

**WYCKOFF ZONING BOARD OF ADJUSTMENT  
JUNE 16, 2016 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 Erik Ruebenacker, Chairman:

"The June 16, 2016 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; Mark Borst; Susan Yudin; Brian Hubert; Ed Kalpagian; Tim Shanley; Brian Tanis, Alt.; Rich DeLeo, Alt.

**Board Member Absent:** Carl Fry, Vice Chairman

**Staff Present:** David Becker, Board Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Secretary.

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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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**OLD BUSINESS**

**APPROVAL OF MINUTES**

May 19, 2016 work session/public business meeting

Board Member Shanley made a motion to approve the May 19, 2016 work session/public business meeting minutes. Second, Board Member Kalpagian. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian, Ms. Yudin, Mr. Borst and Chairman Ruebenacker.

**RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #16-05-** Approval of vouchers from various escrow accounts.

Board Member Shanley made a motion to approve Resolution #16-05 for vouchers for payment. Second, Board Member Hubert. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst and Chairman Ruebenacker.

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

**BAYKOWSKI, ROBERT** BLK 310 LOT 1 (RA-25); 530 Carlton Road. *(The applicant proposes to expand the existing house with a second floor addition and first floor front and rear addition which will exceed gross building area and encroach into the side yard setback).*

**FOX, MICHAEL & AMY** BLK 345 LOT 9 (RA-25); 456 Florence Avenue. *(The applicant proposes to add a master bedroom/bath, porch & mudroom addition which will increase the gross building area and therefore increase the side yard setback requirement).*

**420 WEST MAIN STREET, LLC** BLK 224 LOT 5.01 (L1); 420 West Main Street. *(The applicant proposes to construct a 38 car parking lot and a dumpster area and also install a 24 square foot sign illuminated with external solar power lighting).*

Board Member Borst made a motion to memorialize the above referenced resolutions. Second, Board Member Shanley. Voting in favor: Mr. Tanis, Mr. Shanley, Mr. Kalpagian, Ms. Yudin, Mr. Borst and Chairman Ruebenacker.

### **APPLICATION(S) – CARRIED**

**BORRELLI, JASON** BLK 477 LOT 4.01 (R-15); 372 Kingston Street. *(The applicant proposes to install an in ground pool and a new front porch which will exceed gross building area, encroach into the front yard setback and exceed lot coverage).*

Board Member DeLeo will recuse himself from discussion.

Township Engineer DiGennaro said the existing lot is an existing non-conforming lot due to deficiencies in lot size, frontage, depth, front yard setback, side yard setback, and principal building lot coverage. The applicant is proposing to construct an in-ground swimming pool and a new front stoop and steps. In addition to the application's existing non-conformities, the proposal will require additional variances for combined lot coverage, principal building lot coverage, and front yard setback. It has been determined that the exceedance in principal building coverage is a result of an oversight and the building permit being issued in error as the construction official was focused on preventing the creation of a 2 housekeeping unit during the review process. The applicant has revised the plan by reducing the pool and surrounding patio size, eliminating the accessory deck and replacing it with paver patio, eliminating the covered front porch and reducing the driveway size. The net result is the variances for accessory lot coverage and impervious coverage have been eliminated. He added that the applicant has reduced the lot coverage to 19.7% where 15% is required and the total proposed combined coverage to 24.5% where 20% is required. Board Member Shanley was concerned about the second floor deck being close to the pool and the fear of children jumping from the deck into

the pool. The board will hear further testimony from the applicant regarding the changes and lack of architectural drawings not being submitted.

### **APPLICATION(S) – CARRIED/NEW**

**GRAY, JAMES & COURTNEY** BLK 491 LOT 46 (R-15); 452 Louisa Avenue. *(The applicant proposes a second floor expansion which will encroach within the side yard setback and remain within the existing footprint).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the R-15 zone and is non-conforming due to lot area deficiency, depth, front yard setback, and side yard setback. The applicant is proposing a 36 sf addition to the second floor requiring a variance for side yard setback above the existing first floor encroachment. The Board will hear testimony regarding this application at the public hearing meeting.

**POLISE, JOSEPH & ALEXIS** BLK 377 LOT 30 (RA-25) 541 Richard Place. *(The applicant proposes to install an in-ground pool and patio entertainment area which will exceed the impervious coverage).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone is conforming. The applicant is proposing to construct an in-ground swimming pool, patio, outdoor kitchen and fireplace resulting in excessive impervious coverage requiring a variance. The property is served by sewer and the application satisfies the Township's Stormwater management requirements.

Chair Ruebenacker felt this variance is a self-inflicted hardship. Board Member Shanley noticed a pattern where the houses are fully constructed within the total lot coverage and then the owners return to the Board for the installation of a pool or other amenities.

### **APPLICATION(S) – NEW**

**DISCOLA, EMILIO** BLK 436 LOT 23.01 (RA-25); 688 Birchwood Drive. *(The applicant proposes to demolish the existing home and construct a new single family home on the non-conforming lot where deficiencies are in lot area and lot width. The new home will be conforming to all setback requirements).*

Township Engineer DiGennaro said the applicant is proposed to demolish the existing dwelling and erect a new single family dwelling on the existing non-conforming lot. The existing lot is non-conforming due to deficiencies in lot area and lot width. He said this project is conforming except for the deficiency in the lot area. Chair Ruebenacker was in favor of the house design but questioned the lack of foundation plantings. Board Member Borst agreed.

**PESCE, JAMES & MARY BETH** BLK 312 LOT 5 (RA-25); 460 Carlton Road. *(The applicant is proposing to construct an in-ground swimming pool and shed resulting in excessive impervious coverage requiring a variance).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone is conforming. The applicant is proposing to construct an in-ground swimming pool and

shed resulting in excessive impervious coverage requiring a variance. Chair Ruebenacker felt this variance is a self-inflicted hardship. The Board will hear further testimony at the public hearing meeting.

**SINOWAY, TRACEY** BLK 351 LOT 2 (RA-25); 385 Carriage Lane. *(The applicant proposes to expand the kitchen and family room which will increase the gross building area and therefore increase the side yard setback requirement).*

Board Member Kalpagian and Board Member Shanley will recuse themselves from discussion at the public hearing meeting.

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone and is conforming. The applicant is proposing to expand the structure by adding a single story addition triggering the enhanced side yard setback.

**PRO-CONTRACTORS, II, LLC** BLK 425.01 LOT 54 (RA-25); 729 Terrace Heights. *(The applicant proposes to demolish the existing single family residential dwelling resulting in a building height at 37.5 feet consisting of 3 stories).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone is conforming. The applicant is proposing to demolish the existing structure and construct a new single family home requiring variances for height of 37.5' where 35' is required and number of stories. The project includes the removal of 23 trees from the property and the installation of a new 6 bedroom on-site septic system which has been reviewed and approved. Additional comments: The project proposes underground utilities to serve the property which require a road opening permit to be issued prior to roadway excavation. Approval from the Bergen County Soil Conservation Service is required prior to issuance of any permits. The Affordable Housing Developmental Fee applies to this project and payment must be made prior to release of building permit. Three story construction is categorized as 5A residential construction under the UCC requiring a 1 hour fire rating. The Board will hear further testimony at the public hearing meeting.

**LIEBOWITZ, LAURENCE** BLK 338 LOT 16 (RA-25); 555 Miller Court. *(The applicant proposes to demolish the existing home and construct a new fully conforming home and fully conforming accessory structures on a pre-existing lot which does not meet the lot frontage requirements).*

Township Engineer DiGennaro said the applicant is proposed to demolish the existing dwelling and erect a new 6643 SF dwelling on the existing non-conforming lot. The existing lot is non-conforming due to deficiencies in lot frontage. The property is served by sanitary sewer. The Stormwater management plan submitted requires amendments to include a certified zero net increase in runoff statement and that the design engineer must evaluate the existing on site seepage tanks to confirm the required volume and ability to function. This request has been made and remains outstanding. The Cut/Fill Calculations appear to contain a typographical error in the unit dimension, however, it is clear that the soil disturbance outside of the exempted excavation items results in soil movement in excess of 100 CY pursuant to 186-22H, therefore requires a soil moving permit also be approved for the onsite grading. A request has been made to note the plan to state that "all tree protection, soil erosion control measures and limit of disturbance fencing shall be installed and inspected prior to commencing any work and

issuance of any permits.” This remains outstanding. He added that an in-ground pool has been calculated into the calculations. Board Member Borst said the landscape plan is insufficient. The Board will hear further testimony at the public hearing meeting.

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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 8:12 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary  
Wyckoff Board of Adjustment