

**WYCKOFF BOARD OF ADJUSTMENT
SEPTEMBER 14, 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 September 14, 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; Ed Kalpagian; Brian Hubert; Brian Tanis; Rich DeLeo, Alt; 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

August 17, 2017 work session/public business meeting
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #17-09- Approval of vouchers from various escrow accounts.
Resolution #17-09 was approved at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

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).*

GREENE, DARYL BLK 298 LOT 8 (R-15 CORNER LOT); 45 Rodger Court. *(The applicant proposes to expand the existing footprint of the house for a family room, a master bedroom and a front porch which will encroach into the front yard setback).*

McINTOSH, JOSEPH & KARIN BLK 206 LOT 29 (RA-25 CORNER); 290 Crescent Avenue. *(The applicant proposes to construct a third garage with bedrooms above which will encroach into the front yard setback on this corner lot).*

SANBORN, DANIEL & LINDSAY BLK 395 LOT 3 (RA-25); 207 Henry Place. *(The applicant proposes to add a second floor level requiring variance relief for rear yard and front yard setback).*

ACKERSON, KELLY BLK 270 LOT 4 (R-15); 115 Wood Street. *(The applicant proposes to add a covered front porch, rear dormer and 2 doghouse dormers on the front roofline which will encroach into the front yard setback).*

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

APPLICATION(S) – WITHDRAWN

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).*

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).*

APPLICATION(S) – CARRIED

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 to the Thursday, October 19, 2017 public hearing meeting at the request of the applicant.

VRTIS, ANGELA & MICHAEL BLK 352 LOT 37.01 (RA-25); 268 Wyckoff Avenue. *(The applicant is seeking relief from the code to allow the encroachment of the accessory pool slide into the side yard setback).*

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

Michael Vrtis and Angela Vrtis, 268 Wyckoff Avenue, were reminded by Board Attorney Becker

that they were sworn at the previous meeting and remained under oath. Mr. Vrtis' sons were sworn and thanked the Board for letting them keep the slide. Mr. Vrtis said he has submitted a landscape plan with grading. He said his contractor has finished the landing at the top of the pool slide, lowered the height of the dirt by 2' and the landscape species have been purchased and the irrigation system has been installed. He said the stone rubble retaining wall will be 1' off the property line and 1' in height. He also said he has addressed the drainage issue and has provided an addition drain at the edge of the patio. Board Member Borst said the rubble wall is leaching soil through the wall and suggested the rubble wall be replaced. Township Engineer DiGennaro was concerned with the neighbor's property and asked that the rubble wall be removed and have it rebuilt correctly with filter fabric behind it to hold the soil back. Chair Ruebenacker said any retaining wall will need to be built to code. Township Engineer DiGennaro said the property line will need to be clearly marked by the applicant's professionals. Chair Ruebenacker said the landscape plan is acceptable but the location and height of the retaining wall will need to be provided.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Hubert made a motion to approve this application for accessory structure setback for the pool slide of 10.58' where 15' is required subject to the following condition of the retaining wall will need to be built to code. Second, Board Member Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Fry and Chair 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 said the applicant has submitted revised site plans, landscape plan and drainage calculations. Board Attorney Becker reminded David Sudacki, the applicant's engineer, and Robert Puzio, the applicant's architect that they were previously sworn at the last meeting and remain under oath. Mr. Sudacki said the applicant took the Boards suggestions at the previous meeting and has provided the following:

A-3 Plot plan dated 3/22/17 and revised 8/1/17

Mr. Sudacki said a Belgium block curb along the easterly side of the driveway has been provided to prevent runoff from the site; a new inlet along the curb line in the driveway will be installed and piped to the underground retention system in the rear of the property; 2 additional lawn inlets have been added for a total of 3 lawn inlets within the swale area on the easterly side of the property which will also collect addition water and pipe it to the underground retention system; revised drainage calculations have been submitted to the Township Engineer and a full landscape plan including foundation plantings has been provided with the addition of 52 shrubs and 9 trees designed by the Lapatka in house landscape architect. He said the original house footprint will remain the same. Board Member Borst said there are conflicting heights of landscaping around the front porch. He asked the applicant to provide the Board with a revised plan.

Mr. Mayland then asked the applicants architect to comment on the footprint of the house with regards to the angled garage which is causing the side yard setback variance. Mr. Puzio reiterated that by turning the garage to an L-shape will create a courtyard effect in the front of the

house and additional massing of the house in the front yard. The current location of the garage will soften the front aesthetics of the house and provide a safer vehicular conflict with the front door entrance when exiting the garage.

Vice Chairman Fry said the lot is undersized by 5' in frontage. The proposed angle garage creates a 25 square foot variance request for one corner of the garage. The proposed side yard setback is 20' where 25' is required.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Kalpagian made a motion to approve this application for a side yard setback of 20', 3 story variance for a walk out basement and height variance of 41' due to the walkout basement and topography of the land subject to the following condition: receipt of a revised landscape plan by a professional landscape architect ten (10) days prior to the October 19, 2017 meeting. Second, Board Member DeLeo. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Kalpagian, Ms. Yudin, Mr. Borst and Chair Ruebenacker. Voting in denial: Vice Chair Fry. Abstain: Mr. Hubert.

APPLICATION(S) – NEW

SHUR REAL ESTATE LLC BLK 214 LOT 46 (RA-25); 205 Franklin Avenue. *(The applicant proposes to add a two story addition requiring variance relief for side yard setback).*

Bruce Whitaker, from the law firm of McDonnell & Whitaker, representing the applicant Shur Real Estate LLC was present. He said the applicant would like to construct a second floor addition over the existing dwelling unit and to construct a rear addition to the building. The rear addition does not require a variance approval. He said the lot is 11,339 square feet where 25,000 square feet is required and the lot width is 66.47 feet where 125 feet is required. He added that the house is skewed on the lot. The variance request is for the existing condition of the one story portion of the dwelling unit of a side yard setback of 3.4' where 20' is required. The applicant is not building over this one story area but to build a second story over the main part of the house. He added that new windows will be installed and hardy plank will be used on the exterior of the building and the walls and decking on the first floor will remain.

Marked as identification at this time was the following exhibit:

A-1 Site plan with a revision date of 9-6-17

Jacob Solomon, the applicant's architect, 14-25 Plaza Road, Fair Lawn, and NJ was sworn. He received his master's degree in architect from NJIT, is licensed in the State of New Jersey and has previously appeared before this Board. The Board accepted Mr. Solomon's credentials. He said the applicant is proposing to add a full level to the second floor of the main house with decorative dormers, a rear 2 story addition with a cantilever on the second floor and a patio in the rear. The existing metal shed will be removed along with a pond. The detached garage will remain. He said the basement will remain and can support a 2 ½ story structure. The 4 walls and decking on the first floor will remain to support the second floor and new insulation and wiring will be installed. He said that no variances will be required for the rear addition. He said that no second floor addition will be constructed over the small room that is 3.4' from the side yard

setback. He said the second floor addition will be 14.5' from the side yard. He said that new siding, new windows and a new roof will be added to the new construction along with the garage. He said the 18' x 21' crawl space rear addition will have a fireplace in the family room with sliding doors to the rear deck. The height of the dwelling will be 27.33' where 35' is the maximum allowed.

Chair Ruebenacker noted that the sunroom that is built on a slab on grade will remain the same height. Mr. Solomon said yes, it will remain at the same height. Vice Chair Fry asked if the applicant had considered removing the existing sunroom. Mr. Whitaker said the sunroom is a lawfully existing structure and the applicant would like to keep it. Chair Ruebenacker asked if windows can be added to the right side of the house. Mr. Solomon said 2 windows can be added to the first floor side elevation and 1 window can be added to the second floor side elevation along the driveway to break up the massing of the construction. Chair Ruebenacker stated that the variance is for the second floor side yard setback or 14.5'. He then asked Mr. Solomon to comment on the landscape plan. Mr. Solomon said the landscape plan includes a new walkway from the garage with a mulched bed with various azaleas and creeping floc. There will be a 7' hedge row of arborvitae to screen the sunroom property line. He said that a large tree will be removed in the rear yard along with small caliper trees, shrubbery and vines that will be removed. On the proposed landscaping plan an ornamental maple tree will remain with rhododendron and ground cover along the front yard foundation. Chair Ruebenacker said he is struggling with the landscape plan since some trees are there and some have already been removed. He asked that 14 new trees be installed to replace the 14 trees that have been or are going to be removed. He also asked that foundation plantings be installed along the driveway side of the house. He asked that a revised landscape plan be submitted.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Tanis made a motion to approve this application for a 14.5' side yard setback where 20' is required to the second floor addition with hardiplank siding subject to the following condition: three (3) windows added to the right plane of the house, Section J be revised and receipt of a revised landscape plan indicating 14 deciduous trees will replace the ones to be removed by a professional landscape architect ten (10) days prior to the October 19, 2017 meeting. Second, Board Member Yudin. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, MR. Borst and Chairman Ruebenacker. Voting in denial: Vice Chair Fry.

TOOR, SADDAD & SHIRIN BLK 204 LOT 24 (RA-25); 424 Hidden Valley Court. *(The applicant proposes to construct a one story addition to provide for a breakfast area off the kitchen which will encroach into the side yard setback of 21' where 25' is required due to the enhanced side yard setback requirement).*

Bruce Whitaker, from the law firm of McDonnell & Whitaker, representing the applicant, Saddad & Shirin Toor, was present. He said the property is in the RA-25 zone of which there are unique features such as a triangular piece of property, a stream encroachment in the rear of the property and a 20' front yard setback was granted when this subdivision was approved due to the environmental constraints on the property. He added that the house has a series of steps down to the rooms due to the topography of the land. The applicant is seeking a side yard setback variance of 21' where 25' is required in order to create a breakfast area in the existing kitchen where the family can prepare and eat their meals without going down a series of steps to another

room. The side yard setback is enhanced due to the house exceeding 3,700 square feet.

Peter Cooper, 14 Overbrook Street, Ramsey, NJ was sworn. The Board accepted Mr. Cooper as an expert witness since he has appeared before the Board on various occasions. Mr. Cooper said the elevation of the house at the street is 110.1 and at the stream encroachment area is 96 which is a 14' drop towards the rear of the property and the grade continues to drop at the stream to elevation 92 which is another 4' so in all it is an 18' drop. He said the house itself has a drop within which are 3 steps from the foyer to the kitchen then there is another 5 steps down to the living room or 4'5". The dining room is down the hallway and down 3 steps in order to serve food in the dining area. The current kitchen is limited in eating area and the proposed 13 ½' x 18' addition is designed for window configuration, additional storage and usable space. He added that there is an exterior access to the rear yard from this dining area with a door, stoop and steps. The landscape plan shows that a 3' retaining wall outside the kitchen door was recreated to guide water away from the house. Township Engineer DiGennaro said a professional engineer will need to certify the stability of the wall. Board Member Borst said this addition does not affect the neighbor.

OPEN TO THE PUBLIC

Rachel Mura, 450 Patton Place, Wyckoff, NJ was sworn. She said she is in support of this renovation.

Donald Martin, 420 Hidden Valley Court, Wyckoff, NJ was sworn. He stated that he is the neighbor to the left of this house where the addition is going to be constructed. He said he is in support of this renovation.

CLOSED TO THE PUBLIC

Chairman Ruebenacker said the landscaping was drawn by Mr. Cooper and is acceptable. Board Member Borst made a motion to approve this application as presented. Second, Vice Chairman Fry. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

A FIVE MINUTE RECESS WAS TAKEN AT THIS TIME

BACZYNSKI, MICHAEL & JANE BLK 295 LOT 11 (R-15); 159 Packard Avenue. *(The applicant proposes to construct a rear yard deck which will exceed total accessory structure and total lot coverage).*

Vice Chair Fry abstained from discussion and removed himself from the dais since he is a neighbor within 200' of the property.

Michael Baczynski, 159 Packard Avenue, Wyckoff, NJ was sworn. He said he would like to add a 12' x 15' deck off the rear of the house with a slider door access to the deck. He said his lot is 9,000 square feet where 15,000 square feet is required and this deck will exceed accessory structure coverage. Chair Ruebenacker noted that this deck will be less than 1% over in accessory coverage and under in combined coverage by 18.96% where 20% is the maximum.

OPEN TO THE PUBLIC

Robert Harz, Sr., 162 Ralph Avenue, Wyckoff, NJ was sworn. He said this deck will be a great addition to the neighborhood.

CLOSED TO THE PUBLIC

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

SONG, KE BLK 290 LOT 14 (RA-25); 335 Sunset Boulevard. *(The applicant proposes to demolish the existing home and construct a new home consistent with the bulk requirements).*

Board Member DeLeo recused himself from discussion and removed himself from the dais since his home is located within 200' of the proposed application.

Ben Cascio, the applicant's attorney, said that Ms. Song is the contract purchaser of this 1 ½ story home which has pre-existing non-conforming variances for lot area and lot width. He said the existing home will be demolished and a new fully conforming 3,641 square foot home will be constructed which is under the 3,700 square foot threshold for enhanced side yard setbacks. Chairman Ruebenacker reiterated that the variance are pre-existing non-conforming variances and the new home will not have any new variances.

Mr. Robert Weissman, 686 Godwin Avenue, Midland Park, NJ was sworn. The Board accepted Mr. Weissman as an expert witness since he has appeared before the Board on various occasions. He said the applicant is not seeking any new variances and the pre-existing non – conformities are in lot area and lot width. The new home will be under the 3,700 square foot threshold so enhanced setbacks are not required. He said a new septic system will be installed in the rear yard and 12 trees will be removed for the installation of the dwelling, septic, seepage pits and driveway. The existing trees along corridor of the property line will remain. He added that 2 of the trees are in poor condition. Chair Ruebenacker asked if the utilities will be placed underground. Mr. Weissman said the utilities will be placed underground. Mr. Weissman added that the Stormwater Management Plan has been submitted and approved and there will be no major grading on the site since it is a relatively flat lot.

Mark Braithwaite AIA, 63 Ramapo Valley Road, Mahwah, NJ was sworn. The Board accepted Mr. Braithwaite as an expert witness since he has appeared before the Board on various occasions. He said the house is a Dutch Colonial Farm house with a hardy plank and stone veneer exterior and the height of the house will be 32' to the ridge. Chair Ruebenacker asked where the air conditioning units will be located. Mr. Weissman said the air conditioning units and generator will be located in the rear of the house and west of the patio. They will not encroach into any setbacks and will be screened. Board Member Borst said the landscape plan is rudimentary and should include foundation plantings and appropriate screening. Chair Ruebenacker said the approval of this application would contingent on the submission of a professional landscaping plan. Board Member Kalpagian said the driveway turnaround is very close to the neighboring property owner and should also be screened.

OPEN TO THE PUBLIC

Lisa Sarkissian, 340 Sunset Blvd., Wyckoff, NJ was sworn. She said her concern is that the lot is not clear cut and privacy screening is provided. Also her other concerns are the size of the house and that the outdoor lighting is not overwhelming. Township Engineer DiGennaro said there is no protocol for reviewing a residential lighting plan. He added that it cannot be directed towards someone's house.

Ruth Monsma, 339 Sunset Blvd., Wyckoff, NJ was sworn. She is concerned with privacy and lighting. Her home is located next to this house.

Matthew Bodino, 334 Sunset Blvd., Wyckoff, NJ was sworn. He is also concerned with privacy screening. He said he is also representing other neighbors in the neighborhood.

Chair Ruebenacker said a new landscaping plan will need to be submitted for review by the Township Engineer prior to the October 19, 2017 meeting.

Maura DeLeo, 331 Sunset Blvd., Wyckoff, NJ was sworn. She said she lives to the right of this property and was concerned with the width of the jut out in the driveway. She did not want to look out her front window and see a car parked in the front yard along her property line. She was also concerned about screening along her property line. Mr. Cascio asked that his client be sworn so she can answer that question.

CLOSED TO THE PUBLIC

Ke Song, 421 Campgaw Road, Mahwah, NJ was sworn. She said she would like to keep the jut out in her driveway since she has a hard time backing out directly into the street. Mr. Weissman said the distance of the jut out is 5' off the property line and 18' wide which would accommodate 2 cars. Mr. Weissman said it can be reduced to 12' wide and 10' off the property line to accommodate 1 car. Chairman Ruebenacker asked that the site plan be revised to include the air conditioning and generator units be located in the rear or side of the house with screening and that the jut out be 12' wide and 10' off the property line and that a professional landscape plan be provided. Board Member Yudin made a motion to approve this application as presented subject to the following conditions: the site plan be revised to include the air conditioning and generator units to be located in the rear or side of the house with screening, the driveway jut out be reduced to 12' wide and 10' off the property line and that a professional landscape plan be provided at least 10 days before the October 19, 2017 meeting. Second, Board Member Tanis. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

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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 11:26 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment.