

## WYCKOFF BOARD OF ADJUSTMENT

### MARCH 21, 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 Carl Fry, Chairman:

"The March 21, 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.

Chairman Fry read this statement into the record: *"All applicants are hereby reminded that your application, if approved, may be subject to the terms, conditions and payment of the Affordable Housing Development Fee requirements of the Township. Information can be obtained from the Code of the Township of Wyckoff, Chapter 113-8 on the Township's website, [www.wyckoff-nj.com](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:** Carl Fry, Chairman; Erik Ruebenacker, Vice Chairman; Board Members: Brian Tanis, Ed Kalpagian, Brian Hubert, and Rosa Riotto.

**Board Members absent:** Mark Borst, Kelly Conlon and Louis Cicerchia.

**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.

\* \* \* \* \*

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

#### **APPROVAL OF MINUTES**

February 21, 2019 work session and public hearing minutes were approved during the Work Session.

#### **RESOLUTION FOR PAYMENT #19-03**

Payment Resolution #19-03 was approved during the Work Session.

**RESOLUTION(S) TO BE MEMORIALIZED**

**TAIBI, ANTHONY AND CLAIRE** BLK 480 LOT 7 (RA-15) 42 Wyckoff Avenue. (*The applicant proposes to put a one story addition on the existing house to include a main floor bedroom with closet and enlarge the existing bathroom.*) *Approved*

**MEYER, ROY** BLK 491 LOT 47.01 (R15) 448 Louisa Avenue. (*The applicant proposes to construct a one car attached garage where none exists.*) *Approved*

**ST. ELIZABETH'S CHURCH** BLK 216 LOT 16.02 (RA-25); 700 Wyckoff Avenue. (*The applicant proposes to construct a Daily Mass Chapel.*) *Approved*

The three Resolutions were memorialized during the Work Session.

**APPLICATION(S) – CARRIED**

- 1. 118 SHELDON STREET LLC**, BLK 267 LOT 26 (R15) 118 Sheldon Street  
Jared Lans, Attorney for the LLC stated that Kevin Finnan, the agent for the owner; and Albert Martorano, Architect would provide testimony regarding the revised plans. Chairman Fry commented that in reviewing the plans it appears that the applicant has taken The Board's recommendations into consideration which is very much appreciated. He asked Mr. Martorano to explain the revisions that were made. Mr. Martorano cited the changes that were made. They have reduced the width of the building by 3' thereby achieving a Gross Building area below 2700 square feet which The Board had recommended. The building will be shifted over to the right which will increase the left side yard setback and eliminates the left side yard setback variance. The existing left side yard setback is 4.7 and proposed is 12.2. A hip roof was also added to that side of the proposed building. The A/C units in the back will be screened and an updated landscape plan will be submitted as per Kevin Finnan. Township Engineer DiGennaro pointed out that there is one error on the section J with regard to the right side yard setback listed as 15.3'. Since there will be a 2' overhang on the door on the right side of the house the calculation should be noted as 13.3' not 15.3'. Mr. DiGennaro also recommended placing the utility lines underground. Mr. Finnan agreed and said that he will make it part of the application.

OPEN TO THE PUBLIC

NO ONE APPEARED

CLOSED TO THE PUBLIC

Chairman Fry asked for a motion. Board Member Kalpagian made a motion to approve the application with the following stipulations: the section J will be corrected, the utilities will be placed underground and an updated landscape plan will be provided. Board Member Hubert seconded. Voting in favor: Mr. Tanis, Ms. Riotto, Mr. Kalpagian, Mr. Hubert, Vice Chairman Ruebenacker and Chairman Fry.

**2. 107 HARDING STREET, LLC BLK 263 LOT 66 (R-15) 107 Harding Road**

Attorney Allison Kasetta of The Price Meese Law Firm for 107 Harding Road introduced Architect Jeff DeGraw. Board Attorney Becker reminded the witnesses that they were previously sworn and still under oath. Mr. DeGraw gave the following summary of the revisions that were made based on The Board's recommendations from the last meeting stating: We scaled back the building to get the square footage under 2,700 square feet, we shrunk the proposed second story addition so that it is well within the required setback and we pushed the second story back 2' in the front of the building adding that he feels they were able to preserve the charm of the design while making their best efforts to conform. Board Member Tanis commented that the existing front yard setback is 38.6 however in pushing back the second story, the addition will be outside of the 40' setback requirement.

Tibor Latincsecs, the Engineer then came forward to discuss the calculation changes cited in his revised report dated March, 11, 2019. He stated that the second story addition has a 26' side yard setback on the left side and the front of the second story has been pushed back out of the front yard setback. The right side will have a 16.1' setback. Due to the reduction in the size the Gross Building Area, including the detached garage, will be 2,678 SF thereby eliminating the enhanced side yard setback. At the first floor level, the existing 10.5 left side setback and the 16.1 right yard setback will remain. There will be a significant reduction in the impervious coverage from 5,000SF to 4,200 SF by demolishing and reducing the double wide macadam driveway to a single wide driveway. They have included a Storm Water Management plan to collect all of the roof drains, utilities will be placed underground and the A/C units will be screened with evergreens and out of the setback. A landscape plan has been presented and will remain unchanged.

OPEN TO THE PUBLIC  
NO ONE APPEARED  
CLOSED TO THE PUBLIC

Board Attorney Becker stated that the revised architectural will be marked as exhibit A-7 and the revised plot plan will be marked as exhibit A-8. Chairman Fry inquired about the fencing down the right side and across the back of the property; some of which is in disrepair. James Paladino, the Agent for the owner stated that the fence on the right side will remain and any fencing across the back that is in disrepair will be replaced. Engineer DiGennaro stressed the fact that the landscaping as presented in the plan must be completed. Chairman Fry made clear that what has been presented must be adhered to. Ms. Kasetta stated that should they wish to make any changes in the plantings she will contact Mr. DiGennaro to discuss prior to moving forward.

Vice Chairman Ruebenacker made a motion to approve the application as submitted with the plans dated March 11, 2019 being the revised architectural (exhibit A-7), the revised plot plan (exhibit A-8), the original landscape plan and replacement of any fencing in disrepair. Second, Board Member Kalpagian. Voting in favor: Mr. Tanis, Ms. Riotto, Mr. Hubert, Mr. Kalpagian, Vice Chairman Ruebenacker and Chairman Fry.

**NEW APPLICATIONS****1. WARE, DAVID AND ELIZABETH BLK 291 LOT 29 (RA-25) 290 Sunset Blvd.**

David and Elizabeth Ware were sworn.

Mr. Ware stated that he and his wife are proposing to add a second story to their home to include 3 bedrooms, a home office and attic storage over the garage. They would also like to enlarge the first floor kitchen to double its current size. He went on to say that he and his wife have been living in the home since 2005 and are looking to stay in the home. Mrs. Ware grew up in Wyckoff and they have 2 sons who attend the same school she attended as a child. He said that they love the neighborhood they live in and would prefer to add on than move.

Chairman Fry pointed out that the proposed second story addition is on the right side of the home which is also the side that is closest to the property line and already encroaching. He added that the house is non-conforming and suggested possibly shifting the mass to the left side of the house. He inquired as to whether or not that had been considered by the Applicants and their Architect.

Mr. Ware stated that they had considered building to the left however the placement of the existing staircase basically forced the design. He explained that when you enter the home, the staircase is over to the right. If the addition was flipped to the left side, there would basically only be eve storage on the right at the top of the stairs. Moving the stairs would be cost prohibitive and the basement stairs are beneath the stairs to the second story as well. Mr. Ware added that the existing plumbing was also an important factor in the design as it is in line with the addition to the right side of the home. Cost was a very large factor.

Vice Chairman Ruebenacker pointed out that the existing height to the peak is 22' with a proposed height of 29.4' resulting in a minimal increase of 7' as well as stepping in the roof another 4 or 5 feet. Based on the testimony heard he believes this is an acceptable proposal.

Board Member Tanis inquired about the need for the proposed large unfinished space over the garage. Mr. Ware responded by saying that the space will be used strictly for storage and the HVAC will also be placed in that space. He added that their home currently has no storage at all. There will be a pull down staircase for access to the space. Township Engineer DiGennaro stated that the space over the garage cannot be turned into another bedroom due to the size of the existing septic system. He also reminded the applicants about the need to replace the existing outdated septic tank with a 2 compartment tank with filter.

Board Member Hubert commented that the challenge is the placement of the stairs and as a result it seems there is no way to reconfigure the design.

Board Member Kalpagian agreed stating that if the addition was shifted to the left side of the house you would have to duck your head once reaching the top of the stairs to the second story. Mr. Ruebenacker asked that the existing arborvitaes and spruces be replaced if they are disturbed during the renovation. He would like that to be a stipulation of approval.

Chairman Fry added that he would also request that placing the utility lines underground be a stipulation of approval.

OPEN TO THE PUBLIC  
NO ONE APPEARED  
CLOSED TO THE PUBLIC

Chairman Fry asked for a motion. Board Member Hubert made a motion to approve the application with the stipulations that any disturbed landscaping will be replaced with like kind and size and the utility lines will be constructed underground. Second, Mr. Tanis. Voting in favor: Mr. Kalpagian, Ms. Riotto, Mr. Hubert, Mr. Tanis, Vice Chairman Ruebenacker and Chairman Fry.

**2. KORINIS, KRISTA & JUSTIN** BLK 219 LOT 1 (RA-25) 314 Godwin Avenue.

Justin Korinis and Roger Schlict, the Architect for the Applicant were sworn. Mr. Schlict's office is located at 56 Walthers Avenue in Ridgewood. He has been a registered Architect in the State of New Jersey for 32 years. His credentials were accepted by The Board. Mr. Schlict provided the details of the application as follows: The existing single family home has a lot size of 9,595 SF where 25,000 is required and a width 63.9' where 125' is required. The home was damaged by a fire. The applicant proposes to retain the portion of the house that was not structurally damaged by the fire, take down damaged areas and renovate the home on the existing footprint with the exception of a small addition to the right front of the house. The Birch Parkway front yard setback of 15.2' is pre-existing and will remain unchanged. The existing rear yard setback is 28.8' and the applicant is proposing 45.7' where 40' is required. The principal building existing side yard setback is 13.6' and the applicant is proposing 13.2' to the steps which are being relocated. A roof with columns will be placed over the existing front porch and steps. In summary, the applicant is requesting variance relief due to pre-existing conditions of lot size, lot depth, front yard #2 setback, side yard setback and principal building coverage. Mr. Schlict stated that the hardship is the significantly undersized lot. Board Member Hubert asked about a landscape plan. Mr. Schlict stated that the applicant requested a waiver for the landscaping plan because the plantings on the property are numerous and mature adding that any plantings disturbed during the renovation will be replaced. Chairman Fry commented that in looking at the plans it is clear that some of the plantings will be damaged during construction on the front of the building. Mr. Schlict stated that they will agree to plant box hedges across the front of the house. Township Engineer DiGennaro recommended that the 2 or 3 trees that are up close to the house should be removed since they are over grown and very close to the building. Chairman Fry said that it is in the best interest of the applicants to provide a landscape plan for the front of the house. Mr. Ruebenacker asked about the plans for the existing detached garage. Mr. Korinis stated that the cedar shakes will be replaced and the existing concrete blocks will remain. There will be no other renovations to the garage at this time.

Board Member Kalpagian made a motion to approve the application with the stipulation of presenting a landscape plan including tree removal and foundation plantings in the front. Second, Mr. Ruebenacker. Voting in favor: Ms. Riotto, Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Vice Chairman Ruebenacker and Chairman Fry.

There being no further business, a motion was made to adjourn the Public Session Meeting, seconded, and passed unanimously. The Work Session was adjourned at 10:05 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment