

**WYCKOFF BOARD OF ADJUSTMENT
MARCH 16, 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 March 16, 2017 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: Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Mark Borst; Brian Hubert; Susan Yudin; Ed Kalpagian; Brian Tanis; Rich DeLeo, Alt.

Board Members Absent: Robert Ebel, Alt.

Staff Present: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; Mike Kelly, Boswell Engineering Representative; Susan McQuaid, Board Secretary.

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

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.

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Chair 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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OLD BUSINESS

APPROVAL OF MINUTES

February 16, 2017 work session/public business meeting
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #17-03- Approval of vouchers from various escrow accounts.
Resolution #17-03 was memorialized at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

ALIMI, SINAN BLK 436 LOT 23.01 (RA-25); 688 Birchwood Drive. *(The applicant proposes to amend the previous approval to construct a conforming single family dwelling on a non-conforming lot).*

COCHRAN, MICHAEL & JULIE BLK 291 LOT 25 (RA-25); 306 Sunset Blvd. *(The applicant proposes to construct a portico over the front door which will encroach into the front yard setback).*

MESSINA, GERALD V. BLK 490 LOT 16 (R-15); 455 Louisa Avenue. *(The applicant proposes to reconstruct and alter an existing non-conforming accessory garage which will encroach into the rear yard setback and accessory side yard setback and exceed the total accessory structure lot coverage).*

The above referenced resolutions were memorialized at the work session meeting.

APPLICATION(S) – NEW

TOSCANO, PETER & DONNA BLK 455 LOT 46 (RA-25); 470 Glendale road. *(The applicant proposes to construct a covering over the existing front porch which will encroach into the front yard setback).*

Board Member Hubert recused himself from discussion and removed himself from the dais.

Zachary Gidich, AIA, the applicant's architect, was sworn. He stated he is a registered architect since 2012 and has a Bachelor of Architecture degree. He said he has been before the Board in Morristown, West Orange and Farview, NJ. The Board accepted Mr. Gidich's credentials. He explained that the applicant is requesting a variance for a front yard encroachment for an overhang over the front door. He said 40' is required and 33.8' is provided. He said the hardship for this is due to the lot being located at the end of a cul-de-sac and the radius of the cul-de-sac encroaches into the corner of the house in the front yard. Vice Chair Fry said this overhang is a safety feature in protecting the existing front steps. Township Engineer DiGennaro said the applicant has provided a survey which shows 40.3' to the wall of the house and 33.8' to the overhang. Chairman Ruebenacker said there will be no impact to the existing landscaping and if damaged it will be replaced with the same kind. Mr. Gidich agreed that if the landscaping is damaged it will be replaced.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Vice Chairman Fry made a motion to approve this application as presented with 33.8' setback to the overhand. Second, Board Member Yudin. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Kalpagian, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker. Abstain: Mr. Hubert.

APPLICATION(S) – CARRIED

GUGALA, HUBERT BLK 288 LOT 41; 294 Voorhis Avenue. *(The applicant proposes to construct a one story open porch addition to the rear of the house which will encroach into the side yard setback due to the enhanced side yard setback requirement).*

Vice Chairman Fry said he had listened to the recording of the February 16, 2017 meeting at which he was absent. Mr. Fry will be eligible to vote on this application.

Hubert Gugala, 294 Voorhis Avenue, Wyckoff, NJ was reminded by Board Attorney Becker that he was sworn at the previous meeting and remains under oath. Mr. Gugala said he relocated the grill and fireplace and removed a portion of the corner of the outdoor patio in order to keep the side yard setback within the 25' enhanced side yard setback requirement. He added that he is very pleased with the revision to the patio and the new placement of the grill and fireplace. Vice Chairman Fry said it is refreshing to have the applicant like the second plan better than the first plan. Township Engineer DiGennaro noted that the shed is not being moved. He asked that Section J will need to be revised to show the accurate lot coverage for total accessory and total combined lot coverage. Board Member Borst said the landscape plan is adequate.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Kalpagian made a motion to approve this application as presented subject to the following condition: Section J will be revised. Second: Vice Chair Fry. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Fry and Chair Ruebenacker.

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 to the April 20, 2017 public hearing meeting at the request of the applicant.

FOR COMPLETENESS REVIEW/PUBLIC HEARING

CHRISTIAN HEALTHCARE CENTER (CHCC) BLK 443 LOT 49.03, 51 & 52.01 (RA-25) – Amended site plan/use variance. *The applicant proposes to install a chiller (AC) unit in an existing courtyard.*

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

David Altman, from the law firm of Jeffer, Hopkinson & Vogel, the applicants attorney, was present. He said the applicant is here for an amended site plan application. Present this evening is Eric Boe from LAN Associates and Michael Doss, from the CHCC.

Michael Doss, senior VP of facilities management and business development at the CHCC, 301 Sicomac Avenue, Wyckoff, NJ and Erik Boe, employed with LAN Associates for 15 years, received his degree for civil environmental engineering from Cornell University and is licensed in New Jersey and New York, were sworn. Mr. Doss said currently the CHCC uses an existing

absorber for cooling and it is inoperative. He said the CHCC would like to replace it with a chiller which will be located in the same area used for providing cooling for the facility. The new chiller will be 110 tons of coolant and is a very efficient piece of equipment. Board Member Yudin asked how this chiller differs from an air conditioner. Mr. Doss said it is very familiar where you are taking out the heating from the liquid. Vice Chair Fry said the chiller will be inside the building. Vice Chair Fry asked if there will be any additional lighting. Mr. Doss said no additional lighting will be added. He added that a wall will be installed and surround the chiller for the purpose of sound and arborvitae will be planted around the wall. Mr. Doss added that there will be very limited viewing of the enclosed chiller from the offices and building that houses the mechanical and electrical equipment that are located near the enclosed chiller.

Board Attorney Becker asked that the following exhibit be marked for identification.

A-1 Site plan

Erik Boe said that the proposed chiller is centrally located to the entire campus and will not be seen due to a 10' masonry wall. He said arborvitae will be planted around the wall. The unit itself is located 644.8' to the nearest easterly property line, 254.6' to the nearest westerly property line and 485' to the nearest residential property line. He said that no variances are required for this unit and the unit itself is 281 sf located on a 305 sf concrete pad. Small yard inlets will capture water in this area and tie into the existing piping. With regards to sound the unit will have 96 decibels and at 30' away there will be a sound level of 69 decibels which is quieter than your normal residential air conditioning condenser. The unit will be shielded by buildings, landscape and woods. Board Member Yudin asked if this chiller will connect to the existing piping. Mr. Boe said the majority of piping is present and all access doors would be operative for this unit. Chair Ruebenacker asked Mr. Boe to address the waiver requests. Mr. Boe addressed each waiver and said this application is treated as to what is being replaced in this courtyard. Chair Ruebenacker was in agreement of the waivers except for the landscape plan which should be placed on the record. Mr. Boe said the length of the walls will be approximately 35' by 25' and the arborvitae will be spaced 5' on center then 12 arborvitae will be planted at a height of 5' to 6'. Chair Ruebenacker said there will be no less than 12 arborvitae at a height of 5' to 6'. Boswell Engineering Kelly said he did not see an issue with the waivers that are being requested.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

Board Member Yudin made a motion to approve this application as presented subject to the following condition: 12 arborvitae will be planted at a height of 5' to 6' around the masonry wall. Second, Vice Chair Fry. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Fry and Chair Ruebenacker.

APPLICATION(S) – NEW

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).*

Board Member Tanis and Board Member Borst removed themselves from discussion and

removed themselves from the dais.

Heidi Shotmeyer, 502 Helena Avenue, Wyckoff, NJ and Marsha Shotmeyer, 439 Russell Avenue, Wyckoff, NJ owner of the property, were sworn. Robert Weissman, the applicant's engineer and William Brown, the applicant's architect, were sworn. The Board acknowledged that Mr. Weissman and Mr. Brown qualify as experts since they have been before the board on numerous occasions. Chair Ruebenacker asked the applicant to explain the application.

Ms. Heidi Shotmeyer said she would like to make her house larger. Currently it is a 1 bedroom house with a very small kitchen and living room. She would like to expand the kitchen, living area and add 3 bedrooms upstairs and a 2 car garage since there is currently no garage.

Mr. Weissman said the current home is a very small dwelling. The applicant would like to expand the house to the westerly side of the property with a 2 car garage, an addition to the rear for a kitchen and family room and to the existing right side will be a 13.4' covered porch with an existing 14.8' side yard setback to the edge of the house. He said the house is not square to the property. He said the lot is non-conforming in width where 75' exists and 125' is required and in lot area where 22,293.85 square feet exists and 25,000 square feet is required. He added that there are existing side yard setbacks of 13.03' where 20' is required. He said the variance request is for the left side yard where the proposed garage will be of 10.4' where 32.29' currently exists and 20' is the requirement due to the deficient width of the property. He said that he received a call today from Boswell Engineering regarding a water line that Ridgewood Water said traverses along the left property line of the Shotmeyer property. He said that the Shotmeyer have no knowledge of the water main.

David Scheibner, Business Manager for Ridgewood Water, was sworn. He said he has been employed for Ridgewood Water for 33 years. He stated that there is an 8" water main that runs along the left side of the property towards the rear of the yard and cuts diagonally in the rear of the property and then is aligned with 2 properties on Weymouth Drive.

Board Attorney Becker asked that the following exhibit be marked as identification:

A-1 Plot plan dated 11/28/16

Mr. Scheibner showed the Board where the water main runs through the property and said there is a valve in street that aligns with the water main that has been marked. He said on the key map there is an existing drainage easement between Lots 20 and 21 on Weymouth Drive. He said the water main connects from Weymouth Drive, through the center rear of 502 Helena Avenue and angles along the left property line and straight out to Helena Avenue. He said that Ridgewood Water staff has marked the area with blue flags where the water main is. Mr. Weissman asked how far off the property line is this water main. Mr. Scheibner said he did not know. He said there is a valve in the street that aligns with the water main and that is also marked with a blue flag.

Township Engineer DiGennaro said on the property survey there is an existing well. Mr. Weissman said the well will be capped and sealed. Mr. Weissman asked how far off the water main can construction be located. Mr. Scheibner said construction should be 10' on either side of off the water main.

Boswell Engineering Representative Kelly asked Mr. Weissman to survey the area where Ridgewood Water has marked out with flags. Mr. Weissman said he will survey this area and

research any deeds. Mr. Kelly said if there isn't an easement then this would be the time to dedicate an easement to Ridgewood Water. Mrs. Marsha Shotmeyer said her husband's family has lived in the main house for 72 years and has no idea when the water main was installed. Mr.

Scheibner said the water main was installed in 1962.

Mr. Weissman said the 10'4' side yard setback request is for the garage which is located in the front of the house. He said the total living area will be increased to 1933 square feet with no accessory buildings. Boswell Engineering Representative Kelly asked that on the revised plan he depict the trees to remain and provide a detail of the tree preservation and the well that will be capped in the rear yard. Chair Ruebenacker said that 7 trees will be removed.

Mr. William Brown said that the existing home is 743 square feet and he is adding 682 square feet to the kitchen/breakfast/family room with a fire place which will face the rear yard. If a 2 car garage was added to the rear yard the house would be 90' long and the garage would be in the rear yard by the neighbor. He said the house is skewed to the property line and the 20' x 20' - 2 car garage is on the left of the house. He said an addition of 895 sf is the second floor living mainly over the existing home with 3 bedrooms and 2 bathrooms. The exterior of the house will be hardi-plank and clapboard material. The total square footage of the house will be 2,740 sf which includes the garage.

Chair Ruebenacker said the Board has never granted a size yard setback of 10.4'. He asked if the applicant could attached the garage to rear of the house with a side loading garage. Mr. Brown said if the garage was constructed in the rear yard the driveway would be 150' in length. Chair Ruebenacker said the applicant could reduce the garage to a 1 ½ car garage and reduce the side yard setback by 5 additional feet. Board Member Yudin said the water easement may require the garage structure to be reduced. Board Member Kalpagian and Board Member Hubert said the existing water line will dictate where the garage is located. They opined that 10' is too close.

Vice Chair Fry said there is a hardship due to the undersized lot width. Chair Ruebenacker asked if the existing macadam driveway will remain. Mr. Weissman said the driveway will cut across the front of the house to the garage. Boswell Engineering Representative Kelly said if a detached garage was constructed it would meet the setbacks for an accessory structure.

Chair Ruebenacker said this application depends on the findings of Ridgewood Water. He suggested that the proposed side yard setbacks be reduced another 5'. Board Member Yudin said this is a beautiful house and would also like to see less of an encroachment on the left side of the house. Chair Ruebenacker asked Mr. Weissman to update the site plan showing the Ridgewood Water line, tree protection for the trees to remain, a show a list of the trees that will be removed and indicate that the well will be capped. Vice Chair Fry said there will need to be screening around the patio area, underground utilities if applicable, show the location of the sanitary sewer lateral and location of air conditioning units.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the April 20, 2017 public hearing

03-16-17PM

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Board of Adjustment

meeting. Boswell Engineering Representation Kelly asked that the revised plans be submitted 10 days before the next 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 11:00 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment