

**WYCKOFF BOARD OF ADJUSTMENT  
JULY 16, 2015 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 Erik Ruebenacker, Chairman:

"The July 16, 2015 Public Business Meeting 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.

**Board Member Attendance:** Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Susan Yudin; Tim Shanley.

**Board Member(s) Absent:** Mark Borst; Brian Hubert; Ed Kalpagian, Alt.; Brian Tanis, Alt.

**Staff Present:** John A. Spizziri, Sr. Esq., Board Attorney; Ben Cascio, Esq. Acting Board Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Board Secretary.

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

Vice Chairman Fry stated that all phones, pagers, PDAs, etc. should be turned off or switched to vibrate in order to avoid interrupting the public session.

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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)"*

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Pledge of Allegiance was said.

**FLORES, RADLEY** BLK 376 LOT 3 (RA-25); 482 William Way. *(The applicant proposes to install solar panels on the front portion of the roof which is non-conforming according to Ordinance #1675).*

Chairman Ruebenacker announced that the Flores application would not be heard at this meeting due to inadequate notice to the public.

Chairman Ruebenacker called upon Township Committeeman Boonstra and Township Attorney Spizziri. Mr. Boonstra stated that Mr. Spizziri has been in and out public service in Wyckoff for many years. He was a resident, served on the Township Committee, was the former Mayor in 1969, and he also served in General Assembly of New Jersey for a number of years. Mr.

Boonstra continued to say that Mr. Spizziri has served the Township aptly and for the last four years, has served the Township's Board of Adjustment. He went on to say, on behalf of the Township, that he wishes Mr. Spizziri well on his future retirement, thanked him for his service, and presented him with a thank-you card. Mr. Spizziri responded by saying it was an honor and privilege to serve the Township.

### **OLD BUSINESS**

#### **APPROVAL OF MINUTES**

June 18, 2015 work session/public business meeting

#### **RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #15-06-** Approval of vouchers from various escrow accounts.

#### **RESOLUTION(S) TO BE MEMORIALIZED**

**AYDIN, EMIN** BLK 231 LOT 4 (RA-25); 524 Clinton Avenue. *(The applicant proposes to add a level to the second floor which will encroach no further than the existing side yard encroachment but will trigger the enhanced side yard setback requirement of 25 feet).*

**IQBAL, MOHAMMAD** BLK 202 LOT 65 (RA-25) 416 Woodbury Drive. *(The applicant has constructed a wood deck which encroaches into the side yard setback by 8.9' where 24.9' existed and 20' is required).*

**RODAK, CHRYSTIAN** BLK 232 LOT 14 (RA-25); 511 Franklin Avenue. *(The applicant proposes to add a level over the entire house and garage which will trigger the enhanced side yard setback requirement of 27 feet where 24 feet is proposed).*

**GORDON, RICHARD & LAURIE** BLK 354 LOT 57 (RA-25 CORNER); 300 Saw Mill Lane. *(The applicant proposes to construct a portico over the existing front stairs which will encroach into the front yard setback).*

**KERTESZ, JONATHAN & JENI** BLK 278 LOT 14 (RA-25); 88 Morley Drive. *(The applicant proposes to construct a portico over the existing front stairs which will encroach into the front yard setback).*

#### **APPLICATION(S) – CARRIED**

**BELSKE, MICHAEL** BLK 351 LOT 18 (RA-25) 383 Cedar Hill Avenue. *(The applicant proposed to construct a 2 car garage, where none presently exists, which will encroach into the side yard accessory structure setback by 6' where 15' is required).*

Ms. Xiomara Paredes touched on the hardship of topography and inadequacy of the existing attached garages. There was a search for the location of the septic system. What was found was the as-built of the seepage pit and septic tank, and superimposed the drawings and locating the septic 15' from the garage placed the garage at the 10' setback. The applicant agrees to replace the 1,000 gallon seepage pit. If approved and the garage is complete, the plan will include the replacement and relocation of the 1,000 gallon seepage pit tank that is being abandoned. In addition, the landscape plan and the shed is also being aligned at 10'. Mr.

Fry looked at an overview and several properties have garages situated in similar locations, so he opined it is not out of character. The applicants have addressed the Board's concerns. Mr. DiGennaro requested that the concrete apron surrounding the garage be clearly labeled on the plan.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Mr. Shanley motioned to approve proposed subject to moving the seepage pit and modifying the landscape plan, and Mr. Fry seconded. Voted in favor: Mr. Shanley, Ms. Yudin, and Mr. Fry, with Chairman Ruebenacker abstaining.

### **APPLICATION(S) – NEW**

**HAIG, ROBERT & EILEEN** BLK 320 LOT 94 (RA-25); 310 West Stevens Avenue. *(The applicant proposes to demolish the existing residential dwelling and construct a new home which will encroach into the side yard setbacks and exceed principle building lot coverage).*

Chairman Ruebenacker stated that Mr. Cascio will be the Board's attorney for this application.

Harold Cook introduced himself as representing on the behalf of the applicants Robert and Eileen Haig, and stated that Mr. Haig, the architect, Kevin Martin, and the planner, Kathryn Gregory, were present. Mr. Cook stated that Mr. Haig's parents owned this house and he is the purchaser of the contract of his parent's estate, and if the Board grants the application, the intent is to demolish the current structure and build a new modern home. He states that the proposed setbacks are similar to the existing house on the lot. The engineer examined the house and said the structure would have to be removed. The basement has a very severe drainage problem. The foundation was from a 1950's home built with cinderblock, which is compromised and not a suitable structure of the day. A new structure would be safer. To reinforce that current foundation to correct the drainage problem, it would be easier to start from scratch. The lot, as noted by the Township Engineer, is grossly undersized; more than 10,000 square feet deficient than the requirements under the ordinance. The lot is also deficient in frontage; the requirement of the ordinance is 125 feet, but said lot is only 100 feet. Mr. Cook sent a letter to purchase additional property to the left, a property that has frontage that exceeds what is required by ordinance, but has not yet received a reply. The property to the right of the Haig's is also deficient in size, so purchasing a parcel is not an option. Mr. Cook's client is seeking the variance because they could not acquire additional property. (A-1 application; A-2 Letter to the neighbors – addressed to Mr. and Mrs. Pear, September 18, 2014.)

Robert Haig stated he did approach the neighbors several times and they are not comfortable selling a portion of their property. Mr. Haig stated that there is a drainage issue with the basement, sometimes several inches of water accumulate. Confirmed that the house was built in the 1950's. The retaining wall is the neighbor's wall and Mr. Haig was informed by the neighbors that they are in the process of getting pricing to completely replace the wall subsequent to the completion of the Haig house.

Chair Ruebenacker with regard to the proposed 2,800 square foot house, which currently there is a 1,700 square foot house, asked Mr. Haig to explain to the Board what is the need for a 2,800 foot house. Mr. Haig replied that he will be moving into the new home along with his

daughter, mother-in-law, and dog, and he feels that is a reasonable size. Mr. Cook supported Mr. Haig by saying in comparison to other new homes or additions in the neighborhood, it is similar in size; that it is reasonable in terms of the size of the lot.

Kevin Martin, a NJ-licensed architect. Mr. Martin stated that as per recommendations, the structure can be softened on both sides of the house by putting windows in the garage and a transom window in the bedroom; the attic space over the garage can have doghouse dormers added so would look like it was finished. First floor has 1,911 square feet of living space, and there is 1,299 square feet of living space on the second floor. The roof is 2 1/2 stories and 34' in height, which is within the confines of the ordinance. The siding would be clapboard which fits in the architectural and colonial look of Wyckoff, with stone finish on the first floor. Mr. Martin confirmed with Mr. Fry that the structure would be a modular home. Mr. Fry is concerned that the proposed structure will be 10 square feet away from triggering the enhanced side yard setback, and is almost maxing out the height. He believes this to be very aggressive for this size lot and should be reduced. Mr. Martin opined that it is better to start fresh with this house. Mr. Fry confirmed with Mr. Martin that the structure is going from 11.6% to 19.03%, when only 15% is permitted, then asked how much further he is going back. Mr. Cook said that it is a deep yard.

Kathryn Gregory, NJ-licensed professional planner since 2000; planner in Edgewater and has testified before this Board before. Ms. Gregory distributed A-3 - 11 x 17 series of photographs. She reiterated the applicants' hardship due to the flooding problem and that they cannot use the existing foundation. The majority of lots that have been granted variances have lot areas that are larger than the applicants' property. She stated that the 14,778 square foot lot is significantly less than other lots and that has to be taken into consideration, especially since there have been side yard variances granted. The variance stands at 4.04% over, but suggests it should be looked at in the context of the neighborhood and for aesthetic reasons of the neighborhood. The existing foundation is not square to the lot and the new foundation will be parallel to the front yard lot line. In terms of the C1 criteria, there is a hardship due to the flooding condition. Currently, there exists one-car garage and the applicant would like a two-car garage. The positive criteria of this project: provide a new house, adequate light, air and open space; the side of the house is graded higher by the garage; new septic system and regrading of the property; and would preserve the character of Wyckoff.

Chair Ruebenacker agrees that the design of the house fits in with the design of the neighborhood. He further stated that this Board is cognizant in trying to get to that 20' side yard setback as well as the 15% principal building. Could this house be reduced to reach the 15% principle building? The proposed plan has the structure being over by 600 square feet, 352 square feet of that is a rear porch. What is the added value of a rear porch? Ms. Gregory responded that the porch provides outdoor enjoyment and that an open porch is an open air structure. Chair Ruebenacker responded that it counts towards building principle building lot coverage.

Mr. Cook stated that he thinks it is the second garage triggering the lot coverage to the principal structure. Mr. Fry said that if one is in excess, to have part of that to be an open air porch, which in his opinion, is not a benefit, and that it can be removed to help reduce the excess. Mr. Fry said to get to the 15%, one has to have principle building square footage at 2,216, which you are choosing to do a two-car garage. He added that he sees the benefit of having a two-car over a one-car garage and to a covered porch.

Mr. Cook said if the cover on the porch is removed, then we can raise the elevation of the patio. Mr. DiGennaro said that by knocking the house down, the applicant can redo the layout in order to reduce the side yard encroachment, which would lose a side yard variance, and would still provide the living space the applicant wants. Chair Ruebenacker said the applicant needs to hear all the comments from the Board, and that the overall size of the house needs to shrink. Mr. Fry inquired as to where the height measurement was being taken from on the revised plan because it is so close to the maximum. Mr. Shanley agrees with the Chairman that the plan needs to be revised. Chair Ruebenacker said with regard to the AC and generator are within the 15' setback, and suggests that they be moved to the back of the house since they are in the setback.

Mr. DiGennaro asked for clarification as to the source of the water issue – is it coming from the street or an adjacent property, and also suggested putting in Belgian block curbing. Mr. Cook said that if the application were approved, the house would be raised. Mr. DiGennaro also pointed out that if the left side of the house is pulled in, then you can put the generator and AC units on that side of the house.

#### OPEN TO THE PUBLIC

Mr. Schappert 1 Glen Drive – He stated that his house is directly behind this house and his concern is water and the height of the building. He went on to say he already has two sump pumps in the house, and if this house is raised, it will impact his property. Where is the water going to go? Mr. Cook said that drainage plans were submitted with this application, and that there will be a drainage system that will be controlled. Chair Ruebenacker asked Mr. DiGennaro to explain net drainage. This house is proposing to collect all the roof leaders and put the water into a dry well and seepage pit. This is a requirement by the Township Code. Mr. Schappert asked for clarification of the septic system. Mr. DiGennaro said that the proposed plan is for a 3-bedroom house with an office designed for a possibility of a fourth bedroom. The septic system has been designed for a 4-bedroom. The septic field is going in the front yard with a dry well in the rear yard in the ground for recharge. The septic is pumped uphill to the field in the front yard. Mr. Schappert commented that he believes this is too big of a house for the small piece of property.

#### CLOSED TO THE PUBLIC

The application will be carried to the August 20, 2015 meeting.

**SPAROZIC, MICHAEL** BLK 349 LOT 62 (RA-25); 319 Calvin Court. *(The applicant proposed to install a rear yard canopy over an existing patio which will encroach into the side yard setback).*

Michael Sparozic stated he was before the Board in 2006. He had an L-shaped ranch and was going to fill in the area. He went on to say that his wife has an issue that prevents her from being in the sun. Mr. Sparozic said he needs to have a usable rear yard. The neighbor has removed trees so that Mr. Sparozic does not get any shade until 6:30 in the evening. As such, he is looking to cover his patio. Weathercraft is structural aluminum with a 7" I-beam, off-white painted aluminum. My neighbor has a 35' covered trailer that is along the property line. Mr. Shanley asked the applicant if this plan was just to cover the existing patio and Mr. Sparozic said yes. He said that he cannot go further to the right because of the two septic tanks. When asked about drainage, Mr. Sparozic stated that there is a gutter system and two downspouts that go into the back yard. He said the cover would be mounted to the soffit under the roof. Mr.

Fry confirmed with Mr. DiGennaro that if the structure was unattached, that it would be an accessory structure. Mr. DiGennaro asked applicant if he has considered a free-standing gazebo. Mr. Fry added that this option would not count towards his principal structure and offers a potential solution; it would allow the applicant to be compliant by not touching the principle structure. Mr. Sparozic said that option did not appeal to him and reiterated that he just wants to be able to use his backyard again.

Beth Sparozic, 319 Calvin Court. Mrs. Sparozic stated that in response to the Board asking about a possible gazebo, she wants to be close to the door by the kitchen. As it stands now, because of her condition, it prevents her from being with her family outside. Mr. Sparozic said he did his homework, which another beam could be installed to make it an accessory structure, but this option poses a financial hardship because it is double the cost. Mr. Shanley stated that the Board is concerned with the fact that the lot coverage is very high by connecting this to your house. Chair Ruebenacker said that Mr. Sparozic was aware that when he last did construction, that he was already over the permitted percentage, and the Board is not happy with the applicant now asking to go up to 21%. He further stated that it appears there has been no creativity to alleviate that variance scenario. Chair Ruebenacker said that the Board would like this reduced or added as an accessory structure. In the event that Mr. Sparozic disagrees, he has the option to ask for a vote. Mr. Spizziri forewarned that if Mr. Sparozic chooses a vote and the Board turns it down, he will need to reapply to the Board.

Mr. DiGennaro clarified that the concerns are over the principal building lot coverage, which is over 21%, and also the side yard setback which is at 11.36' where 20' is required. In addition, he recognizes the hardship as being the lot size, an existing non-conforming structure, and an environmental septic system to the left of his patio which does not allow for applicant to build over. Ms. Yudin suggests that perhaps the applicant plant bushes along the property line. Mr. Shanley suggests that applicant make it an accessory structure. Mr. Shanley suggested that if Mr. Sparozic cannot make it into an accessory structure, and it does not look good, to come back with a plan for your proposal with maybe photographs or drawings showing what it would look like. Chair Ruebenacker said he is okay with the 11' setback, but suggested to add 6-10 arborvitae on the property line.

Mr. Sparozic said that when his neighbor backs his trailer into the driveway, he has in the past taken out plantings along the property line. Mr. DiGennaro asked what would happen if Mr. Sparozic installed a fence, and Mr. Sparozic said that his neighbor would no longer be able to back his trailer in and he would not want to do that to his neighbor.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The application will be carried to the August 20, 2015 meeting.

**PARKER, ERIC SEAN & AMY** BLK 516 LOT 16 (R-15 CORNER); 19 Ravine Avenue. *(The applicant proposes to expand the current one car garage and to construct a first floor addition above the garage and a smaller second floor addition which will not encroach any further into the front yard setback).*

Mr. Parker said that he is looking to expand the current one-car garage into a two-car and a first floor addition above the garage, and a smaller second floor addition. There is a setback of

34.48' which is in line with the side of the house on Ravine Court. The addition will enhance the quality and character of the neighborhood by improving the condition of their property. The current and proposed setback is as follows: Front Yard #2 setback is 19.84', where 40' is required; this is based on an R-15 lot. If it were not a corner lot, the setback would be 15' rather than 40'. The house addition will be sided with the same fiber cement siding as the existing house, and the proposed foundation covered with ledgerstone. There will be two small dormers on the roof, to help further accent the house. The garage will allow for parking with the cars inside overnight, as well as general storage which would otherwise be in the yard. The first floor addition will allow for a patio directly off the kitchen. The addition will also include a family room that will flow through the dining area. The plans also call for a mudroom so as to not directly enter into the house before removing shoes. The second floor addition will allow for expansion of their daughter's bedroom, as the current bedroom does not have a closet; the expanded bedroom will contain a closet and four total windows. A landscape plan was not submitted as no additional landscaping is proposed, and applicant confirmed that no trees will be removed.

Chair Ruebenacker said he struggles with the setback from the street, but he added that he does not think it is overbuilding and that it fits. Mr. Fry said that he can appreciate what the applicant is doing, but in looking at the proposed elevations on the A-4, he stated that he thought the roof height was relatively low. Mr. Parker said that any exposed masonry will be ledgerstone. Mr. Fry believes that the benefits will outweigh the detriments, and that the proposed plan will make the house more user-friendly and give them the expansion and use of the two-car garage. Mr. Fry also pointed out that there is only one variance for this application which is front yard #2 and is remaining at 19.84'.

#### OPEN TO THE PUBLIC

No one appeared.

#### CLOSED TO THE PUBLIC

Chair Ruebenacker would like to add to the resolution that there would be a ledgerstone front on the garage. Mr. Shanley made a motion to approve the application subject to the installation of ledgerstone on the exposed concrete on the garage; Ms. Yudin seconded. Mr. Shanley, Ms. Yudin, Mr. Fry, and Chairman Ruebenacker voted all in favor.

**MINATELLI, JARED & AMY** BLK 476 LOT 4 (R-15); 368 Dartmouth Street. *(The applicant proposes to construct an addition to the existing house which will encroach into the front yard setback).*

Jared Minatelli, 368 Dartmouth, Nancy Dougherty, NJ-licensed architect, and Thomas Stearns, NJ-licensed engineer. Chair Ruebenacker said that there are very little concerns with this application, and the general consensus is positive. Mr. Minatelli said that he bought the house in 2009. He went on to say that they are looking to put on an addition that is in keeping with the neighborhood, and that would give them the room needed for a growing family. The plan proposes to add on 2-story addition on the left side where there is an existing closed sunroom. Said room is being replaced with a 2-story first floor family room and master suite on the second floor. For this project, he said that he is seeking a variance for a front yard setback.

Mr. Stearns said that the existing conditions are an 11,000 square foot lot, and 19.24' to the front steps where 40' is required. The addition setback will be at 29'. The plan also is proposing some drainage for a seepage pit. Mr. DiGennaro wanted to clarify for the record that the plan is not over the impervious coverage.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

Mr. Fry said that he liked that some of the structure was being removed to gain a little more usable space rather than compounding it and extending it to make a larger master suite. He also commented on the beautiful back yard, and does not feel that there is any benefit to have the shed relocated. Also, the other variances are pre-existing. Mr. Fry then said he has no issues with the application. Chair Ruebenacker added that the application also included a very detailed and thorough landscape plan. Mr. Fry made a motion to approve the application, and Mr. Shanley seconded. Mr. Shanley, Ms. Yudin, Mr. Fry, and Chairman Ruebenacker all voted in favor.

**MUNGIELLO, ANTHONY** BLK 483 LOT 2 (RA-25); 147 Wyckoff Avenue. *(The applicant proposes to add a level to the existing home which will encroach into the front yard setback and exceed principal building lot coverage).*

Mr. Mungiorno is seeking a variance for a side yard setback to the west side of the house. The proposed plan is to add a front porch which is 8', but heard the Board's work session comments and is amenable to reduce down to 7' as that would eliminate the need for a third variance; principal lot coverage would reduce the building footprint area from 2,823 square feet to 2,749 square feet, which would bring from 15.2% down to 14.7%. Chair Ruebenacker confirmed that the AC units will be on the right side of the house, and said that the landscape design is thorough. He also added that the Board appreciated the applicant's willingness to move the porch to 7', which will remove the building coverage variance, as well as reduce the front yard setback. Chair Ruebenacker further stated that he is okay with the back right side setback at the 10' level based on the second floor and the proximity of the adjacent structure. Mr. Shanley inquired as to what type of siding would be used, and Mr. Mungiorno said either hardy board or vinyl. Mr. DiGennaro said that the reduction of the porch, the coverage of the principal building lot coverage is 31.6 square feet, but that he does not believe this is an aggressive application.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Mr. Shanley made a motion to approve the application with an amendment to reduce the front porch from 8' to 7', and Ms. Yudin seconded. Mr. Shanley, Ms. Yudin, Mr. Fry, and Chairman Ruebenacker voted all in favor.

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There being no further business, a motion to adjourn the meeting was made and seconded and passed unanimously. The meeting concluded at 11:20 p.m.

Respectfully Submitted,

Krista Hogue, Acting Secretary  
Wyckoff Board of Adjustment