

**WYCKOFF BOARD OF ADJUSTMENT  
JUNE 18, 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 Carl Fry, Acting Chairman:

"The June 18, 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:** Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Brian Hubert; Tim Shanley; Ed Kalpagian, Alt.; Brian Tanis, Alt.

**Board Member(s) Absent:** Erik Ruebenacker, Chairman

**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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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](http://www.wyckoff-nj.com)"*

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**OLD BUSINESS**

**APPROVAL OF MINUTES**

May 21, 2015 work session/public business meeting  
The minutes were approved at the work session meeting.

**RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #15-05-** Approval of vouchers from various escrow accounts.

Board Member Carolan made a motion to approve Resolution #15-04 vouchers for payment as amended. Second, Board Member Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

**RESOLUTION(S) TO BE MEMORIALIZED**

**CHRISTIAN HEALTH CARE CENTER (CHCC)** BLK 443 LOTS 49.03, 52.01 & 51; 301 Sicomac Avenue; Amended site plan/Variance/Use Variance. *(The applicant proposes to amend the previous variance and site plan resolution adopted by the Board of Adjustment on May 13, 2013. The application amends the prior approval to provide for a reduction of building coverage in; 1) Wyckoff from 126,587 sf to 118,132 sf for a net change of minus 8,455 sf; 2) a reduction of impervious surface in Wyckoff of 11,672 sf; 3) a reduction in building coverage in Hawthorne from 26,502 sf to 25,935 sf for a reduction of 567 sf, and 4) a total reduction of impervious surface in Hawthorne of 1,221 sf. The total reduction in both municipalities of building coverage is 9,023 sf and the reduction in impervious area is 10,452 sf. The total number of units previously approved at 199 remains unchanged with some redistribution of 1 & 2 bedroom units. The applicant is also seeking an adjustment of the construction materials required in the Wyckoff resolution of approval).*

This resolution was memorialized at the work session meeting.

**PRO-CONTRACTOR, LLC** BLK 425.01 LOT 53 (RA-25); 723 Terrace Heights. *(The applicant proposes to demolish the existing house and construct a new house which will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application and also create a 3 story dwelling due to the topography of the land).*

Board Member Hubert made a motion to memorialize this resolution. Second, Board Member Borst. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Mr. Borst and Chairman Fry.

**PISA, ANTHONY** BLK 265 LOT 50 (RA-25); 55 Saxonía Avenue. *(The applicant proposes to connect the garage to the existing house and add a level to the second floor which will encroach no further than the existing front and side yard encroachments).*

Board Member Kalpagian made a motion to memorialize this resolution. Second, board Member Hubert. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Ms. Yudin and Chairman Fry.

**APPLICATION(S) – CARRIED**

**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).*

Sylvia Aydin and Emin Aydin, 524 Clinton Avenue, Wyckoff, NJ and Mr. Tyler VanderValk, Houser Engineering, LLC, the applicant's engineer, were present and remained under oath since the last meeting.

Mr. VanderValk said the applicant has addressed the Board's concerns including reducing the entrance to the driveway, increasing the side yard setback, moved the air conditioning units within the appropriate setback and had a professional landscape and irrigation plan prepared.

Board Member Hubert remained concerned with the retaining wall on the left side of the house.

Mr. VanderValk said that when the seepage pit to address drainage is installed in the driveway

the retaining wall will be rebuilt with modular block.

Board Member Shanley said his concern was with the right side of the house since it is a large imposing wall with no windows. He asked if some windows can be installed that would soften it.

Mr. VanderValk said the rooms on the second floor would be the walk in closet and bathroom and the applicant does not want any windows in these rooms for privacy. The first floor room has a fireplace on the wall. He added that this side of the house will face the neighbor's garage.

Vice Chairman Fry agreed that a few windows would soften the look of the exterior wall. He asked if any landscaping was being considered along the side of the house.

Mr. VanderValk said 8' green giant arborvitae will be planted along the property line and can be extended to the front plane of the house.

Board Member Borst was in agreement with extending the 8' green giant arborvitae to the front of the house

Township Engineer DiGennaro said that during construction the applicant may want to place some transit windows next to the fire place.

The Board agreed to leave it to the digression of the applicant as to whether he may install 2 to 3 windows on the right side of the house during construction.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve this application subject to the following conditions: the applicant may opt to have 2 to 3 windows installed on the right side of the house during construction and the 8' green giant arborvitae along the right property line will extend to the front plane of the house. Second, Board Member Tanis. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Ms. Yudin, Mr. Borst and Vice Chairman Fry.

### **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).*

This application has been carried to the Thursday, July 16, 2015 Board of Adjustment public hearing meeting at the request of the Board.

**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).*

Mohammad Iqbal, 416 Woodbury Drive, Wyckoff, NJ was sworn. He explained that he wanted a deck on the side of his house because leaves pile up in this area and he was not aware that he needed a building permit.

Vice Chairman Fry said he was concerned with the deck being 8.9 feet from the property line where 20 feet is required. He added that the deck location right next to the enclosed glass sun room is a safety concern.

Board Member Borst noted that the applicant would need to walk over the lawn area and up the stairs to a deck.

Board Member Kalpagian said the applicant has a beautiful enclosed glass sun room and suggested that the applicant remove the brick wall so the leaves can blow through the yard instead of adding a deck.

Mr. Iqbal said he would like to barbeque in this area of his yard.

Vice Chairman Fry suggested that a paver patio be installed outside the sunroom for barbequing which would not encroach into any setbacks. He said there are zoning requirements in town and the applicant has violated these requirements.

Board Member Borst said the applicant will need to reduce the deck to within 15' from the side yard setback or remove the entire deck.

Vice Chairman Fry opened the meeting to the public.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Vice Chairman Fry said the applicant has heard the comments from the Board. He said the applicant can rethink his plan and return for next month's meeting or he can reduce the deck to within 15' from the side yard setback.

Township Engineer DiGennaro said the applicant can carry this application to the next month meeting, withdraw the application and remove the deck or the Board can vote this evening on the application.

Mr. Iqbal said he would like the Board to vote on his application this evening.

Vice Chairman Fry asked for a motion to approve this application as presented. Seeing no motion Board Member Borst made a motion to deny this application and the entire deck will need to be removed. Second, Board Member Shanley. Voting in favor of denial: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Mr. Shanley, Ms. Yudin, Mr. Borst and Vice Chairman Fry.

**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).*

Priscilla Triolo, the applicant's attorney was present. Mr. Charles Osterkorn, the applicant's engineer, 121 Godwin Avenue, Wyckoff, NJ was sworn.

Ms. Triolo said the applicant is before the Board due to pre-existing conditions due to lot width and existing side yard setbacks. She said for clarification that this house is a 4 bedroom house and all of the bedrooms will now be located on the second floor. She said that the first floor

bedroom on the architectural plans will need to be revised to show a family room with an archway entry off the kitchen. Marked as identification at this time were the following exhibits:

A-1 Engineer plan dated April 15, 2015

A-2 Site plan dated April 15, 2015 and revised on June 15, 2015

Township Engineer DiGennaro said the septic system plan has not been reviewed or approved yet but it could accommodate a 5 bedroom house.

Mr. Osterkorn said this property is an odd shaped lot which is 550' deep and slopes to the rear of the property at a 10' drop into wooded wetlands. The front width of the property is substandard at 103.26 feet where 125 feet is required. He said the existing Cape Cod house has 2 bedrooms on the first floor and 2 bedrooms on the second floor. The variance request is for an existing side loading 2 car garage. He said the previous owner had no issue with the 24' back up area. He said a portion of the house will be widened by the existing breezeway and the master suite will be located above the garage. He said the existing septic is located in the front yard and the proposed septic will be located to the rear yard where 2 trees will be removed.

The Board suggested the garage load from the rear of the property.

Township Engineer DiGennaro said the garage cannot load from the rear since you cannot pave over an underground septic system area.

Vice Chairman Fry summarized the variances that are being requested are for a pre-existing front property width of 103.26 feet where 125 feet is required, side yard setback of 19.7 feet where 20 feet is required and the pre-existing side loading garage where 24.5 feet currently exists and 27 feet is required.

Board Member Borst requested a professional landscaping plan subject to the approval from Township Engineer DiGennaro.

Ms. Triolo accepted this landscape proposal.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Yudin made a motion to approve this application subject to a landscaping plan being approved by the Township Engineer and the architectural plan being modified to a family room. Second, Board Member Hubert. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Mr. Shanley, Ms. Yudin, Mr. Borst and Vice Chairman Fry.

**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*).

Richard and Lorie Gordon, 300 Saw Mill Lane, Wyckoff, NJ were sworn. Mr. Gordon said that currently there is no covering over the front steps and due to the harsh winter he would like to cover and protect the steps for safety reasons. He said the proposed setback will be 37.75 feet where 40 feet is required.

Vice Chairman Fry said this request is not for cosmetic reasons and the roof will serve a purpose in protecting the steps and for safety reasons.

Township Engineer DiGennaro said the proposed covered front porch above the main entrance will cover the landing.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Hubert made a motion to approve this application as presented. Second, Board Member Yudin. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Mr. Shanley, Ms. Yudin, Mr. Borst and Vice Chairman Fry.

**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).*

Mike Belske, 383 Cedar Hill Avenue, Wyckoff, NJ and Xiomara Paredes, the applicant's architect, were sworn. She stated that she is a licensed architect in the State of NJ and NY.

Ms. Paredes explained to the Board that her revised calculations are lesser than what was applied for which would affect the variance for the garage. She said the gross floor area is 3,326.30 square feet instead of 3,700 square feet which would have triggered an enhanced side yard setback. This change is because the family room was counted as two stories but is only one floor with a vaulted ceiling.

Township Engineer DiGennaro asked that Ms. Paredes provide the square footage of the first floor and second floor. He said the architect has stated that the finished first, second floor and the proposed finished garage is included and is under 3,700 square feet which would eliminate the enhanced side yard setback of 25 feet where 21.49 feet currently exists and 20 feet is required.

Ms. Paredes said the square footage of the family room is 962 square feet with a 15' vaulted ceiling and the total gross floor area is under 3,700 square feet.

Township Engineer DiGennaro said the only new variance the applicant is seeking is for the side yard setback of the garage where 6 feet is proposed and 15 feet is required.

Marked as identification was the following exhibit  
A-1 revised zoning calculations

Vice Chairman Fry reiterated that the gross square footage of the existing house and proposed garage is 3,326.30 square feet so the enhanced side yard setback does not apply. He said the proposed accessory structure remains at 6' from the side yard setback where 15' is required and the existing shed is at 3' from the side yard setback where 15' is required.

Ms. Paredes said the homeowner is a car enthusiast and would like to construct a 2 car detached garage. She said there is an existing rock retaining wall along the driveway does not allow the homeowner to maneuver his cars into the existing garages. The proposed 28.70' x

25.50' garage will be located to the right of the existing septic tanks and 6' from the side yard setback. The garage will have four-post lifts for stacking vehicle storage. The proposed garage will be 40' from the house for a turning radius when existing the garage and this will also create an open view to the rear yard since the applicant will be removing part of the existing deck.

Marked as identification at this time were the following exhibits

A-2 Photo of the garages on the side of the house

A-3 Photo of the rear yard

A-4 Aerial photo of the property

A-5 Dimensional spec sheet of the Bend Pak four post lift for the interior of the garage

Board Member Shanley asked if the septic system will be impacted with the construction of this garage.

Ms. Paredes said the location of the garage will need to be a minimum of 5' away from the septic tank.

Township Engineer DiGennaro said inspection ports are located in the septic field which should be a minimum of 15 feet from the proposed garage.

Vice Chairman Fry asked if the proposed garage can be shifted towards the center of the yard away from the property line.

Township Engineer DiGennaro said it would depend on which way the tank has been placed in the ground. He suggested the applicant have tests done to see which position the septic tank is.

Mr. Belske said he is a car collector but does not work on the cars that will be stored in his garage. He said the post lifts are to store the cars and there will not be a second floor in the garage.

Board Member Kalpagian asked what the use will be of the existing three (3) garages.

Mr. Belske said one of the existing garage will be used for storage while the other 2 existing garages will be used for my car and my spouses car.

Board Member Borst said that 6 is quite close to the neighboring property line. He asked that the applicant have the septic system tank inspected and move the garage 10' from the side yard property line.

Board Member Tanis said that the further away from the side yard property line the garage is moved that would leave an area to store possibly another car or a trailer.

Vice Chairman Fry agreed to 10' to 11' from the property line. He also suggested that landscaping be installed along the property line to avoid any additional outside storage.

Township Engineer DiGennaro said revised plans will be required once the septic system tank orientation is found.

Vice Chairman Fry also asked that the shed be moved the same amount of space as the garage will be moved from the side yard setback.

Mr. Belske said he is willing to move the existing shed the same distance as the garage.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application until the Thursday, July 16, 2015 meeting at 7:30 p.m.

**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).*

Jeni Kertesz, 88 Morley Drive, Wyckoff, NJ was sworn. Ms. Kertesz said she would like to install a covering over the landing to the front steps to protect the landing from the weather.

Vice Chairman Fry said the covering would be a safety issue to protect the landing and the front steps. He noted for the record that this addition will have 2 kitchens within the same structure.

Ms. Kertesz said this will be a bar area without a stove so it will not be designed or used as a second kitchen.

Township Engineer DiGennaro said there is a dishwasher noted on the plan.

Ms. Kertesz said the dishwasher will be for the bar. She said her parents plan on staying with her when they visit from Florida. The family room and bar area will be used for family gatherings.

Vice Chairman Fry said this is a glaring second family living condition since there are also 2 front doors or a 2 family housekeeping unit in a single family zone.

Ms. Kertesz said her front door will be the main entrance to the house and it will flow into the additional where the family room and bar are located. She said if the issue is the front door than she will remove the second front door.

Vice Chairman Fry said the issue is if the applicant is opening the issue of someone trying to make a separate suite or separate living space.

Mr. Timothy Curran, 88 Morley Drive, Wyckoff, NJ the applicant's father, was sworn. He said it is aesthetically pleasing to have a front door with a porch by the new addition. He said the open area to be constructed is meant for an entertainment area for his children and 9 grandsons and a stove is not intended to be installed in this area.

Board Member Borst said he would like to see a foundation landscape plan for the front of the new addition.

Mr. Curran said the existing landscaping will continue across the front of the new addition and a landscape plan will be provided.



Township Engineer DiGennaro said the proposed second floor master bedroom area does not connect to the existing second floor bedroom area. He said no second kitchen is permitted and this dwelling shall remain a single family housekeeping unit by the signing of a deed restriction before any building permits can be issued.

Board Member Hubert said in the future a wall can be constructed and this can become a two family house which is not permitted in this single family residential zone.

Vice Chairman Fry asked that a deed restriction be drafted that clearly re-states this house will remain a single family housekeeping unit and the owners do not use it as a 2 family housekeeping unit.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

Board Member Shanley made a motion to approve this application subject to a landscape plan with foundation plantings and a deed restriction that this house remains a single family residential dwelling. Second, Board Member Kalpagian. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Mr. Shanley, Ms. Yudin, Mr. Borst and Vice Chairman Fry.

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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 11:14 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary  
Wyckoff Board of Adjustment