

**WYCKOFF BOARD OF ADJUSTMENT
JUNE 19, 2014 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 Chairman Donkersloot:

"The June 19, 2014 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: Jim Donkersloot, Chairman; Erik Ruebenacker, Vice Chairman; Susan Yudin, Carl Fry, Ed Kalpagian, Alt.

Board Members Absent: Mark Borst, Brian Hubert, Alt.

Staff Present: John Spizziri, Board Attorney; Mark DiGennaro, Township Engineer.

Staff Absent: Susan Schilstra, Board Secretary.

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

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

OLD BUSINESS

APPROVAL OF MINUTES

The May 15, 2014 public work session/public business meeting minutes were approved at the public work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #14-06- Approval of vouchers from various escrow accounts.

Resolution #14-06 was memorialized at the public work session meeting.

APPLICATION(S) - CARRIED

PIMLEY, INGRID BLK 217.01 LOT 51.01 (RA-25); 240 Crescent Avenue. (*The applicant proposes to expand the second floor over the existing first floor and add a front porch which will encroach into the front yard setback*).

Ms. Pimley thanked the Board for reconsidering her application from last month. Since then she has submitted a new landscaping plan taking into consideration the Board's guidance to include more shrubbery. She testified as to the finding of the survey and property line issue taken by Bergen County in 1972 by 13 feet and therefore hopes the Board would use this information to factor into reconsidering her original porch proposal. She said in 1972 during the subdivision of this property the practice for road widening was to take the property rather than an easement allowing the property line to remain with an inclusion of an easement. She said her proposed porch would be within the required 40' setback and she would not need to seek a variance if today's standard practice of acquiring an easement were adopted in 1972. Based on this information she feels her property is a unique situation and meets the criteria for seeking a hardship variance.

Chairman Donkersloot questioned if applicant was aware of this property condition when she bought the property.

Ms. Pimley said she was not aware of this situation.

Mr. Spizziri answered Board Member Yudin's question if the taking could be relinquished by the County. Mr. Spizziri said it is unlikely that the County to reverse the taking. Township Engineer DiGennaro said the County today would take an easement with the right to access it for road widening purposes and the property would remain the property owners and the property line would be unaffected.

Board Member Fry said this is clearly a case for a hardship variance. He said he is satisfied with the landscape plan.

Township Engineer DiGennaro summarized the setbacks as related to the front property line prior to the subdivision in 1972. He stated that applicant would not be required to appear before the Board of Adjustment if it was an easement and not the taking of the land since the first step of the porch would be at 40.75 feet where 40 feet is required and the actual setback of the front porch is at 44.5 feet with no covering over the porch. He said that currently the applicant is requesting a variance for a front step at 27.25 feet.

The Board noted the request for a hardship variance and not a self-imposed hardship.

Vice Chairman Ruebenacker said the left side of the house will remain at 16.1 feet where 20' is required.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Township Engineer DiGennaro said that Board Members Kalpagian and Ruebenacker had signed statements that they listened to the tape of the previous meeting at which they were absent and can vote on this application this evening.

Board Member Fry made a motion to approve this application based on the recent testimony as presented. Second, Vice Chairman Ruebenacker. Voting in favor: Mr. Kalpagian, Ms. Yudin, Mr. Fry, Mr. Ruebenacker and Chairman Donkersloot.

MESSERY, CHARLES & PASQUALINA BLK 440 LOT 10 (RA-25); 379 Holly Drive. *(The applicant proposes to add a second floor addition which will create 3 stories due to the topography of the property).*

Charles Messery, 379 Holly Drive, Wyckoff, NJ and Mr. Joseph Donato, licensed architect in the State of New Jersey, 14 Route 4 West, River Edge, NJ were reminded by Chairman Donkersloot that they were previously sworn at last month's meeting. Also present was Mr. Pat DeMarco, 912 Belmont Avenue, North Haledon, NJ the applicant's attorney.

Mr. DeMarco said that as a result of the meeting last month the applicants architect has revised the plan and will testify as to the changes he has made to address the concerns of the Board.

Mr. Donato said that sheet A-1, the site plan survey and elevation, was revised. He said that drainage calculations were certified by an engineer and 2-1000 gallon seepage pits will be located in the rear of the property which will handle any potential roof runoff. He added that a licensed surveyor has done a topography survey of the entire lot. Also the height of the house will be at 34 feet as he also lowered the roof pitch from 8.5 on 12 to an 8 on 12 to lower the roof. He said the applicant has agreed and will be installing a landscape berm at the rear property line.

Mr. Messery testified to the landscape plan by Terre Landscape and said he intends to install a berm to rear of property along with 2 seepage pits to alleviate any water run off towards the neighbor's house. He said that the trees that were removed will be cut to firewood logs which will be split and stacked neatly. He said he plans on raking the rear lawn, applying topsoil and seeding the area as well as installing a paver patio to achieve a uniform rear yard next to structure. He said that 7' to 8' tall arborvitae will also be planted along the side property line for buffering of the side yard neighbor. He said that he took photographs of area homes which address the comment that the house does not fit the neighborhood representing the 3 story homes that currently exist in the area due to the topography of the land. Mr. Messery also agrees to sign a recorded deed restriction on his property so that it will only be used as a single housekeeping unit in perpetuity.

OPEN TO THE PUBLIC

Mr. Budd, 728 Willow Run, Wyckoff, NJ was previously sworn at the last meeting and remains under oath. He said that if the township engineer is satisfied with the berming and 2 seepage pits that the neighbor is constructing and installing with regards to runoff onto his property then he is confident that the measures will be sufficient and took no exception to the project.

CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker and Board Member Kalpagian said that they have listened to the tapes of the previous meeting and are eligible to vote on this application this evening.

Vice Chairman Ruebenacker made a motion to approve this application subject to the following revisions of a topography plan, a landscaping plan, revised plot plan with the elevation drawing and a recorded deed restriction that this house remain a single family dwelling. Second, Board Member Fry. Voting in favor: Mr. Kalpagian, Ms. Yudin, Mr. Fry, Mr. Ruebenacker and Chairman Donkersloot.

APPLICATION(S) – NEW

RAGONE, GRACE BLK 497 LOT 2 (RA-25); 484 Grandview Avenue. *(The applicant proposes to add a second floor addition and rear addition to the existing house).*

Michael Ragone, son of Grace Ragone and Joseph Donato, AIA, 14 Route 4 West, River Edge, NJ were sworn. Mr. Donato presented the application regarding the zoning criteria. He said this property is very unique as it the first house off the 208 ramp. He said the addition towards the side of the property will remain a one story and the second floor addition will consist of all of the bedrooms and will be 26.45' from the right property line and 21.3' feet is existing on the right side. Mr. Ragone said his family is moving in with his mother since his dad passed away last year. Mr. Donato said the square footage exceeds the maximum 3,700 square feet that is required and the applicant is at 4,811 square feet and therefore the side yard requirement of 25' is being required where 21.3 feet and 14.1 feet exist.

Chairman Donkersloot and Vice Chairman Ruebenacker recommended that the right side of the house be stepped in by 2' at the cabana level as well as the second floor.

Chairman Donkersloot requested that a landscape plan be provided.

OPEN TO THE PUBLIC

James T. DiPiazza, 212 Sunrise Drive, Wyckoff and son Carl DiPiazza, Esq. is representing his father. He said his father resides on the corner of Sunrise Drive and Grandview Avenue. He said his rear yard is 30 feet wide and abuts the side yard of Mr. Ragone's property. He is concerned about the size and proximity of the proposed addition to the property line. He requested that a buffer be established and maintained.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the next meeting which is July 17, 2014. The applicant will not need to renotice the newspaper or the neighbors. The applicant will need to provide a landscaping plan and revise the architectural.

KOZLOWSKI, MARIUSZ BLK 516 LOT 25 (R-15 CORNER); 522 Ravine Court. *(The applicant proposes to add a second floor addition which will encroach into the second front yard (Ravine Avenue) and also create 3 stories due to the topography of the property).*

Monica Kozlowski, 522 Ravine Court, Wyckoff, NJ was sworn. She said she would like a circular driveway to allow for close access to home with a toddler, baggage and for inclement weather. She said that the house is sewer.

Board Member Fry suggested to avoid building over the existing first floor living room over the garage which is 13' from the property line on Ravine Avenue and would support the addition on the other.

Chairman Donkersloot was not pleased with the landscaping plan. He said that 13' off the side yard setback will be intrusive. He suggested that the second floor be setback further from the side yard setback. He added that the front yard setback on this corner lot will encroach 23' into the front yard setback where 40' is required.

Board Member Ruebenacker questioned whether the retaining wall in the rear yard will be removed and the rear yard regraded.

Ms. Kozlowski said the retaining wall will be removed.

Township Engineer DiGennaro said the circular driveway will need to be 25' from the projected curb line intersection. He asked the applicant for additional detail on the landscaping plan as to which plants and trees are existing and what precisely is proposed. Also identify which retaining wall is going to be replaced and quantify the lowest elevation and highest elevation top of the wall on the plan.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the next meeting which is July 17, 2014. The applicant will not need to renotece the newspaper or the neighbors.

FINE, PAUL BLK 215 LOT 8 (RA-25 CORNER); 750 Wyckoff Avenue. *(The applicant proposes to construct a detached garage in the front yard setback of a corner lot).*

Paul Fine, 611 Buena Vista Way, Wyckoff, NJ was sworn. He said he would like to construct a 2 car garage to replace the dilapidated 1 car garage on this corner lot. He said the lot is deep and he would like to construct the proposed garage closer to the house. He said that currently there is a septic leach field located in this area.

Chairman Donkersloot recommended that the garage doors be turned to face the rear of the existing home.

Mr. Fine was concerned with the additional asphalt that would be needed if the garage is turned.

OPEN TO THE PUBLIC

Mr. Ebner, 758 Wyckoff Avenue, Wyckoff, NJ was sworn. He said he is in attendance this evening to question the application as he did not understand the notice which stated the garage would be built in the front yard. Township Engineer DiGennaro explained the code definition of front yard to Mr. Ebner and he was satisfied.

CLOSED TO THE PUBLIC

Chairman Donkersloot asked that the garage be turned so that the garage doors do not face Fern Avenue but will face Wyckoff Avenue. The Board asked the applicant to redesign the garage no closer than 10 feet from Fern Avenue with the garage doors facing Wyckoff Avenue.

The Board unanimously agreed to carry this application to the next meeting which is July 17, 2014. The applicant will not need to renotece the newspaper or the neighbors.

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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 10:30 p.m.

06-19-14PM

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Board of Adjustment

Respectfully Submitted,
Mark DiGennaro, Township Engineer
Wyckoff Board of Adjustment