

**WYCKOFF ZONING BOARD OF ADJUSTMENT
MAY 21, 2020
PUBLIC WORK SESSION MINUTES**

Public Work Session: 7:30 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube channel

Public Business Meeting: 8:00 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube channel

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

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act NJSA 10:4-6 et seq., and in consideration of Executive Order #103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency in the State of New Jersey, the Zoning Board of the Township of Wyckoff does hereby notify the public that to protect the health, safety and welfare of our citizens, the meeting of the Zoning Board of the Township of Wyckoff scheduled for Thursday May 21, 2020 will be conducted virtually through Zoom technology and it will be live-streamed on the Township of Wyckoff's YouTube channel. The Work Session is scheduled for 7:30 and the Public Business meeting will begin at 8:00 pm.

These measures are implemented to allow members of the public to observe the meeting via live streaming and to provide the ability to comment during the periods for public comment during the meeting through Zoom telephone call in technology. Joining the meeting by telephone will be utilized as security against the sharing of inappropriate video content.

General instructions regarding access to the meeting is posted on the Wyckoff web site's home page at www.wyckoff-nj.com as a "News" item.

"The May 21, 2020 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 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"*

"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 time."

Roll call was taken.

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

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

OLD BUSINESS

Approval of the February 20, 2020 work session and public business meeting minutes.

Mr. Ruebenacker made a motion to approve the February 20, 2020 work session and public meeting minutes. Second, Mr. Kalpagian. Voting in favor: Ms. Evans, Mr. Tanis, Mr. Kalpagian, Mr. Ruebenacker, Mr. Borst, and Chairman Fry. Board Members Riotto, Hubert and Conlon abstained.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #20-05 Approval of vouchers for Engineering and Professional Services.

Board Member Tanis made a motion to approve the Resolutions for Payment #20-05. Second, Vice Chairman Borst. Voting in favor: Ms. Evans, Mr. Tanis, Ms. Riotto, Ms. Conlon, Mr. Hubert, Mr. Kalpagian, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

RESOLUTION TO BE MEMORIALIZED

HALILI, SEMRA 11 Madison Heights BLK 334 LOT 2

(The applicant proposes to expand the first floor and add a second story. The lot is nonconforming in area, frontage, depth, both front yard setbacks and side yard setback.)

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

For Discussion

Chairman Fry announced that the Board was scheduled to hear four (4) new applications in March however due to the Covid-19 virus both the March and April meetings were cancelled and those applications were not heard. During this unprecedented time, the guidelines for holding virtual meetings have been changing and as a result the public notices that were previously mailed to neighbors and published in the newspaper are no longer valid. The applicant's will be required to re-notice for the virtual meeting which will be held on June 18, 2020. Mr. Fry added that he would like the Board to discuss the new applications during the Work Session even though they will not be heard during the Public meeting this evening and as such there will be no Public participation or comment on these applications until the June 18, 2020 meeting.

HEBERT, PAUL & CINDY 553 Fairmont Rd. BLK 279 LOT 6 CORNER LOT RA-25

(The applicant proposes to relocate the whole house generator in front yard #2)

Township Engineer DiGennaro provided a brief summary of the application. He stated that the existing single-family dwelling is in the RA-25 zone on a corner lot and is nonconforming due to lot area. The applicant desires to locate a whole house generator in the front yard. Township of

Wyckoff policy is that generators, air-conditioning compressors, and pool equipment are treated as accessory structures and are therefore not permitted in front yards and must comply with the accessory structure setbacks in the zone. The applicant is seeking variance relief to allow the generator to be relocated to the front yard facing Lee Court as shown on the submitted plan. Chairman Fry stated that there is a lot of existing screening along the road on Lee Court. Mr. Ruebenacker mentioned that the type of screening to be placed directly around the generator is not specified on the plan and he would like some clarity on that from the applicant. Mr. Hubert stated that screening around the generator must be provided in case the shrubs closer to the road are removed at some point in the future. The applicant will be asked to provide testimony as to the type of screening for the generator.

TURNAMIAN, MICHAEL & ALLISON 630 Mountain Ave. BLK 391 LOT 29

(The applicant proposes to expand the first and second stories of the existing home requiring variances for lot area, front yard setback and impervious lot coverage)

Mr. DiGennaro provided his technical summary of the application. He stated that the existing single-family dwelling is situated in the RA-25 zone on a corner lot and is non-conforming by way of lot area and front yard setback. The applicant is proposing a renovation and addition to the structure requiring variance relief for front yard setback and three-story dwelling. The lot is slightly undersized at 24,911 SF where 25,000 SF is required in the zone. Existing front yard #1 setback is 44.70' with 40.11' proposed and 40' is required. Existing front yard #2 setback is 23.21' with 33.93' proposed and 40' is required. The existing principal building height is 32' and the proposed is 34' where 35' is the maximum permitted however the proposal is for a three-story structure where the maximum allowed is 2 ½ stories. A storm water management plan prepared by a licensed N.J. Professional Engineer is required to be approved prior to issuance of any building permits.

Board Members initially expressed concerns with the third story however upon further review and discussion of the architectural and landscape plans, the general consensus was that the overall height of the proposed structure will be well under the requirements and will not overwhelm the property. Chairman Fry stated that the Board will have to hear testimony as to how much of the existing structure will be demolished and how much will remain. Vice Chairman Borst pointed out that the variances the applicant is requesting are all due to pre-existing nonconformities and will not be further exacerbated by the proposed addition and renovations.

SULO, SOKOL 234 Franklin Ave. BLK 263 LOT 21

(The applicant proposes to expand the second story of the existing home requiring variance for pre-existing nonconforming side yard setbacks and undersized lot)

Mr. DiGennaro provided a brief summary of the application. He stated that the existing single family dwelling is situated in the R-15 zone and is nonconforming due to lot area and side yard setbacks. The applicant is proposing an addition and renovation to the structure requiring variances for both side yard setbacks. The lot is nonconforming at 10,803 SF where 15,000 is required in the zone. Existing side yards #1 and #2 are 3.1' and 10.94' and will remain unchanged where 15' is required. The property is served by municipal sanitary sewer and does not qualify for stormwater management review.

Chairman Fry stated that due to the undersized lot, the shape, and narrowness of the lot, this is definitely a hardship. The challenge will be the 3.1' side yard setback.

Mr. Ruebenacker stated that the 3.1' side yard setback is a struggle. The fact that the applicant is proposing a large walk-in closet, a second-floor laundry room and a large master bath on the second floor seems like a lot of space for that type of variance. He added that the homeowner knew he was getting a pie shaped, nonconforming lot when he purchased the home. Chairman Fry agreed that it is an aggressive proposal at 3.1' off the property line. Mr. Hubert stated that the challenge is the fact that the house is 3.1' off the property line, and the second story addition is going straight up at 3.1'.

Mr. Borst commented that according to the plans, the attic appears to be proposed at 11' to the ridge line adding that there is an opportunity there to bring that roof line down. Mr. Tanis suggested removing the closet bump out on the first floor to reduce the encroachment into the side yard setback. He went on to say that there are no windows and no architectural features proposed for either side of the house adding that some detail should be added to the side to soften the encroaching structure as it is only 3' off the property line. Chairman Fry commented that the applicant did not do himself any favors by adding a gable on that side of the house. Mr. Kalpagian stated that the applicant is only looking to add approximately 300 Sf to the home which is not a huge addition however he agreed that revising and reducing the roof line would lessen the impact to the neighboring property. Finally, Mr. Borst said that he feels a more formal and comprehensive landscape plan should have been submitted for this project.

Mr. Hubert suggested asking the applicants to watch or listen to this evening's Zoom meeting so that they can hear the comments and recommendations made by the Board regarding their applications. That will better prepare them for the June 18, 2020 meeting. Ms. Mitchell said she will pass the recommendation on to the applicants.

There being no further business a motion was made to adjourn the work session, seconded, and passed unanimously. The work session adjourned at 8:30 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment