

**WYCKOFF BOARD OF ADJUSTMENT
JULY 20, 2017 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 Erik Ruebenacker, Chairman:

"The July 20, 2017 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.

Board Member Attendance: Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Brian Tanis; Rich DeLeo, Alt.

Board Members Absent: Ed Kalpagian; Brian Hubert; Robert Ebel, Alt.

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

The Board of Adjustment Meeting began with the Pledge of Allegiance.
Roll call was taken.

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Erik Ruebenacker, Chairman 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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Chair Ruebenacker stated that all phones, pagers and hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

OLD BUSINESS

APPROVAL OF MINUTES

June 15, 2017 work session/public business meeting
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #17-07- Approval of vouchers from various escrow accounts.
Resolution #17-07 was approved at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

188 HILLSIDE AVENUE, LLC BLK 353 LOT 10 (RA-25); 188 Hillside Avenue. *(The applicant proposes to add a level and expand the footprint of the existing dwelling which will encroach into the front yard setback).*

This resolution was memorialized at the work session meeting.

APPLICATION(S) – CARRIED

WERKLEY, TIMOTHY/ESTRELLA, ROSA BLK 483 LOT 16 (RA-25); 129 Starr Place. *(The applicant proposes to expand the first floor and add a level to the second floor with will encroach into the side yard setback due to the enhanced side yard setback requirement and will exceed principal building lot coverage).* This application has been carried until the Thursday, August 17, 2017 meeting at the request of the applicant.

SHOTMEYER, MARSHA BLK 314 LOT 64 (RA-25); 502 Helena Avenue. *(The applicant proposes to add a level and expand the existing footprint of the house which will encroach into the side yard setbacks).* This application has been carried until the Thursday, August 17, 2017 meeting at the request of the applicant.

MOROZ, CEZARY/GAWLE, DANUTA BLK 231 LOT 6 (RA-25); 516 Clinton Avenue. *(The applicant proposes to expand the footprint of the existing house and add a level to the second floor which will trigger the enhanced side yard setback and encroach into the side yard setbacks).* This application has been carried until the Thursday, August 17, 2017 meeting at the request of the applicant.

APPLICATION(S) – NEW

STOJKOVSKI, VESNA & DRAGAN BLK 436 LOT 26 (RA-25 CORNER LOT); 701 Mountain Avenue. *(The applicant proposes to live in the existing home while they construct a new dwelling which will be consistent with the bulk requirements).*

Vesna and Dragon Stojkowski, 701 Mountain Avenue, Wyckoff, NJ were sworn. Mr. Stojkowski said they would like to construct a 4,000 square feet single family home while living in the existing home. Once the new house has been completed they will knock down the existing dwelling, garage and shed. Ms. Stojkowski said the workers entrance area to this site during construction will be on Smith Place.

Chair Ruebenacker said the applicant is requesting 2 variances of which one is for pre-existing lot size of 20,856 sf where 25,000 sf is required and the second is for 2 single family structures on one lot where one single family structure is allowed. Mr. Stojkowski said he is willing to post a bond, get a temporary Certificate of Occupancy for the new house and then demolish the old house. He said his existing home in Garfield has been sold and he will need to live in the existing Wyckoff house. Township Engineer DiGennaro suggested that a bond of \$25,000 be posted for the demolition of the existing home and the new construction to be completed within 18 months from the issuance of the building permits to the final CO. He also stated that the height of the house will not exceed 34.66 feet. Chair Ruebenacker thanked Mr. Stojkowski for submitting a thorough landscape plan. Board Member Borst said the landscaping plan is

adequate for this property. Vice Chair Fry was concerned with the stability of the existing house during the construction of the new house. Mr. Stojkowski said excavation will be 8' from the existing house. Vice Chair Fry also asked that the applicant be cognizant of the neighboring property owners and the traffic on Smith Place during construction. He added that all the landscaping on the landscaping plan will need to be planted.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

Vice Chair Fry made a motion to approve this application as submitted subject to the following conditions: 18 months from permit to final CO and then the existing house will need to be demolished; a bond will be posted and held in escrow for \$25,000. Second, Board Member DeLeo. Voting in favor: Mr. DeLeo, Mr. Tanis, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

PUCHALIK, JOSEPH & SARAH BLK 352 LOT 4 (RA-25 CORNER); 269 Cedar Hill Avenue. *(The applicant proposes an alteration to the front porch, addition of a deck off the family room, shed and fence which will encroach into the front and side yard setbacks on this corner lot).*

Joseph & Sarah Puchalik, 269 cedar Hill Avenue, Wyckoff, NJ were sworn. Mr. Puchalik said they would like to make alterations to the front porch, add a deck off the family room, and install a 14' x 20' shed and a fence along the property line for privacy in the front yard of this corner lot. He said he does not have a rear yard and will need to use the side yard/front yard for his family. He added that the shed cannot be located near the septic field. He said that when he had applied for a variance for the family room he did not know he would need a variance for the deck. He added that the front steps will be upgraded in order to have a larger landing for access to the house.

Chair Ruebenacker recommended that the applicant relocate the shed 15' from their side property line next to the neighbor's house. Mrs. Puchalik said soil will need to be brought to this side area location in order to level the ground for a shed. Chair Ruebenacker asked what the future plan for the yard is. Mrs. Puchalik said she needs a safe area for her children and the dog. Chair Ruebenacker said he would like to see plantings in front of the fence on Cedar Hill Avenue. Township Engineer DiGennaro said the shed will need to be 15' off the property line and setback 20' off of Newtown Road. Board Member Tanis asked what material the fence will be. Mrs. Puchalik said the fence would be a wooden pine fence. Vice Chair Fry said landscaping on the outside of the fence will soften the look of a fence on this corner lot. Board Member Borst said that deciduous plants will not remain green all year long. He asked that the applicant plant something that will grow 12' to 14' tall and remain green all year long. He suggested that a revised landscaping plan be submitted prior to the next meeting. Chair Ruebenacker asked if there was any variance request for the deck. Township Engineer DiGennaro said the variance is for an accessory structure in the front yard plane of the house on Newtown Road and not a side yard setback issue. He said the fence will be a 6' privacy fence, the front porch variance request is for 25.85' to the front step and is acceptable as proposed, the location of the deck is acceptable provided the footings do not interfere with the septic field, and the Board will need to be provided with a landscape plan of the Cedar Hill Avenue front yard foundation and fence planting and Newton road plantings once the project has been completed.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the August 17, 2017 public hearing meeting. The applicant will need to submit revised plans for the location of the shed and a landscape plan.

KOCHER, DAN & LAURA BLK 352 LOT 25 (RA-25); 274 Merlin Place. *(The applicant proposes to construct a one and a half story addition to the rear of the house for a kitchen, great room, master suite and porch which will trigger the enhanced side yard setback and encroach into the side yard setbacks).*

Dan and Laura Kocher, 274 Merlin Place, Wyckoff, NJ were sworn. Robert DePippa, the applicants architect was also sworn. He said he is a registered architect in the State of New Jersey since 1996. The Board accepted Mr. DePippa's credentials.

Robert DePippa said he designed the interior of this house with the addition of a family room with a master bedroom upstairs. Ms. Kocher said the family needed a better use of the space for family events and for ourselves. Mr. DePippa said three variances are being requested for side yard setbacks of the existing house where 9.02' and 9.76' are existing and 18' and 15.6' are proposed and lot building coverage where 15% is required and 17.8% is requested. The total proposed combined lot coverage is 18.83% where 20% is required. He said the existing lot is undersized where 25,000 sf is required and 18,131 sf is existing. He said the siding will be replaced with hardy plank siding. Board Member Borst said that when the existing veneer and windows are removed from the front of the house and the new stone veneer foundation and hardy plank siding is installed the landscaping in the front of the house may be damaged. He asked that any damaged landscaping be replaced with the same kind. Township Engineer DiGennaro said a storm water management plan is required for this application and must be submitted and approved prior to release of any permits. A new septic system to serve a 4 bedroom dwelling has been approved for construction. He added that the location of the air conditioning units will also need to be noted on the site plan and screened with evergreen plants. He added that there is a discrepancy with the revised site plan that the proper lot coverage be noted along with this number on Section J. Mr. DePippa said the AC units will be placed behind the rear addition next to the chimney.

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: any landscaping destroyed or impacted during construction will be replaced with the same species and size; the air conditioning units will also need to be noted on the revised site plan within 15' setback with landscaping around the AC units and an updated site plan with the proper percentage of lot coverage be provided and also corrected on Section J of the application. Second, Board Member Yudin. Voting in favor: Mr. DeLeo, Mr. Tanis, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

LES, ALEXANDER & CHRISTINA BLK 314 LOT 72 (RA-25); 540 Helena Avenue. *(The applicant proposes to demolish the existing home and construct a new home which will exceed the building height and trigger the enhanced side yard setback requirement).*

David Mayland, the applicant's attorney, was present. He asked that the following exhibits be marked for identification:

A-1 Application packet

A-2 Submission that depicts the height of the structure

Mr. Mayland said the applicant is before the Board for three (3) variances which include height, three (3) stories and side yard setback for the garage. He asked that the applicant provide testimony at this time.

Alexander Les, 540 Helena Avenue, Wyckoff, NJ was sworn. He said he purchased the property in 2011 with the intent to reside in Wyckoff with his family. He said that currently the house in Wyckoff is rented and he resided in Paramus.

David Sudacki, the applicant's engineer, was sworn. He said he is a licensed engineer in the State of New Jersey, received his degree in civil engineering from NJIT and is employed by Lapatka Associates. The board accepted Mr. Sudacki's credentials. Mr. Sudacki explained the site conditions where the existing frontage is 120' and 125' is required, 339.42' is the depth where 150' is required, the existing site contains a 1 ½ story dwelling and a circular gravel driveway both located in the front one third of the site and the topography of the site slopes west to east at an 8' slope in the front, in the center of the site it slopes off at 15' and the rear of the property slopes at 10'. He said the existing home will be demolished. He said the applicant is requesting a variance for building height, side yard setback and three (3) stories. He said the highest part of the roof to the lowest grade of the property is 41' where 35' is permitted since the applicant is requesting a walk out basement onto a patio. The side yard setback variance is requested since a small triangular corner of the garage encroaches into the 25' setback. This new home will exceed 3,700 square feet which triggers the enhanced side yard setback of 25'. A landscape plan was also submitted which provided two (2) rows of arborvitae which will be installed on the east and west property line to buffer the property line and soften the height of the structure. He added that trees will be removed in the septic field area in the rear of the property and for the circular driveway. Mr. Mayland asked Mr. Sudacki if the garage could be located on the right side of the dwelling. Mr. Sudacki said there would be a vehicular conflict with the front door entrance. He said that soil movement will be needed on this site with the amount of 1,646 cubic yards of cut, 834 cubic yards of fill for a net soil export of 812 cubic yards. Vice Chair Fry said that by making the house three (3) stories, a retaining wall will need to be provided on the left side of the patio door. Mr. Sudacki said the height at the top of the retaining wall is 33.7' to the height of the roof.

Robert Puzio, 785 Totowa Road, Totowa, NH was sworn. He said he is a graduate of NJIT and a licensed architect for 16 years in the State of New Jersey. The Board accepted his credentials as an expert architect. Vice Chair Fry asked the architect to address the topography of the land and the elevation at the top of the roof. Mr. Puzio said when you exit the basement the elevation is 398.67 so the highest ridge is the center of the home which is at elevation 440. Vice Chair Fry had suggested having the driveway to the right of the home with a 3 car garage underneath without the need for any retaining walls. Mr. Puzio said the applicant did consider this but decided against it due to the topography of the land and the use of the rear yard.

Township Engineer DiGennaro asked how much of the garage area is encroaching into the side yard. Mr. Sudacki said there is 25 square feet triangular corner piece of garage area that is encroaching into the side yard setback. Mr. Les said he and his wife spent two (2) years designing this home and the location of the garage is for easy access. He said the design of the house is single story living with four (4) bedrooms on the second level. The house will be Victorian in style with corner turrets. The garage was angled for safety reasons and to keep the traffic away from the wrap around front porch. The circular driveway will provide easy access into the garage and exit once you have backed out of the garage. He said the exterior façade will have stone veneer with hardy plank siding and enhanced landscaping. Chair Ruebenacker said he is struggling with the side yard setback encroachment of the garage. Board Member Borst said he understands the side yard encroachment by the garage of 5'. He said if the garage was detached the side yard setback would be 15'. He added that the landscaping plan will need to be further enhanced. Vice Chair Fry said this lot is oversized in lot area with the proposed 5,000 square foot home. He said he had no issue with the 25 square foot encroachment into the side yard setback. Township Engineer DiGennaro said the applicant is proposing 7.4% of the principle building lot coverage where 15% is the maximum allowed. Board Member Tanis suggested the garage be rotated in order to achieve a 25' side yard setback. Board Member Yudin was concerned with soil movement and if it would change the topography of the land as far as run off. Mr. Sudacki said the grading will only be near the house and septic system. He said a lawn inlet along the easterly property line and swale will keep the run off on this property. Township Engineer DiGennaro said he has reviewed and approved the Stormwater management plan. Mr. Sudacki said the site plan reduced the amount and volume of runoff from the current conditions. At the northeast corner of the house there is a large underground retention system designed for a 100 year storm along with one lawn inlet. Vice Chair Fry said he would like to protect the neighbor to the right and left of the property. Mr. Sudacki said there is an inlet to the right of the property and then a swale. Township Engineer DiGennaro requested that a Belgium block curb be installed on the easterly side of the driveway with an additional inlet. Chairman Ruebenacker said there will need to be a revision to the drainage plan and a full landscape plan including a foundation planting. He added that if any trees are being removed the township encourages the replacement of those trees. Board Member Borst said the hardship with the removal of the trees is due to the installation of a new septic system in the rear yard. Board Member Tanis asked how many trees are going to be removed. Mr. Sudacki said 37 trees will be removed.

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William Harris, 482 Weymouth Drive, Wyckoff, NJ was sworn. He is concerned with the water runoff due to the trees being removed. He also is concerned with the underground retention system not being large enough. Mr. Sudacki said that 4 -1000 gallon underground retention system tanks will accommodate the proposed runoff where less water will run off from the site than what currently exists.

Erik Kao, 529 Helena Avenue, Wyckoff, NJ was sworn. He asked how long will the construction take. Mr. Les said he intends to start construction immediately and the construction will take 1 to 2 years. Chair Ruebenacker said the Board does not stipulate construction durations. Township Engineer DiGennaro said that once permits have been issued and the house has been demolished the State of New Jersey says that as long as progress is being made construction can continue.

Ken Galenkamp, 530 Helena Avenue, Wyckoff, NJ was sworn. He was concerned with the excessive height of the building. Mr. Sudacki said the height variance is due to the topography of the land. The highest ridge of the house will be in the center rear of the house.

Mike Homyachak, 553 Helena Avenue, Wyckoff, NJ was sworn. He was also concerned about the height of the building but understands the engineer's explanation and the side yard setback encroachment of the garage. He believes the garage should be shifted to accommodate the 25' setback.

CLOSED TO THE PUBLIC

Chair Ruebenacker summarized that the drainage calculations and the drainage plans will need to be updated based on the changes to the driveway and additional drainage inlets; a professional landscape plan will need to be provided; the applicant will need to replace as many trees as possible that are being removed; the garage will need to be shifted within the 25' setback and Belgium block curbing is to be placed on the easterly side of the driveway. The Board unanimously agreed to carry this application to the August 17, 2017 public hearing meeting. The applicant will not need to renote the public or the neighboring property owners.

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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 11:15 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment.