20.8' side yard setback where 25' is required. In 1987 the Zoning Board granted a height variance which is what exists now and we are proposing to maintain that height. There is history regarding the placement of the RV on the property with an expiration date of June 30, 2022 and the RV will be removed by that date. There is a Developers Agreement which states that the accessory structure on the property was to be converted to a garage however due to the topography of the property, that location would not be the appropriate place for a driveway according to the applicants Engineer and Architect. The applicant is proposing a two car attached garage. And the existing accessory structure will be attached to the principal building by a breezeway.

Chairman Fry asked what is currently existing inside the accessory building.

Mr. Whitaker stated that the building is not being used and that he has been advised that the

kitchen was removed. Mr. Whitaker stated that he will stipulate that everything in the accessory building will be removed, and no kitchen is proposed for the accessory building.

Mr. Ruebenacker pointed out that the 1987 Resolution refers to a barn and an accessory building which contains a kitchen and two (2) rooms which means there were two (2) accessory structures on the property. He added that apparently the barn has been removed.

Mr. Fry stated that the remaining existing accessory structure on the property is the building referred to in the 1987 Resolution with two (2) rooms and a kitchen which was supposed to be converted to a garage. There is also a Developers Agreement in place which has not been adhered to.

Daniel D'Agostino, the applicant's Architect was sworn in. His professional address is 267 Pascack Road in Washington Township New Jersey. Mr. D'Agostino stated that he is a licensed Architect in the State of NJ, and his license is in good standing. He was recognized as an expert in his field. Mr. D'Agostino provided the following details of the application:

In April 2021 Plan Architecture was hired to design a modest but significant upgrade to the home. The core effort was to renovate the interior, construct first floor additions, add an attached two (2) car garage, and convert the existing second floor from a one (1) bedroom second floor to a five (5) bedroom second floor. Before we could get started, an electrical fire rendered the home uninhabitable. The existing height of the structure is calculated at 36', 9.5" taken from the lowest grade to the highest roof peak which we assume is what the 1987 variance granted. We are proposing to reduce the height of the building by 4'9". We are proposing an attached two car garage on the lower level of the home and a mudroom off the garage. There is a basement which will remain unfinished due to the existing ceiling height. We are proposing to link the principal structure to the accessory building with a covered walkway. No kitchen is proposed for the accessory building. The exterior of the home will be sided with wood shake shingles or Hardie shingles and stone veneer and there will be a metal roof connecting the open air walkway to the accessory building.

Chairman Fry said he was under the impression, the last time the applicant came before the Board, that the repairs were to bring the house back into a livable condition. The discussion was that there was a fire in the house, and the homeowner wanted to make repairs to the house so they could move their family back in. The Board was sympathetic in granting permission for an RV on the property while the house was repaired and brought back to a livable state. Mr. Fry went on to say that it has come to light that the applicant had plans for a home renovation prior to the fire.

Mr. Whitaker stated that the testimony from the hearing on the RV is not relevant to this application. The applicant is before the Board at this time seeking two (2) variances for the renovation of the home.

The Chairman pointed out that the applicant, under oath, testified during the hearing for the RV, that the goal was to repair and renovate the home as quickly as possible to make it habitable, and get back in the home as quickly as possible.

Mr. Tanis stated that the proposed garage is 30' long with a storage area in the back of the garage and this was designed knowing that the structure is already in the side yard setback. He suggested removing the storage area from the back of the garage and using the unfinished basement off the garage for storage. The garage could be moved forward out of the enhanced

side yard setback. He went on to say that there is a lot of room in this house with a very large family room and a 20' by 30' billiard room so you could certainly bump in the new construction.

Mr. Ruebenacker also offered suggestions on how to redesign to get the new construction out of the side yard setback.

Mr. D'Agostino said there could be other options to look at however it will cost more money to do that.

Mr. Tanis asked how much of the existing house will remain.

Mr. D'Agostino stated that the foundation and the entire first floor will remain; everything up to the first floor plate. Some of the interior walls will be removed.

Chairman Fry asked what type of roofing will be used.

Mr. D'Agostino stated the roofing on the buildings will be Timberline asphalt shingles, and the roof over the walkway will be metal.

Kiersten Osterkorn, the applicant's Engineer, was sworn in. Her professional address is 42 Central Avenue in Midland Park. Ms. Osterkorn stated that she is a licensed Engineer in the State of New Jersey, and her license is in good standing. She has appeared before this Board many times and was recognized as an expert in her field.

Ms. Osterkorn distributed an updated Section J, which was marked exhibit A-1, to the Board Members. She then provided the following Engineering details of the application:
There are currently no drainage improvements on the property in terms of detention systems. The roof leaders go to grade, and everything discharges to Lafayette Avenue. We are proposing two (2) systems to work with the slope. We are proposing chamber systems that are shallower and should be easier to construct as opposed to digging deep down for drainage pits. The one system in between the driveways is to collect runoff from the roof area. We are introducing trench drains which will collect runoff from the entire driveway area. This will be a significant improvement in the runoff drainage on the site which will lessen the impact onto Lafayette Avenue. All nonconforming sheds or structures on the property will be removed

Mr. Ruebenacker and Mr. Kalpagian questioned if there is any other location towards the rear of the property for a detached garage or if the existing accessory building could be utilized as a garage.

Ms. Osterkorn testified that due to the slope and grade of the property, it would not be practical to construct a garage in another location on the property or to convert the accessory structure into a garage.

Chairman Fry said the runoff is going to be a challenge with the pitch of the property and the driveway and he is concerned that the trench drains may not be able to keep up with it. He also reiterated that he does not like the 45' long roof covering connecting the principal building to the accessory structure adding that it is out of character.

Mr. DiGennaro stated that he believes the post-development conditions will be an improvement

in what exists today, and the drainage plan meets the Township's design criteria.

At this time, The Chairman announced that due to time constraints, the Board will try to get through one more application however the rest will have to be carried to the June meeting. The remaining applicant's would be relieved and carried to the June meeting.

The applicant for 53 Cully Lane said that she heard the Board's comments during the Work Session and she asked to be carried to the June meeting so she could have time to submit a landscape plan.

The Board continued the application for 431 Lafayette Avenue.

Mr. Christ inquired about the soil movement plan.

Ms. Osterkorn stated that they will have to cut in to level the area at the front entry and the garage Entry. There is not a lot of fill material being brought in.

Mr. Tanis asked how many trees are to be removed from the property.

Ms. Osterkorn said she does not have that information at this time however she will provide it.

OPEN TO THE PUBLIC

Joe Solimini who resides at 414 Lafayette Avenue was sworn in. Mr. Solimini said there is a lot of runoff coming down the hill from the property which must be addressed.

The Chairman stated that the applicant is proposing drainage systems and they will have to certify that here will be no increase in runoff.

Catherine Morales, who resides at 433 Lafayette Avenue, was sworn in. Ms. Morales stated that she lives next door to the applicant on the side where the house is closest to the property line. She said that the applicant has kept her apprised of everything that they are doing with the property and she does not have a problem with what is proposed.

CLOSED TO THE PUBLIC

Mr. Christ asked Council how the Board is supposed to treat the letter signed by the applicants in 2020 regarding adhering to the Developers Agreement which states the existing accessory structure was supposed to be converted to a garage.

Mr. Cook stated that the Town never enforced that provision so the variance application will supersede whatever that letter said. The application before the Board at this time has nothing to do with the letter of agreement from 2020.

Mr. DiGennaro stated that retaining wall design calculations and stability calculations must be submitted prior to the issuance of permits. He asked that this be included in the Resolution if the application is approved.

Chairman Fry asked Mr. Whitaker if he would like the Board to put this to a vote at this time or, based on comments recommendations by the Board members to move new construction out of

the enhanced side yard setback, he would like to make some revisions to the plans and come back next month.

Mr. Whitaker stated that his client is willing to modify the plan so that any new footprint will be out of the 25' side yard setback.

Mr. DiGennaro asked that the Resolution state that the accessory building will not have a kitchen and will not be used as a second housekeeping unit.

The application will be carried to the June 16, 2022 meeting pending the submission of revised plans.

Vice Chairman Borst and Board Attorney Becker returned to the dais.

Varisano, 53 Cully Lane Blk. 212 Lot 4

(The applicant proposes to construct a second story addition and a front vestibule requiring variance relief for front and side yard setbacks)

This application will be heard at the June 16, 2022 meeting and the applicant will not need to re-notice the public.

Roufanis 371 Circle Dr. Blk 462 Lot 52.01

(The applicant proposes to construct a one-story addition and a second floor addition requiring variance relief for pre-existing nonconforming lot area, frontage, depth, front yard setback and rear yard setback)

Larry Quirk, the applicant's Architect, was sworn in. He stated that he has appeared before this Board and many Land Use Boards in the State of NJ. He is a licensed Architect, and his license is in good standing. He was recognized as an expert in his field. Mr. Quirk provided the following details of the application:

The two-story colonial style home is located at the end of Circle Drive. The lot is irregular in shape and undersized. The existing kitchen is very small, and we are proposing a new one-story addition to the rear of the home to enlarge the kitchen. We are requesting a rear yard setback variance of 21.74' and a variance for a front yard setback of 35.69'. The front yard setback is existing and what we are proposing will not extend further into the front yard.

There was a discussion about whether or not the variance for the second story addition is for a side yard setback variance or a rear yard setback variance. The side yard setback is 6' to the proposed one-story addition. It was determined that the applicant is actually seeking three (3) variances for front yard, rear yard, and side yard setbacks.

The Chairman pointed out that the property to the rear of the home is heavily wooded and there is no other house directly to the rear of the applicant's property.

Tara Roufanis, the applicant, was sworn in. She stated that the property to the rear of her property is all wooded and there is a house to the left. The wooded area is owned by the homeowner to the left.

Chairman Fry asked Ms. Roufanis if she attempted to purchase any of the wooded area from her Neighbor. She replied that she did not attempt to purchase any land from her neighbor.

There was a discussion about whether the rear addition could be placed in any other location. The consensus was that there is not a better location which would make sense, considering what the applicant is trying to achieve, which is a larger kitchen.

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC APPEARED OR COMMENTED
CLOSED TO THE PUBLIC

Mr. Fry said this is definitely a hardship due to the existing location of the house on the irregular lot. He then asked for a motion on the application.

Mr. Hubert made a motion to approve the application. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

Gattoni 47 Dale Ave. Blk 277 lot 8

(The applicant proposes to construct a detached garage requiring variance relief for an accessory structure side yard setback of 5' where 15' is the requirement)

The application will be heard at the June 16, 2022 meeting.

Vernieri 30 Godwin Dr. Blk 261 Lot 19

(The applicant proposes to construct a two-story addition in the rear of the home and a front portico requiring variance relief for pre-existing nonconforming lot area and both side yard setbacks)

It was announced during the Work Session that the application be carried to the June 16, 2022 meeting. Board Attorney Becker announced that the applicant does not need to re-notice for the June meeting.

Abbott Family Properties 394 Franklin Ave. Blk. 250 lot 3.01

(The applicant proposes to add a second story to the existing one-story building for the purpose of residential use in the B-1 zone requiring a Use variance, a parking variance, and variances for impervious coverage and front yard setback)

It was announced during the Work Session that the application be carried to the June 16, 2022 meeting. Mr. Becker announced that the applicant will not re-notice for the June meeting.

There being no further business, a motion was made to adjourn the Public Session, seconded and passed unanimously. The Public Business Meeting was adjourned at 11:40 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment