

**WYCKOFF ZONING BOARD OF ADJUSTMENT
OCTOBER 20, 2022
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 October 20, 2022, 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: Carl Fry, Chairman; Mark Borst, Vice Chairman; Ed Kalpagian, Rosa Riotto, Nekije Rizvani, and Ian Christ.

Absent: Erik Ruebenacker, Brian Hubert, and Brian Tanis.

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

OLD BUSINESS

Approval of the September 15, 2022 work session and public business meeting minutes.

Mr. Borst made a motion to approve the September 15, 2022 work session and public meeting minutes. Second, Ms. Riotto. Voting in favor: Ms. Riotto, Mr. Christ, Mr. Borst, and Chairman Fry. Abstained: Mr. Kalpagian and Ms. Rizvani.

RESOLUTION FOR PAYMENTS #22-10

Mr. Borst made a motion to approve the Payment Resolution. Second, Ms. Riotto. Voting in favor: Ms. Riotto, Mr. Kalpagian, Mr. Christ, Mr. Borst, and Chairman Fry. Abstained: Ms. Rizvani.

RESOLUTIONS TO BE MEMORIALIZED**Abbott Family Properties 394 Franklin Ave. Blk. 250 lot 3.01**

(The applicant proposes to add a second story to the existing one-story building for the purpose of residential use in the B-1 zone requiring a Use variance, a parking variance, and variances for impervious coverage and front yard setback)

Rogovich 381 Oakwood Dr. Block 250 Lot 46

(The applicant proposes to construct an inground swimming pool requiring variance relief for nonconforming lot area, frontage, side yard setbacks, principal building lot coverage, accessory structure lot coverage)

Haig 310 West Stevens Ave. Block 320 Lot 94

(The applicant proposes to construct a covered porch in the rear of the home requiring variance relief for principal building lot coverage)

Ms. Riotto made a motion to approve the three (3) Resolutions. Second, Mr. Borst. Voting in favor: Ms. Riotto, Mr. Christ, Mr. Borst, and Chairman Fry. Abstained: Mr. Kalpagian, and Ms. Rizvani.

CARRIED APPLICATIONS**Gjoreski 172 Greenhaven Rd. Block 332 Lot 12**

(The applicant proposes to renovate and expand the dwelling requiring variance relief for lot area, frontage, front yard setback, and both side yard setbacks)

Mark DiGennaro, the Township Engineer provided the following report of the revised submission: I have reviewed the site plan and landscape plan prepared by GB Engineering LLC last revised 10/5/22, and the architectural plan prepared by Rockwood Architecture and Design last revised 10/4/22. The existing single family dwelling is located in the R-15 zone and is non-conforming as to lot size, frontage, front yard setback, and side yard setbacks. The applicant is proposing to expand and renovate the dwelling requiring variances. Based on the comments by the Board members at the last meeting, the applicant as reduced the gross building area to 2,632 sf, presented a clearer foundation plan, reduced the overall size of the dwelling, removed the 3 story condition, provided a professionally prepared landscape plan, and removed the driveway access from Madison Heights which was a concern of the objectors. Side yard #1 has an existing setback of 9.47' and proposed is 9.29'. Side yard #2 has an existing setback of 18.76' and 20.07' is proposed where 15' is required for each side. Proposed principal building lot coverage is 16.9% where 15% is the maximum allowed and proposed accessory lot coverage is 1.8% for a proposed combined total of 18.7% where 20% is permitted. The existing building height is 29' and proposed is 35' which is the maximum allowed.

Chairman Fry stated that he was not at the initial hearing of the application however he listened to the audio recording of the meeting and read the minutes, so he is up to speed on the testimony. He said the main concerns were reducing the size of the structure, moving the A/C units to the rear, eliminating the man door in the rear of the home, eliminating the patio on the right side of the home, eliminating the driveway access to Madison Heights, getting the gross building area below 2700 sf, providing a clearer foundation plan and landscape plan. Mr. Fry said it looks like the applicant has accomplished all of that with the revisions.

Mr. Borst said he would like to hear testimony about the trees because many appear to be on the neighbors property. He said he would also like someone to explain the landscape plan to him because it is not clear what is going on with the landscaping. He added that there does not appear to be any evergreen plantings proposed for the front of the house so it will look very bare in the winter time.

Mr. Christ said the undersized lot is a hardship.

NEW APPLICATIONS

Lewis 105 Wood St. Block 270 Lot 8

(The applicant proposes to demolish the existing detached garage and construct a new detached garage requiring variance relief for accessory structure side yard setback, rear yard setback and accessory lot coverage)

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

I have reviewed the Plot Plan and Architectural plans prepared JCA Architecture, last revised 8/8/22, sheets V-1, V- 2, application, and photos. The existing single family dwelling is located in the R-15 zone and is non-conforming due to deficiencies in lot area, frontage, depth, side yard setback and front yard setback, accessory structure setback. The applicant is proposing to reconstruct and expand the accessory garage requiring variances. The existing accessory building side yard setback is 5.3' and 4.3' to the roof overhang is proposed where 10' is the requirement. The existing accessory structure rear yard setback is 13.4', and 7.7' is proposed where 10' is required. Existing accessory lot coverage is 3.65% and 5.89% is proposed where 5% is the maximum allowed. Proposed total combined lot coverage is 19.22% where 20% is permitted. The proposed height of the detached garage is 19'10" where 20' is permitted. The submitted stormwater management plan satisfies the Township requirements and the property is served by municipal sewer. A landscape plan has been provided.

Chairman Fry said the applicant is proposing to increase the size of the garage, add a full staircase and a dormer. He said he would like to hear testimony regarding the intended use of the proposed structure and how they decided on the size. In addition he said the applicant has created a new nonconformity by pushing the garage further back into the rear yard setback.

Other Board members expressed similar concerns with the proposed new garage extending into the rear yard setback.

Rega 166 Ralph Ave. Block 295 Lot 3

(The applicant proposes to construct an addition to the rear of the home requiring variance relief for both side yard setbacks and principal building lot coverage)

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

I have reviewed the Survey prepared by Stephen P. Eid, LS dated 5/10/2012, Soil Erosion and Drainage Plan prepared by Thomas Skrable, PE dated 8/23/22, Architectural plan prepared by Douglas A. Radick, sheets A-1 and A-3 revised thru 4/9/22, A-2 revised thru 11/12/21, self-prepared landscape plan, application, and photos. The existing single family dwelling is located in the R-15 zone and is non-conforming as to lot size, frontage, front yard setback, side yard setbacks and lot coverage. The applicant is proposing a 15' addition to the rear of the structure requiring variances. The existing lot consists of 7,500 sf where 15,000 sf is required in the zone.

Lot frontage is 50' where 100 ft is the requirement. The existing front yard setback is 23.5', where 40' is the requirement and the setback will remain unchanged. Existing side yard setback #1 is 9.7', side yard #2 is 13.2', where 15' is the requirement, and both will remain unchanged. Proposed principal building lot coverage is 20.7% where 15% is the maximum allowed and total combined lot coverage 20.7% where 20% is the maximum allowed. This application satisfies the Township Stormwater Management requirements, and the site is served by municipal sewer.

Chairman Fry said the lot area and frontage are 50% of what is required so the applicant is looking to construct an addition on the back of the existing house. As a result, the proposed principal building lot coverage is 20.7% where 15% is the maximum permitted. Combined permitted is 20% so I would like to hear testimony as to why they could not get the total combined to 20% to eliminate that conformity.

Mr. Borst said the application states there are no accessory structures however he walked the property and there is a shed and a basketball court in the backyard. The shed is not shown on the plan.

Mr. DiGennaro said if that is the case, the survey does not reflect the existing conditions of the site.

Bachardy 296 W. Stevens Ave. Block 320 Lot 102

(The applicant proposes to construct a covered patio requiring variance relief for principal building lot coverage)

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

I have reviewed the Architectural Plan prepared by Joseph J. Bruno, AIA last revised 9/28/22, Plot Plan and Septic Plan prepared by Kent Rigg, PE last revised 9/28/22, application, and photos. The existing property is located in the RA-25 zone and is non-conforming as to lot area, frontage, depth, front yard setback and side yard setback. The applicant proposes to construct an addition to the first floor to expand the kitchen and add an outside covered rear porch with a second story expansion above. The existing lot consists of 16,825 sf where 25,000 sf is the requirement. Frontage is 115' where 125' is the requirement, and lot depth is 146' where 150' is the requirement. The existing front yard setback is nonconforming at 39.3' and will remain unchanged. The existing principal building side yard setbacks are 30.1' and 18.2'. Proposed are 30.1' and 25.4' where 25' is the requirement. Existing principal building lot coverage is 14.9%, proposed is 17.5% and 15% is the maximum allowed. Existing and proposed accessory lot coverage is .5% for a total combined lot coverage of 18% where 20% is permitted. A stormwater management plan is not required. The property is served by an existing 3 bedroom septic built in 1992, however, the applicant has submitted a septic application to construct a new 5 BR septic which has been approved. The applicant also seeks to remove the deed restriction imposed at the 2012 zoning board approval as the septic system will be upgraded to serve the proposed 5 BR dwelling.

Mr. Borst asked what happened to the exercise room which was the application for variance that was approved by the Board in 2012.

Chairman Fry said the plans show four (4) existing bedrooms and the existing septic system is for a three bedroom house. The existing bedroom above the garage was approved as an exercise room in 2012 and a deed restriction was put in place that the home was to remain a three (3) bedroom home due to the septic system. It appears that somewhere along the line the

exercise room may have been turned into a fourth bedroom. We should hear testimony from the applicant to find out about why the plans show four (4) existing bedrooms when there is a deed restriction for three (3) bedrooms. The applicant is now proposing expansion of the second floor to add a fifth bedroom, expansion of the first floor to enlarge the kitchen, and a covered patio. The additions will put the principal building lot coverage over the allowed percentage of 15% so we will get some testimony on that as well.

Fox 441 Ellis Pl. Block 346 lot 30 – Corner Lot

(The applicant proposes to construct an addition to the home requiring variance relief for front yard setback on George Place and enhanced side yard setback)

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

I have reviewed the Seepage Pit plan and calculations prepared by Thomas E. Donohue, PE, dated 9/1/22, Architectural plan prepared by William Brown, Jr., Architect, consisting of 6 sheets. Cover sheet revised thru June 3, 2022, A-1, A-2, A-3, A-5 revised thru March 2, 2022, A-4 revised thru August 26, 2022, Landscape submittal prepared by Emil Yedowitz, Landscape and Irrigation dated 2/14/22, photographs and application. The existing single family dwelling is situated in the RA-25 zone on a corner lot and is non-conforming due to lot area and front yard setback. The applicant is proposing to expand the existing structure requiring variances for front yard setback and enhanced side yard setback. The existing lot consists of 24,952 sf where 25,000 is the requirement. The existing front yard setback on Ellis Place is 45.2' and will remain unchanged. Existing front yard setback on George Place is 33.8' and 34' is proposed. Existing and proposed side yard setback is 20.8' where the enhanced side yard setback of 25' is the requirement. The stormwater management plan satisfies the Township requirements. The existing home is served by a 4 BR septic installed in 1994. Any approval must reflect a deed notice restricting the home to a 4 bedroom home unless the septic is upgraded accordingly.

Mr. Kalpagian asked if there are any plans to upgrade the existing four (4) bedroom septic. He said that there are a lot of full baths proposed including a playroom on the second floor with a full bath and he sees the potential for this possibly becoming a six (6) bedroom house.

Mr. DiGennaro said there are no plans to upgrade the septic as far as he is aware.

Chairman Fry said there is lot going on with this application. They are proposing to increase the gross building area to over 7,000 square feet which is a very large structure on a corner lot.

Mr. Borst said that considering all of the work they are proposing to do to this house, he feels the landscape plan is very lacking.

Martinez 369 Dorothy Ln. Block 285 Lot 13 – Corner Lot

(The applicant proposes to construct a second story addition to the home requiring variance relief for both front yard setbacks, rear yard setback, side yard setback and principal building lot coverage)

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

I have reviewed the Architectural plan prepared by William Brown, Jr., Architect, consisting of 6 sheets. Cover sheet, A-1 - A-5 revised thru July 25, 2022, photographs, and application. The existing single family dwelling is situated in the RA-25 zone on a corner lot and is nonconforming due to lot area, front yard setbacks, rear yard setbacks, and side yard setback. The applicant is

proposing to expand the existing structure by adding a second story and increasing the building foot requiring variances. The existing lot consists of 16,724 sf where 25,000 is the requirement. Existing and proposed front yard setback on Dorothy Lane is 19.5'. Existing and proposed front yard setback on Monroe Avenue is 29.6' where 40' is the requirement for each front yard. The existing and proposed principal building side yard setback is 10.5' where the enhanced setback of 25' is the requirement. The existing principal building lot coverage is 15% and 15.48% is proposed. A stormwater management plan is not required. The existing home is served by a for (4) bedroom septic installed in 1976. Any approval must reflect a deed notice restricting the home to a four (4) bedroom home unless the septic is upgraded accordingly.

Chairman Fry stated that the house sits at an angle on the corner lot and the left side yard setback is 10.5' existing. The lot is also undersized however the new construction will not further exacerbate any of the existing setbacks. The principal building will increase slightly to 15.48% and the enhanced side yard setback is required because the gross building area is being increased to 4,167 sf. The application is cut and dry.

Mr. Kalpagian said he would like to here testimony about proposed siding.

Frezza 426 Meer Ave. Block 349 Lot 107

(The applicant proposes to construct a second story and a covered porch requiring variance relief for both side yard setbacks and principal building lot coverage)

I have reviewed the Plot plan and Architectural plan by William Brown Architects sheets A1-5, plus a cover sheet last revised May 4, 2022, Landscape Plan prepared by Yost Design, dated 8/26/22, photos and application. The existing single family dwelling is situated in the RA-25 zone and is non-conforming as to side yard setback. The applicant is proposing an addition and renovation requiring variance relief for enhanced side yard setback and garage setback to property line for side loading garage. Existing side yard #1 setback is 19.8' and proposed is 25' to the proposed second floor addition. Existing side yard #2 setback is 24.7' and is proposed 27.1'. Required is 25' for each side due to the enhanced setback requirement. Stormwater management is not required, and the property will be served by a new four (4) bedroom septic which has been approved for construction.

Chairman Fry said the lot is conforming with the exception of one of the side yard setbacks. The increase in gross building area is triggering the enhanced side yard setback of 25' so now both of the side yard setbacks will be nonconforming. We should hear some testimony about how much of the existing house is going to remain during construction.

Mr. Borst said the landscape plan does not show any screening proposed for the side yards.

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

OCTOBER 20, 2022 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 October 20, 2022, 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."

PLEDGE OF ALLEGIANCE

ROLL CALL

Board Members in attendance: Carl Fry, Chairman; Mark Borst, Vice Chairman; Ed Kalpagian, Rosa Riotto, Nekije Rizvani, and Ian Christ.

Absent: Erik Ruebenacker, Brian Hubert, and Brian Tanis.

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

OLD BUSINESS

Approval of the September 15, 2022 work session and public business meeting minutes.

The minutes were approved during the Work Session.

RESOLUTION FOR PAYMENTS #22-10

The Payment Resolution was approved during the Work Session.

RESOLUTIONS TO BE MEMORIALIZED

Abbott Family Properties 394 Franklin Ave. Blk. 250 lot 3.01

(The applicant proposes to add a second story to the existing one-story building for the purpose of residential use in the B-1 zone requiring a Use variance, a parking variance, and variances for impervious coverage and front yard setback)

Rogovich 381 Oakwood Dr. Block 250 Lot 46

(The applicant proposes to construct an inground swimming pool requiring variance relief for nonconforming lot area, frontage, side yard setbacks, principal building lot coverage, accessory structure lot coverage)

Haig 310 West Stevens Ave. Block 320 Lot 94

(The applicant proposes to construct a covered porch in the rear of the home requiring variance relief for principal building lot coverage)

The Resolutions were approved during the Work Session.

CARRIED APPLICATIONS**Gjoreski 172 Greenhaven Rd. Block 332 Lot 12**

(The applicant proposes to renovate and expand the dwelling requiring variance relief for lot area, frontage, front yard setback, and both side yard setbacks)

Darko Gjoreski and Vesna Gjoreska were reminded that they were previously sworn at the August 18, 2022 meeting and are still under oath.

Christopher Rodriguez, the applicant's Architect, was sworn in and accepted as an expert in Architecture based on his credentials and previous appearances before this Board.

Mr. Rodriguez provided the following details of the revised plans:

Based on the Board members comments at the last meeting, we made some adjustments to the drawings. We are proposing a principal building lot coverage of 16.9% and a total combined lot coverage of 18.7% where 20% is permitted so we eliminated the lot coverage variance. We reduced the gross building area to 2,632 sf and eliminated the enhanced side yard setback variances. We removed the previously proposed man door adjacent to the garage which eliminates the third story variance.

Chairman Fry made the following comments about the revised plan:

The existing one-car garage will remain, the existing driveway on Greenhaven Road will remain and the previously proposed driveway out to Madison Heights has been eliminated. The overall size of the house has been reduced and the right side of the house has been bumped in a bit reducing the impact on that side. The man door has been removed. The patio on the right side has been eliminated and a small, elevated deck in the rear of the house is now proposed. We would like to see the utilities placed underground. The A/C units will be placed in the rear of the house. There are some questions about the landscape plan. There were comments made by the Board at the last meeting about reducing the height. The section J states the proposed height is 35' and the architectural plan list 34.5'.

Mr. Rodriguez stated that the correct number is 34.5' however the height from grade to the ridge in the front of the house will be approximately 28' to 29' because the property drops down greatly in the rear of the house with the garage being underneath the rear of the house.

Mr. Kalpagian pointed out that there is only one small window proposed on the right side elevation and suggested adding another window or two (2) to soften the look.

Mr. Borst said the first floor plan shows two (2) windows on the first floor and one (1) window on the second floor however the right side elevation does not show the windows on the first floor. Sheet A-1 does not match sheet A-3.

Mr. Rodriguez stated they will have two (2) windows on the first floor on both the left and right sides of the house.

Mr. DiGennaro said that the engineering plan shows the utilities will be placed underground. He also said that the height from the lowest grade to the highest point is 34' not 34.5'.

Mr. Christ pointed out that the revised plan shows a proposed 6' privacy fence along Madison Heights which would require a variance if that portion of the property is considered a second front yard.

Mr. DiGennaro said the portion of the property that abuts Madison Heights is considered front yard and therefore the Board should consider this variance and list it in the Resolution otherwise the applicant will have to go before the Planning Board for the fence. He added that as per the Township Ordinance, you are required to add screening along the fence, and it cannot be planted in the right of way. In this particular case the Board should consider whether granting a variance to relieve the applicant of that requirement would be appropriate.

Mr. Borst asked the applicant to explain the landscape plan adding that he does not see any evergreen plantings on the plan and the proposed plantings will be bare during the winter months.

Mr. Gjoreski said that he is proposing all perennial plantings including two (2) Japanese hollies on either side of the front porch, seven (7) false cypress along the proposed walkway, one (1) false cypress near the driveway, and more than fifty (50) flowering plants.

Mr. Borst said the submitted plan is too small to see and it is difficult to understand what is going on with the landscaping. He advised the applicant to submit a full size landscape plan, with proper labeling, with at least 50% of the proposed plantings being evergreens to provide adequate screening of the foundation during the winter months.

OPEN TO THE PUBLIC

Priscilla Osterkorn was reminded that she was sworn in at the August 18, 2022 meeting and is still under oath. Ms. Osterkorn stated that she wished to compliment the applicant on the changes he made to the plans. She said that she would like the Board to make eliminating the driveway access on Madison Avenue a condition of approval.

Kiersten Omland was reminded that she was previously sworn in at the August 18, 2022 meeting and is still under oath. Ms. Omland asked the Board to waive the requirement for planting screening along the outside of the fence on Madison Heights. She stated that her reason for this request is due to the fact that the snow plows place snow from the surrounding neighborhood in that area at the end of Madison Heights, and the landscaping will not survive.

CLOSED TO THE PUBLIC

Chairman Fry said it makes sense to permit the fence on the property line without requiring landscaping on the street side of the fence. The Board members voiced agreement.

In summary, the Chairman stated that if the application is approved, there will be conditions that there will be no driveway access out to Madison Heights now or in the future, the privacy fence along Madison Heights will be on the applicant's line, screening will be placed on the inside of the fence in the applicants yard, the applicant must confirm by survey that any trees marked for removal are on his property, and two (2) windows will be installed on both the left and right sides of the first floor. He then asked for a motion.

Mr. Kalpagian made a motion to approve the application with the following conditions: two (2) windows shall be installed on the left and right sides of the first floor, the 6' privacy fence shall be installed on the property line with screening requirement waived, there shall be no driveway access to Madison Heights, the height from the lowest grade to the ridge shall be 34', utilities shall be placed underground, and a revised landscape plan shall be submitted as discussed. Second, Ms. Riotto. Voting in favor: Mr. Kalpagian, Ms. Riotto, Ms. Rizvani, Mr. Christ, Mr. Borst, and Chairman Fry.

NEW APPLICATIONS**Lewis 105 Wood St. Block 270 Lot 8**

(The applicant proposes to demolish the existing detached garage and construct a new detached garage requiring variance relief for accessory structure side yard setback, rear yard setback and accessory lot coverage)

Nancy Lewis and Jim Lewis, the applicants, were sworn in. Joseph Cestaro, the applicant's Architect was sworn in and accepted as an expert in Architecture based on his credentials and previous appearances before this Board.

Mr. Lewis stated that they are expanding the size of their garage by making it wider and taller than the existing garage. He said that their home is on a slab, and they need room for storage. Mr. Lewis also said that he has a lot of hobbies, and he would like room to pursue his hobbies.

Chairman Fry pointed out that the applicant is proposing a full stair to the second level of the garage as well as a dormer. He asked if any utilities are proposed for the building.

Mr. Lewis stated they are planning to add electric and possibly plumbing for a small sink as well as internet connection.

Mr. Cestaro said there will be no toilet or shower.

Mr. DiGennaro said they will have to connect the water line to the sewer if they install plumbing for water.

Chairman Fry said the lot is undersized which is a hardship however he is concerned about the fact that the rear yard setback to the existing garage is conforming but the proposed garage will be in the setback which creates a new nonconformity on the lot. He advised shifting the garage forward 3' to meet the 10' setback requirement which will eliminate the new nonconformity.

Mr. and Mrs. Lewis stated that they will move the garage forward to meet the 10' setback.

Mr. Kalpagian asked about the siding for the new garage.

Mrs. Lewis said it will match the house.

OPEN TO THE PUBLIC

Robert Burns and Cynthia Burns, who reside at 106 Edison Street, were sworn in. Mrs. Burns voiced objections to the closeness of the garage to her property which is behind the applicants property. She also objected to the proposed height of the garage and the window in the second story which will look down upon her backyard. She said the applicants are tearing down the existing garage so they should move it closer to their house.

Mr. Burns suggested that the applicant construct an attached garage.

Chairman Fry said the applicant is proposing a height of 19.10' where 20' is permitted so they are below the allowable height per the Township Code requirements. They are also going to move the garage 3' forward so the rear yard setback will also be conforming to the Code.

Ms. Riotto suggested that perhaps the applicant could remove the second level window in the rear of the garage due to the neighbors' concerns.

Mr. Kalpagian pointed out that the applicant has agreed to move the garage out of the rear yard setback and the proposed height is permitted. He asked Mr. and Mrs. Burns if removing the rear window would alleviate their concerns.

Mr. Borst suggested increasing the size of the proposed arborvitaes to 10'. Doing so would completely screen the garage from view in five (5) years or less.

The applicant stated that she is willing to eliminate the window and increase the size of the arborvitaes.

Gail Kindle and Roy Kindle who reside at 108 Edison Street were sworn in. Mrs. Kindle voiced objections to the height of the proposed detached and the fact that they will be exceed the accessory lot coverage. She also expressed concerns about the proposed plumbing and electric. She said she wants something attached to the deed that states the building cannot be used as living space. Mrs. Kindle provided the Board member with photos she took of other homes on Wood Street with garages. The photos were marked exhibit O-1.

Mr. Borst asked the Kindles what their biggest concerns are about the proposed garage.

Mrs. Kindle said she is concerned about over building the lot and the height of the garage in this neighborhood. She suggested that the applicants could achieve the additional storage space they need by adding a level to their existing home and replace the existing garage with a structure the same size as the existing one instead of a larger one.

Mr. Borst pointed out that applicant could add a level to the home and the entire structure could be 35' in height where the existing home is only 21' in height.

CLOSED TO THE PUBLIC

Chairman Fry summarized by stating that the garage will be pushed forward to meet the rear yard accessory structure setback of 10', the left side yard setback of 5.3' is existing to the wall and 4.3' is proposed to the roof overhang, the proposed height is 19.10' where 20' is permitted, the window in the rear will be eliminated, and arborvitaes of 10' in height will be planted as screening in the rear of the garage.

Mr. Borst made a motion to approve the application with the stipulation that the garage will have a rear yard setback of 10', the window on the second level in the rear will be eliminated, the arborvitaes will be 10' at time of planting, and the building will not be used as living space. Second, Mr. Kalpagian. Voting in favor: Ms. Rizvani, Mr. Christ, Mr. Kalpagian, Ms. Riotto, Mr. Borst, and Chairman Fry.

Rega 166 Ralph Ave. Block 295 Lot 3

(The applicant proposes to construct an addition to the rear of the home requiring variance relief for both side yard setbacks and principal building lot coverage)

Douglas Radick, the applicant's Architect, was sworn in and accepted as an expert in Architecture based on the credentials he provided to the Board. Mr. Radick stated that the subject home is a slab on grade, raised ranch home, with no basement and no attic. They do not have enough storage room in the existing house. We are proposing to add 15' to the rear of the house with a two-story addition. The side yard setbacks will remain the same and the height of the addition will match the existing height. Mr. Radick stated that he was unaware that there was an existing shed on the property as it was not shown on the survey. After hearing the comments about the shed during the work session, the applicant went home to retrieve the building permit paperwork on the shed. The documents state that the size of the shed is approximately 76 square feet which calculates to approximately 1% lot coverage on the lot therefore the proposed total combined lot coverage is actually 21.8%. In order to reduce the size of the addition to get the combined lot coverage to the permitted 20%, we would have to cut the 15' addition back to 9' which would not make sense.

Chairman Fry pointed out that there is also a concrete slab with a basketball hoop on the property which counts toward accessory lot coverage.

Lois Rega and Susie Rega, the applicants, were sworn in.

Mr. Rega stated that the concrete slab was there when they purchased the home, they do not use it, and they are willing to remove it if need be. He said they need the shed for storage because they only have a one-car garage and need to store the lawn mower, snow blower and other equipment in the shed.

Mr. Borst said if the concrete pad did not have a basketball hoop, it would not be considered an accessory structure.

The Chairman asked for clarification on the principal building and total combined lot coverage.

Mr. Radick stated the proposes principal building lot coverage is 20.82%, the accessory coverage is 1%, and the proposed total combined lot coverage is 21.82%.

Chairman Fry asked about the proposed landscaping.

Mr. Rega stated that they are proposing a row of fifteen (15) skip laurels, 4'-5' in height, spaced 4' apart, along the right side of the property.

Ms. Riotto asked about the location of the A/C units and screening for the units.

Mr. Rega stated the A/C condenser unit is currently on the left side of the house however he is planning to move it to the right rear of the house, and it will be screened by the proposed skip laurels.

Chairman Fry advised the applicant to make sure the A/C unit is behind the house and at least 10' from the property line.

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NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

Mr. Radick stated that the applicants need more room. They have a small home, and the lot is undersized. They had considered looking for a larger home however things are a little expensive these days.

The Chairman asked the Regas if it is their intention to remain in the home once the addition is complete, or if they have any plans to sell.

Mr. Rega stated they have no plans to sell.

Chairman Fry listed the existing nonconformities including the lot area, frontage, both side yard setbacks, and front yard setback all of which will remain unchanged. The existing principal building lot coverage is conforming and the proposed is 20.82% which is nonconforming and will require a variance. Total combined lot coverage is proposed at 21.82% which is nonconforming and requires a variance. The A/C unit will be placed behind the house at least 10' from the property line, fifteen (15) skip laurels will be planted along the right side of the property, and the site plan will have to be revised to reflect the location of the shed.

Mr. Radick said the concrete pad with basketball hoop will be removed.

Mr. Borst said if they would like to keep the concrete pad, they can just remove the basketball hoop.

Mr. Rega stated that he would prefer the least costly option, so if it is acceptable to the Board to remove the hoop and leave the concrete pad, he would prefer to do that.

Mr. DiGennaro said if they remove the basketball hoop, the concrete slab becomes a patio.

Ms. Riotto made a motion to approve the application with the stipulations that the A/C unit will be placed behind the house at least 10' from the property line, fifteen (15) skip laurels will be planted along the right side of the property, the site plan will be revised to reflect the accurate conditions of the property, and the basketball hoop will be removed. Second, Mr. Kalpagian. Voting in favor: Ms. Rizvani, Mr. Christ, Mr. Kalpagian, Ms. Riotto, Mr. Borst, and Chairman Fry.

Bachardy 296 W. Stevens Ave. Block 320 Lot 102

(The applicant proposes to construct a covered patio requiring variance relief for principal building lot coverage)

Angela Bachardy and Mark Bachardy, the applicants, were sworn in. Joseph Bruno, the applicant's Architect was sworn in as an accepted expert in Architecture based on his credentials.

Mr. Bruno stated that the applicant proposes to construct a covered patio in the rear of the home, a small first floor addition to the rear, as well as an addition to the second floor.

Mrs. Bachardy stated that her family spends a lot of time in their backyard. They would really like to have a pool however the location of the septic prevents this. Mrs. Bachardy said they would like to enhance their outdoor living space by adding the covered patio in the back yard.

Chairman Fry asked if the proposed covered patio will be outside of the side yard setback, pointing out that the enhanced setback of 25' comes into play due to the gross building area exceeding 3700 sf.

Mr. Bruno stated the patio structure is proposed at 25.4' from the property line.

The Chairman stated that the property has pre-existing nonconformities however a new nonconformity is being created by the proposed additions. The existing principal building lot coverage is conforming at 14.9% and proposed is 17.59%.

Mr. Kalpagian said the lot is one third deficient in area and the combined lot coverage is below the permitted 20%. There is a sufficient amount of screening along the property line. He added that he has no problem with what is being proposed.

Mr. Borst asked if the five (5) bedroom septic has already been installed adding that if it has not been installed yet, the existing fourth bedroom is in violation or nonconforming.

Mrs. Bachardy stated it is going to be installed.

Chairman Fry cited the 2012 Resolution which states "the applicant must execute and deliver a deed to be recorded with the Bergen County Clerk that prohibits this room (exercise room) being used as a fourth bedroom. When and if the applicant upgrades the onsite septic system in accordance with NJAC 7:9A to a four bedroom septic or connects to the sanitary sewer line in same is available, the applicants may apply to the Township to execute and record a deed revoking that restriction." He went on to say that the submitted architectural plan shows what was previously an exercise room is now an existing fourth bedroom. He stated that the Board expects applicants to adhere to what they testify to, and it is frustrating when that does not happen.

Mrs. Bachardy stated that she became pregnant with her fourth child and the exercise room was then converted into a fourth bedroom.

Mr. Bachardy stated that he is here tonight to make things right by installing a new five (5) bedroom septic system.

Mr. Bruno stated that although we are going to exceed the permitted principal building lot

coverage, the proposed covered patio is an open structure with very little impact.

Chairman Fry stated that if the Board approves the application, we will probably have language in the Resolution that states the covered patio structure will remain open and will not be enclosed to create another room in the house.

Ms. Riotto pointed out that the architectural plan shows an existing study on the first floor. She recommended a condition that the first floor study shall remain a study and will not be converted into a sixth bedroom.

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

Mr. DiGennaro said the applicant will have to record a deed for the ATU that is to be installed. He suggested to the applicant that he take care of that matter while at the same time having the bedroom count deed restriction lifted.

Mr. Kalpagian made a motion to approve the application with the stipulations that the covered patio shall remain an open structure, the existing study shall not be converted into a bedroom, the home will remain a five bedroom home, a new five bedroom septic shall be installed and a deed for the ATU shall be recorded. Second, Mr. Borst. Voting in favor: Ms. Rizvani, Mr. Christ, Mr. Kalpagian, Ms. Riotto, Mr. Borst, and Chairman Fry.

Fox 441 Ellis Pl. Block 346 lot 30 – Corner Lot

(The applicant proposes to construct an addition to the home requiring variance relief for front yard setback on George Place and enhanced side yard setback)

Zachary and Danielle Fox, the applicants, were sworn in.

Harold Cook placed himself on the record as the Attorney representing the applicants.

Bill Brown, the applicant's Architect was sworn in and accepted as an expert based on his credentials and numerous previous appearances before this Board.

Mr. Brown stated we are proposing to expand the first and second stories of the existing home. The existing home has a two-car garage, and we are proposing to add two (2) additional bays to the home. We are proposing a new mother-in-law suite on the first floor.

Mr. Brown stated that the variances being sought are for a 34' front yard setback on George Place and the enhanced side yard setback of 20.8' on the right side of the home. He then described the first floor plan as shown on sheet A-3 which includes a mother-in-law suite with a bedroom, full bathroom and living room.

Chairman Fry pointed out that the plan shows a wet bar in the mother-in-law suite, and he asked if any appliances are proposed because he wants to be clear that a second kitchen is not permitted.

Mr. Brown stated that the wet bar will have a coffee station and possibly a small under counter refrigerator.

Mr. Brown then explained the second floor plan, sheet A-4, which includes three (3) additional bedrooms and an open play area. We are proposing Hardie siding, some board and batten, architectural shingles, and traditional windows.

Chairman Fry pointed out that the proposed height is 34.9' which is right at the maximum allowed 35' as well as building a huge wing on the left side of the house in the front yard setback on George Place. He asked if any attempt was made to try to step back the new addition of the proposed new garage bays and the second story master wing on the second floor above the garages.

Mr. Kalpagian asked for clarification on the proposed elevations for both George Place and Ellis Place.

Mr. Brown stated that the elevation on the George Street side is 34.9' however on Ellis Place the elevation is approximately 27'.

Mr. Kalpagian said he is concerned with the massive structure along George Place with the four (4) garage bays likening it to an apartment building.

Mr. Brown stated that he could probably step the addition back however there is a pool in the back yard which makes it difficult to push it back too far.

Ms. Riotto asked about the location of the A/C units and if an additional unit is proposed for the mother-in law suite. She also asked if the converted kids playroom shown on the plans is considered a bedroom.

Mr. Brown stated that there are two (2) existing A/C units on the right side of the house. If another unit is added, it will be installed outside of the setback. With regard to the playroom, Mr. Brown stated that we removed the wall so the playroom will be an open loft type space.

The Chairman said the addition along George Street needs to be stepped back and the ridge line needs to be reduced.

Mr. Kalpagian agreed stating that the new addition should be staggered rather than a straight wall along George Street.

Mr. Brown stated that he could stagger the addition and the new garage bays.

Mr. Fox, the applicant, stated that his parents have owned this home for thirty (30) years and his father recently passed away. He wishes to renovate and expand so that he, his wife, and their three 3-month old can move into the home with his mother.

Chairman Fry said that while he understands what the applicant is looking to achieve, the structure that is being proposed is very large. The challenge for the Board is that you are adding a lot of mass to the house, and it is nonconforming. He went on to say that he believes breaking up the line of wall along George Place will be more aesthetically appealing. In addition, proposed height is right at the maximum allowed for what is going to be a very large home in the setback on George Place.

Mr. Christ said that in his opinion, stepping back the addition and staggering it, should not greatly

impact the interior floor plan.

Mr. Brown stated that he will step the addition in on George Place by 2'-3' and also bring the roof line down lower.

Mr. Cook asked if the Board would want a second housekeeping unit deed restriction for the mother-in-law suite to which the Chairman replied yes.

Mr. DiGennaro said the restriction should be for no second housekeeping unit.

Mr. Borst said that the applicant is spending a lot of money on the renovation of the house but not on the landscaping. He said there are deteriorating spruces along George Place, most of the shrubs on the property are old and dated, and the shrubs along the driveway are all dead. He recommended the applicant come back with a plan that is a little more elaborate or more detailed that shows some hedge screening along the side where the addition is going.

Chairman Fry said the addition on George Place will be stepped back at least 2', the roof line will be lowered at least 1', and a more detailed landscape plan will be submitted.

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Manette Fox, the applicant's mother, was sworn in. Ms. Fox stated that she has lived in Wyckoff for almost 32 years, and she thinks it says a lot about the town that her son wants to come back to live here with his family.

CLOSED TO THE PUBLIC

Mr. Borst said he does not feel comfortable approving the application without seeing the revised architectural plan and landscape plan. The general consensus of the Board members was that they were okay with approving the application with the conditions however it will now fall upon Mr. DiGennaro to review the revised plans.

Mr. DiGennaro stated that if the Board wants to vote on the application tonight, he is okay with reviewing the revised plans when they are submitted. Mr. Borst said he will review the revised landscape plan.

Ms. Riotto made a motion to approve the application with the conditions that there shall be no second housekeeping unit, the addition on the George Place side will be stepped in at least 2', the roof line will be lowered by at least 1', and a revised landscape plan will be submitted. Second, Mr. Kalpagian. Voting in favor: Ms. Rizvani, Mr. Christ, Mr. Kalpagian, Ms. Riotto, Mr. Borst, and Chairman Fry.

Martinez 369 Dorothy Ln. Block 285 Lot 13 – Corner Lot

(The applicant proposes to construct a second story addition to the home requiring variance relief for both front yard setbacks, rear yard setback, side yard setback and principal building lot coverage)

Bill Brown the applicant's Architect was sworn in, and accepted as an expert in Architecture based on his credentials and previous appearances before this Board.

Mr. Brown provided the following details of the application:

The property is an undersized, odd shaped corner lot. The garage sits 10' from the property line and we are not touching that or building over it. We are proposing to add a roof over the front door which is in the 40' setback. The roof covering over the front entry also increases the principal building lot coverage. We are proposing a 2' cantilever on the right side of the second story to add room for a second bathroom. The existing home is a ranch. On the first floor we are proposing a kitchen with breakfast area, living room, family room, sun room, mud room, guest bedroom and bathroom. The second floor will have three (3) bedrooms, two (2) bathrooms, a laundry room, and an office. We are proposing Hardie clapboard siding.

Chairman Fry asked how much of the existing first floor is going to remain.

Mr. Brown stated that a majority of the existing house will remain. The two (2) existing bathrooms will be demolished, the existing basement stairs will be relocated, and all of the exterior walls will remain.

Ms. Riotto asked if the house is being renovated for resale.

Meaghan Martinez, the applicant, was sworn in. Ms. Martinez stated that she, her husband, and their young child plan to move into the house once the renovation is complete adding that they are currently living with her parents.

Mr. Kalpagian asked for clarification on the type of siding that will be used.

Mr. Brown stated that Hardie or some similar type of product will be used in a shade of white to be determined.

Chairman Fry inquired about the proposed height of the structure.

Mr. Brown stated the proposed height is 25'-26'.

The discussion then turned to the submitted landscape plan.

Kerry Holder, the applicant's mother, was sworn in. Ms. Holder stated that she created the landscape plan with the help of her sister.

Mr. Borst said the landscape plan is nicely done. The other Board members agreed.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Cook said this is a classic hardship variance due to the irregularly shaped, undersized lot with two (2) front yards and the existing dwelling is peculiarly situated on the lot. He added that the aesthetics will be greatly improved compared to what exists there now.

Mr. Borst made a motion to approve the application as proposed. Second, Ms. Riotto. Voting in favor: Ms. Rizvani, Mr. Christ, Mr. Kalpagian, Ms. Riotto, Mr. Borst, and Chairman Fry.

Frezza 426 Meer Ave. Block 349 Lot 107

(The applicant proposes to construct a second story and a covered porch requiring variance relief for both side yard setbacks and principal building lot coverage)

The Chairman announced that due to time constraints this application will be carried to the November 17, 2022 meeting.

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 11:22 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment