

**WYCKOFF ZONING BOARD OF ADJUSTMENT
MARCH 16, 2023
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 Chairman Fry:

"The March 16, 2023, 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."

Mr. Fry read the following 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"*

"This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times."

ROLL CALL

Board Members in attendance: Carl Fry, Brian Hubert, Nekije Rizvani, Brian Tanis, Ed Kalpagian, Christopher Joachim, and Doug Messineo.

Absent: Mark Borst and Erik Ruebenacker.

Staff in attendance: Dave Becker, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the February 19, 2023 work session and public business meeting minutes.

Mr. Hubert made a motion to approve the January 19, 2023 work session and public meeting minutes. Second, Mr. Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, and Chairman Fry. Mr. Tanis abstained.

PAYMENT RESOLUTION #23-03

Mr. Kalpagian made a motion to approve Payment Resolution #23-03. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo,

and Chairman Fry.

RESOLUTION FOR MEMORIALIZATION

Haner 282 Voorhis Ave. Block 285 Lot 25.01

(The applicant proposes to add a second story to the existing dwelling and expand the garage requiring variance relief)

Kuhnert 240 Eastview Terr. Block 394 Lot 9

(The applicant proposes to add a second story and expand the garage requiring variance relief)

Mr. Kalpagian made a motion to approve the two (2) Resolutions. Second, Mr. Messineo. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, and Chairman Fry. Mr. Tanis abstained.

MacLaren 363 Lakeview Dr. Block 324 Lot 14

(The applicant proposes to enlarge the existing home requiring variance relief for both side yard setbacks due to the enhanced side yard setback requirement)

Ms. Rizvani made a motion to approve the Resolution. Second, Mr. Joachim. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Joachim, and Chairman Fry. Abstained: Mr. Tanis and Mr. Messineo.

Vander Molen 350 Auburn St. Block 470 Lot 1

(The applicant proposes to add a second story to the existing dwelling and a front porch requiring variance relief)

Mr. Hubert made a motion to approve the Resolution. Second, Mr. Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Messineo, and Chairman Fry. Abstained: Mr. Tanis and Mr. Joachim.

APPLICATIONS CARRIED

Kaldon 301 Wiley Place Block 219 Lot 7

(The applicant proposes to renovate the existing home and construct an addition of a new front entryway and change the roof line requiring variances for lot area, frontage, front yard setback, both side yard setbacks, and principal building lot coverage)

Chairman Fry announced that the application will be carried to the April 20, 2023 meeting at the request of the applicant.

NEW APPLICATIONS FOR PUBLIC HEARING

Driggs 439 Lincoln Ave. Block 491 Lot 28

(The applicant proposes to construct a second story to the existing home requiring variance relief for principal building front and rear yard setbacks, and accessory structure rear and side yard setbacks)

Mr. DiGennaro provided the following technical report of the application:

I have received and reviewed the survey prepared by Schmidt Surveying dated 10/18/21, plot plan and Architectural plan by Cesar F. Padilla, RA, dated 11/22/21 with undated revision #1, landscape plan prepared AR Landscape Design dated 1/10/22, application and photos. The single family home is located in the R-15 residential zone and is non-conforming as to lot depth, front yard setback, rear yard setback, side, and rear yard accessory structure setbacks. The applicant is proposing a second story addition and renovation to the existing structure on the property requiring variance relief. The lot depth is 100' where 125' is the requirement. The existing front yard setback is 19' and 27.5' is proposed to the second story addition where 40' is the requirement. The existing rear yard setback is 24.7' and proposed is 29' where 30' is the requirement. The accessory structure detached garage is nonconforming with a side yard setback of 4.4' and rear yard setback of 6.7' where 10' is required for each. This application does not require Stormwater Management Plan review and the property is served by sanitary sewer.

Chairman Fry said the lot is conforming in area which is unique however both the front and rear yard setbacks are nonconforming. He added that there appears to be a wood shop in the detached garage in the rear and it also looks like it could be a separate dwelling. We should hear testimony on what is going on with that structure to make sure it is not being used as a separate living quarters. The Chairman also said the road easement may come into play with the front yard setback so he would like to hear some testimony about that as well.

Mr. Tanis said he would like to know how much of the existing house is going to remain, the pitch of the roof, and where the height is measured from.

Mr. Hubert pointed out that the property slopes to the side and in the rear.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 7:50 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment

WYCKOFF BOARD OF ADJUSTMENT

MARCH 16, 2023 PUBLIC BUSINESS MEETING MINUTES

Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall
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Mr. Fry read the following 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"*

"This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times."

ROLL CALL

Board Members in attendance: Carl Fry, Brian Hubert, Nekije Rizvani, Brian Tanis, Ed Kalpagian, Christopher Joachim, and Doug Messineo.

Absent: Mark Borst and Erik Ruebenacker.

Staff in attendance: Dave Becker, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

PLEDGE OF ALLEGIANCE

OLD BUSINESS

Approval of the February 16, 2023 work session and public business meeting minutes.
The meeting minutes were approved during the work session.

PAYMENT RESOLUTION #23-03

The Payment Resolution was approved during the work session meeting.

RESOLUTION FOR MEMORIALIZATION

Haner 282 Voorhis Ave. Block 285 Lot 25.01

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Vander Molen 350 Auburn St. Block 470 Lot 1

(The applicant proposes to add a second story to the existing dwelling and a front porch requiring variance relief)

The Resolutions were approved during the work session.

APPLICATIONS CARRIED**Kaldon 301 Wiley Place Block 219 Lot 7**

(The applicant proposes to renovate the existing home and construct an addition of a new front entryway and change the roof line requiring variances for lot area, frontage, front yard setback, both side yard setbacks, and principal building lot coverage)

Chairman Fry announced that the application will be carried to the April 20, 2023 meeting at the request of the applicant.

NEW APPLICATIONS FOR PUBLIC HEARING**Driggs 439 Lincoln Ave. Block 491 Lot 28**

(The applicant proposes to construct a second story to the existing home requiring variance relief for principal building front and rear yard setbacks, and accessory structure rear and side yard setbacks)

Harold Cook, the applicant's Attorney, came forward and placed himself on the record. Mr. Cook stated that this is an application for a hardship variance to construct a second story addition on an existing single family home. There is a lawfully existing structure on the lot, however it is nonconforming as to the current zoning standards which is the hardship. Our other variance request is for a flexible variance based upon the fact that the home will be more aesthetically pleasing, and the benefits will outweigh any detriments. Mr. Cook said he has one (1) witness that being the applicant's Architect Cesar Padilla and the applicant will testify as to the use of the space in the garage. Mr. Driggs, the applicant, is a carpenter and he stores his tools in there however it is not used as a workshop.

Cesar Padilla was sworn in, provided his professional credentials, and was accepted as an expert witness in the field of architecture. Mr. Padilla provided the following details of the architectural drawings: the site plan shows the existing dwelling close to the street and the garage in the rear of the site. The first floor interior will be renovated to open up the living space. We are proposing an open kitchen concept, an open living and dining area, and we are adding a bathroom and a study on the first floor as well. There is an existing bump-out with an entrance

in the rear that we are going to eliminate. We are proposing four (4) bedrooms and two (2) bathrooms on the second floor and new staircases to the second floor and down to the basement. We are proposing a height of 32' measured from the lowest grade at the front of the house to the ridge. The first floor perimeter walls are to remain.

Chairman Fry asked about the ceiling height. Mr. Padilla stated the existing and proposed ceiling height on the first floor is 8'.

Mr. DiGennaro asked if the perimeter walls have been inspected for rot or damage to be sure they are viable. Mr. Padilla stated that from what we can see, everything is fine. Once we open it up it may require some sistering, however it's doubtful we will have to do that.

Chairman Fry asked how the front yard setback was measured. Mr. Padilla said there is no sidewalk or curb, so the property goes right to the street. We cannot actually determine where the property line is because of the right of way.

Mr. Messineo asked if the existing porch piers will remain and be built upon. Mr. Padilla stated the porch deck will remain, and we will dress up the porch roof with a gable.

Chairman Fry asked what type of siding is proposed. Mr. Padilla stated the new siding will be vinyl, the roof will be asphalt, with a standing seam metal roof proposed for the front porch. Some architectural details are also proposed for the porch roof and the peak on the front of the house.

Chairman Fry clarified that drawing A-1, which shows that the bump-out in the rear will be removed, is the accurate drawing. The rear yard setback will be 29', the first floor exterior walls will remain, a second story will be added, and the front yard setback to the second story addition will be 27.5'. The Chairman then said he would like to hear some testimony about the existing garage.

Christian Driggs, the applicant, was sworn in. Mr. Driggs stated that he is a carpenter, and he utilizes part of the garage for the storage of his tools. He also said that he has a lot of hobbies, so the space is utilized for his personal use. Mr. Driggs stated that the history of the house is that the previous owners brother lived in the house behind his, and they shared the garage. Chairman Fry asked if there is a second story in the garage. Mr. Driggs stated there is a second story which is used for storage adding there is no living space, no utilities, and no running water however there is electric service.

Mr. Fry asked if the fence along the rear property line is going to remain. Mr. Driggs said the fence belongs to his neighbor. The Chairman pointed out that it looks like the wooden stockade fence is on the applicants property. Mr. Driggs said one of the fences is falling down, so if it is on his property, he would like to take it down. Chairman Fry advised Mr. Driggs to obtain an updated survey and work out the fence issue with his neighbor.

Chairman Fry asked if the existing trees shown on the landscape plan are to remain. Mr. Driggs stated the two (2) trees on the left side of the property shown on the landscape plan have already been removed.

Mr. DiGennaro said that the elimination of the bump-out in the rear is a reduction of 63 square feet resulting in a principal building lot coverage of 7.9% combined lot coverage of 12.3%

therefore the section J and the zoning table on the plans should be revised so they are consistent. Mr. Cook said he will submit a revised section J. Mr. DiGennaro said we can add a note to the landscape plan that the bump-out is to be removed and two (2) trees have been removed.

OPEN TO THE PUBLIC

Connie Stagno, who resides at 432 Louisa Avenue, was sworn in. Ms. Stagno stated that her property is to the rear of the applicant and her driveway abuts the rear of his garage. Ms. Stagno said that she wants reassurance that the garage will not be used for living space, and that the existing fence between the two properties will not be taken down. She added that she also does not want to see a gate installed in the fence.

Chairman Fry said that the garage cannot be used as living space, and that Mr. Driggs has testified that there are no utilities in the garage, and he has no plans to remove the fence.

Mr. Driggs stated that at some point he would like to upgrade the fence with a more aesthetically pleasing fence, however he is not going to eliminate the fence and he will not install a gate in the fence.

CLOSED TO THE PUBLIC

Mr. Tanis made a motion to approve the application with the stipulation that notations be added to the landscape plan about the elimination of the bump-out in the rear and the removal of two (2) trees, and a revised section J will be submitted. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, and Chairman Fry.

There being no further business, a motion was made to adjourn the Public Session, seconded and passed unanimously. The Public Business meeting was adjourned at 8:40 p.m.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment