

**WYCKOFF ZONING BOARD OF ADJUSTMENT
JULY 16, 2015 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 Carl Fry, Acting Chairman:

"The July 16, 2015 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."

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

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

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Vice 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"*

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Chairman Ruebenacker stated that he just learned that John Spizziri will be moving to Montana and retiring. The Board will need to appoint a new Zoning Board of Adjustment attorney. Chairman Ruebenacker and Vice Chair Fry made it known at the May and June Public Meetings of the need to fill the attorney position, and have received eight resumes which is a significantly greater number of resumes received than the last attorney vacancy. Therefore, no additional resumes will be accepted at this time. Chairman Ruebenacker and Vice-Chairman Fry will review the eight resumes and select the top four by end of July and early August. Once the top four have been selected, an additional member of the Board will be asked to serve during the interview process, with a final recommendation being presented to the Board for the hiring in the month of August. If the process is not finalized by August, an interim attorney will be hired with the intent to have the process finalized in September.

Ms. Yudin stated with regard to publicizing the position informally or by word of mouth, she objects to the method and stated that the attorney position should have been publicized formally. She is a member of the Board and she was not aware of the position.

Chairman Ruebenacker stated that it was a known fact that attorney Spizziri was retiring and was going to be replaced. There was no formal posting or RFP, which is not required. He added that he did not speak to anyone nor solicit any resumes, though they did receive a number of inquiries. It was common knowledge that Mr. Spizziri was retiring. Ms. Yudin objects to the publicizing by word of mouth and suggested that the Board should announce a deadline to receive more applications. Mr. Boonstra stated that it was publically announced last month at the meeting that Mr. Spizziri was retiring. Ms. Yudin reiterated that she was not objecting to any of the candidates, but is objecting to the process.

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OLD BUSINESS

APPROVAL OF MINUTES

June 18, 2015 work session/public business meeting

Board Member Fry made a motion to approve the June 18, 2015 work session and public hearing minutes. Second, Board Member Shanley. Voting in favor: Mr. Shanley, Ms. Yudin, and Mr. Fry.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

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

Board Member Shanley made a motion to approve Resolution #15-06 for payment. Second, Board Member Fry. Voting in favor: Mr. Shanley, Mr. Fry, and Chairman Ruebenacker. Abstained: Ms. Yudin.

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).*

The Flores application will not be heard. Mr. Spizziri stated that he reviewed the application submitted and stated that the application did not conform to the requirements of the New Jersey Land Use Law. Further, the return receipt for the green and white mailing receipts had no names, which means there is no way to verify who the receipts were mailed to and who was to be noticed by the receipts. This is a Use Variance as well, so it is very important that the application be noticed correctly. Mr. Spizziri reviewed the application prior to meeting, and he has advised the Clerk that this application may not go forward, that it must be readvertised and it must be renoticed in accordance with the New Jersey Municipal Land Use law. He added that since this is a land use variance requiring a use variance, the applicant would be well-served by engaging the services of an attorney who is familiar with the requirements so that the notices for the application be done properly.

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).*

Mr. Fry requested from Ms. McQuaid that they all be approved at once; she said there was no reason it could not be done. Vice Chair Fry asked for a motion to approve. Mr. Spizziri said that the Kertesz application would need a Deed of Restriction. He received information from the applicant and was informed that the Deed is not quite ready, but before the applicant can proceed, the resolution requires that the Deed be signed prior to the issuance of a construction permit. Ms. Yudin pointed out typographical errors on Kertesz, that there are two paragraphs labeled "g;" second paragraph should be labeled "h." Also in paragraph "f," Ms. Yudin suggested the word "above" be added for clarification. Vice Chairman Fry amended the request for a motion to include said amendments from Ms. Yudin and made the motion, Ms. Yudin seconded. Roll call: Mr. Shanley, Ms. Yudin, and Mr. Fry voted all in favor.

Vice Chair Fry requested a motion to approve the resolutions as amended. Mr. Shanley made a motion, Ms. Yudin seconded. Roll call: Mr. Shanley, Ms. Yudin, Mr. Fry, and Chairman Ruebenacker voted in favor.

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).*

Township Engineer DiGennaro stated that the recommendations were to provide certified calculations on gross building area. The improvement is less than 3,700 square feet, so that has been satisfied. The septic field location according to a report dated October 27, 1994, the septic tank is further away and that the manhole cover leads to a seepage pit. After discussions with the applicants, they will make a presentation to the Board that tries to accommodate the changes requested by the Board regarding the proximity of the seepage pit.

A setback for a stormwater seepage pit is not as critical as a septic tank. Vice Chairman Fry stated that there were concerns about the garage being close to the property line, which the applicant stated was because there was the potential for interference with the septic. After looking into the matter, the applicants were able to shift the garage over 10 feet. The Board had also suggested that the shed be moved further away from the property line; applicants have made that accommodation. The applicants also provided a professional landscape plan.

APPLICATION(S) – NEW

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).*

Township Engineer DiGennaro read his report. Ms. Yudin was concerned that the structure would be very close to the house next door, and asked if the applicants could step the cover back. She did know if they have to cover the whole patio. Vice Chair Fry requested testimony as to the purpose of the porch, such as if will be used to store a boat, or just looking to create coverage from the sun. He went on to say that he does not want to further encroach, so would it be possible for the applicants to reduce or shift the proposed structure. Mr. Fry said that the applicants are already at 18.17% on existing principal, and 15% is what is permitted. Chair Ruebenacker pointed out that the neighbor's driveway is right next to the canopy, and he also did not see any proposed landscaping in the event that the application is approved, whether at the current design or with the awning stepped in, would they be willing to put some landscaping in to separate them from their neighbor's driveway. Mr. Shanley inquired as what materials would be used and what it would look like.

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).*

Township Engineer read his report. Ms. Yudin requested testimony as to why landscape is not needed. Mr. Fry expressed concern that that garage is extremely close to the property line and would request that the applicants consider pushing the second floor back and stepping the second garage back. He added concern about the aesthetics of the long staircase. Chair Ruebenacker agrees that the applicants should consider stepping the garage back in order to have more driveway room.

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).*

The Township Engineer read his report on record. Mr. Fry thought it interesting how applicants were proposing to remove part of the structure in order to add on and get a lot of quality space for the house. Chair Ruebenacker noted that the landscape plan is satisfactory.

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).*

Township Engineer read his report on record. Stormwater is not required and the property is served by sanitary sewer. Chair Ruebenacker stated that the house is not square to the road and the lot is not squared to the road. He suggested the possibility of stepping in the second floor, but the neighbor to the right is 200' away from this property. He went on to say that the porch does come into the setback by 2', but will speak with the applicant. Vice Chair Fry pointed out that the porch is a very large porch. After review, he believes it will be beautiful but said that if they were to step it in a little bit, the applicants could probably remove variance #3.

The Township Engineer made mention of the application for 88 Logan Lane for a proposed swimming pool where the applicant was seeking a variance for impervious coverage. The applicant did receive approval, but is now seeking a small modification. 31.39% where 28.5% is permitted. They are under construction and to reduce impervious coverage have determined that they can alter the plan by eliminating the removal of driveway and reduce the rear patio and walks and still meet the approved impervious coverage figures. Chair Ruebenacker said that he approves this being done as a field change, as long as it was no greater than what was approved. Mr. Spizziri said he was concerned with categorizing it as a field change due to the amount of controversy by the neighbors. The neighbors heard the application as it was presented to the Board, and based upon factual recommendations approved in the resolution as to the granting of those variances. He recommends that the applicant make an amended application and to request the reduction. Ms. Yudin agreed with Mr. Spizziri due to the number of neighbors present that meeting. Mr. Spizziri stated that the applicants' engineer should review the new plan and make note of any consequences in terms of flooding. Mr. DiGennaro said that the variance was granted for impervious coverage and that there is no change to that percentage or to the drainage system. Mr. DiGennaro requested that Mr. Spizziri call Mr. DelVecchio and explain the situation. Chair Ruebenacker requests that the previous applicant amend their application and come back for a subsequent application.

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).*

Township Engineer DiGennaro read his report for the record. Mr. DiGennaro recommended that the electric be underground, and that the attic above the garage must be labeled storage area and remain unfinished. Mr. Shanley requests testimony regarding the left side of structure which is just a large wall with one window in the corner. Chair Ruebenacker is concerned with the right side with the retaining wall since the neighbor is higher, and would like to hear what the maintenance will be of said retaining wall. Mr. DiGennaro stated that the property had a new septic installed about a year ago and at the time, the homeowner discussed about the possible replacement of that wall. Vice Chair Fry asked if the foundation staying, to which Mr. DiGennaro stated it was to be demolished. Mr. Fry went on to say that if the applicant is beginning with a clean slate, why get into the bulk deficiencies. He recognizes that it is an undersized lot. He also is concerned with the retaining wall and that water has trenched itself in the rear yard. Chair Ruebenacker noted there was a landscape plan included.

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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 8:10 p.m.

Respectfully Submitted,

Krista Hogue, Acting Secretary
Wyckoff Board of Adjustment