

**WYCKOFF ZONING BOARD OF ADJUSTMENT
AUGUST 17, 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 August 17, 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 Tanis, Brian Hubert, Ed Kalpagian, and Chris Joachim. Absent: Mark Borst, Erik Ruebenacker, Nekije Rizvani, and Doug Messineo.
Staff in attendance: Dave Becker, Board Attorney; Pete Tenkate, Township Consulting Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the July 20, 2023 Work Session and Public Business Meeting minutes.

Mr. Hubert made a motion to approve the July 20, 2023 Work Session and Public Business Meeting minutes. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Mr. Joachim, and Chairman Fry.

PAYMENT RESOLUTION #23-08

Mr. Kalpagian made a motion to approve Payment Resolution #23-08. Second, Mr. Joachim. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Mr. Joachim, and Chairman Fry.

RESOLUTION FOR MEMORIALIZATION**Smith 450 Baxter Ave. Block 490 Lot 12.01**

(The applicant proposes to expand the second story of the home requiring variance relied for the front and side yard setbacks, principal building lot coverage, and third story due to the basement walk-out in the rear)

Jarecky 381 Newtown Rd. Block 393 Lot 7

(The applicant proposes to construct a covered front porch requiring variance relief for the front yard setback, principal building lot coverage, and combined lot coverage)

Evelich 210 Carmel Ct. Block 391 Lot 7.01

(The applicant proposes to construct an addition over the existing attached garage requiring variance relief for the enhanced side yard setback)

Mr. Tanis made a motion to approve the three (3) Resolutions. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Mr. Joachim, and Chairman Fry

FOR DISCUSSION**Nouvelle, LLC 714 Godwin Ave. Midland Park**

(The applicant proposes to construct a multi-family building consisting of four affordable housing units for U.S. military service veterans in a single family zone requiring a use variance as well as bulk variances. No improvements are proposed for the portion of the property located in the Township of Wyckoff. The application was approved by the Midland Park Zoning Board of Adjustment)

Chairman Fry said the application went before the Midland Park Board of Adjustment. It was initially denied and appealed. Some changes and concessions were made, and the application was approved. We did not waive our right to hear or better understand the application and to ask questions. The major concern we had was drainage and stormwater management on the site and we wanted our Township Engineer to review that. The Chairman said that Mr. DiGennaro reviewed the application, plans, and associated documents, and provided the following report:

I have reviewed the Preliminary and Final Site Plan for Godwin Avenue Supportive Housing prepared by Dykstra Walker Group, last revised 6/28/23, sheets 1 of 9, and the Drywell O&M manual dated March 2023. The existing property is located the Wyckoff R-15 residential single family zone and in the Midland Park R-1 single family residential zone. At the request of the Board, I have been tasked to review the plans to determine the potential impacts to Wyckoff properties as a result of the proposed development. I have reviewed the above plan in electronic format as I was not afforded hard copies of the plans. In addition, I had a telephone conversation with the Midland Park Zoning Board Engineer for additional technical information. Based on my review, I offer the following comments:

1. Midland Park R-1 Zone – single family 12,500 SF minimum lot area
2. Wyckoff R-15 Zone – single family 15,000 SF minimum lot area
3. 714 Godwin Ave – Lot area is 36,466 SF
 - a. 6600 +/- SF in Wyckoff or approx. 18% of the total lot area
 - b. 29,866 +/- SF in Midland Park or approx. 82% of the total lot area.

- c. All the lands in Wyckoff consist of NJDEP regulated wetlands and wetland transitional buffers confirmed by the NJDEP via a Letter of Interpretation (LOI).
 - d. Without the Wyckoff portion of the property, the remaining portion of the lot in Midland Park exceeds the required minimum lot area for the zone.
4. No disturbance of any kind is proposed in Wyckoff. All proposed improvements and disturbance is outside all the wetland and 50 ft transitional buffer limits of the property.
 5. The developer appears to have agreed to enter into a Conservation Deed of Easement for the protection of the Wetlands which also appears to include the Township of Wyckoff. I recommend that our attorney review this agreement before it is executed to determine what the imposed obligation on the Township of Wyckoff will be. We do not want to take on a responsibility of any future maintenance that is typically the result of an easement. In addition, wetlands and wetland transitional buffers are strictly regulated by the NJDEP, therefore, it would appear that such an effort is redundant.
 6. The proposed development satisfies the minimum stormwater design standard of Midland Park and Wyckoff. That is both municipal standards are the same. The design storm standard in residential areas is the 10 year – 2 inch/ hr storm event design to capture the runoff from the net increase in lot impervious coverage. However, the design for this project exceeds the minimum storm standard and has been designed to capture the runoff from the 25 year – 2.29 inch/ hr storm event, an increase of approximately 15%. In addition, the net increase in impervious coverage for the property is 5875 SF and the design area used in the calculation is 6315 SF, an additional 7.5% in runoff area.

There are 2 separate drywell stormwater collection systems being proposed, 1 – 1000 gallon tank dedicated to collect roof leaders and 3 -1000 gallon tanks dedicated to collect the runoff from the parking lot which is entirely curbed to contain and direct the water runoff into the proposed catch basin and into the underground detention system.

Both systems utilize an overflow which discharge Northeasterly toward the rear of the property which is the down gradient direction flowing into the wetland area. The wetlands then drain easterly thru a stone headwall and 12 inch corrugated metal pipe thru an easement and under Midland Park into the nearby stream. The overflow discharges are located well within the Midland Park boundary of the property.

The water from the unimproved site in its existing state currently drains in the very same direction.

I asked the question if the parking lot could have been pitched toward Godwin Avenue to avoid sending any water to the wetland and I was informed that the grades were too challenging, and that Godwin Avenue lacks storm drains to be able to collect the water.

7. It appears that concerns were raised about parking lot headlights shining into the adjacent NW property. This was mitigated by proposing evergreen plantings along the parking lot adjacent to the property line together with 4' solid fence.
8. The parking lot will have 2 light posts with LED fixtures. The applicant has agreed to install shields to deflect light from the property line. However, the lighting does not specify LED color temperature and Midland Park does not regulate LED lights unlike Wyckoff, where 3000 K is the maximum permitted.

9. Parking lot provides a total of 10 parking spaces which includes 1 required van accessible ADA space and 14 x 40 loading and turnaround area adjacent to Godwin Ave side of the property. The required RSIS parking is 8 spaces.

Based on my review:

- It is clear that there will not be any disturbance of the lands located within the Township of Wyckoff. Furthermore, as the lands in Wyckoff are predominantly wetlands and wetlands transitional buffers, they are further protected and regulated by the NJDEP against any future development.
- It appears that the stormwater measures proposed exceed both Wyckoff and Midland Park's residential design standards.
- The property is served by sanitary sewers and public water.
- The applicant was requested to install underground electric, however, they only agreed to do so if the utility company would install the necessary infrastructure to reduce cost.
- Wyckoff's Board Attorney or Township Attorney should review the proposed Conservation Deed of Easement to determine what obligations will be imposed on Wyckoff by such an action.
- The plan identifies an easement across the adjacent commercial property which contains a 12 inch corrugated metal storm drain. It is unclear as to who the easement is in favor of and therefore ownership and maintenance responsibility of the pipe is unknown. However, the condition of the drainage pipe did not appear to have been evaluated and since this pipe drains the wetlands, I believe it would be reasonable to have the pipe inspected to ensure its proper function and condition.

Chairman Fry said that in hearing all of that, Mr. DiGennaro confirmed that what they have proposed will not only meet but exceed the regulations for capturing stormwater runoff. He also confirmed that they are not proposing to build on the Wyckoff portion of the property as it consists of wetlands which fall under the protection of the NJDEP. Chairman Fry said that his concern was any issues with water and the wetlands. He went on to say that he wanted to look at this to make sure that from this Board's standpoint and this Board's purview, that anything we could do has been done. We want to be sure that we agree with what Midland Park has approved and that what they are proposing either meets or exceeds the standard to not further exacerbate any problems that already exist there. The Chairman said he believes Mr. DiGennaro has satisfied those concerns. He also brought up the 12" corrugated pipe that Mr. DiGennaro mentioned in his report and said that he would like to request that the Township Committee review the report as it pertains to the pipe and communicate with Midland Park to have the pipe inspected, and that any potential issues with it be addressed.

Mr. Becker reminded everyone that since the drainage pipe is located in Midland Park, dealing with any issues with it is not within the purview of this Board however the Board can certainly make a recommendation to have Midland Park inspect the pipe if they have not already done so.

Mr. Hubert said his main concern is the fact that an event taking place in a neighboring town may have an impact on residents of Wyckoff. He pointed out that in the last 5 years we have had a lot of rain and he is concerned that once the structure is built, the overflow from the discharge tanks could affect the wetlands and create a problem for Wyckoff residents.

Mr. Becker said the Township Committee can take that up with Midland Park at that time if there are any negative affects going forward. He added that having the Conservation Easement Deed

in place means that the owner of the property and Midland Park can be held responsible if an event occurs.

Mr. Joachim asked if there is any type of seepage testing that can be performed on the wetlands after there are four 1,000 gallon seepage pits overflowing towards the wetlands.

Mr. Ten Kate stated that there are typical design storms, and the applicant has exceeded the requirements of both Midland Park and the Township of Wyckoff. He added that seepage pits are designed to handle a certain storm that we specify in the Township Code, and they have met that obligation. Mr. Ten Kate also said that you really can't test the wetlands because it's under water.

Mr. Kalpagian asked if there will be less runoff once the structure is built due to the proposed seepage pits than the current runoff under the existing conditions of the site. Mr. Ten Kate said the drainage system is designed to have a net zero increase in runoff. There is currently no impervious coverage on the site and whatever impervious coverage is constructed on the site must be contained in those seepage pits. The seepage pit design calculations will still have to be verified with test pits by an Engineer to ensure that the ground water is 2' below the bottom of the pit so it works.

Chairman Fry said we will ask the Town to address the 12" pipe but based on Mr. DiGennaro's report, all of the drainage requirements are being met or exceeded.

An unidentified member of the public asked if the Board will have another discussion next month to resolve this, and if not what the outcome will be.

Chairman Fry said there will not be another discussion next month. The Board's decision will be memorialized and posted. A notice will be sent to the Township Committee stating that the Board recommends that the 12" pipe be inspected by Midland Park to be sure that it is functioning properly.

CARRIED APPLICATION

185 Jackson, LLC 190 Crescent Ave. Block 265 Lot 67

(The applicant proposes to construct an addition to the home requiring variance relief for lot area, frontage, and both side yard setbacks)

Mr. Ten Kate provided the following technical details of the revised plans:

I have reviewed the survey dated 6/16/22 prepared by Steven Koestner P.E., the architectural plans prepared by R.A. Puzio AIA dated 8/8/22 last revised 7/12/23, the site plan prepared by Steven Koestner P.E. last revised 7/17/23, drainage calculations prepared by Steven Koestner P.E. last revised 7/17/23, application and photos. The existing single family dwelling is in the RA-25 zone and is nonconforming as to lot area, frontage, and side yard setbacks. The applicant is proposing to improve and expand the dwelling by adding a two story addition. The existing lot area is 16,450 sf where 25,000 sf is the requirement in the zone. Lot frontage is 80' where 125' is the requirement. The existing principal building side yard setback #1 is 3.53' and proposed is 3.0' to the overhang. Existing side yard setback #2 is 10.42' and will remain unchanged where 25' is required for each side. The enhanced side yard setback of 25' comes into play as the proposed gross building area is 3774 sf. A row of emerald green arborvitae is proposed in the rear yard along the northern property line. The A/C units are proposed behind the garage. There appears to be no change in the first floor existing setbacks. On the north side there is no change to the

existing side yard setback of 10.42' to the eaves. On the north side the second floor the setback is 12.83'.

Chairman Fry stated that he was not present at the initial hearing of the application in June however he listened to the audio transcript and read the meeting minutes from the hearing. He went on to say that in listening to the audio, there were a couple of Board members who were insistent that the gross building area was the main issue with this application and that there was room to get that below 3,700 sf. There were also comments about the landscaping and A/C units and those items have been addressed on the revised plans. The Chairman said he would like to hear testimony on why the applicant could not get the gross building area below 3,700 sf.

NEW APPLICATIONS FOR PUBLIC HEARING

Buchanan 684 Terrace Heights Block 425 Lot 26

(The applicant proposes to expand the first and second floors of the existing home requiring variance relief for lot area, and both side yard setbacks)

Chairman Fry read the following technical memo prepared by Mark DiGennaro, the Township Engineer, who was not present at the meeting:

I have reviewed the property survey prepared by Christopher Lantelme, PE, LS revised thru 6/20/23, architectural plan prepared by Peter B. Cooper Associates, dated 4/3/23, revised thru 6/19/23, application, photos, and landscape plan by Riverstone Design Studio dated 4/9/23. The existing single family dwelling is situated in the RA-25 zone and is non-conforming as to lot area, front yard setback and side yard setbacks. The applicant is proposing an addition to the first floor and second floor of the structure requiring variance relief. The existing lot area is 16,800 sf where 25,000 sf is the requirement. The existing front yard setback is 35.3' and 28.9' is proposed where 40' is the requirement. Existing side yard setback #1 is 19.4' and existing side yard #2 is 13.5'. Both will remain unchanged where 20' is required for each side. The property is served by a 3 bedroom septic system. The applicant proposes to install a new potable well in the front yard and abandon the existing well which would be located within the proposed building footprint. Both wells will require a NJDEP permit for approval and the work must be performed by a NJ licensed well driller. In addition, any resolution of approval must clearly stipulate that the dwelling shall remain a 3 bedroom dwelling unless a septic expansion is permitted and performed.

The Chairman said there is an existing 3 bedroom septic on the property so the house must remain a 3 bedroom house however, sheet T-1 of the plans describes the project as a 4 bedroom residence. He also said that Mr. DiGennaro wants to see the dimensions of the septic so that it is clearly identified. Mr. DiGennaro also noted that he wants the exact location of the new well in the front yard. Chairman Fry said he found a couple of discrepancies between the zoning table and the section J; specifically the building coverage of 1430 sf listed on T-1 is in conflict with the section J which lists the coverage as 2430 sf.

Mr. Kalpagian said it is nice to see that the applicant took measures not to add additional variances or exacerbate any existing nonconformities.

Urena 88 Yale Ave. Block 467 Lot 4 – corner lot

(The applicant proposes to construct a detached garage in the second front yard on Amherst Street requiring variance relief for lot area, both front yard setbacks, and accessory structure in a front yard)

Chairman Fry read the following technical memo prepared by Mark DiGennaro, the Township Engineer:

I have reviewed the survey prepared by Paparozzi Associates dated 5/3/21, application, photos, plot plan and architectural prepared by Scott C. Bella, Architect, revised thru 5/9/23, sheets A and G1. The existing single family dwelling is situated on a corner lot in the R-15 zone and is non-conforming due to lot area, front yard setbacks and absence of a garage. The applicant is proposing one car detached garage to be located in the front yard along the paper street of Amherst Street. The existing lot area is 14,350.96 sf where 15,000 sf is the requirement in the zone. The existing and proposed front yard setback on Amherst Street is 29.25' and the existing and proposed front yard setback on Yale Avenue is 8.45' where 40' is the requirement for both front yards. The applicant is proposing to construct a one car detached garage in the front yard with rear and side yard setbacks of 5' where 10' is the requirement for both setbacks. The project does not require a stormwater management plan and the property is served by municipal sewer.

Chairman Fry pointed out that the applicant will be eliminating a nonconformity by constructing the garage however he would like to hear testimony as to why they are looking to construct the garage with 5' setbacks when 10' is the requirement.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:15 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment

WYCKOFF BOARD OF ADJUSTMENT

AUGUST 17, 2023 PUBLIC BUSINESS MEETING 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 August 17, 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 Tanis, Brian Hubert, Ed Kalpagian, and Chris Joachim. Absent: Mark Borst, Erik Ruebenacker, Nekije Rizvani, and Doug Messineo. Staff in attendance: Dave Becker, Board Attorney; Pete Tenkate, Township Consulting Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the July 20, 2023 Work Session and Public Business Meeting minutes.
The minutes were approved during the Work Session.

PAYMENT RESOLUTION #23-08

The Payment Resolution was approved during the Work Session.

RESOLUTION FOR MEMORIALIZATION

Smith 450 Baxter Ave. Block 490 Lot 12.01

(The applicant proposes to expand the second story of the home requiring variance relied for

the front and side yard setbacks, principal building lot coverage, and third story due to the basement walk-out in the rear)

Jarecky 381 Newtown Rd. Block 393 Lot 7

(The applicant proposes to construct a covered front porch requiring variance relief for the front yard setback, principal building lot coverage, and combined lot coverage)

Evelich 210 Carmel Ct. Block 391 Lot 7.01

(The applicant proposes to construct an addition over the existing attached garage requiring variance relief for the enhanced side yard setback)

The Resolutions were approved during the Work Session.

FOR DISCUSSION

Nouvelle, LLC 714 Godwin Ave. Midland Park

(The applicant proposes to construct a multi-family building consisting of four affordable housing units for U.S. military service veterans in a single family zone requiring a use variance as well as bulk variances. No improvements are proposed for the portion of the property located in the Township of Wyckoff. The application was approved by the Midland Park Zoning Board of Adjustment)

The matter was discussed during the Work Session meeting.

APPLICATION CARRIED

185 Jackson, LLC 190 Crescent Ave. Block 265 Lot 67

(The applicant proposes to construct an addition to the home requiring variance relief for lot area, frontage, and both side yard setbacks)

Chairman Fry stated that he listened to the audio of the previous hearing of this application and is therefore eligible to vote on the application.

Bruce Whitaker, the applicant's Attorney, provided the following information about the application:

This is a continuation of the public hearing which commenced on June 15, 2023. At that time, the Board was very instructive about reducing the size of the overall building to get the gross building area down below 3,700 sf. We have a lot that is substandard in area and width. We went back to the drawing board and reduced the size of the house by 300 sf. We incorporated a small bump-out over the garage to add an architectural element to the design. The existing side yard setbacks will remain the same. The second floor addition on the left side will almost meet the 25' requirement. The house is skewed on the property which makes this unique. We are requesting that we be granted the variance relief we are seeking. When you look at the 74 sf, which is how much we are over on gross building area, I believe it is a matter of form over substance as it creates a better look to the house aesthetically and architecturally.

Board Attorney Becker said that at the last meeting, the entire submission was marked exhibit A-1. The revised architectural plan will be marked A-2, and the engineering plan including Landscaping will be marked A-3.

Robert Puzio, the Architect, was reminded that he was previously sworn and is still under oath.

He then provided the following details of the revised architectural plan:

We rearranged the first floor plan and reduced the rear covered patio behind the garage. The footprint of the house will not change. We reduced the second story addition over the garage by pushing it back approximately 10' from the left side. We kept the four bedrooms but eliminated a sitting area and reduced the size of the primary bedroom. We also reduced the area that is open to the foyer below. The purpose of the bump-out over the garage is for aesthetics. The siding will be Hardie plank and stone.

Mr. Hubert pointed out that the original plan proposed a height of 32' and the revised plan proposes 34.96' which is right at the maximum allowed 35'. He asked what caused the increase in height. Mr. Joachim said the section J lists the proposed height as 34.96' however the drawings show a height of 32'. Mr. Whitaker said Mr. Koestner, the Engineer will testify about the height calculations.

Mr. Tanis asked how much of the house is going to remain. Mr. Whitaker said testimony was provided at the last meeting that the first floor will remain, and the boards will be sistered to create the 9' ceilings.

Chairman Fry said he listened to the recording of the last meeting and the Board sounded adamant about getting the gross building area down below 3,700 sf. He added that he does not want to see something created that is not aesthetically pleasing, however it would only take reducing the size by about 1' on each side of the second story addition to get the gross building area below 3,700 sf. He reiterated that the Board was very clear about getting the gross building area below 3,700 sf and asked why that could not be accomplished, and if the addition could be reduced by 1' on each side.

Mr. Puzio stated that it would be possible to reduce the addition by 1' on each side however the house will then look unbalanced. He added that if the bump-out is reduced it will just look like it was a mistake and the second floor windows will not line up with the windows below.

Steven Koestner, the Engineer, was reminded that he was previously sworn and is still under oath. Mr. Koestner stated that the house is skewed on the property. The existing side yard setback on the left side of the building is 3.53' at the front corner of the garage and 5'-6' off the rear corner of the garage and those setbacks to the garage will not change. Mr. Koestner went on to say that the setbacks to the proposed second story addition are 27' to the rear corner and 22.83' to the eave at the front corner of the addition. The existing side yard setback on the right side of the building is 15.91' at the front corner of the building and 11.52' off the back corner, and those setbacks will remain the same. Regarding the proposed height, Mr. Koestner stated that the maximum height of 34.96' was measured from the lowest grade of the property at the rear corner of the garage. The grade in the front yard is slightly higher than the rear so the height in the front will be approximately 34' and 3-4 inches. The driveway will be widened by about 216 sf. A row of emerald green arborvitae is proposed down the right side of the property from the rear of the garage to the rear property line, two maple trees are proposed in the front as well as foundation plants in the front of the house.

Chairman Fry suggested switching the emerald green arborvitae variety to green giant because they are more deer resistant. He also asked for clarification on the setbacks to the proposed second story addition, and the increase in the size of the driveway. Mr. Koestner stated the side yard setback to the eave at the left front corner is 22.83' and 23.83' to the exterior wall. The side yard setback to the rear corner is 27' to the exterior wall and 26' to the eave. Regarding the

driveway, Mr. Koestner stated that it has been increased by 216 sf, and that the drainage calculations have been modified as well to reflect the increase of the driveway.

Mr. Hubert mentioned that some trees had been taken down prior to initial hearing of the application and that he would like to know why they were taken down.

Henadzi Valynets, the applicant, came forward and was sworn in. Mr. Henadzi stated that he is a principal of 185 Jackson LLC, and he is a builder. He explained that there were 3 dead trees in the rear yard when he purchased the property, so he removed them. He added that there was an Oak tree in the front yard that lost big branches during a storm and his tree specialist advised that the tree be removed because it was rotting on the inside.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Chairman Fry said we heard some testimony as to why you could not get below 3,700 sf of gross building area. He went on that say that while he is not thrilled with having the enhanced side yard setback in play, the setbacks to the second story addition are 23.83' at the front corner and 27' at the rear corner. He also said that the aesthetics are important.

In summation, Mr. Whitaker said we are working with an existing lot width of 80' where we need 100'; we are working with a building that is skewed on the property, and even though we are way under in the required lot area, we are not exceeding the permitted lot coverage. Mr. Becker said those are the hardships.

Chairman Fry said he does not love the fact that the applicant did not get the gross building area below 3,700 sf however he heard the testimony behind the reason for that, and he does not want to be counterproductive by ruining the aesthetics of the home just to get to a number. He went on to say that he understands the hardship of the lot being undersized in area and width which come into play when you are trying to build something within the zoning requirements. Hearing that the second floor setbacks are beyond 23' makes it easier to understand the hardship.

Mr. Hubert made a motion to approve the revised application. Second, Mr. Joachim. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Joachim, and Chairman Fry. Mr. Kalpagian abstained.

NEW APPLICATIONS FOR PUBLIC HEARING

Buchanan 684 Terrace Heights Block 425 Lot 26

(The applicant proposes to expand the first and second floors of the existing home requiring variance relief for lot area, and both side yard setbacks)

Bruce Whitaker came forward on behalf of the applicants Maxwell and Alyson Buchanan. He stated that this is a unique, irregular lot, and the word irregular is what is used in the Municipal Land Use Law under the C-1 criteria. The lot area is 16,000 sf where 25,000 sf is required, and there are pre-existing nonconforming side yard setbacks of 19.4' and 13.5' where 20' is the requirement. The applicant is proposing to remove the existing attached garage and construct a new 2 ½ car garage which will be side loading on the right side of the house. They are proposing to expand the second story to include a master bedroom, master bath, laundry room,

and some other bedroom modifications. The house is currently a one bedroom home. We will stipulate to a deed restriction that the home will be a 3 bedroom home due to the 3 bedroom septic. The applicant is seeking a front yard setback variance, and the other existing nonconformities, as it pertains to both side yard setbacks will not be exacerbated. The proposed height is only 29' where 35' is permitted. Finally, Mr. Whitaker said he believes that variance relief is appropriate under the C-1 criteria based upon the irregularity and square footage of the lot.

The architectural plan with site plan sheet T-1 was marked exhibit A-1. Photos circulated by Mr. Whitaker were marked A-2 and A-3. Copies of the existing floor plan was also circulated and was marked A-4.

Peter Cooper, the Architect, was sworn in and provided the following details of the plans: We are proposing a second floor addition over the garage for the master suite, and a reconfiguration and addition to the main part of the house to enlarge the second floor. We are seeking to keep the profile of the house. We are constructing a cantilever in front to create a covered front porch. The existing garage is quite small. We are proposing to construct a new 2 ½ car garage as well as 3 bedrooms on the second floor. A laundry room is also proposed on the second floor. The objective was to keep the roof line low, and the height of the home will be 29'. The siding will be Hardie plank with cedar shakes on the gable ends.

Chairman Fry said the variances being sought are for the undersized lot, the front yard setback, and the side yard setbacks which are pre-existing and are not being exacerbated. He also said he would like to clear up the discrepancies between the plans and the section J. Mr. Cooper said the section J is correct and is the definitive document for the calculations.

The Chairman said that most importantly, sheet T-1 describes the project as a 4 bedroom house and that must be corrected to a 3 bedroom house due to the existing septic system. In addition he said the exact location of the septic tank and the well must be identified on the plans. Mr. Cooper stated that the Engineer did come out to re-establish the survey to reflect the location of the septic and the well and they are shown on the plans dated 6/19/23 that were provided to the Board. Mr. Fry said Mr. DiGennaro wants the dimensions as well as the locations. Mr. Cooper stated we will meet all engineering requirements as a stipulation.

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

Mr. Tanis asked if the utility lines will be placed underground pointing out that the existing electrical service will have to be moved due to the location of the new addition. Chairman Fry said a stipulation we always have, which makes sense, is to place the electric lines underground whenever possible. Mr. Whitaker stated that if we can, we will place the lines underground.

Chairman Fry asked for a motion on the application with the conditions that the electric lines will be placed underground if feasible, the house is to remain a 3 bedroom house due to the 3 bedroom septic system, sheet T-1 will be corrected to reflect it is a 3 bedroom house, the septic and new well is to be dimensioned on the plan, siding will be Hardie board, the values on the section J prevail, and the zoning table on sheet T-1 will be corrected to match the section J.

Mr. Kalpagian made a motion to approve the application with the aforementioned conditions.

Secon, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Joachim, and Chairman Fry.

Urena 88 Yale Ave. Block 467 Lot 4 – corner lot

(The applicant proposes to construct a detached garage in the second front yard on Amherst Street requiring variance relief for lot area, both front yard setbacks, and accessory structure in a front yard)

Scott Bella, the applicant's Architect came forward and was sworn in. Mr. Bella has appeared before this Board numerous times, was previously qualified, and was accepted as an expert in his field. Mr. Bella provided the following details of the application:

We are looking to construct a one car garage. We have a difficult lot with multiple hardships. We are looking for a C-1 variance as it relates to setbacks. Basically the site is difficult in the sense that we have a paper street on Amherst and Yale Avenue does not go through and encompass the whole property which makes it very difficult for us to use the back portion of the property. We are limited to a small portion of the property, and as you can see on the site plan, the buildable area is way outside where the existing building exists. We are asking to construct a 12' by 25' one car garage with a 5' side yard setback on Amherst and a 5' setback from the rear property line. There are no homes to the rear of the property. We did hear the comments made during the work session regarding the 5' setbacks and we would be willing to slide the garage forward to get the rear yard setback closer to the 10' requirement. We are also willing to move the garage over and away from Amherst, however that will be a little trickier due to the location of the existing deck on the back of the home. It might be possible to slide the garage over to achieve a 7' setback. Placing the garage any closer to the deck would be less aesthetically pleasing and it would also make it harder to get things in and out of the back yard. Lastly, aesthetically, this is a simple garage with a gable roof, and we are going to incorporate a small dormer on the Amherst side to add curb appeal, and we are they are also proposing 8 arborvitaes, 4' tall at planting, as screening on the Amherst side of the garage.

Chairman Fry said he thinks shifting the garage over is a good idea and asked if sliding the garage over will conflict with the existing patio. Mr. Bella said as long as it is not shifted too much closer to the deck the applicant does not have a problem with it.

The Chairman said the lot is unique and it does create the hardship because it is so irregular. In addition, a nonconformity will be eliminated by constructing a garage, and the proposed location makes sense. Mr. Hubert said there is really no other location for the garage.

Mr. Joachim said a lot of work has been done to improve the property adding that it has come a long way from where it used to be which is very impressive.

Mr. Tanis pointed out that there is a shed on the property which is not reflected in the accessory lot coverage calculations. He asked if the shed is being removed. Mr. Bella stated that the 120 sf shed is staying. Mr. Tanis said 120 sf will push the accessory lot coverage over the allowed amount of 5%. Mr. Ten Kate said the accessory lot coverage will be 5.4% if the shed is included. Board Attorney Becker said this will require another variance for accessory lot coverage of 5.4%. Mr. Kalpagian said they will still be under the permitted combined lot coverage.

Chairman Fry said the plans and the section J need to be updated to reflect the shed on the property, accessory lot coverage of 5.4%, combined lot coverage of 13.1%, rear yard setback of

10', side yard setback of 7' on Amherst, and siding will match the existing house.

Chairman Fry asked if the existing driveway is going to change at all. Mr. Bella said it will get smaller now due to moving the garage forward to achieve the 10' setback. The Chairman said the impervious coverage calculation will also have to be updated on the plan and the section J.

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Jamie Bodart, who resides at 361 Amherst Street, came forward and said he is very pleased with the improvements the applicant has made to the property and he supports the application.

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Chairman Fry summarized as follows:

The garage is going to be pulled forward to be 10' off the rear, and off the side to be 7' off Amherst. The impervious coverage will be corrected due to the driveway being made shorter. The shed will be located on the site plan. The section J and zoning table will be updated to reflect the accessory lot coverage and combined lot coverage. Siding will match the siding on the house.

Mr. Becker said the requested variances are for accessory structure in a front yard, accessory structure side yard setback of 7', and accessory lot coverage of 5.4%.

Mr. Tanis made a motion to approve the application with the aforementioned revisions. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Joachim, 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 9:20 p.m.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment