

WYCKOFF BOARD OF ADJUSTMENT

FEBRUARY 20, 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 February 20, 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"*

"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 and Kimberly Evans.

Board Members absent: Brian Hubert, Rosa Riotto and Kelly Conlon.

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.

OLD BUSINESS

Approval of the January 16, 2020 Work Session and Public Business meeting minutes.

The January 16, 2020 Work Session and Public Meeting minutes were approved during the Work Session.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #20-02 Approval of vouchers for Engineering and Professional Services.

Payment Resolution #20-02 was approved during the Work Session.

APPLICATION WITHDRAWN

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.)

It was announced during the Work Session that the applicant is withdrawing her 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 and side yard setback.)

Ms. Halili, the applicant and Mr. Quirk, the architect came forward. They were reminded by Board Attorney Becker that they were previously sworn and are still under oath. The revised plan dated February 11, 2020 was marked exhibit A-4 and the revised schedule J was marked A-5.

Chairman Fry stated that he would like Mr. Quirk to verify that the calculations on the revised section J are correct and that he would like it on the record that the newly proposed 2,700 SF of gross building area is correct. Mr. Quirk stated that the 2,700 SF is correct as he reduced the second story addition by 122 SF by eliminating a bedroom and relocating the washer and dryer to the basement as was suggested by the Board. The first-floor addition has been reduced by 18 SF for a total reduction of 140 SF of gross building area. The proposed covered front porch is not included in the gross building area since it will not be enclosed. Mr. Quirk added that the height of the building has also been reduced on the revised plan to 28' where it was previously proposed at 30'.

Mr. Quirk gave an overview of the revised landscape plan. He stated that green giant arborvitae will be planted to screen the rear patio as well as the A/C units. Wrap around landscape beds will be planted near the foundation on both Madison Heights and Elmwood Place. Mr. Borst stated that green giant arborvitae plants around the A/C units might be too much as they will grow very large. He added that the boxwoods proposed on the landscape plan should be placed closer to the foundation and the seasonal flowering plantings placed in front. He recommended that the applicant stick with scheme LS-1 dated 1/9/2020 which was submitted at the last meeting. The applicant agreed.

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NO ONE APPEARED
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Chairman Fry asked the applicant if she is willing to place the utilities underground if feasible. Ms. Halili stated that she is willing to construct the utilities underground.

Mr. Kalpagian made a motion to approve the application for 11 Madison Heights utilizing landscape scheme LS-1 dated 1/9/2020, A/C units will be screened, and utilities will be placed underground. Second, Mr. Tanis. Voting in favor: Ms. Evans, Mr. Tanis, Mr. Kalpagian, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

NEW APPLICATION

HAN, JUDY & ABRAHAM 51 Midland Avenue BLK 265 LOT 117

(The applicant proposes to install an inground pool and pool patio resulting in a 5' side yard

setback where 15' is required)

Judy and Abraham Han, the applicants, were sworn. Robert Weissman, the applicant's Engineer was also sworn and was recognized by the Board as an expert in Engineering. Mr. Weissman stated that the rear yard is narrow in width at 82.13' where 125' is required. His client wishes to install the pool close to the southwesterly sideline of the property placing the proposed inground pool 15' from the property line and the proposed patio 5' from the property line requiring the variance. Mr. Weissman stated that the pool equipment and generator will be conforming and three (3) renditions of a landscape plan have been submitted. Chairman Fry asked Mr. Weissman if there is any reason, from an engineering standpoint, that the pool must be installed in this location or if any restrictions exist that would prevent the pool from being moved so that it conforms. Mr. Weissman stated that there are no restrictions or engineering issues to prevent the pool from being moved adding that the proposed location for the pool is the personal preference of the applicants.

Ms. Han said that the placement of the pool on that side of the yard all comes down to the safety of her four (4) children and the many neighborhood children who are always playing in her yard. She would like to be able to see as much of the pool as possible from the screened porch on the rear of the home which is the only vantage point to see the pool other than from the second-floor windows. Ms. Han stated that the location of her garage in the rear of the home limits the views of the yard from the house.

Chairman Fry recommended shifting the wider, 10' wide section of the proposed patio to the opposite side of the pool in addition to shifting the pool over a few feet. Ms. Han said that she will not be able to see the pool from her kitchen if they move the pool. Chairman Fry said that it is not likely that the homeowners will be watching the pool from inside the house while the children are swimming. Mr. Han said that they have four (4) children and he and his wife are in and out of the house a lot for different reasons. He went on to say that he is concerned about safety and will be installing an automatic safety cover on the pool. Ms. Evans asked if they are planning to install a removeable safety fence around the pool. Ms. Han said yes. Mr. Han said that it is not part of the plan at this time, adding that their entire backyard is already fenced.

Vice Chairman Borst said that he understands the safety concerns of the applicant however it is his opinion that when the young children are in the pool it is unlikely an adult will not be outside with them. Ms. Han agreed. Mr. Borst said that shifting the pool may be something to think about. He added that the proposed location of the wider section of pool patio is not optimum because the sun will be behind the lounge chairs. He also commented that installing a safety fence will further obstruct the view of the pool and patio area. Mr. Han asserted that the safety fence is not in the proposal and is not being contemplated at this time; the entire property will be fenced in.

Chairman Fry said that he believes the Hans can still achieve what they desire by shifting the pool and making it conform. Mr. Han said that given all the research he has done he disagrees. Mr. Fry stated that the applicant is coming before the Board for a hardship variance where typically all other options to conform have been exhausted.

Mr. Tanis suggested placing the patio area closer to the home near the shallow end of the pool for safety. Mr. Han said that lounge chairs in that location would obstruct his view to the pool. Mr. Tanis pointed out that the plans shows a fire pit with seating proposed in that location. Mr. Han said they will be able to see right over the fire pit. Mr. Borst stated that eliminating the outdoor kitchen will further open the line of sight to the pool adding that he does not see the hardship in

this discretionary feature.

Chairman Fry said that the layout of the property enables the installation of a pool and patio that conforms to zoning. Short of that, it is unlikely the Board will vote to approve the application. He recommended shifting the pool over 6' and relocating the patio closer to the house. Mr. Han said that he does not want to move the pool and asked if they could leave the pool in the proposed location and reduce the size of the patio to 4' resulting in an 11' side yard setback instead of 5' side yard setback. Chairman Fry reiterated that it will be a challenge for the Board to approve the patio in the side yard setback considering that the possibility exists to make the pool conform to zoning. He went on to say that the Board's decision must be based on the Zoning Ordinance that is in place. There must be a very good reason for the hardship and what has been presented is subjective. Mr. Kalpagian expressed agreement with the other Board Members in that he does not see the hardship since other options exist that would eliminate the need for the variance.

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The application will be carried to the March 19, 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