

## WYCKOFF BOARD OF ADJUSTMENT

### JULY 18, 2019 PUBLIC BUSINESS MEETING MINUTES

Work Session: 7:30 p.m. Second Floor, Memorial Town Hall

Public Meeting: 8:00 p.m. – Court Room, Second Floor, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meetings Statement by Vice Chairman Erik Ruebenacker:

"The July 18, 2019 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.

Vice 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](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 was taken.

**Board Members in attendance:** Erik Ruebenacker, Vice Chairman; Board Members: Brian Tanis, Ed Kalpagian, Rosa Riotto, Mark Borst, Kelly Conlon and Louis Cicerchia.

**Board Members absent:** Carl Fry, Chairman and Brian Hubert.

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

The Board of Adjustment Meeting began with the Pledge of Allegiance.

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Vice Chairman Ruebenacker stated that all phones, pagers and hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

#### **APPROVAL OF MINUTES**

June 20, 2019 work session and public hearing minutes were approved during the Work Session.

#### **RESOLUTION FOR PAYMENT #19-07**

Payment Resolution #19-07 was approved during the Work Session.

**RESOLUTION(S) TO BE MEMORIALIZED**

**SAVITT, DAN & CHRISTINA** 582 Cresthaven Rd. BLK 245 LOT 95

The applicant proposes to construct an in ground swimming pool and a sports court.

**PACANOVSKY-NOLAN, KIM** 322 Village Place BLK 289 LOT 19

The applicant proposes to construct a portico over the front entry way

**PECK, KAREN** 130 Wyckoff Ave. BLK 462 LOT 41

The applicant proposes to expand the first floor footprint and also expand the second story.

**KANNING, MICHAEL** 17 Colonial Dr. BLK 261 LOT 14

The applicant amended the original landscape plan which was approved by The Board on October 19, 2017.

All of the Resolutions were memorialized during the Work Session.

**APPLICATION(S) CARRIED**

**CAMACHO, JOSE AND DONNA** BLK 353 LOT 7 (RA-25) 200 Hillside Avenue.

The applicant proposes to construct an addition to the existing family dwelling.

It was announced during the Work Session that the application will be carried to the August 15, 2019 meeting.

**PAMA WOOD WORK** 374 Oakwood Dr. BLK 250 LOT 40

The applicant proposes to utilize the existing foundation to construct a new home.

It was announced during the Work Session that the application will be carried to the August 15, 2019 meeting.

**RAPPAPORT HOMES LLC** 300 Cedar Hill Ave. BLK 352 LOT 1

The applicant proposes to construct a second story addition to the home.

Revised plans have been submitted.

Board Member Borst recused himself and stepped down from the dais.

Harold Cook, Attorney for the applicant, came forward to provide an overview of the revised plans. He stated that the applicant took The Board's recommendations into consideration and complied with all of them. The revised plans reflect that a piece of the existing sun room will be removed so that the structure will now be in compliance with the 20' setback. Both roof ridges have been lowered in height; 3.7' on the left side and 2.4 on the right side. The peak has been lowered and the proposed dormer has been removed. He added that the result is still aesthetically pleasing. With respect to the fence, Mr. Cook said that the applicant has decided not to install a privacy fence and would like to accomplish the privacy with landscape screening. He offered that The Board can suggest the height and species of trees to accomplish this if they so desire.

Vice Chairman Ruebenacker stated that the revisions to the architectural drawings are satisfactory however the revised plan does not reflect landscaping on the left side of the home which was discussed at last month's meeting.

Mr. Cook stated that the applicant will enhance the landscaping on the left side of the home and suggested that the authority be delegated to Township Engineer DiGennaro to review a revised landscape plan and issue permits subject to his approval. Mr. Ruebenacker stated that he would prefer to have the revised landscape plan submitted and reviewed by The Board before proceeding any further, should this application be approved this evening.

Mr. Tanis stated that the Board's main concern with the fence is not the privacy issue, it is the fact that a future buyer of the home could install a fence forward of the plane of the house which would be 5.3' off the property line. The Board recommended that this applicant install the fence 15' off the property line to prevent that from happening in the future. Mr. Cook suggested that there be a condition in the Resolution that no future owner of this property would be allowed to install a fence forward of the plane of the house. He also suggested a restricted covenant of deed. Board Attorney Becker stated that he believes adding the condition to the Resolution should be sufficient. Vice Chairman Ruebenacker said that it will be added to the Resolution.

With regard to the landscape plan, Mr. Ruebenacker recommended that the applicant submit a complete plan with landscaping on the left side and around the back of the house with full foundation plantings; not just in the front yard. Mr. Tanis suggested additional screening in the area where the sun room will be removed as well.

#### OPEN TO THE PUBLIC

Anna Lopes, who resides at 281 Hillside Avenue, was sworn. She asked if the landscaping on Cedar Hill Avenue is going to be planted close to the road or close to the house. Ms. Lopes stated that she has to stop to turn into her driveway and she is extremely concerned that the trees will obscure the line of sight of drivers approaching the curve on Cedar Hill Avenue. She would like plantings in that corner of the property be a shorter variety. Mr. Cook took note of this request and was in agreement.

Steve Domingues, who resides at 287 Newtown Road, was sworn. He asked to see the architectural plans for the house. He stated that the existing home is very odd and he would like to see nice homes in his neighborhood.

Joseph Puchalik, who resides at 269 Cedar Hill Avenue, was sworn. He also asked to see the architectural plans. He asked how close the home will be from the road. Vice Chairman Ruebenacker explained that there is a 15' right of way for the County Road and the house will be 5 feet beyond that which places the closest point of the home 20 feet from the road.

**CLOSED TO THE PUBLIC**

In closing, Vice Chairman Ruebenacker stated that what has been agreed upon is a Resolution subject to the submission of a revised landscape plan to be reviewed at the August 15, 2019 meeting. The Resolution will stipulate that any privacy fence installed on the property will have to be maintained at 15' behind the property line.

Board Member Tanis made a motion to approve the application for 300 Cedar Hill Avenue pending review of the revised landscape plan and the addition of the 15' privacy fence stipulation. Second, Ms. Riotto. Voting in favor: Mr. Kalpagian, Ms. Conlon, Mr. Cicerchia, Mr. Tanis, Ms. Riotto and Vice Chairman Ruebenacker.

**NEW APPLICATION****73 HARDING ROAD LLC** 73 Harding Road BLK 263 LOT 56

The applicant proposes to renovate the existing home and add a second story.

Jarred Lans, Attorney for the applicant, came forward to introduce the Architect, Al Martorano and Brian Forgette, the representative for 73 Harding Road LLC. They will provide testimony about the application.

Albert Martorano was sworn. His office is located at 22 Smokey Ridge Road in Ringwood New Jersey. He is a licensed Architect in the State of New Jersey.

Mr. Martorano stated that the existing house is a 3 bedroom ranch style home with a basement. The first floor has 8' ceilings and the applicant is proposing to raise them to 9'. He indicated that the plan is to save approximately 60' of the perimeter walls which will then be raised. All of the internal walls are to come down.

Township Engineer asked how they plan to compensate for the insulation of the 2' by 4' walls which are to remain, while all of the new walls will be 2' by 6' which allows for proper insulation.

At this time, Brian Forgette, of 125 Sheldon Street was sworn. He is the builder's Foreman. Mr. Forgette stated that they will add 2" of firing to the 2' by 4' studs to bring them to 6' thereby allowing for the thicker insulation. Mr. DiGennaro stated that there is really no benefit to saving the 60' of walls and then trying to modify the remaining walls to obtain energy efficiency. Mr. Martorano agreed that there is no benefit adding it is actually more work and more costly. Mr. DiGennaro said that it would make more sense to take all of the walls down. The applicant is keeping the foundation so there is no reason to save any of the existing walls. The buyer of the proposed home will get a better product and a more energy efficient home.

Mr. Martorano continued his overview of the application by stating that a second story will be added with 8' ceilings. A hip roof will be incorporated on the left side to diminish the imposition of the second story on that side.

Mr. Kalpagian inquired about the type of siding being proposed. Mr. Forgette said that they are opting for cedar plank siding for this project.

Vice Chairman Ruebenacker asked if the utilities can be placed underground. Mr. Forgette replied that they will absolutely place them underground if possible however there is a 30" oak tree in between the utility pole and the connection panel. Mr. DiGennaro said that the decision can be left to field discretion because we do not want to lose the tree. Mr. Forgette stated that there are no plans to remove any trees on the property.

Mr. Borst voiced concern about the landscape plan which lacks screening for the neighbors on each side of the proposed new home. He recommended planting 5 to 6 trees sized 6' – 8', 5' on center on each side of the home to provide screening for the neighbors. A few good options might be Norway spruce, arborvitae or cypress. Mr. Forgette was agreeable to this recommendation.

Mr. DiGennaro advised that the applicant will need to submit a revised landscape plan based on the recommendations made as well as revised architectural drawings to reflect that all of the perimeter walls are to be taken down to the foundation.

#### OPEN TO THE PUBLIC

Mr. Eric Schofield of 77 Harding Road was sworn. He lives to the left of 73 Harding Road and is concerned about the new home encroaching further towards his home. Vice Chairman Ruebenacker explained that the existing side yard setback on the left side of 73 Harding Road is 12.9' and is going to remain 12.9'. Mr. Schofield asked if the height of the new home will be conforming. Mr. Ruebenacker stated that the maximum height limit is 35' and the applicant is proposing 29' which is 6' under the height limit.

#### CLOSED TO THE PUBLIC

Board Member Kalpagian made a motion to approve the application for 73 Harding Road block 263 lot 56 with the stipulations that a revised architectural plan be submitted to reflect that all of the perimeter walls are to be removed, cedar plank siding will be used on the exterior of the home, utilities will be placed underground if possible and a revised landscape plan to show 5–6 trees of 6'-8' in height to be planted along the new home as screening for neighbors to the right and left of the subject property. Second, Ms. Conlon. Voting in favor: Mr. Tanis, Mr. Cicerchia, Mr. Kalpagian, Ms. Conlon, Ms. Riotto, Mr. Borst and Vice Chairman Ruebenacker.

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 9:00 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment