

**WYCKOFF ZONING BOARD OF ADJUSTMENT  
JULY 21, 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 July 21, 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](http://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, Brian Tanis, Ed Kalpagian, Brian Hubert, Rosa Riotto, and Ian Christ.

Absent: Nekije Rizvani.

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

**OLD BUSINESS**

Approval of the June 16, 2022 work session and public business meeting minutes.

Mr. Kalpagian made a motion to approve the June 16, 2022 work session and public meeting minutes. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Ruebenacker, and Chairman Fry. Abstained: Mr. Hubert, Ms. Riotto, Mr. Borst, and Mr. Christ.

**RESOLUTION FOR PAYMENTS #22-07**

Mr. Ruebenacker made a motion to approve Payment Resolution #22-07 Second, Mr. Tanis.

Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst, and Chairman Fry. Abstained: Mr. Christ.

#### **RESOLUTIONS TO BE MEMORIALIZED**

##### **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)

Chairman Fry stated that he would like to make one amendment to page four (4) of the Resolution by adding the statement "the carriage house shall not have a kitchen or kitchen appliances" as discussed during the June 16, 2022 public hearing.

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

##### **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)

##### **Barrister Land Development 753 Frederick Ct. Blk. 430 Lot 14**

(The applicant proposes to construct a new conforming home on a vacant lot consisting of 24,070 sf where 25,000 sf is the requirement).

Mr. Tanis made a motion to approve the Resolutions for 30 Godwin Drive and 753 Frederick Court. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Ruebenacker, and Chairman Fry. Abstained: Mr. Hubert, Ms. Riotto, Mr. Borst, and Mr. Christ.

#### **CARRIED APPLICATION**

##### **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)

Chairman Fry stated that the applicant came before the Board on June 16, 2022. At that time, the Board members gave clear guidance on making some revisions to the plan however no revised plans have been submitted. We will expect to hear testimony from the applicant about that during the Public Business meeting.

##### **Peck 130 Wyckoff Ave. Blk 462 Lot 41 – Corner lot**

(The applicant proposes to construct a two story addition to the home in the second front yard on Annette Court requiring variance relief for a front yard setback of 26' where 40' is required)

Mr. DiGennaro stated that the applicant submitted a revised plan and Section J. The proposed addition has been pushed forward and is now proposed to be 30' from the existing detached garage. The proposed front yard setback on Annette Court is still 26' and the front yard setback to Wyckoff Avenue remains 43.75'. Mr. DiGennaro said that the gross building area on the revised Section J has increased by 400 sf however he does not see how that could be

because the drawings reflect a smaller addition.

Chairman Fry said we will have to hear testimony about the revised numbers.

### **NEW APPLICATIONS**

#### **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. Borst recused himself and stepped down from the dais.

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

I have received and 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 39.36' is proposed where 40' is required. Existing side yard setback #1 is 15.55' and proposed is 17.47' to the new second story addition where 25' is the requirement. Stormwater management is not required, and the property is served by sanitary sewer. The applicant has also submitted a landscape plan.

Chairman Fry mentioned the previous variance history of the property stating that in 1985 a side yard setback variance of 15.6' was granted, where was 20' required was the requirement, to construct an attached two (2) car garage with pedestrian door. The Resolution states the "variance is necessitated to permit the side door through the garage and the application constitutes a self-imposed hardship". He added that this type of situation is what the Board struggles with when granting variances. In this case a variance was granted to construct a one-story garage in the side yard setback and the applicant now wants to add a second story over the garage in the setback.

Vice Chairman Borst returned to the dais.

#### **Medfield Properties, LLC 586 Overlook Drive Blk. 247 Lot 9**

(The applicant proposes to construct dormers on the front of the existing home requiring variance relief for the front yard setback)

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

I have reviewed the plot plan and architectural plan prepared by Rockwood Architecture and Design last revised 5/12/2022 sheets A-1, A-2, and A-3. Survey prepared by Arthur Schappell Jr. dated 12/4/2020. Landscape plan prepared by Christopher Karach NJLLA last revised 5/10/2022. Application and photos. The existing single family dwelling is located in the RA-25 zone and is nonconforming as to lot area, frontage, front and side yard setbacks, and accessory structure setback. The applicant proposes to construct a second story dormer and renovate the existing interior of the dwelling requiring variance relief. The lot area is 12,238 sf where 25,00 sf is the requirement in the zone. Lot frontage is 70' where 125' is the requirement. Existing front yard setback is 29.96' where 40' is the requirement and 24' is proposed. Existing side yard setback #1 is 11.32' with 20' proposed to the dormer. Existing side yard setback #2 is 7.37' with

10.1' proposed to the dormer. The property is served by a new 4 bedroom septic system and stormwater management is not required.

Chairman Fry said we should get some testimony as to how many walls are going to come down and what the extent of the construction is on the existing building.

**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)

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

The subject property is located in the B-1 Business zone and contains 7,847 sf of land area with the retail building having a footprint of 2,546 sf consisting of 2 retail stores; a pizzeria and a frame shop. The property is nonconforming due to lot width, front yard setback, and parking. The applicant is proposing to construct 2 residential apartments above the existing retail stores requiring a Use variance as residential units are not permitted in the B-1 zone. In addition, the proposal further increases the parking nonconformity as the residential units add an additional parking demand of 4 spaces bringing the total onsite parking requirement to 22 spaces, a deficiency of 13 spaces. The proposal includes restriping and configuring of the parking lot to provide 9 parking spaces which includes 1 van accessible space and a dumpster enclosure. The applicant is also proposing a seepage pit which will improve onsite drainage.

Chairman Fry said it appears that they are also planning to divide one of the two retail stores into a third retail space so the real issue is the parking situation and how it will be impacted by the addition of a third store and the residential units upstairs.

**94 Midland Avenue LLC 94 Midland Ave. Blk 304 Lot 1 – Corner lot**

(The applicant proposes to construct additions to the home requiring variance relief for pre-existing nonconforming lot area, frontage, and both front yard setbacks as well as proposed nonconforming side yard setback and principal building lot coverage)

Chairman Fry announced that the application for 94 Midland Avenue will not be heard this evening and will be carried to the August 18, 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 8:15 pm.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment

## WYCKOFF BOARD OF ADJUSTMENT

### JULY 21, 2022 PUBLIC BUSINESS MEETING MINUTES

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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](http://www.wyckoff-nj.com)"*

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#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

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

Absent: Nekije Rizvani.

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

#### **OLD BUSINESS**

Approval of the June 16, 2022 work session and public business meeting minutes. The minutes were approved during the Work Session.

#### **RESOLUTION FOR PAYMENTS #22-07**

The Payment Resolution was approved during the Work Session.

**RESOLUTIONS TO BE MEMORIALIZED****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)

**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)

**Barrister Land Development 753 Frederick Ct. Blk. 430 Lot 14**

(The applicant proposes to construct a new conforming home on a vacant lot consisting of 24,070 sf where 25,000 sf is the requirement).

The Resolutions were approved during the Work Session.

**CARRIED APPLICATIONS****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) without further notice to the public.

Mr. William Gattoni came forward on behalf of the applicant. He said that he is an Attorney with the firm Connell Foley. Mr. Gattoni stated that the applicant heard the comments made by the Board members at the last meeting and will agree to amend the site plan and place the proposed detached garage 10' from the property line instead of 5' which was proposed on the original plan submission. Mr. Gattoni said the proposed location of the garage fits within the character of the neighborhood, and he provided the Board members with Google map photos of three (3) homes on Dale Avenue. The photos were marked exhibits A-1, A-2, and A-3. Mr. Gattoni stated that the homes all have detached garages and that in his opinion, the garages do not appear to be 15' from the property line.

Chairman Fry asked if there are surveys to verify the distance of the garages to the property lines in the photos.

Mr. Gattoni stated that he submitted an OPRA request to the Township for site plans for the properties and he was told there is no variance history on file for any of the properties. He also stated that he did receive a site plan for 38 Dale Avenue however the garage was not shown on the plan.

William Gattoni went on to present his case stating that the garage cannot be pushed further into the back yard because there is a leach field there, and there is no option for sewer hookup on Dale Avenue. He said the distance between the proposed garage and the existing house is a safety feature because the clearance would only be 9' or 10' if we met the 15' setback. In addition, he stated that the rear of the property slopes, so it is not possible to push the garage further back on the property.

Chairman Fry said the Board cannot answer to any of the other garages that were presented in the photo exhibits because we do not have surveys to verify the setbacks. He went on to say that the Board was very clear that the 5' setback was not acceptable, and we were looking for you to get this as close to 15' as possible because of the size of the lot. The Board also made suggestions for a one-car garage instead of a two-car which would facilitate getting the setback to 15'. Mr. Fry said he does not see the hardship with this application.

Vice Chairman Borst stated that he did not receive a plan which shows the leach field in relation to the proposed garage and house.

Mr. DiGennaro said the leach field is not shown on the plan however three (3) of the four (4) cleanouts are shown which are most likely representative of the location of the septic field. He added that the project Engineer needs to figure out exactly where the leach field is and show it on the site plan. Mr. DiGennaro also advised that the proposed seepage pit has to be 50' from the septic field as per state code, so it will have to be relocated.

Mr. Borst pointed out that if the garage is on a slab, and it has to be 15' from the septic field, there is room to do that, so the point Mr. Gattoni made about the leach field is not valid. He said the size of the garage may have to be reduced and he does not see the hardship.

Mr. Kalpagian said although constructing the garage 15' from the property line would place it close to the house, it would be an advantage during inclement weather and would be beneficial to everyone.

Mr. Borst stated that the garage can be constructed in the backyard beyond the leach field.

Mr. Gattoni stated that the rear of the property slopes off substantially.

Mr. Tanis said if they reduce the size of the garage to a one-car then they will end up parking cars and storing garbage cans on the side of the garage facing the neighbor. He added that he does not have a problem with the 10' setback as long as it is landscaped properly.

Mr. Borst stated that he is not comfortable making a decision based on the plan that has been provided.

Mr. Hubert said the challenge we have is that most of the properties in town with garages close to the property line are on undersized lots and they are very limited as to what they can do which is a hardship. The difference here is that this is an oversized lot and there are other options. In addition to that, having a plan that shows where the leach field is would make this decision a lot easier.

William Gattoni said the clean outs on the plan show where the leach field is, and it is clearly in the way of allowing the proposed garage to be built 15' from the property line.

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

The Chairman stated that if there are no additional questions or comments, the Board can make a motion on the application.

Mr. Tanis asked if the applicant wants the Board to vote at this time or if he would like to submit an engineering plan which verifies the location of the leach field.

Chairman Fry informed the applicant that if the application is voted on and denied, he will have to start over from scratch with a substantially different plan or construct the garage 15' from the property line without having to come back before the Board.

Mr. Gattoni stated that he would like the application to be carried to the August meeting.

The Chairman advised Mr. Gattoni to submit a plan, prepared by a professional, that is scaled correctly and that everything is accurately depicted on the plan.

Mr. Hubert recommended having the engineer attend the next meeting as well.

Mr. Gattoni said he will do his best to get the engineer to attend.

**Peck 130 Wyckoff Ave. Blk 462 Lot 41 – Corner lot**

(The applicant proposes to construct a two story addition to the home in the second front yard on Annette Court requiring variance relief for a front yard setback of 26' where 40' is required)

Christopher Rodriguez, the applicant's Architect, was sworn in. Mr. Rodriguez stated that he has been a licensed Architect in the State of New Jersey for the last 30 years and his license is in good standing.

The Chairman accepted Mr. Rodriguez as an expert in his field. Mr. Rodriguez stated that the applicant took the recommendations that the Board made at last month's meeting and reconfigured the size of the addition so that the rear of the new addition is now proposed at 30' from the detached garage.

Chairman Fry said he appreciates the fact that he applicant agreed to push the addition away from the detached garage. He added that the applicant also submitted a landscape plan as requested by the Board.

Mr. Borst said the landscape plan is acceptable.

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

Mr. Borst, Mr. Hubert, Ms. Riotto, and Mr. Christ, who were absent at the last hearing, all stated that they listened to the transcripts therefore they would be eligible to vote on the application this evening.

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



**NEW APPLICATIONS****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. Borst recused himself and stepped down from the dais.

Harold Cook, Attorney for the applicant, stated that Architect William Brown, and Engineer Kiersten Osterkorn, will be providing testimony about the proposed addition and landscape plan, respectively.

Mr. Brown was sworn in. The Chairman said Mr. Brown has appeared before this Board many times and accepted him as an expert in Architecture.

Mr. Brown provided the following details of the architectural plan:

The variance we are requesting is for a side yard setback of 17.47' to the proposed second story addition where 25' is the requirement due to the gross building area exceeding 3,700 square feet. We are also requesting a variance for the front yard setback of 39.36' where 40' is the requirement. The existing setback to the garage is 15.55' and the new second story will be constructing a couple of feet in at 17.47'. The purpose of the new addition is to enlarge the master bedroom, add a master bath, walk-in closet, and an office on the second floor. We are modifying the front entryway by adding a gable over the portico and columns. We are proposing Hardie siding and architectural shingles.

Chairman Fry asked if the 17.47' setback is to the wall of the house or the roof overhang. Mr. Brown stated the 17.47' setback is to the wall of the second floor.

The Chairman pointed out that since the front porch is covered, the front yard setback is actually measured to the first front step therefore the variance will be for a front yard setback of 37.53'. Mr. DiGennaro confirmed this.

Mr. Ruebenacker said a variance was previously granted for a 15' side yard setback and now with the expansion of the gross building area, the enhanced setback of 25' is required. He questioned why greater efforts were not made to get the addition further back than 17.47'.

Mr. Brown said that if he had to get the addition to the 25' setback, they would not have the necessary room for the master bedroom, bathroom, closet, and office which they are trying to achieve on the second floor.

Mr. Ruebenacker pointed out that a very large 20'x10' walk-in closet is proposed for the master bedroom as part of the proposed second story addition requiring the variance for the side yard setback.

Lynn Varisano (Wallman) was sworn in. She stated that she purchased the home in 2009 and was not the owner when the previous variance was granted for the 15' side yard setback. Ms. Varisano stated that there are currently two (2) 9'x9' closets on the second floor. She added that the second floor will be reconfigured to add the office and she will share the proposed 20'x10' closet with her husband.

Chairman Fry stated that due to the excess gross building area, the required setback is nor 25' and the Board is tasked with understanding the hardship. He went on to say that what is proposed is a large master bedroom, large bathroom, an office, a playroom, a third bathroom and a family room adding that there are a lot of large rooms in this house.

Ms. Varisano said she believes this design is more aesthetically pleasing than having the second story pushed back to meet the setback.

Kiersten Osterkorn was sworn in. Mr. Becker stated that Ms. Osterkorn has appeared before this Many times and she was recognized as an expert in her field.

Ms. Osterkorn stated that she worked with a Professional Landscape Designer to create the comprehensive landscape plan for the applicant. Eight (8) green giant arborvitaes of 6'-8' in height are proposed for the side of the house where the second story addition is proposed. Two (2) small caliber trees on the property are going to be removed and numerous varieties of flowering perennials and evergreen shrubs are proposed.

Chairman Fry said he agrees with Mr. Ruebenacker 's earlier comments about efforts that could be made to get the second story addition further out of the setback adding that he believes 20' is a better compromise.

Mr. Brown said that he believes the addition could be reduced by a couple of feet without compromising the aesthetic design of the house while still maintaining the bedroom, the bathroom, and the office.

Mr. Tanis suggested shifting things around and building out over the rear of the home over the family room. He added that this is a very big house with a lot of rooms, and he believes there are options to getting the addition further out of the setback.

Mr. Brown stated that there is a cathedral ceiling in the family room and breakfast area below that they want to maintain which is why they did not build over that area.

Ms. Varisano stated that she works from home and needs the office on the second floor so she has a quiet place to work away from her the rest of her family.

The Chairman said that he understands the need for a quiet home office however the house is very large with a lot of space and in his opinion, there are ways to rearrange things to get to the 20' setback.

It was the general consensus of the Board members that the addition should be shifted to achieve a 20' side yard setback instead of 17.47'.

Mr. Brown said he will make some changes to the plan so that the proposed side yard setback will be 20' to the new second floor addition instead of 17.47'.

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

Chairman Fry asked for a motion on the application with the side yard setback now proposed at 20' to the new addition and the front yard setback proposed at 37.53' to the first step.

Mr. Becker pointed out that the application documents that were submitted are under the name Varisano however the applicant, upon being sworn in, stated her name is Lynn Wallman. He asked for clarification for documentation purposes.

The applicant stated that Varisano is her maiden name, and she is fine with leaving the documentation under Varisano as submitted.

Mr. Ruebenacker made a motion to approve the application as amended with the proposed side yard setback of 20' to the new addition and the front yard setback of 37.53' to the first step. Second, Ms. Riotto. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Ms. Riotto, Mr. Ruebenacker, Mr. Christ, and Chairman Fry.

Vice Chairman Borst returned to the dais.

**Medfield Properties, LLC 586 Overlook Drive Blk. 247 Lot 9**

(The applicant proposes to construct dormers on the front of the existing home requiring variance relief for the front yard setback)

Harold Cook, the applicant's Attorney, stated that Christopher Rodriguez, the applicant's Architect, was accepted by the Board as an expert in Architecture earlier this evening based on his credentials.

Mr. Rodriguez was sworn in. He stated that he prepared the submitted architectural plan, and provided the following details:  
We are seeking variances for the lot area, lot width, front yard setback, and side yard setback. The house is a cape cod style with a screened in front porch. We are proposing to enclose the screened in porch and move the front stairs to the center of the house. We are going to take down a couple of the interior walls to create an open floor plan for a kitchen, eating area, and family room. On the second floor we are proposing a dormer on the front to create an office on one side, and a master bedroom suite on the other side. We stepped back the second floor addition approximately 1.5' from the front wall of the first floor of the house. The accessory shed on the property will be removed.

Chairman Fry inquired about the existing and proposed number of bedrooms.

Mr. Rodriguez stated that the house currently has four (4) bedrooms with three (3) being upstairs and one (1) on the first floor. We are proposing to keep the bedroom on the first floor and reconfigure the three (3) bedrooms upstairs to allow room to add an office on the second floor. It will continue to be a four (4) bedroom home.

Chairman Fry asked how much of the home will be demolished.

Mr. Rodriguez stated that the front wall of the house will be taken down to the deck and reconstructed. The existing screened porch will be enclosed to become part of the family room. The rest of the existing walls will remain.

The Chairman asked if the homeowner is planning to live in the house.

Mr. Rodriguez said the homeowners brother lives in the house and is going to continue to live in the house.

Mr. Tanis asked if the plan is to keep the original ridge beam and existing second story shed dormer in the rear. He also pointed out that sheet A-3 of the plan says 2"x6" wood studs will be used for new construction. He asked if all of the existing walls will be replaced with 2"x6" studs.

Mr. Rodriguez stated that the original ridge beam and existing shed dormer will remain, and the 2"x6" wall studs refer to new construction only.

Mr. Hubert asked for clarification on the existing and proposed ceiling height.

Mr. Rodriguez said the existing ceiling height, which is slightly over 7', will remain.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Cook summarized by stating that the lot is extremely undersized, and the house is skewed on the property which creates the hardship.

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

### **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)

Harold Cook, the applicant's Attorney introduced the application for a Use variance to permit the construction of a second story containing two (2) residential apartments. Mr. Cook stated that the first floor has two tenants occupying three (3) units. There is a pizza place occupying one (1) of the units and a frame store occupying the other two (2) units.

Tibor Latincics, the applicant's Engineer, was sworn in. Mr. Latincics stated that he is the principal Engineer with Conklin Associates, 29 Church Street in Ramsey New Jersey. He is a Licensed Professional Engineer in the State of New Jersey, has appeared before this Board many times, and was accepted as an expert in Engineering.

Mr. Latincics provided the following details of the application:

I prepared the site plan last revised 5/25/22 marked exhibit A-1. The plan details the stores fronting Franklin Avenue in the B-1 zone. This is currently a one story building, and we are proposing to add a second story. There is an existing parking lot in the rear which is currently almost exclusively utilized by employees as most members of the public do not realize the parking exists back there and there is no signage directing people to park there. We are requesting a variance for parking. Based on the Township Ordinance, twenty-two (22) parking spaces are

required for the existing retail business and proposed residential apartments, and nine (9) spaces are proposed in the rear of the building. We are proposing a van accessible handicap parking stall. There are no drainage measures currently existing on the site, and we are proposing a seepage pit to which the roof leaders off the rear of the building will be connected. This will be an improvement over existing conditions on the site.

Mr. Kalpagian asked if the current number of required parking spaces is based on the current retail businesses occupying the building. In addition, he asked if the parking demand would increase if a different type of business occupies the space such as a nail salon or a barber shop.

Mr. Latincsics stated that the required twenty-two (22) spaces is based on the current retail use of the building and the proposed two (2) residential apartments.

Board Attorney Becker clarified that if a different business were to occupy one of the retail spaces, the business owner would have to obtain a certificate of occupancy from the Building Department. At that time, if that business required more parking spaces, the owner would have to appear before this Board for a parking variance to occupy the space.

Mr. Tanis asked Mr. Latincsics, if an emergency vehicle such as an ambulance would be able to turn into that driveway off of Everett Avenue, and then make the turn into the rear parking lot if a car was parked in the last angled parking space, and the first responders had to get someone down from one of the second floor apartments.

Mr. Latincsics said that driveway, which is narrow at 10.2' wide, is a challenge today and will continue to be a challenge.

Mr. Tanis stated that the last spot angled parking spot would basically be useless in that case because it would be impossible to get an emergency vehicle in there. He went on to say that it might not be a problem today because if an emergency vehicle needs to help someone in one of the retail stores, they will park on Franklin Avenue and enter through the front door. On the other hand, the only access for the residents in the proposed apartments will be in the rear of the building in the parking lot.

Chairman Fry asked for clarification on whether the stairway in the rear of the building is the only proposed access to the apartments.

Mr. Latincsics confirmed that the only proposed access for the residents is the rear exterior staircase.

Mr. DiGennaro asked about the angle of the proposed parking spaces in the lot and if it is customary to have a two directional drive aisle for the type of parking that is being proposed. He added that it appears that a vehicle backing out of one of the parking stalls may be required to make multiple k-turns to get out of the parking lot.

Mr. Latincsics stated that the spaces will be at a 45 degree angle and that it is not customary or preferable to have the two directional drive aisle under these conditions however we are working with the limitations of the site.

Mr. DiGennaro asked if any attempts made to purchase property from an adjoining property owner

**Adjustment**

to facilitate widening the driveway that comes in from of Everett Avenue.

Mr. Latincsics said that he is not aware if any attempts were made to purchase land from adjoining property owners.

To Mr. Tanis's point, Ms. Riotto expressed concerns about an ambulance or emergency vehicle being able to pull into the parking lot to access the residential apartments, especially if all of the parking spaces are occupied.

The Chairman pointed out that first responders may not immediately be aware that the access to the apartments is in the rear when they respond to a call at the Franklin Avenue address. He said he would like to request input from The Township's Police and Fire Departments about emergency vehicle access to the parking lot.

William Abbott was sworn in. Mr. Abbott stated that he is a member of Abbott Family Properties, the owner and applicant. He provided the following details of the business operations: Two thirds of the building is occupied by the frame shop and one third is occupied by a pizza place. The pizza place typically has two (2) to three (3) employees on site and the business is primarily takeout. There are only one (1) or two (2) tables for seating. The frame shop has two (2) to three (3) employees including the owner of the shop. The shop owners and their employees park in the rear and there are typically three (3) to four (4) vehicles parked there at one time. The parking lot needs to be repaved and restriped. There are currently angled parking stalls on both sides of the lot. I believe the garbage is picked up twice a week. The garbage truck backs in, empties the dumpster and drives out.

Chairman Fry asked what the real benefit is to what the applicant is proposing.

Mr. Cook stated that most of the other buildings in the surrounding neighborhood have retail stores on the ground floor and residential apartments on the second floor. He added that the trend in zoning today is neighborhood retail with apartments above the shops.

Mr. Kalpagian said he thinks putting the apartments above the retail stores is a good idea however the challenge is not having access to the apartments from the front of the building. He pointed out that the other retail businesses on the block, with apartments on the second floor, all have front access to the apartments. In the event of an emergency, first responders can park in the front of those buildings to access the apartments. What is being proposed here is rear access only where it will be difficult for emergency vehicles to access the apartments.

Chairman Fry said the parking situation is an issue that the Board really needs to think about however from a life safety standpoint, access to the apartments from the front of the building would be advantageous.

William Brown, the applicant's Architect, was sworn in. He is a licensed Architect in the State of New Jersey, and has appeared before this Board many times. He was accepted as an expert in his field.

Mr. Brown provided the following details of the proposal:

We are proposing two (2) apartments above the existing retail stores. I met with the Design Review Advisory Committee and they approved of the architectural plan marked exhibit A-2.

**Adjustment**

Mr. Becker said the Board received a memo from the Design Review Committee. The memo was marked exhibit A-3.

Mr. Brown continued:

The second floor will have residential windows and the windows in the front will meet egress requirements. Siding will be vertical Hardie board. There will be pitched roof with a seamed, black metal finish. There are no windows on the side of the building because the walls are right up against the property line. Each apartment will have two (2) bedrooms facing out to Franklin Avenue with the kitchen and living room towards the back. We could create an entrance to the apartments on Franklin Avenue but I will have to take a look at it.

Ms. Riotto suggested an emergency entrance from the front to be used for emergency use only. The tenants upstairs will use the rear entrance on a regular basis and the front for emergency use only like many New York City apartments. She added that we need to wait until we hear from our emergency services people.

Mr. Christ asked if the rooftop A/C units will be screened.

Mr. Brown stated that the units will be screened.

Chairman Fry asked if the apartments would have sprinklers.

Mr. Brown said they do not have to be sprinklered since there are only two (2) units however it might be a good idea to add sprinklers to the first floor retail stores.

Mr. Borst said if a waste management truck can get down the driveway to empty the dumpster, an ambulance should be able to get back there but we should wait to hear need to hear from the Police and Fire Departments about the access.

Edward Snieckus Jr., the applicant's Professional planner, was sworn in. He stated that he is a licensed professional Planner in the State of New Jersey. He has testified before many Boards in the New Jersey and also represents Allendale, Hohokus, Summit, and East Windsor. The Chairman accepted Mr. Snieckus as an expert in his field.

Mr. Snieckus provided the Board members with an aerial photo of the area which was marked exhibit A-4. He pointed out that his in the B-1 zone which is across the street from the B-1A zone which permits the mixed use of business and residential. Mr. Snieckus addressed the Use variance stating that the 2020 Re-examination Report of the Wyckoff Master Plan specifically identified the encouragement of apartments in the downtown Central Business District and that adding residential units is a major trend in central business areas in the State of New Jersey. Mr. Snieckus said that in his opinion, the site can accommodate the residential use as he estimates that at any given time, only five (5) parking spaces will be utilized by employees of the retail businesses on the site. Finally he stated that he finds no impairment to the Master Plan intent to encourage residential units in the Central Business District and that he certainly understands that the Board wishes to seek the input from emergency services regarding access to the site, in order to make an informed decision.

Mr. Cook asked that the Board allow Mr. Brown to develop a plan with access to the proposed apartments from the front of the building on Franklin Avenue, and present them at next month's

## Adjustment

meeting.

## OPEN TO THE PUBLIC

Robin Brickman was sworn in. Ms. Brickman stated that she is on the Board of the Wyckoff Reformed Church Cemetery and is present to represent the Board. Ms. Brickman expressed concerns about unintentional encroachment of the driveway towards the cemetery grounds and also about the possibility of parking being permitted on Everett Avenue alongside the cemetery where no parking is currently allowed.

Chairman Fry said there is currently a fence separating the driveway from the cemetery and the fence should remain to prevent drivers from straying off the driveway. He asked who owns the fence. Both Mr. Abbott and Ms. Brickman said they did not know who owns the fence.

Regarding parking in the existing no parking lane, the Chairman stated that he does not believe that would even be a consideration.

Ms. Brickman asked if the seepage pit will affect the cemetery. Mr. Latincsics said the seepage pit will improve drainage and runoff on the site.

## CLOSED TO THE PUBLIC

Chairman Fry said he would like the applicant to find out who owns the fence along the driveway and also have Mr. Brown look into adding access to the apartments from Franklin Avenue.

Mr. Cook stated that regardless of who owns the fence, his client will replace the fence.

The application will be carried to the August 18, 2022 meeting.

**94 Midland Avenue LLC 94 Midland Ave. Blk 304 Lot 1 – Corner lot**

(The applicant proposes to construct additions to the home requiring variance relief for pre-existing nonconforming lot area, frontage, and both front yard setbacks as well as proposed nonconforming side yard setback and principal building lot coverage)

This application is adjourned until the August 18, 2022 meeting and they will not to re-notice the public.

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 11:30 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment