

## WYCKOFF BOARD OF ADJUSTMENT

### JANUARY 16, 2020 PUBLIC BUSINESS MEETING MINUTES

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

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

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

"The January 16, 2020 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.

Chairman Fry read this 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](http://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 was taken.

Board Members in attendance: Carl Fry, Chairman; Mark Borst, Vice Chairman; Erik Ruebenacker, Brian Tanis, Ed Kalpagian, Rosa Riotto, Kelly Conlon and Kimberly Evans.

Board Members absent: Brian Hubert

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

Mr. Ruebenacker led the meeting attendees in reciting the Pledge of Allegiance.

#### **ORGANIZATIONAL BUSINESS/MOTIONS**

1. Oaths of Office to be administered to the new and continuing members, where applicable.
2. Roll call of Zoning Board Members
3. Election of Officers: Chairman and Vice Chairman
4. Resolution #20-001 for: Appointment of Zoning Board Attorney
5. Appointment of Board Secretary
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 Report

The six (6) Organizational Business items were accepted and approved during the Work Session.

**OLD BUSINESS**

Approval of the December 19, 2019 Work Session and Public Business meeting minutes. The December 19, 2019 Work Session and Public Meeting minutes were approved during the Work Session.

**RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #20-01** Approval of vouchers for Engineering and Professional Services. Payment Resolution #20-01 was approved during the Work Session.

**RESOLUTION(S) TO BE MEMORIALIZED****MOSERA, ROBERT 241 Eastview Terrace BLK 393 LOT 6**

(The applicant proposes to expand the first and second stories of the existing home. He is also proposing to construct a new 2 car detached garage in the rear yard 10' from the side property line and 12.5' from the rear property line. The lot is nonconforming in area, width and depth.)

**WYCKOFF BARBER SHOP, LLC 637 Wyckoff Ave. BLK 235 LOT 3**

(The applicant is requesting a parking variance to permit a Barber Shop at this location.)

**377 DOROTHY LANE, LLC 377 Dorothy Lane BLK 285 LOT 16**

(The applicant (Turner Group) proposes to construct a second story addition to the one-story home. The lot is nonconforming in area, frontage and both side yard setbacks.)

The three (3) Resolutions were approved during the Work Session.

**APPLICATION WITHDRAWN****PERGOLIZZI, JOHN 316 Calvin Court BLK 349 LOT 48**

(The applicant proposes to move his A/C units from the rear yard to the side yard.) It was announced during the Work Session that the applicant is withdrawing his application.

**APPLICATION CARRIED****HALILI, SEMRA 11 Madison Heights BLK 334 LOT 2**

(The applicant proposes to expand the first floor and add a second story. The lot is nonconforming in area, frontage, depth, both front yard setbacks (corner lot) and side yard setback.)

Ms. Halili was reminded by Board Attorney Becker that she was previously sworn and is still under oath. She stated that her Architect was unable to attend this evening's meeting and that she would be representing herself.

Chairman Fry advised Ms. Halili that she is welcome to provide testimony however her professional representative will have to revise the section J and clarify the calculations. He

added that during the Work Session the Board touched on each item that needs clarification. He reviewed the items that would have to be addressed at the next meeting as follows:

The A/C units must be identified on the plans with screening.  
The siding materials for the garage should be identified on the plans.  
The Schedule J must be revised to match the legend on the plans.  
The Board had asked to reduce the gross building area below 2,700 square feet and no efforts were made to do so based on the revised plans.

Ms. Halili lamented that reducing the size of the proposed addition by 140 square feet will be a hardship because it may mean she has to lose a bedroom. Her 14-year-old son and her mother live in the home with her. She does not wish to reduce the size.

Mr. Fry stated that what the Board is recommending is not out of the norm of any requests made to all other applicants. Unfortunately, there are restrictions as to what size home can exist on an undersized lot. It is very difficult for the Board to justify granting so many variances on a single application. He said that the Board must weigh the benefits against the detriments of each proposal. By keeping the GBA above 2,700 sf you are compounding the problem. You should have a conversation with your architect and ask him to reconfigure the design slightly to get the GBA to 2,700 sf.

Mr. Ruebenacker stated that Ms. Halili is proposing a lot of house on a very small lot. He suggested that the proposed 12'x12' bedrooms could be reduced to 12'x11' which would be a great start.

Mr. Borst asked if there is a full basement in the home. Ms. Halili said there is a full basement. He suggested eliminating the proposed second floor laundry room and placing the washer/dryer in the basement. Ms. Halili said it is easier to have the laundry room on the second floor. Mr. Borst also stated that the proposed kitchen is a very nice size. He added, by placing the laundry in the basement and reducing the kitchen slightly, she can get below the 2,700 sf.

Mr. Tanis commented that the proposed kitchen island is 30 sf and the applicant is pushing back on reducing the entire house size by 140 sf. The kitchen is large enough to reduce the size and still have a very nice large kitchen.

Chairman Fry advised Ms. Halili that the Board has provided her with some options to discuss with her architect and he can figure out how to reduce the GBA.

Finally, the Board reminded Ms. Halili that she should thoughtfully consider the types of trees and plantings she wishes to add to her property. Whatever is presented on the landscape plan, if approved, is exactly what will need to be planted. The type, quantity and sizes should be listed in the legend on the landscape plan. The A/C units should be shown on the landscape plan with the type, size and quantity of screening as well.

The application will be carried to the February 20, 2020 meeting pending revised plans.

### **NEW APPLICATION**

**ACOSTA, DANIELLE & RICH** 112 Hilltop Lane BLK 497 LOT 49

(The applicant proposes to construct a deck on the rear of the home into the rear yard setback

requiring variance relief.)

Danielle Acosta was sworn. She stated that the proposed size of the deck, which will encroach into the rear yard setback, was determined by her family's needs. She would like a deck large enough to accommodate a table, chairs and a barbecue grill. Ms. Acosta said that there is an existing patio in the rear yard however they do not use it because it is not convenient. She would like a deck with access from her kitchen for outdoor cooking, eating and entertaining.

Vice Chairman Borst commented that the plan indicates that the deck will be approximately 40" above the ground and then as the yard tapers off towards the corner of the house, the deck will be sitting approximately 4 1/2' off the ground.

Mr. Ruebenacker asked Ms. Acosta why she thought she did not need to submit a landscape plan. He stated that adding the deck 4' off the ground and 14' into the rear yard setback will certainly impact the neighbors. Adding landscaping would soften the impact. Ms. Acosta said that they had a row of trees across the rear property line however some of the trees came down in a storm. She is planning to replace the trees that she lost in the spring, when it is a better time for planting. She said that she does want privacy. Mr. Ruebenacker advised that the Board will want to see the proposed landscaping before approving the application due to the impact it will have on the neighbors. He went on to say that the landscape plan should show quantity, species and size of plantings proposed which will soften the impact of the deck. Chairman Fry asserted that the landscaping will be a critical component of approval of this application.

Mr. Borst suggested the option of a terraced deck or raised patio which would provide much more privacy and might also eliminate the need for the variance. Ms. Acosta said she really likes the idea of a deck more than a patio. Ms. Conlon suggested planting trees that will become very dense and create more privacy. Mr. Tanis stated that the remaining arborvitaes along the rear property line are very mature and probably at least 14' tall. If you plant 5' or 6' arborvitaes, it will take 10 years for those trees to grow and provide the privacy you want. Mr. Borst advised submitting a landscape plan proposing nothing smaller than 10' arborvitaes however, he added that trees of that size will be very expensive. Ms. Acosta said she will have to make sure her landscaper will be able to get 10' trees into her back yard. She added that she may have to consider the raised patio or tiered deck option and speak with her landscaper about a design plan.

OPEN TO THE PUBLIC  
NO ONE APPEARED  
CLOSED TO THE PUBLIC

The application will be carried to the February 20, 2020 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 9:20 p.m.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment