

**WYCKOFF ZONING BOARD OF ADJUSTMENT
JANUARY 19, 2023
PUBLIC WORK SESSION MINUTES**

Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall
Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meetings Statement by Ms. Mitchell:

"The January 19, 2023, Public Work Session of the Wyckoff Board of Adjustment is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our annual Schedule of Meetings. A copy of our Annual Schedule has been posted on the bulletin board of Memorial Town Hall; a copy has been filed with the Township Clerk, The Record, The Ridgewood News and the North Jersey Herald and News--all newspapers having general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting, the agenda thereof was similarly posted, filed and mailed to said newspapers." Formal action may be taken. Members of the public are welcome to be present at this meeting. However, in accordance with Section 7 (A) of the Open Public Meetings Act, participation on the part of the public at this meeting will not be entertained."

Ms. Mitchell read the following statement into the record: *"All applicants are hereby reminded that your application, if approved, may be subject to the terms, conditions and payment of the Affordable Housing Development Fee requirements of the Township. Information can be obtained from the Code of the Township of Wyckoff, Chapter 113-8 on the Township's website, www.wyckoff-nj.com"*

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

ORGANIZATIONAL BUSINESS

1. Oaths of Office to be administered to the new and reappointed members
David Becker Esquire administered the Oath of Office to reappointed Board member Nekije Rizvani, and new Board member Doug Messineo.
2. Roll call of Zoning Board Members
Board Members in attendance: Carl Fry, Erik Ruebenacker, Ed Kalpagian, Brian Tanis, Nekije Rizvani, Brian Hubert, Chris Joachim, and Doug Messineo. Absent, Mark Borst.
Staff in attendance: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.
3. Election of Chairman for 2023
Mr. Ruebenacker made a motion to nominate Carl Fry as Chairman of the Zoning Board for 2023. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Rizvani, Mr. Hubert, Mr. Ruebenacker, Mr. Joachim, Mr. Messineo, and Mr. Fry.

Chairman Fry announced that the nomination for Vice Chairman will be carried to the February meeting.

4. Resolution #23-001: Appointment of Zoning Board Attorney for 2023
Mr. Kalpagian made a motion to reappoint David Becker as Zoning Board Attorney for 2023. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Rizvani, Mr. Hubert, Mr. Ruebenacker, Mr. Joachim, Mr. Messineo, and Chairman Fry.
5. Appointment of Board Secretary
Mr. Tanis made a motion to reappoint Maureen Mitchell as Zoning Board Secretary for 2023. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Rizvani, Mr. Hubert, Mr. Ruebenacker, Mr. Joachim, Mr. Messineo, and Chairman Fry.
6. Compliance with Open Public Meetings Act:
 - 6.1- Annual Notice of Meetings Has Been Posted
 - 6.2- Continuation of Current Rules and Regulations
 - 6.3- Official Newspapers – The Record, The Ridgewood News and The North Jersey Herald and News
 - 6.4- Acceptance of Annual ReportMr. Hubert made a motion to accept and approve the Compliance with the Open Public Meetings Act 6.1 – 6.4. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Joachim, Mr. Messineo, and Chairman Fry.

Chairman Fry cited the 2022 Annual Report of the Zoning Board of Adjustment prepared by Ms. Mitchell. Thirty-eight (38) applications were submitted in 2022. A total of seventy-seven (77) bulk variances were granted as well as one (1) use variance, one (1) sign variance and one (1) parking variance. Thirty-four (34) applications were approved, two (2) were denied, and two (2) are carried to 2023. Of the thirty-four (34) approved applications, and two (2) carried applications, thirteen (13) applicants were asked to submit revised architectural plans to reduce the nonconformities. Ten (10) applicants were asked to submit revised landscape plans. The Chairman said that he feels this is a very fair Board that works with all applicants in offering expertise and giving guidance when the Board feels revisions to reduce nonconformities are needed.

Chairman Fry said he spoke with Matt Cavallo, the Township Administrator, and asked if the Township could provide the Board members with identification badges to present to homeowners when walking their properties to review the application sites. Mr. Cavallo informed Mr. Fry that the process of creating identification badges for Board members is already underway.

Finally the Chairman addressed the matter of landscape plans. He said that there have been issues with applicants not submitting landscape plans, which are required for a complete application. He said that complete instructions for submitting a landscape plan should be provided to all applicants including indicating trees to will be removed or replaced, location, quantity, species, and size of plantings. He went on to say that it is not required to hire a professional landscaper to prepare a landscape plan. We will pull some sample landscape plans, both professionally prepared and self-prepared, to provide to applicants to exhibit what the Boards expectations are.

OLD BUSINESS

Approval of the December 15, 2022 work session and public business meeting minutes.
Mr. Kalpagian made a motion to approve the December 15, 2022 work session and public meeting minutes. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr.

Hubert, Ms. Rizvani, Mr. Ruebenacker, and Chairman Fry. Abstained: Mr. Joachim, and Mr. Messineo.

APPLICATION CARRIED

Kaldon 301 Wiley Place Block 219 Lot 7

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

Chairman Fry announced that this application will be carried to the February 16, 2023 meeting at the request of the applicant.

185 Jackson LLC 8 Sherwood Lane Block 263 Lot 45

(The applicant proposes to construct a second story addition and a two-story addition to the rear of the home requiring variance relief for lot area, frontage, front yard setback, both side yard setbacks)

Mr. DiGennaro provided the following technical summary of the revised plans:

I have reviewed the site plan prepared by Steven L. Koestner, PE,LS last revised 12/16/22, and architectural plan by Puzio Architects AIA, last revised 12/22/22. The single family home is located in the R-15 residential zone and is non-conforming as to lot area, frontage, front yard and side yard setbacks, side yard accessory structure setback. The applicant is proposing an addition – renovation to the existing structure on the property requiring variance relief. The application was heard at the November 17, 2022 meeting and the following revisions were requested by the Board:

- Underground Electric – Satisfied
- AC units to rear of building to be shown – Satisfied
- Reduce roof height to 31' front gable and 32.7' overall. Proposed height is 31.95'.
- Enhance landscape plan – Satisfied
- Remove detached garage – Satisfied
- Specify Hardie siding – Satisfied
- Step in second floor 2 feet. Satisfied on right and portion of left.

Mr. DiGennaro also mentioned that the applicants Architect submitted a letter dated January 19, 2023 whereby he stated that the height of the house has been reduced. The new proposed height is 31'11" from the front gable ridge (highest point) to the lowest point of grade. The proposed reduction maintains 9' ceiling height on the first floor and 8' ceiling height on the second floor. Mr. DiGennaro stated that the applicant took the Boards comments into account and submitted a revised plan accordingly. He went on to say that he has some questions about the revised gross building area, specifically the second floor, which has only been reduced by 10 square feet. He said he is unsure how that was accomplished due to the fact that the second story has been stepped in 2' on both the left and right sides. There are also some discrepancies between the architectural and engineering plans with regard to the principal building foot print area so we will need clarification on that.

Ms. Rizvani inquired about an existing concrete structure in the front yard. She said there is a pipe going into the structure and a cap on top that is not secured, adding that it looks dangerous.

Mr. DiGennaro pointed out that there is a note on the plan which states the structure is apparently some sort of portable well or irrigation well, and it must be abandoned as per NJDEP requirements.

NEW APPLICATIONS

Driggs 439 Lincoln Ave. Block 491 Lot 28

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

The Chairman announced that this application will be carried to the February 16, 2023 meeting at the request of the applicant's Attorney.

Vander Molen 350 Auburn St. Block 470 Lot 1

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

Mr. Joachim recused himself and stepped down from the dais.

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

I have reviewed the plot plan and architectural plan prepared by Kenneth P. Mihalik, Architect, dated 5/11/22, Property survey prepared by Kiersten Osterkorn, PE, LS, PP last revised 11/18/22, self-prepared landscape plan, application, and photos. The single family home is located in the R-15 residential zone and is non-conforming as to lot area, frontage, depth, front yard, and side yard setbacks. The applicant is proposing to add a second story to the existing dwelling and front porch requiring variance relief. The lot area is 9,613 sf where 15,000 sf is the requirement. Existing frontage is 77.08' where 100' is the requirement and depth is 110' where 125' is required. The existing front yard setback is 29' where 40' is the requirement and 23' is proposed. Existing side yard #1 setback is 11' and proposed is 9.9'. Existing side yard #2 setback is 13' and proposed is 11.8' where 20' is the requirement for each side. The existing principal building lot coverage is 19.6% and proposed is 19.9% where 15% is the maximum allowed. This application does not qualify for Stormwater Management Plan review and the property is served by sanitary sewer.

Chairman Fry said there is some history on this property. In 1963 a variance was granted to construct the attached garage and in 1985 a variance was granted to construct an addition to the rear of the home. I would like to hear testimony about what their considerations were for the side yard setbacks since they are already close to the side yards and a variance was already granted to go to 12' off the side yard. Another thing that compounds matters is the increase in gross building area over 2,700 square feet which triggers the enhanced side yard setback so 20' is now required instead of 15'. There are definitely some hardships here due to the undersized lot. The Chairman also commented on the landscape plan stating that the Board will request a full size plan with more detail so we can clearly see what is existing and proposed as far as quantity, species, and size of plantings.

Mr. Kalpagian said he would like to hear what the applicant is planning to do about screening along the side yard property lines since they are encroaching into the setbacks.

Mr. Joachim returned to the dais.

Haner 282 Voorhis Ave. Block 285 Lot 25.01

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

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

I have reviewed the property survey dated 5/11/22 prepared by Stephen D. Rigg, LS., architectural plan prepared by Scott C. Bella, RA, PP last revised 11/21/22, landscape plan prepared by Borst Landscape dated 12/9/22, application and photos. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, depth, and side yard setbacks. The applicant is proposing to add a second story and expand the existing detached garage requiring variance relief. The lot is 9,263 sf in area where 25,000 sf is the requirement in the zone and frontage is 50' where 125' is the requirement. Existing and proposed front yard setback is 21.3' where 40' is the requirement. Existing side yard #1 setback is 3.8' and will remain unchanged. Existing side yard #2 setback is 13.4' and will also remain unchanged where 20' is required for each side. Stormwater management is not applicable, and the property is served by municipal sewer. There is an existing 8'x10' shed which is encroaching onto the rear neighbor's property which should be relocated to 6' off the property line.

The Chairman asked for clarification on what changes are proposed for the detached garage. Upon further review, Mr. DiGennaro stated that it appears from the plan that there will be no expansion of the existing garage.

Chairman Fry said this is a unique shaped property which creates some hardships. There have been some variances granted previously. The side yard setback on the right is extremely close. There is an existing patio and wood deck. The frame shed has to be relocated because it is on the neighbors property according to the site plan. There is also a small concrete structure with a cap on it. We should hear testimony as to what that structure is.

Mr. Becker said he reviewed the 2007 Resolution of approval and variances were granted for the accessory structure (garage) setback, lot size, frontage, front yard setback and side yard setback as existing. The encroaching shed needs to be moved off of the neighbor's property.

Mr. Hubert pointed out that the side yard setback variance was previously granted however not for a 30' tall structure which the applicant is now proposing. Mr. Becker agreed stating that the Board has historically interpreted this type of proposal as a new encroachment thereby requiring variance relief.

Kuhnert 240 Eastview Terr. Block 394 Lot 9

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

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

I have reviewed the property survey dated 9/30/16 prepared by Christopher Lantelme, PE, LS., Architects plan prepared by Edwin P. Sherman, RA, PP dated 8/12/22, application and photos. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, depth, and side yard setbacks. The applicant is proposing to add a second story and expand the garage requiring variance relief. The existing lot is 10,683 sf in area where 25,000 sf is the requirement in the zone. Frontage is 111.77' where 125' is required and depth is 140.42' where 150' is required. Existing side yard #1 setback is 3.5', side yard #2 is 7.9', and both will remain unchanged where 20' is required on each side. Existing principal building lot coverage is 14.73% and 18.67% is proposed where 15% is the maximum allowed. Proposed

accessory lot coverage is 2.88% for a proposed total combined lot coverage of 21.55% where 20% is the max allowed. Stormwater management is not applicable. The property is served by a 4 BR septic system installed in 2015 and is located to the rear of the structure. We did receive a landscape plan on January 12, 2023 prepared by Ed Sherman, the applicant's Architect, with a revision date of 12/28/22.

Chairman Fry said this application has a lot going on. There is a history of previous variances having been granted. In 1954 a variance was granted to construct an attached garage with a side yard setback of 12' at the right rear corner of the garage. The submitted survey, dated 9/30/2016, shows the right rear corner of the house has a setback of 7.9'. No variance application or resolution was found for the 7.9' setback. The lot shape and size certainly creates a hardship. The side yard setbacks are 3.5' and 7.9' and the applicant is proposing to build straight up over the setbacks without stepping back the second story which is a challenge. The Chairman said he thinks this application is very aggressive for this lot and this neighborhood.

Mr. Kalpagian pointed out that most of the houses in the neighborhood are cape cod styles because the lot sizes are smaller. When you add a full second story to a home on an undersized lot like this it becomes ominous to the neighboring homes. He added that typically the Board likes to see the second story bumped in a couple of feet when the existing structure is already encroaching into the setback at 3.5'.

Mr. Ruebenacker referred to the saying "let the buyer beware" saying that you cannot buy a small lot and expect to build a great big house on that small lot in this town or any town. He added that the Board understands the hardships however, the applications this evening are going to be a challenge.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:27 pm and a five (5) minute recess was taken before the start of the Public Business meeting.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment

WYCKOFF BOARD OF ADJUSTMENT

JANUARY 19, 2023 PUBLIC BUSINESS MEETING MINUTES

Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall

Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meetings Statement by Chairman Fry:

"The January 19, 2023, Public Work Session of the Wyckoff Board of Adjustment is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our annual Schedule of Meetings. A copy of our Annual Schedule has been posted on the bulletin board of Memorial Town Hall; a copy has been filed with the Township Clerk, The Record, The Ridgewood News and the North Jersey Herald and News--all newspapers having general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting, the agenda thereof was similarly posted, filed and mailed to said newspapers." Formal action may be taken. Members of the public are welcome to be present at this meeting. However, in accordance with Section 7 (A) of the Open Public Meetings Act, participation on the part of the public at this meeting will not be entertained."

Mr. Fry read the following statement into the record: *"All applicants are hereby reminded that your application, if approved, may be subject to the terms, conditions and payment of the Affordable Housing Development Fee requirements of the Township. Information can be obtained from the Code of the Township of Wyckoff, Chapter 113-8 on the Township's website, www.wyckoff-nj.com"*

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

Pledge of Allegiance

ORGANIZATIONAL BUSINESS

1. Oaths of Office to be administered to the new and reappointed members
The Oath of Office was administered to the new and reappointed members during the work session.
2. Roll call of Zoning Board Members
Board Members in attendance: Carl Fry, Erik Ruebenacker, Ed Kalpagian, Brian Tanis, Nekije Rizvani, Brian Hubert, Chris Joachim, and Doug Messineo. Absent, Mark Borst.
Staff in attendance: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.
3. Election of Chairman for 2023
The Chairman was elected during the work session. The nomination for Vice Chairman will be carried to the February meeting.
4. Resolution #23-001: Appointment of Zoning Board Attorney for 2023
The Board Attorney was reappointed during the work session.

5. Appointment of Board Secretary
The Board Secretary was reappointed during the work session.
6. Compliance with Open Public Meetings Act:
 - 6.1- Annual Notice of Meetings Has Been Posted
 - 6.2- Continuation of Current Rules and Regulations
 - 6.3- Official Newspapers – The Record, The Ridgewood News and The North Jersey Herald and News
 - 6.4- Acceptance of Annual ReportCompliance with the Open Public Meetings Act was approved during the work session.

OLD BUSINESS

Approval of the December 15, 2022 work session and public business meeting minutes.
The meeting minutes were approved during the work session.

APPLICATION CARRIED

Kaldon 301 Wiley Place Block 219 Lot 7

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

Chairman Fry announced that this application will be carried to the February 16, 2023 meeting at the request of the applicant. Mr. Becker said the applicant will not need to re-notice for the February meeting.

185 Jackson LLC 8 Sherwood Lane Block 263 Lot 45

(The applicant proposes to construct a second story addition and a two-story addition to the rear of the home requiring variance relief for lot area, frontage, front yard setback, both side yard setbacks)

Bruce Whitaker, the applicant's Attorney, stated that this is the continuation of the application heard at the November meeting. Based on the comments and recommendations made by the Board at that time, we made some revisions to the plans. The revised architectural plans prepared by Mr. Puzio have a revision date of 12/22/2022. The second floor exterior walls have been stepped back 2', the height of the house has been reduced to 31'11" from the highest point to the lowest grade. The existing detached garage will be removed. The exterior siding will be Hardie board. The landscape plan has been revised, and utilities will be placed underground. With regard to Mr. DiGennaro's questions about the second story being reduced by only 10 square feet, Mr. Whitaker explained that the previously proposed open, two-story foyer has been eliminated. As a result, although the second story walls are being pushed in 2', there is an increase in floor area where the open foyer has been eliminated on the second floor. Finally Mr. Whitaker stated that any discrepancies between the architectural and engineering plans will be rectified prior to the approval of the Resolution if the application is approved this evening.

Mr. DiGennaro stated that the discrepancies are in the square footage calculations for the building area footprint. The engineering plan lists the number as 2,301 square feet and the architectural plan lists the number as 1,972 square feet. Both sets of plans need to be reviewed

and corrected to make sure the numbers are consistent.

Chairman Fry said none of the incorrect information triggers a variance however the engineering plan must match the section J.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

In closing, Mr. Whitaker said he believes variance relief would be appropriate under NJSA 40:55D-70(C)(1) and (C)(2). The lot is deficient in area and width which is a hardship, and the benefits of upgrading the property from an aesthetic standpoint constitutes a benefit that outweighs any detriment.

Mr. Kalpagian made a motion to approve the application with the stipulation that the calculations on the engineering site plan will be corrected to be consistent with the architectural plan and the section J. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Joachim, and Chairman Fry.

NEW APPLICATIONS

Driggs 439 Lincoln Ave. Block 491 Lot 28

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

The Chairman announced that this application will be carried to the February 16, 2023 meeting at the request of the applicant's Attorney. Mr. Becker stated the applicant noticed for the January meeting and will not need to re-notice for the February meeting.

Vander Molen 350 Auburn St. Block 470 Lot 1

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

Mr. Joachim recused himself and stepped down from the dais.

Bruce Whitaker, the applicant's Attorney, provided the following overview of the application: The homeowners would like to add a level to the existing ranch style home. The lot is nonconforming in area, frontage, depth, front, and side yard setbacks. The setbacks are pre-existing nonconforming and we are not proposing to expand the footprint but to add a second story and a front portico. The existing house is very modest in size therefore, in my opinion, building straight up is appropriate in this instance. We are not taking advantage of the maximum height allowance of 35'. The only other variance we are seeking is for a portico which will provide safety while entering and exiting the front door. I believe the application meets the C1 criteria for variance relief due to the undersized, skewed lot with an undersized lot width. In addition, aesthetics are recognized under case law as a reason to grant C2 variance relief.

Kenneth Mihalik, the applicant's Architect, was sworn in. Mr. Mihalik stated that he has been a licensed Architect in the State of New Jersey for thirty (30) years and has testified before this Board and many Boards in the State. The Chairman acknowledged Mr. Mihalik as an expert in

Board and many Boards in the State. The Chairman acknowledged Mr. Mihalik as an expert in architecture. The architectural plan dated 5/11/2022 was marked exhibit A-1. Mr. Mihalik provided the following details of the architectural plan which he prepared:

The existing home is a modest one-story ranch style home consisting of three (3) bedrooms, a living room, dining room, kitchen, family room, basement, and one-car garage. The existing width of the house, excluding the garage, is 48' and the depth is 24'. We are proposing to build a second story upon the existing footprint excluding the family room in the rear of the home. The existing first floor will be modified to make a larger kitchen and dining area as well as a master suite with the existing family room and garage to remain unchanged. On the second story we are proposing three (3) bedrooms, two bathrooms, an open space office, and unfinished storage space above the garage which will hopefully one day be finished for use as a bonus room or rec room. The proposed height of the building is 27.4', siding will be Hardie board, and traditional double-hung windows fenestrations will be installed. For the portico we are proposing a small roof over the front landing.

Mr. Whitaker stated that foundation plantings are proposed, and we will stipulate that any plantings damaged or removed during construction will be replaced.

Mr. Kalpagian asked if any consideration had been given to tapering in the second story rather than going straight up at the existing setbacks. He pointed out that if the sides were bumped in 2' on each side the bedroom on the left and storage area (future bonus room) would still be considerable sized rooms.

Mr. Mihalik stated that it was considered however the idea was dismissed because the bedroom on the left would become a 10' wide room which is very small, and the width of the storage room, or future bonus room, would also become a 10' wide room which we found to be unacceptable.

Mr. Tanis suggested constructing the storage room over the garage as more of a dormer or a shed dormer to bring the roof line down a little bit which would soften that side of the house with the 11' setback. He also asked if the first floor exterior walls are going to be taken down.

Mr. Mihalik stated that they did not explore a dormer because it would considerably reduce the size of the room and the ceiling height in that space. Regarding the first floor walls, Mr. Mihalik stated that the first floor will be modified however the exterior walls will not be taken down.

Daniel and Cynthia Vander Molen, the applicants were sworn. Mr. Vander Molen said that he and his wife have been living in the home since 2007 where they are raising their three (3) children. He went on to say that they have love their home and wish to stay in Wyckoff however have outgrown the home and cannot afford to buy a larger home in town.

Chairman Fry said the challenge for the Board is the fact that we are supposed to be looking at a structure that is 15' off the property line however, you are exceeding 2,700 sf of gross building area, so the structure must now be 20' off the property line due the enhanced side yard setback requirement. You are proposing 11.8' and 9.9' setbacks. If you were to reduce the addition by 200 sf, the side yard setback requirement would only be 15'. Chairman Fry pointed out that the Architects who come before this Board are familiar with the gross building area and the enhanced setback requirements so they should exhaust every option available before going straight up over the existing footprint with a second story. He suggested extending the home in the rear, stepping in the proposed second story, and adding a hip roof on both sides rather than a gable.

Mr. Kalpagian said that this Board has to do its job to reduce nonconformities. By stepping in the second story 2' on each side, the bedroom on the left will be 10'x16' and the storage room or future master bedroom will be 12.6' by 22'. He went on to say that if your argument is that those rooms would not be an acceptable size; I am not sold on that argument.

Mr. Whitaker pointed out that the existing lot is only two thirds of what is required in the zone which is a hardship.

Mr. Ruebenacker said that he is in agreement with Mr. Kalpagian and the Chairman's suggestions. He added that in keeping with the zoning requirements of the Township, efforts can be made to lessen the impact of the proposed second floor.

Mr. Hubert said he respects the fact that the applicant is not proposing to max out the height allowance, or 9' ceilings however once you exceed the gross building area and trigger the enhanced side yard setbacks it makes it extremely difficult for the Board to accept. He then asked the applicants if the basement is finished.

Mr. Vander Molen stated that the basement is unfinished adding that the washer, dryer, and mechanicals are in the basement.

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

Chairman Fry said it seems as though a few of the Board members are looking for some improvements to the second floor addition. He asked Mr. Whitaker if he would like the Board to put the application to a vote this evening.

Mr. Whitaker said he would like to get a consensus as to whether all of the Board members feel the 2' reduction is really necessary in this instance because he gets the feeling that some Board members may see the justification of what is proposed. He went on to say that we looked very carefully at this and I feel the size of the lot prompted an ability to make it square without bumping it in 2' adding that in his opinion, the 2' would not make a significant difference. In addition, Mr. Whitaker stated that no neighbors attended the meeting to object, which he believes should be considered.

The Chairman stated that in hearing the comments it sounds like the majority of the Board members would not be in favor of the application as presented and it needs improvement with stepping in the sides.

Mr. Ruebenacker said he would like to see the second story addition stepped in.

Mr. Messineo said he understands the stairs cannot be moved and if the second story is stepped in 2', the proposed room to the left of the existing stairs will become a very small bedroom at 10' wide.

Mr. Tanis said that hearing there is not a finished basement helps him better understand why the applicant is proposing the storage room or future rec room on the second floor. He also said he agrees with the Chairman's suggestion to switch out the gable roof for a hip roof which would soften the impact of the second story.

Mr. Tanis asked what the height of the gutter line will be. Mr. Mihalik stated it will be approximately 20'.

Ms. Rizvani asked the applicants if the chain link fence belongs to them and if they are planning to replace it. Mr. Vander Molen stated that the chain link fence on the left side of the property belongs to him and he plans to replace it with a much nicer fence. The fence on the right side belongs to his neighbor.

Chairman Fry summarized by saying that the architectural and landscape plans need to be revised. A/C units must be screened.

Haner 282 Voorhis Ave. Block 285 Lot 25.01

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

Scott Bella, the applicants architect, was sworn. Mr. Bella stated that he has been a licensed Architect in the State of New Jersey for approximately thirty (30) years, and has testified before this Board and many other Boards in NJ. The Chairman recognized Mr. Bella as an expert in his field. Mr. Bella then provided the following details of the application:

We are looking to add a level by going up over the existing nonconforming dwelling. We are seeking variances for the front yard setback 26.8' and both side yard setbacks of 13.4' and 3.8'. These setbacks are existing, and we are going to build up over the existing footprint with those setbacks. We are not proposing any changes to the detached garage. The shed, which is encroaching onto the neighboring property in the rear, will be relocated to conform with the zoning requirements. The concrete structure mentioned during the work session is an abandoned compost structure that is no longer being used and the homeowner is willing to removing it.

Chairman Fry asked about the proposed height.

Mr. Bella said we are Increasing height from 18.6' to 29.6' however we heard the work session comments regarding concerns about the setbacks and we are willing to propose a hip roof instead of a gable. The hip roof will slope away from the neighbor and also lower the height to 28'.

Chairman Fry pointed out that the lot is very undersized for the RA-25 zone and perhaps the lot is meant to have a small house on it. We don't want to see overbuilding so that there will be no homes for young couples to buy in town anymore.

Andrew Haner, the applicant, was sworn. He said he has two (2) young children. Currently the house has two (2) bedrooms upstairs and one (1) bedroom on the first floor. He wants to expand the second floor so all three (3) bedrooms are upstairs.

Mr. Kalpagian said there are multitude of challenges with this application considering that the lot area is 37% of required lot size. He also pointed out that the plan shows the A/C units in the side yard with the 3.8' setback.

Mr. Joachim said squaring off the back of the house will definitely clean up the look of the house.

The Chairman said his objection is the increase in the height of the building so close to the property line. He suggested lowering the ridge, lowering the front roofline, and building doghouses into the roof while still possibly achieving the second floor height. Mr. Bella said he could probably

bring the plate down 5' or 6' feet and still get 8' ceilings. He went on to say that he can dormer the front and still get the square feet we need on the second floor, or we can hip all four sides of the roof and eliminate the proposed gables.

Mr. Tanis stated that he used to live in the neighborhood, so he is very familiar with it. He said there are some older houses in that area that are pretty tall, and they do not have big side yard setbacks. He also said he is not opposed to the hip roof and asked for clarification on the modified height that is now being proposed. Mr. Bella said we originally proposed 29.6' but we can bring it down to 28' to the ridge if we switch to a hip roof. The existing is 18.6' which will be where the hip starts.

Chairman Fry asked how this will compare the neighbor to the right. Mr. Bella stated the neighbor to the right has a full second story with a gable end wall and a shed dormer in the front however he does not know the height of the dwelling.

Mr. Messineo asked how much the ridge height would be reduced if the pitch and plate were lowered. Mr. Bella estimated that it would probably be lowered by 4' which would bring the building height down to 25.6'.

Chairman Fry asked Mr. Haner if he operates a commercial kitchen at his home because he noticed a lot of grills on the property. Mr. Haner said he does not operate a commercial kitchen, but he loves to grill and has several grills and smokers on his property.

Mr. Kalpagian asked what type of siding is proposed. Mr. Bella stated the siding will be horizontal Hardie board.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Hubert said that reducing the height is a major issue for him with the house being so close to the property line. The lot presents a tough challenge because there is not much you can work with.

Mr. Tanis said the lot is a definitely a hardship however being creative and willing to work with the Boards concerns and suggestions says a lot. Getting the height down will be a good plan that makes sense here. Ms. Rizvani and Mr. Kalpagian agreed. Mr. Ruebenacker said he will defer until he sees the revised plans.

Chairman Fry said this application is definitely a challenge and he does not love it. He went on to say that the Board has given good direction on what needs to be done. Revise the architectural plans, bring down the height, identify the Hardie board siding on the plan, and update the site plan to show the location of the relocated shed which will eliminate a nonconformity on the property.

Mr. Bella asked when the revised plans need to be submitted. Ms. Mitchell stated the revisions must be submitted at least ten (10) days before the next meeting.

Kuhnert 240 Eastview Terr. Block 394 Lot 9

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

Ed Sherman, the applicant's Architect was sworn. Board Attorney Becker stated that Mr. Sherman has appeared before this Board many times and acknowledged him as an expert in Architecture.

Mr. Sherman provided the following details of the application:

The lot is pie shaped. The existing side yard setbacks are 3.5' on the left and 7.9' on the right. The home currently has four (4) bedrooms with two (2) on the first floor and two (2) on the second floor. We are proposing to expand the second story to bring all four (4) bedrooms upstairs. There is an existing four (4) bedroom septic system. We are proposing to modify the first floor to include a kitchen, breakfast area, living room and a den. There is an enclosed porch in the rear of the home that is only 10' wide which is currently used as the family room. The applicants would like to enlarge the family room however we cannot extend the home further into the rear due to the setback and the location of the septic. We are proposing to bring the garage forward in order to enlarge the family room to the rear of the garage. We are proposing a covered porch across the front of the house. The left rear of the existing house has a setback of 3.5' and we would like to build straight up over that. The right rear has a setback of 7.9' where the enclosed porch exists and we are not proposing to build over the top of that. The second story on the right side will be built over the existing garage where the setback is 12.8'. The existing height of the dwelling is 22' and we are proposing a height of 28'.

Kerry and Steven Kuhnert, the applicants, were sworn. Ms. Kuhnert stated that she and her husband purchased the home in 2016 and they would like to stay in the home. Mr. Kuhnert said he would like to have all four (4) bedrooms upstairs.

Chairman Fry said there are a lot of things working against this application. Most of the lots in that neighborhood are irregular in shape which is a challenge. Also, none of the other homes in the neighborhood have been enlarged or expanded so what is being proposed here will make this house a one-of-a-kind on that block. In addition to that, you have a setback of 3.5' on the left side and a 7.9' setback on the right side when we have a resolution on file that states a variance was granted for a 12' setback on the right side not 7.9'. He went on to say that he does not see any way the Board would allow building straight up on the left side with a setback of 3.5'. He then asked if this is a complete teardown.

Mr. Sherman stated the perimeter walls will remain intact.

Mr. Ruebenacker said the proposal is too much house for that lot and the second story on the left side at 3.5' is a nonstarter. He recommended stepping in the second story 2'-3' on each side which would add some good architectural distinction to the house.

Mr. Joachim agreed stating this is a very aggressive proposal for that lot. He also commented on the row of privacy trees along the left side of the property saying that at 3.5' from the property line, once the second story starts going up, that tree line will have to be cut back and the trees may even have to be removed.

Mr. Tanis said Eastview Terrace is a very quaint street with smaller homes and this is a lot of mass for this property and this street. He added that the second story needs to be stepped in more towards the center of the house to minimize the mass on the right side.

Mr. Sherman stated that he can minimize the mass on the right side of the house.

Mr. DiGennaro stated that the applicants can expand off the rear of the existing structure however it has to be 15' from the septic field if you build on a slab, and 25' if you dig a basement. A rear addition must also be at least 10' from the septic tank. He suggested adding more of the mass to the right side and bumping in the left side by not building over the proposed dining room and den on the left side.

Chairman Fry stated he would not want to see them build over the enclosed porch with a 7.9' setback because it will tower over the neighbor to the right whose property drops down in grade. He said he would like to see the mass shifted towards the rear and away from the left side adding that he would like to see the total combined lot coverage brought down to 20%.

Mr. Sherman stated that by not building over the dining room and den on the left he can probably get the second story to a 12' setback.

Chairman Fry asked about stormwater and if a drainage pit is proposed.

Mr. Sherman stated a stormwater management plan was not required for this project.

OPEN TO THE PUBLIC

NO NONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Messineo said he would be in favor of expanding the second floor out over the rear deck, and not building over the enclosed porch.

The Chairman summarized as follows:

Step in the second story on the left side to 12' from the property line, move the mass towards the rear by building over the existing deck, minimize the mass on the right side, do not build over the existing enclosed porch, try to bring the height down, and get the total combined lot coverage to 20%. He also asked for the landscape plan to be updated with a legend listing species, quantity, and size of plantings as well as anything to be removed and replaced.

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 10:50 p.m.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment