

WYCKOFF ZONING BOARD OF ADJUSTMENT
MARCH 21, 2024
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 Borst:

"The March 21, 2024 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."

"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: Mark Borst, Erik Ruebenacker, Chis Joachim, Nekije Rizvani, Brian Hubert, Ed Kalpagian, Brian Tanis, Doug Messineo, and Zvonko Veskov.

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

OLD BUSINESS

Approval of the February 15, 2024 Work Session and Public Business Meeting minutes.

One correction was made to the February 15, 2024 Public Business meeting minutes. Mr. Ruebenacker made a motion to approve the Work Session minutes and the Public Business meeting minutes as amended. Second, Mr. Joachim. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, Mr. Veskov, and Mr. Ruebenacker. Abstained: Mr. Kalpagian, and Chairman Borst.

PAYMENT RESOLUTION #24-03

Mr. Hubert made a motion to approve Payment Resolution #24-03. Second, Mr. Tanis. Voting in

favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, Mr. Veskov, Mr. Ruebenacker, and Chairman Borst. Mr. Kalpagian abstained.

RESOLUTIONS FOR MEMORIALIZATION

Walker 451 Lafayette Ave. 483/34

(The applicant proposes to construct an outdoor kitchen and patio requiring variance relief for accessory structure side and rear yard setbacks, principal building lot coverage, and combined lot coverage)

Dwyer 306 Voorhis Ave. 288/39

(The applicant proposes to expand the second story of the home and construct a front portico requiring variance relief for lot area, frontage, depth, front yard setback, accessory structure setbacks, accessory structure lot coverage, and combined lot coverage)

St. Hilaire 507 Carlton Rd. 281/7

(The applicant proposes to expand the second story of the home requiring variance relief for the enhanced side yard setback on both sides)

Lunardoni 196 Crescent Ave. 265/70

(The applicant proposes to construct an addition to the home requiring variance relief for lot area, frontage, side yard setback and principal building lot coverage)

Mr. Tanis made a motion to approve the four (4) Resolutions. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, Mr. Veskov, and Mr. Ruebenacker. Abstained: Mr. Kalpagian, and Chairman Borst.

REQUEST FOR EXTENSION OF APPROVAL

Driggs 439 Lafayette Ave. 491/28

(The applicant applied to the Zoning Board of adjustment for variance relief for the front yard and rear yard setbacks and accessory structure side and rear yard setbacks to expand the second story of the home. The application was approved in March of 2023 and the Resolution was memorialized on April 30, 2023. The applicant is requesting a one year extension of the approval)

Mr. Hubert made a motion to approve a one-year extension of the approval. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Kalpagian, Mr. Messineo, Mr. Veskov, Mr. Ruebenacker, and Chairman Borst.

CARRIED APPLICATION

Vartabedian 369 Steinhauser Lane 428/3.02

(The applicant proposes to construct an addition to the first and second floors of the home requiring variance relief for the enhanced side yard setback)

The Chairman announced that the applicant has requested that the application be carried to the April 25, 2024 meeting.

NEW APPLICATIONS FOR PUBLIC HEARING

Morgan 80 Morley Drive 278/15

(The applicant constructed a front portico requiring variance relief for the front yard setback)

Mark DiGennaro, the Township Engineer provided the following technical review of the application:

I have reviewed the Plot Plan and Survey prepared by Weissman Engineering Co. last revised 1/23/24, Architectural Plan by Callori Architects, last revised 11/20/23, photographs and application. The existing single family dwelling is in the RA-25 zone on a corner lot and is non-conforming as to accessory structure side yard setback. The applicant is appearing before the Zoning Board to obtain an approval for the front porch overhang which was constructed before being aware of the setback requirements. All conditions on the property are conforming with the exception of the accessory structure (detached garage) side yard setback of 3.2' where 15' is the requirement. The applicant is requesting a variance for the front yard setback on Morley Drive. The existing setback is conforming at 41.5' and proposed is 35.8' where 40' is the requirement. They did not realize a variance was required for the roof covering the front stoop until it was pointed out by the Township's Construction Official.

Chairman Borst asked if the front step was existing or new construction. Mr. DiGennaro said it was existing and they just added the roof over it. Mr. Borst also asked if the garage was existing to which Mr. DiGennaro replied yes.

Stepe 304 Calvin Ct. 349/44

(The applicant proposes to construct an addition over the attached garage with separate entrance from the outside requiring variance relief for a side yard setback of 5.48' to the second story addition)

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

I have reviewed the Survey prepared by Teunisen Surveying & Planning Co dated 3/11/05, Plot plan Architectural plan prepared by BlueLine Architecture sheets 6 of 6, last revised 1/18/24, Application, and photos. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, and side yard setbacks. The applicant is proposing a second story addition over the garage and to the rear (he pointed out that there was a typo in his report which stated the proposal was for a one story addition and covered porch). The existing lot size is 13,784 sf where 25,000 sf is the requirement. The existing lot frontage is 75' where 125' is required. Existing side yard setback #1 is 10.75' and will remain unchanged. Side yard #2 setback is 5.48' and 4.0' to the overhang is proposed. 20' is the requirement for each side. The property is served by municipal sewers, and a stormwater management plan is not required for this proposal.

The Chairman said they are proposing to construct an addition over the garage, and the setback is very tight on that side of the house.

Ms. Rizvani said the applicant's plot plan references a septic system on the site; however Mr. DiGennaro's report says the property is connected to municipal sewers. Mr. DiGennaro said a four-bedroom septic was installed in 2011 so his report is incorrect.

Mr. Ruebenacker said the second story addition with the proposed setback is a challenge. He added that he believes the second story could be bumped in a couple of feet especially since the space will be used as rec room according to the plans. He said he would like to hear testimony

about the stairs to the new addition being proposed from the garage instead of the new room being accessible from the existing second floor as well as testimony about the need for the exterior access from the back of the garage.

Chairman Borst said he does not understand the purpose of bumping out the front of the garage and would like to hear some testimony about that. He added that his biggest concern is the rear entrance to the second floor addition. Ms. Rizvani agreed.

Mr. Joachim pointed out that there are 2 points of entry from the existing second floor into the proposed addition; one is through a bedroom and the other is through a bathroom.

Mr. Tanis said he feels that it is a big ask to put that second story so close to the property line at that height. In addition, a lot of the neighboring houses are single-story ranches, and this house already has a lot more mass than many homes on that street.

Bell 243 Eastview Terrace 393/5

(The applicant propose a second story addition requiring variance relief for both side yard setbacks, lot area, and frontage)

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

I have reviewed the Survey prepared by Galiano Harris & Associates LLC dated 6/22/23, Plot Plan and Architectural Plan prepared by Volume 11 Design Works, last revised 1/30/24, application and photos. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, side yard setbacks and accessory structure setback. The applicant is proposing a second story addition above and within the existing building footprint requiring variance relief. The existing lot is 14,435 sf in the zone that requires 25,000 sf. The lot frontage is 75' in the zone that requires 125'. The existing side yard setback #1 is 17.9' and side #2 is 15.75', Both side yard setbacks will remain unchanged where 20' is the requirement for each side. There is an existing accessory structure (shed) with a rear yard setback of 2.4' where 6' is the requirement for an 8' by 10' shed. The application does not qualify for Stormwater management requirements and the property is served by a 4 BR septic installed in 2002.

Mr. DiGennaro said the Board should get some testimony about the existing layout of the first floor since the architectural plan only shows the second story floor plan.

Mr. Hubert said he would like to hear testimony on how much of the first floor is staying.

Mr. Ruebenacker said it is a modest addition to gain some extra space on the second floor, and the roof is angled away from the setback. Mr. Kalpagian agreed.

Mr. Joachim said this may be a good opportunity for the applicant to consider placing the utilities underground if possible.

Chairman Borst pointed out that the applicant did not submit a landscape plan, but submitted a letter stating that any plants destroyed during construction will be replaced in kind. The concern is that with heavy construction some of the existing landscaping will get destroyed, and they will not be able to find plants of that size. He said he is leaning towards requesting that the applicant submit a landscape plan.

Patel 811 Wyckoff Ave. 202.02/28

(The applicant proposes to expand the first and second stories of the home requiring variance relief for both side yard setbacks)

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

I have reviewed the Survey prepared by Paparozzi Associates Inc. dated 8/30/22, Plot plan and Architectural plan prepared by Vicente Varela, Jr. RA sheets 4 of 4 dated 2/28/23 last revised 10/4/23, drainage, grading and landscape plan by Steven L. Koestner, PE, PLS. revised 2/27/24, application and photos. The existing single family dwelling is situated in the RA-25 zone and is nonconforming due to side yard setback. The applicant is proposing an addition renovation requiring variance relief for the enhanced side yard setback on both sides. The existing lot area is 37,523.69 sf where 25,000 sf is the requirement. The existing lot frontage, depth, front yard setback, rear yard setback and lot coverage are all conforming. The existing side yard setback #1 is 18.2' and proposed is 16.63'. Existing side yard #2 setback is 24.73' and proposed is 15.13'. The enhanced 25' setback is required on each side due to the proposed gross building area. The existing height is 20' and proposed is 35' where 35' is the maximum permitted. The property is served by municipal sewers, and a stormwater management plan and design was determined to satisfy Township Requirements.

Chairman Borst pointed out that the section J of the application lists the existing setback for side yard #1 as 21.47'. Mr. DiGennaro said there were some discrepancies between the engineering plan and the architectural plot plan. The survey and the engineer's site plan actually show that the setback is 18.53'. The Chairman said in that case, there is currently only one existing nonconformity on the site.

Mr. Joachim said he spent a lot of time reviewing this plan and it looks like this is a complete teardown.

Mr. Ruebenacker said the required setbacks are 25' on each side. The applicant is proposing to expand further into the setbacks on the first and second floors. He went on to say that he does not see the hardship when the existing lot is over 37,00 square feet and that he would like to hear testimony on how this project for this house, on this lot evolved.

Mr. Kalpagian said they are proposing to encroach into both side yard setbacks and proposing a height of 35' when the lot depth is more than what is required. He added that he is not sure what testimony we could hear that would make this proposal okay.

Chairman Borst said if the lot width was nonconforming, that would be the hardship however it is conforming.

Mr. Messineo said asking for variances for both side yards is a lot to ask since one of the sides is currently conforming.

Mr. Tanis said that asking for a third garage bay puts this application over the top. He went on to say that the first question he has is how much of the existing house is going to remain. If the house is coming down, why would they not try to build a conforming house. There are discrepancies between the demo plan and the first floor framing plan. They are going up to 10' ceilings on the first floor and 9' ceilings on the second floor and it is going to be a much bigger house than what is there now. Finally he said that he would like to hear testimony as to whether

they explored any other options since this is a beautiful oversized lot, and he is struggling to see the hardship.

Chairman Borst pointed out that the lot narrows down to 95' wide in the back. Mr. Hubert agreed that the lot does get narrower in the back, however the property is very deep and in the past we have seen others make it work.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:05 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment

WYCKOFF BOARD OF ADJUSTMENT

MARCH 21, 2024 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

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"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."

PLEDGE OF ALLEGIANCE

ROLL CALL

Board Members in attendance: Mark Borst, Erik Ruebenacker, Ed Kalpagian, Chis Joachim, Nekije Rizvani, Brian Hubert, Brian Tanis, Doug Messineo, and Zvonko Veskov.

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

OLD BUSINESS

Approval of the February 15, 2024 Work Session and Public Business Meeting minutes.
The minutes were approved during the Work Session.

PAYMENT RESOLUTION #24-03

The Payment Resolution was approved during the Work Session.

RESOLUTIONS FOR MEMORIALIZATION

Walker 451 Lafayette Ave. 483/34

(The applicant proposes to construct an outdoor kitchen and patio requiring variance relief for accessory structure side and rear yard setbacks, principal building lot coverage, and combined lot coverage)

Dwyer 306 Voorhis Ave. 288/39

(The applicant proposes to expand the second story of the home and construct a front portico requiring variance relief for lot area, frontage, depth, front yard setback, accessory structure setbacks, accessory structure lot coverage, and combined lot coverage)

St. Hilaire 507 Carlton Rd. 281/7

(The applicant proposes to expand the second story of the home requiring variance relief for the enhanced side yard setback on both sides)

Lunardoni 196 Crescent Ave. 265/70

(The applicant proposes to construct an addition to the home requiring variance relief for lot area, frontage, side yard setback and principal building lot coverage)

The Resolutions were approved during the Work Session.

REQUEST FOR EXTENSION OF APPROVAL

Driggs 439 Lafayette Ave. 491/28

(The applicant applied to the Zoning Board of adjustment for variance relief for the front yard and rear yard setbacks and accessory structure side and rear yard setbacks to expand the second story of the home. The application was approved in March of 2023 and the Resolution was memorialized on April 30, 2023. The applicant is requesting a one year extension of the approval)

The Board approved a one-year extension of the approval during the Work Session.

CARRIED APPLICATION

Vartabedian 369 Steinhauser Lane 428/3.02

(The applicant proposes to construct an addition to the first and second floors of the home requiring variance relief for the enhanced side yard setback)

The Chairman announced that the applicant has requested that the application be carried to the April 25, 2024 meeting.

NEW APPLICATIONS FOR PUBLIC HEARING

Morgan 80 Morley Drive 278/15

(The applicant constructed a front portico requiring variance relief for the front yard setback)

Robert Weissman, the applicant's Engineer, was sworn in, provided his credentials, and was accepted as an expert in Engineering. Mr. Weissman provided the Board members with an architectural floor plan drawing prepared by Callori Architects, sheet A201, which was marked exhibit A-1. Mr. Weissman explained that this was one that slipped through the cracks as far as realizing that the 3' overhang in the front would require a variance. The roof overhang does not extend out over the front steps, it only covers the landing at the front door resulting in a 38.5' setback to the overhang.

Mr. Kalpagian asked for clarification that the setback to the first step is 35.8' which is where we measure the setback to. Mr. Weissman affirmed that the setback to the first step is 35.8' and the setback to the roof itself is 38.5'.

Mr. Hubert said typically the Board views a roof over the front entryway as a safety feature to provide some protection from inclement weather. Chairman Borst agreed.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Hubert made a motion to approve the application as submitted. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Ruebenacker, and Chairman Borst.

Stepe 304 Calvin Ct. 349/44

(The applicant proposes to construct an addition over the attached garage with separate entrance from the outside requiring variance relief for a side yard setback of 5.48' to the second story addition)

Scott Stepe, the applicant, was sworn in. Mr. Stepe stated that he desires to construct the rec room addition due to some unique circumstances in his home. He went on to explain that his youngest teenage son has sever autism and has significant behaviors which disrupt the entire household. He further explained that his other son, who attends college locally, has been diagnosed with A.D.D. and suffers from anxiety. He is greatly impacted by the behavior issues of his younger brother. This is affecting his ability to focus on his college studies, his sleep, and his social life at home. Mr. Stepe stated that he would like to construct the addition to provide his older son with a private place to retreat when there is chaos in the household. It would also provide a space for his son to study without distractions, and to have a social life with friends inside the home. With regard to the proposed entrance from the rear of the home, Mr. Stepe stated that the separate entrance for his older son is so he does not have to be exposed to some of his younger sons outbursts every day. Mr. Stepe said that there are three other homes on the block with the exact same configuration over the garage, with the same dimensions, so he decided to look into this. Finally, he said they have been living in the home for 20 years and they would love to stay in the home.

Wayne Johnson, the applicant's Architect was sworn in and provided the following details of the application:

The property is significantly undersized for the zone. The lot width is only 75' where the zone requires 125'. We are seeking variances for the 2 side yards (sheet Z-3 was marked exhibit A-1). The left side setback is 10.75' to the roof overhang of the small rear addition and 12.06' to the wall. We are not putting a foundation under the new rear addition on the left because we have to steer clear of the septic system. On the right side of the house there is an existing one-car garage which looks very much out of place with the rest of the house. Constructing the second story over the garage will balance the look of the home.

Chairman Borst asked what the difference will be in the height from the peak of the existing roof to the soffit on the proposed hip roof. Mr. Johnson stated it will be approximately 7 ½' higher than the existing roof peak.

Mr. Kalpagian asked if there is a finished basement in the home, and if the applicant considered adding a separate entrance to the basement to create the private space they are looking for. Mr. Stepe said it's pretty tight, and they really had not thought about that as an option.

Referring to sheet Z-5 (exhibit A-2), Mr. Johnson said they are proposing a cantilever with skirt roof over the front of the garage and increasing the garage door height to 8'. Referring to sheet Z-2 (exhibit A-3), Mr. Johnson said we are proposing a small 22 sf addition to the first floor in the left rear of the house to enlarge the existing office. In the right rear, we are proposing an addition for the stairwell up to the proposed second story addition.

Mr. Ruebenacker asked for clarification about the access to the staircase to the second floor. Referring to sheet Z-4 (exhibit A-4), Mr. Johnson said there will be access to the stairs from inside the garage as well as an entrance from the outside behind the garage. The stairwell will be open to the room over the garage.

Mr. Hubert asked about access to the new addition from inside the house. Mr. Johnson said there will be access to the rec/study room through a bedroom. The rec/study room will also have access to a new secondary bathroom.

Ms. Rizvani asked if any additional plumbing will be added to the new rec room, pointing out that the plan shows a proposed coffee bar. Mr. Johnson said no, that is just a spot for a coffee maker.

Mr. Hubert asked for confirmation that the new addition is for a rec room, not an additional bedroom. Mr. Johnson stated this will be a rec room, not a bedroom, adding that the house currently has 4 bedrooms, and a 4 bedroom septic.

Mr. Ruebenacker said he understands that the 75' lot width is a hardship, however the proposed room is 12' by 24'. He asked why they decided to go straight up in the setback on that right side without bumping it in a little bit. Mr. Johnson stated that they did make efforts to do that however if you do a foot it doesn't make sense, and if you do 2 feet you don't have the room anymore.

Mr. Ruebenacker said the challenge is that the homeowner testified that they did not look into the basement as an option, and here we have this addition going into the setback just 5 feet off the side yard. Mr. Johnson stated that the basement would not make sense in terms of how the house functions. The applicant's sons bedroom is on the second floor and having the rec/study room right off his bedroom will be part of his living environment, rather than having to go up and down to the basement.

Mr. Johnson said he would like to point out that there are 2 or 3 other homes on Calvin Court with the exact same scenario as this. They have 75' wide lots and they have 2 stories which have been added in a very similar fashion. Mr. Kalpagian asked if they are all 5' off the property line. Mr. Johnson said he could not testify to that.

Mr. Kalpagian said we have to be respectful of the side yard setback. the Board wants to be empathetic to the situation, however the challenge for the Board is that we have to stick to the Wyckoff Master Plan regarding green and open space. If we allow this setback, over time every house on Calvin Court will have a second story 5' from the property line. He then asked about the dimensions of the basement and why the rec/study room has to be attached to the bedroom.

Mr. Johnson said he would be guessing if he had to answer as to the dimensions. Mr. Stepe said it is not a big basement. There is a huge water heater in the basement as well as the laundry space, and the basement is only partially finished.

Mr. Tanis suggested eliminating the rear addition for the staircase and placing the stairs inside the existing garage, keeping the existing footprint, and lessening the impact on the neighbor to the right. Mr. Johnson said they will lose the use of the garage if they do that.

Mr. Kalpagian said the Board understands the situation, and we want to work with the applicant, but allowing you to build 5' off the property line could come back to haunt us in a number of ways, which is why we are trying to look at all workable options.

Mr. Tanis suggested constructing a dormer addition instead of a full second story over the garage.

Ms. Rizvani suggested eliminating the exterior entrance and staircase to shorten the length of the addition in the setback.

Chairman Borst said the stairs are a big concern for him adding that if the current owner moves out, that room over the garage becomes an apartment.

Mr. Joachim said it will have to be in the Resolution or there would have to be a deed restriction for that.

The Chairman suggested constructing an addition to enlarge the son's bedroom to accommodate a couch, and some additional space so he can invite friends over. He said he understands the needs of the family, however he questioned why the room needs to be so large with an entrance from the outside, a door into the bedroom, and a door into the bathroom.

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

While expressing empathy for what the applicant was trying to accomplish with the addition, it was the general consensus that building the mass on the right side, 5' off the property line, was a difficult challenge for the Board.

Chairman Borst asked the Board members for comments and recommendations.

Mr. Ruebenacker: Bump it in 2 feet.

Mr. Joachim: Bump it in 2 feet to create an offset on the second story.

Mr. Kalpagian: Step the addition back on the right side and you will still achieve what you are trying to do for the family.

Mr. Tanis: come up with a creative solution to shrink the size of the addition and reduce the massing on the right side.

Mr. Hubert: keep the existing footprint of the garage and minimize the mass on the right side.

Mr. Hubert said the challenge for this Board is always the same. How do we balance a family's hardship with having a situation down the road where this rec/study room is turned into a 5th bedroom. He added that it is not an easy thing for this Board to go back and forth trying to come up with something that will work for everyone. Knowing that there is a hardship, and knowing that

we have an obligation as volunteer Board members to do what is right for the Town is our challenge.

Chairman Borst asked Mr. Johnson how he would like to proceed. After speaking with Mr. Stepe, Mr. Johnson said that they would like to put some more thought into this, and he asked the Board to carry the application to the April meeting.

Bell 243 Eastview Terrace 393/5

(The applicant propose a second story addition requiring variance relief for both side yard setbacks, lot area, and frontage)

Ashley Bell, the applicant, was sworn in. Ms. Bell stated that the existing home has 4 bedrooms. Her husband has been working from home since 2018, and the 4th bedroom serves as his office. Ms. Bell said that since the Covid pandemic she has also been working from home 85% to 90% of the time, and that she has been working from the living room couch since 2020. The reason for the addition is to create an office space for her on the second floor of the home. Regarding some of the Board members comments during the work session, Ms. Bell said they are not planning to do anything on the first floor of the house. There is an existing sunroom/mudroom on the first floor where they enter the home through the garage which gets cold during the winter and very hot during the summer, so it is not really a viable space for an office.

Chairman Borst asked if there is currently a bedroom on the first floor. Ms. Bell said there is a bedroom on the first floor which her husband uses as his office. The 3 bedrooms on the second floor are being utilized by the couple and their 2 daughters. The addition will create an office space off the master bedroom. Ms. Bell said that her landscaper told them that they did not need to submit a landscape plan because the addition is being constructed over the garage, and there are no plants in that area. She added that she will commit on the record to replace any plants that get destroyed during construction. Finally with regard to placing electric lines underground, Ms. Bell said that she was not aware that an individual homeowner could place the lines underground.

Mr. Joachim explained that if the utility pole is on your side of the street, and you are doing construction on your home, you can have the lines placed underground to avoid having the lines brought down by a storm, ice load, or a tree.

Daniel Bell, the applicant, was sworn in. He said that his neighbor across the street was having work done on their house and they were told they could not put their lines underground because the utility pole is not on their side of the street. Mr. Joachim said that is because they would have to cut the road to bring the lines across the street underground. He suggested to the applicant's that since the pole is on their side of the street, this would be a good opportunity to place the wires underground.

Terry Durdin, the applicant's Architect, was sworn in, provided his professional credentials, and was accepted as an expert in his field. Mr. Durdin explained that the existing first floor of the home consists of a living room, dining room, kitchen, and a bedroom which is being used as an office. We are looking to construct a modest addition to the second story to create an office for Mrs. Bell and a second walk-in closet in the master bedroom. Everything else in the home will stay the same. We are also proposing to replace the roof with a new roof.

Mr. Ruebenacker asked what the proposed height is. Mr. Durdin stated the proposed height is 32.2'.

Mr. Hubert asked if the entire house is going to be resided. Mr. Durdin said we will match the siding on the new addition with the existing.

Mr. Tanis said he likes that they are keeping the cape cod style of the house, and that it will stay in character with the neighborhood.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Ms. Rizvani asked if the Board should make replacing the landscaping a condition of approval. Mr. Joachim said they stated on the record that they will replace the landscaping. The Chairman said the big difficulty with accepting that you will replace any damaged plants in kind, is that you have a lot of big plant material there, so we are leaving it a little loose which is something we normally don't do. Mr. DiGennaro said he is okay with it.

With regard to the septic, Mr. DiGennaro said it is currently a 4 bedroom house with a 4 bedroom septic system. Considering the expansion to the second story he suggested a deed restriction that it must remain a 4 bedroom house unless the septic is upgraded.

Chairman Borst explained to the applicants that due to the size of the septic and the bedroom count the Board wants a deed restriction that the house remains a 4 bedroom house, and if you decide to sell, you cannot list it as a 5 bedroom house unless you upgrade the septic to a 5 bedroom system. If you decide to upgrade the septic system, the deed restriction will be lifted. Mr. DiGennaro advised the applicant's that this is a step they will have to take with their attorney, and the deed restriction will have to be recorded with the County.

Mr. Ruebenacker made a motion to approve the application as submitted with the condition that a deed restriction for a 4 bedroom house will be recorded, and utilities will be placed underground if possible. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Ruebenacker, and Chairman Borst.

Patel 811 Wyckoff Ave. 202.02/28

(The applicant proposes to expand the first and second stories of the home requiring variance relief for the enhanced side yard setback on both sides)

Neha Patel, the applicant, was sworn in. Ms. Patel said she would like to provide the Board members with a little bit of background about what they are doing and why they are here. She stated that she and her husband have 2 daughters aged 9 and 12 years old. They outgrew their home in River Edge and were unable to expand it, so they began looking for a new home. Ms. Patel said she became ill in 2021 and their search was put on hold. When her medical issues were resolved, Ms. Patel said they resumed their search for a home, which kept bringing them back to Wyckoff, where they wished to reside. In September of 2022, they purchased the home at 811 Wyckoff Avenue. The home is a 2 bedroom ranch, which they knew would not be enough to accommodate their family of 4 and her in-laws who also stay with them. We are proposing an in-law suite with a bathroom on the first floor for the in-laws. We are also proposing a big open floor plan with a big kitchen and living room to have enough space to entertain the extended family. The master bedroom and bedrooms for the 2 daughters will be on the second floor. Finally Ms. Patel said their goal is to fulfill their dreams and create a home for their daughters

and their extended families.

Vicente Varela, the applicant's Architect was sworn in, provided his professional credentials, and was accepted as an expert in his field. Mr. Varela said he would be referring to the set of plans last revised 10/4/2023, sheets 1 -11. Mr. Garlick marked the entire set of plans exhibit A-1. Mr. Varela then provided the following details of the application:

This is an adequately sized lot as the Board mentioned earlier, however the lot width tapers down from 125' in the front to 95.17' in the rear. The existing left side yard setback is 21.47' at the widest point and then reduces to 18.2' towards the rear of the house due to the angle of the lot. As far as the Board members comments during the work session about the building being demolished, that is the case because the applicant is looking to have higher ceilings in the basement. We spoke with the contractor, and it will be more cost effective to add another 2 courses of block on top of the existing basement rather than digging down. If we keep 10% we can keep the existing setbacks. We would be willing to dig down rather than build up, in order to keep the existing nonconforming side yard setbacks. With this design, we are trying to save the existing foundation. We did not want to build too far into the back because the applicants have a very nice patio area and pool in the back which prevents us from building in that space. There is no parking permitted on the street in front of the house, so we are building towards the right side to expand the garage to add more parking on the property. Regarding the floor plan, the first floor will consist of a nice size foyer, a guest suite, a family room, a large open kitchen and dining room, a mud room which leads to the outside, and a 3 car garage. The second floor will consist of 2 bedrooms for their daughters, each with their own bathroom, a master bedroom suite, a lounge area, a game area, and a study with access to an outdoor terrace.

Mr. Hubert asked if they are proposing plumbing and heating in the basement to which Mr. Varela replied yes.

Referring to the demo plan, Mr. Joachim asked how much space will be gained by digging out the basement. Mr. Varela said they will gain 16 inches. Mr. Joachim said the demo plan shows that the entire CMU wall in the rear of the house is being removed as well as everything else in the basement according to the legend. Mr. Joachim said he was struggling to understand how they were going to go 16 inches under grade in the basement. Mr. Valera said they will do underpinning.

Mr. Tanis asked Mr. Valera to highlight on the demo plan which foundation walls are going to remain totally unaltered and will be underpinned. Mr. Valera pointed out a couple of walls they are planning to keep.

Chairman Borst said you are trying to keep a couple of nonconforming walls, and you are going to spend the same amount of money altering the existing foundation instead of demolishing the whole thing and putting in a new foundation. Mr. Messineo and Mr. Joachim emphatically agreed with the Chairman on that point. Mr. Borst went on to say with all that you are doing, you could make this all conforming, and you will have a brand new house.

Mr. Valera said we were hoping to keep the foundation. Mr. Joachim said the demo plan shows you are not keeping the foundation; it's a whole new foundation.

Mr. Valera stated that if we have to rebuild it, we will have to meet the 25' setbacks on each side. Mr. Hubert replied that's correct; you broke the code. Mr. Tanis said yes, that's why people

move to Wyckoff.

Mr. DiGennaro inquired about the age of the pool. Mr. Valera said he did not know when the pool was constructed, but it was existing when the applicant bought the house. Mr. DiGennaro said the pool is driving the location of this house, but if it wasn't for the pool, you could easily push the house back and build what you want and be conforming. He added that the lot is very large and deep so the homeowners could build their dream home at the expense of the pool and build a new pool further back on the lot. He also pointed out that the cost of the complete demo and a new pool will probably be cheaper than what you are planning to do by digging and underpinning.

Chairman Borst said he does not see the hardship, considering the fact that the lot is conforming, and you are telling us you are going to underpin 2 walls. We all know that it's cheaper to demo the whole thing, but you are keeping the 2 walls so that you can keep the existing setbacks.

Mr. Valera then offered that they could leave the basement at the current height, and pretty much save the existing foundations.

Mr. Hubert said you are trying to go around this. This is going to be a dream home, and if you are going to spend the money, you might as well do it once and do it right. He went on to say that this is a huge piece of property, so you have an opportunity to build a big house without even coming close to the 25' setbacks.

Chairman Borst pointed out that the applicant is asking for a larger footprint to go further into the setback. The house is currently conforming on the right side at 24.73' and now your pushing it to 15' where you need 25'. The Chairman said the question is, what is the hardship?

Mr. Valera said the hardship on the left side is that the property line slants in as it goes back. On the right side, I believe we can do away with one of the parking spaces, and on the second floor we can do away with the proposed storage space and push the second story back to meet a 20' setback. Mr. Valera added that he feels pushing it back to meet the required 25' would be too much.

Mr. Messineo asked if by doing away with a parking space Mr. Valera meant eliminating the third garage bay, to which Mr. Valera replied yes.

Chairman Borst asked if the in-law suite will have a separate entrance, to which Mr. Valera replied no.

Mr. Veskov asked Mr. Valera to clarify if they are planning to expand the existing foundation or leave the existing foundation. Mr. Valera said they will leave the existing foundation.

Mr. Tanis said that only applies to 2 walls, pointing out that they are still expanding the back and one side.

Mr. Messineo asked if the setback on the right side will remain as it currently exist at 24.73' since one of the garage bays is to be eliminated. Mr. Valera said if possible, he would like to request a 20' setback on the right side just to get a little bit of extra space for a good sized master bedroom.

Mr. Ruebenacker said the second floor has to be bumped in on both the left and right sides on the second floor. That second floor is massive and there is a lot of square footage and unused space on that second floor. There's a lounge, a study, a game room, and a terrace; things I've never heard of on a second floor, and I have been doing this for a lot of years. Mr. Ruebenacker said he would really like to see an effort to shrink that second floor. Adding, we will wait to see the numbers, however the gross building area will most likely still be over the 3,700 sf threshold, in which case you still need to meet the 25' setbacks on the sides.

Mr. Kalpagian provided his opinion as well by saying if they are going to keep the existing foundation, he would want to see the second story of a house this size meet the 25' setback on both sides. The applicants are blessed with a lot where they can build a 5,600 sf house, which no one is begrudging, and it only covers 8.5% of the lot. If you go back to the original idea of blowing out the old foundation, you can get everything you want and make the house conform. Mr. Kalpagian went on to say that it's one or the other. If you don't like the second floor having to be stepped in to meet the required 25' setbacks, rebuild it. He reiterated the Chairman's question, where's the hardship?

Mr. Valera said the hardship is the lot itself. Mr. Kalpagian disagreed saying a 5,600 sf house taking up only 8% of a lot is not a hardship in his opinion.

Mr. Valera stated that they could keep the existing foundation, which would be cost saving, however if they have to bump in the second story it would not be an attractive home in his opinion. He went on to say that we have an existing house here and the best option may not be to knock it down.

Mr. Kalpagian said you are knocking enough of it down, and making enough alterations to it so if you want to keep the foundation in order to maintain the existing setbacks, I will want to see the second floor stepped in.

Mr. Valera said he understands, however we are here asking for a variance for the setbacks.

Chairman Borst reminded Mr. Valera that the Board does not have to grant the variance. He added that there is currently only one existing nonconformity on the property, which is the back lefthand corner of the house, and now you are asking for setbacks that are not even justified, as well as building up to 35'. The Chairman said they are just asking for too much and that the Board has never approved anything like this. He said there is no hardship here. What you have told us is that you are tearing everything down, so I would suggest you rethink the application, and we can carry it until you revise the plans unless you would like the Board to put it to a vote now.

Mr. Valera said no, he did not wish to put it to a vote but he wanted to be clear on what the Board is looking for. He asked if he were to keep the existing nonconforming 18.2' setback on the left side, and keep the right side at 24.73', the Board would be okay with that.

Chairman Borst said he thinks the Board could live with the existing setbacks, but not going further into the setbacks because we don't see the hardship. In addition he said when somebody is building a house that is over 3700 sf, we don't want these monster homes against the property line. That's the purpose of the enhanced side yard setback.

Mr. DiGennaro suggested pulling the house forward more and that way if you want the 3 car garage, you can have 2 front facing garages with a tandem behind because you could make one side of the garage deeper. Then you have your mudroom off the back steps there.

Mr. Messineo pointed out that they may not get the circular driveway they want if they pull the house forward.

Lindsay Knight, the applicant's Professional Planner, was sworn in. Ms. Knight stated that the applicants and their professionals will go back and take into consideration everything that was said this evening and do a little redesign. At that point we can hopefully come back with something that is conforming, with the exception of the existing nonconformity. In speaking with the applicants and their contractor, we believe we can come up with something that will work.

OPEN TO THE PUBLIC

James Margiotta, who resides at 807 Wyckoff Avenue, was sworn in. Mr. Margiotta said he is the neighbor to the left and he is looking forward to what the applicants are planning to do on the property. He said they have a beautiful yard, and the pool is about 10 years old. Mr. Margiotta said the hardship of wanting to care for their older parents early on is a good thing. Finally he said he hopes his neighbors can move forward, get what they want, and enjoy their beautiful property.

CLOSED TO THE PUBLIC

Chairman Borst said the Board will carry the application to the next meeting, and if more time is needed, we can extend the time to carry the application. He asked the applicants to let us know if they need more time.

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 10:05 p.m.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment