

**WYCKOFF ZONING BOARD OF ADJUSTMENT
MARCH 19, 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, Vice Chairman:

"The March 19, 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; Mark Borst; Susan Yudin; Brian Hubert; John Carolan; Brian Tanis, Alt.

Board Member(s) Absent: Ed Kalpagian, Alt.

Staff Present: John A. Spizziri, Sr. Esq., Board Attorney; Mark DiGennaro, Township Engineer; Peter Ten Kate, Boswell Engineering Representative; Susan McQuaid, Board Secretary.

OLD BUSINESS

APPROVAL OF MINUTES

February 19, 2015 work session/public business meeting

Board Member Hubert made a motion to approve the February 19, 2015 work session and public hearing minutes. Second, Board Member Carolan. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Borst and Vice Chairman Fry.

December 8, 2014 Special Meeting minutes

Vice Chairman Fry made a motion to approve the December 8, 2014 special meeting minutes. Second, Board Member Borst. Voting in favor: Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #15-02 - Approval of vouchers from various escrow accounts.

Board Member Carolan made a motion to approve vouchers for payment. Second, Board Member Hubert. Voting in favor: Mr. Hubert, Mr. Carolan, Mr. Tanis, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

RESOLUTION(S) TO BE MEMORIALIZED

HANNOUSH, PETER & GRETCHEN BLK 400 LOT 13 (RA-25); 516 Sicomac Avenue. *(The applicant proposes to occupy the existing home while a new home is being constructed. This new construction will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application).*

BARROS, NORMA BLK 266 LOT 20 (R-15); 198 Godwin Avenue. *(The applicant proposes to install an in-ground pool which will exceed lot coverage).*

DeSILVA, MICHAEL & KRISTI BLK 319 LOT 7 (RA-25); 15 Neelen Drive. *(The applicant proposes to construct a porch to the front of the house which will encroach into the front yard setback).*

STOLPER, JONATHAN BLK 423 LOT 18 (RA-25); 766 Albemarle Street. *(The applicant proposes to construct an in-ground pool which will result in an accessory lot coverage of 6.17% where 5% is allowed).*

Board Member Carolan made a motion to memorialize the above reference resolutions. Second, Vice Chairman Fry. Voting in favor: Mr. Hubert, Mr. Carolan, Mr. Tanis, Ms. Yudin, Mr. Borst and Vice Chairman Fry.

DISCUSSION, APPOINTMENT OF PROFESSIONAL

RESOLUTION #15-002 for: Professional Service Appointment of Gary Montroy as a consultant to review construction plans of the CHCC Vista Project at the expense of the applicant.

Peter Ten Kate, Boswell Engineering Representative, said that he recommends that Gary Montroy be hired to review the construction plans for the CHCC application due to his extensive knowledge of the Uniform Construction Code and his significant experience serving as a code enforcement and compliance professional associated with building construction since 1970. He said the contract with Gary Montroy will be for 6 months at \$100 per hour not to exceed \$1,500. The report will be completed in 4 weeks.

Board Member Yudin said she was pleased that Mr. Montroy is also a Firefighter and Construction Code Official.

Board Member Borst made a motion to hire Gary Montroy to review the CHCC plans at the expense of the applicant. Second, Vice Chairman Fry. Voting in favor: Mr. Hubert, Mr. Tanis, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker. Abstain: Mr. Carolan.

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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"

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APPLICATION(S) – CARRIED

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 application has been carried to the April 16, 2015 public hearing meeting. The applicant will not need to renote the public.

OMLAND, ANDREW & KIERSTEN BLK 332 LOT 6 (R-15); 22 Madison Heights. (The applicant proposes to expand the footprint of the existing home and add a second level which will trigger the enhanced side yard setback requirement of 20 feet requiring a variance application).

Township Engineer DiGennaro said the existing single family dwelling is situated on a non-conforming lot located in the R-15 zone. The property is non-conforming due to lot area, frontage and front yard setback. The applicant is proposing to expand the footprint and adding a second story and a detached garage. The addition will require a variance to expand the structure into the front yard setback and for excessive accessory building coverage. The Storm water Management Plan satisfies the Township requirements and the property is served by sanitary sewer. This amended application lowered the total accessory structure from 7% to 5.6% where 5% is required and the front yard setback remains at 30' or 28' to the front step where 40' is required.

Board Member Borst noted that a large number of trees will be removed.

Chairman Ruebenacker said the width of the front porch remains 8' in depth and that the front yard setback remains a variance request.

Board Member Carolan said a deed restriction may be required so that the front porch is not enclosed.

SCHWARTZ, PETER & DINA BLK 217 LOT 7 (RA-25); 88 Logan Lane. *(The applicant proposes to construct an in-ground pool, patio, spa and pool equipment which will result in an impervious coverage of 34.85% where 28.5% is allowed).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone is non-conforming due to front yard setback. The applicant is proposing to construct an in-ground pool resulting in a variance request for excessive impervious coverage of 32.5% where 28.5% is required. He said that the property owners adjacent to and upstream of this property are concerned with flooding and that this pool will not impact the swale or storm drain on the westerly side of the property.

Chairman Ruebenacker said he would like to hear testimony on the size of pool and patio.

APPLICATION(S) – NEW

KAYAL, GARY BLK 351 LOT 19 (RA-25); 387 Cedar Hill Avenue. *(The applicant proposes to install an in-ground pool and construct an addition to the rear of the house which will trigger the enhanced side yard setback ordinance).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone is non-conforming due to side yard setback and frontage. The applicant is proposing to construct an addition to the rear non-compliant portion of the house resulting in a variance request for side yard setback of 18.5 feet. Since the addition triggers the enhanced side yard setback ordinance a 25' side yard setback is required. The applicant is also proposing an in-ground pool as part the improvement.

Board Member Borst asked if a variance is being required for the construction of the pool.

Township Engineer DiGennaro said the pool is conforming and the variance request is for the side yard setback for the addition

CERVONE, RYAN & DANIELLE BLK 456 LOT 63 (RA-25); 204 Coolidge Terrace. *(The applicant proposes to expand the second floor and add a covered front porch and landing which will encroach into the front yard setback).*

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 second floor and add a covered front porch. This expansion will require a variance for front yard setback of 34.7' where 40' is required. The property is served by sanitary sewer and a storm water management plan is not required. He added that the front yard setback variance is due to the radius of the cul-de-sac bulb.

DeGREGORIO, JOSEPH & ELIZABETH BLK 352 LOT 14.01 (RA-25); 331 Newtown Road. *(The applicant proposes to construct a detached garage adjacent to the dwelling which triggers a variance due to the fact that the detached accessory structure will be located in front of the front plane of the principal structure facing the street).*

Chairman Ruebenacker said the above reference application has been carried to the Thursday, April 16, 2015 public hearing meeting.

COLLADO, FRANK BLK 207 LOT 13 (RA-25); 288 Brookside Avenue. *(The applicant proposes to extend the overhang on the front of the house by 2 feet which will encroach into the front yard setback).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone and is conforming. The applicant is proposing to extend the existing front overhang by approximately 2 feet to create an entrance which is more protected from the elements. He added that the application will be adding a 2' porch onto the 2' cantilever for a 37.2' front yard setback to the first step.

PISA, ANTHONY BLK 265 LOT 50 (RA-25); 55 Saxonnia 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).*

Borst recused himself from discussion and removed himself from the dais.

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-25 zone is non-conforming due to lot size, frontage, depth, front yard setback, and side yard setback. The applicant is proposing to expand the existing structure by attaching a new 2 car garage and adding an addition to the first and second floors requiring variances. The property is served by sanitary sewer and a storm water management plan satisfies the Code requirements. He added that the front yard setback is 16.8' to the new covered porch.

Chairman Ruebenacker said the side yard setback on the left side of the house is 1' to the soffit.

PEKALA, KRZYSZTOF & EWA BLK 268 OT 24 (R-15); 112 Linden Street. *(The applicant would like to demolish the existing home and construct a new home which will encroach into the front and rear yard setbacks and exceed principal building lot coverage).*

Township Engineer DiGennaro said the existing single family dwelling is situated in the RA-15 zone and is non-conforming due to lot area, frontage, depth, front yard setback and a side yard setback. In addition, the detached accessory garage is non-conforming due to side yard setback. The applicant is proposing to demolish the existing structures and construct a new 2 story home with an attached garage. The application requires variances for front yard setback, rear yard setback, and principal building lot coverage where 19.49% is proposes and 15% is permitted. This application satisfies the Township requirements for Storm water Management and the property is served by sanitary sewer.

Chairman Ruebenacker said his primary concern is the excessive building lot coverage of 19.49%.

Board Member Borst said screening will be required along the property line for the neighbors and he was concerned with the height of the house.

Board Member Fry said the existing/original house is in pristine condition. He said this home will be demolished.

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).*

MBoard Attorney Spizziri and Board Member Yudin recused themselves from discussion and removed themselves from the dais.

Township Attorney Landel has joined the Board on the dais as Board of Adjustment Attorney.

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 and number of stories. The project includes the removal of 23 mature trees from the property and the installation of a new 6 bedroom septic system which has been reviewed and approved. He added that the proposed impervious coverage is 20.69 % which is less than the maximum allowed, 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 and three story construction is categorized as 5A residential construction under the UCC requiring a 1 hour fire rating.

Chairman Ruebenacker was concerned with the height of the house and noted that the landscaping plan was lacking sufficient detail.

Board Member Borst said additional plantings will be required along the property lines.

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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,

Susan Schilstra McQuaid, Secretary
Wyckoff Board of Adjustment