

## **WYCKOFF BOARD OF ADJUSTMENT**

### **DECEMBER 16, 2021 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 December 16, 2021, 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](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:**

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

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

#### **PLEDGE OF ALLEGIANCE**

#### **OLD BUSINESS**

Approval of the November 18, 2021 Work Session and Public Business meeting minutes. The minutes were approved during the Work Session.

#### **RESOLUTION FOR PAYMENTS #21-12**

Payment Resolution #21-12 was approved during the Work Session.

**MEMORIALIZING RESOLUTIONS****Leach, James 304 Voorhis Ave. Blk 288 Lot 40**

(The applicant proposes to construct a second story addition and an addition in the rear requiring variance relief for side yard setbacks and principal building lot coverage)

**Wyckoff Cycle 398 Franklin Ave. Blk 250 Lot 1**

(The applicant is proposing a 4<sup>th</sup> façade sign on Franklin Avenue requiring variance relief from the Code 186-28F which states only one sign is permitted for each retail business establishment)

**Hamernick, Brittany 262 Morse Ave. Blk 254 Lot 1**

(The applicant proposes to construct a first and second story addition and also construct a new one car garage requiring variance relief for principal building front and side yard setbacks, accessory setbacks, principal, and combined lot coverage)

**Fowler, David 310 Windham Ct. Blk 206 Lot 51**

(Applicant proposes to construct an addition in the rear of the home requiring variance relief for enhanced side yard setback of 22.5' existing and proposed where 25' is required)

The four (4) Resolutions were approved during the work session.

**APPLICATION CARRIED****Grano, Anthony 178 Cottage Rd. Blk 456 Lot 24**

(The applicant proposes to construct 2 covered patios, a storage room, powder room and a pool requiring variance relief for accessory lot coverage and total combined lot coverage)

Chairman Fry announced that this application has been adjourned until the January 20, 2022 meeting. Board Attorney Becker stated that the applicant will not need to re-notice the public.

**NEW APPLICATIONS****Goren, Murat & Esra 12 Sherwood Lane Block 263 Lot 44**

(The applicant proposes to demolish the existing home and construct a new single family home requiring variance relief for both side yard setbacks, principal building lot coverage and combined lot coverage)

Bruce Whitaker, the applicant's Attorney, provided the following overview of the application:

The lot is extremely deficient in area and width. There is an existing single family home on the property which will be demolished, and a new home will be constructed. There are existing nonconforming side yard setbacks. The applicant is proposing a single story home with 10' setbacks on each side where 15' is the requirement. If we were to respect the 15' setback, the home would only be 20' wide. The proposed structure will be centrally located on the 50' wide property. It is a very modest, 2 bedroom home with a kitchen, family room, dining area and 2 bathrooms. The applicant is proposing an attached garage which will eliminate an existing nonconformity. Mr. Whitaker stated that he believes variance relief is appropriate under the hardship criteria since conforming to the Zoning Ordinance would create a hardship. He added that the benefits substantially outweigh the detriments as the proposed improvements will upgrade the streetscape and make the property more in character with the rest of the

neighborhood. The a/c and generator will be located in the rear of the building and the utilities will be placed underground. A modified landscape plan will be submitted. Finally, Mr. Whitaker stated that the applicants, Mr. and Mrs. Goren have been Wyckoff residents for 35 years. They are downsizing from their current home and their daughter will move in to the home they currently occupy on Crescent Avenue.

Mark Braithwaite, the applicants Architect, was sworn in. His professional address is 52 Park Avenue in Park Ridge New Jersey. Mr. Braithwaite said he has appeared before this Board on many occasions and his license is current and in good standing.

Mr. Becker stated the Board acknowledges Mr. Braithwaite's credentials and recognized him as an expert in architecture.

Mr. Braithwaite stated that what is existing is a liability. We are proposing a modest 30' wide home on a 50' lot with 10' setbacks on each side. The proposed garage is 16' wide to accommodate a vehicle as well as recycling and trash cans, and a snow blower. This will be a one story home. We are proposing to modify the landscape plan that was submitted to reflect the a/c and generator in the rear of the home. We will propose 7 additional arborvitaes on each side of the property interspersed with the lower plantings that were proposed. They will be spaced 10' apart and will be staggered. The siding will be hardy plank and stone.

Chairman Fry said the proposed home and shed are exceeding the maximum allowed principal building and total lot coverage. He asked if any efforts were made to get the lot coverage to 20%.

Mr. Braithwaite said the proposed home is extremely modest in size and the proposed small shed is needed to store garden tools as there is no access to the basement from outside the home.

Mr. Borst stated that if the proposed home was made any narrower it will take away from the aesthetics of the home.

Mr. Ruebenacker asked if any thought was given to breaking up the roof line going down the side of the house with a dormer or other architectural element. Mr. Braithwaite said the proposed home will not have an attic and we are attempting to keep it simple.

Mr. Hubert inquired about the ceiling height. Mr. Braithwaite stated the ceiling height will be 9'.

Mr. Tanis asked about the size of the roof overhang. Mr. Braithwaite said there will be 20" of overhang on each side.

Chairman Fry asked how many trees will be removed. Mr. Braithwaite said there are 4 mature trees on the property and 3 will be removed adding that the one in the rear by the shed will remain.

Mr. Borst recommended coming back with a new landscape plan.

Mr. Hubert asked about the screening along the rear property line. Mr. Braithwaite stated the existing plantings will be removed and a row of arborvitaes is proposed.

Esra Goren, the applicant, was sworn in. Ms. Goren stated that she resides at 187 Crescent Avenue in Wyckoff. She has owned the subject property since 1987. Ms. Goren said she and her husband moved from 12 Sherwood Lane to 187 Crescent Avenue in 1995 adding that a local

women lived in the house at 12 Sherwood up until a couple of years ago and the house has been vacant since then.

Chairman Fry expressed concerns about the condition of the existing home which appears to be beyond repair, and he questioned the current use of the property. Ms. Goren said the house has been vacant for a couple of years.

#### OPEN TO THE PUBLIC

James Macchiarelli, who resides at 43 Harding Road, was sworn in. He stated that his property is directly behind the subject property, and he is concerned with drainage from the property. Mr. Macchiarelli said there is a sump pump or an outlet pipe that pumps water onto his property during heavy rain storms which needs to be addressed.

Mr. Whitaker said we will stipulate that the drainage plan will comply with all of the Township requirements.

DiGennaro said 2 seepage pits will be installed to capture runoff from the roof leaders.

Mr. Macchiarelli said there are two chestnut trees in the rear pf the property that hang over into his yard and they are a nuisance.

Mr. Whitaker stated that the trees do not appear on the survey as belonging to 12 Sherwood Lane property.

Joseph Read, who resides at 21 Sherwood Lane, was sworn in. Mr. Read said he has lived at this location for approximately 40 years. He opined that the grossly undersized lot is not a buildable lot. He questioned how anyone could build a house on that lot that fits the neighborhood.

Mr. Whitaker stated that case law exists which states that you can build on an undersized lot and that the Town cannot deny building on the lot without condemning the lot and taking over ownership of it.

Adam Stafinski who resides at 16 Sherwood Lane was sworn in. Mr. Stefanski said he has lived in his home for 8 years. He stated that he offered to purchase the property at 12 Sherwood Lane from the applicant with the intention of splitting the 50' wide lot between the 2 adjacent lots thereby creating 2 conforming lots.

Chairman Fry stated that the Board cannot take that matter up as it would be a private matter between the property owners.

Mr. Whitaker asserted that Mr. Stefanski's was made aware that the applicant does not wish to sell the subject property and that his comments are irrelevant to this variance application.

Mary Read who resides at 21 Sherwood Lane was sworn in. Ms. Read said she is concerned about the setbacks and the number of variances being requested. She said she does not feel the 10' setbacks are appropriate or fitting.

Chairman Fry stated that the Board has to decide if the benefit will outweigh the detriment and, in this case, what is being proposed is a benefit compared to what is existing.

Zvonko Veskov, who resides at 15 Sherwood Lane, was sworn in. Mr. Veskov said the building as it exists is a liability and needs improvement. He went on to say believes the undersized lot is a hardship and he is in support of the application and would like to see the lot improved with a new home.

#### CLOSED TO THE PUBLIC

Mr. Borst recommended carrying the application until a revised landscape plan is submitted.

Mr. DiGennaro said if the Board wishes to vote on the application this evening, he will review the revised landscape plan prior to the January meeting. The a/c and generator will be moved to the rear of the home and evergreen trees will be added to both side of the property as screening. The revised plan should indicate any trees to be removed and added.

Mr. Christ mentioned the matter of the sump pump and that it is to be connected to the proposed drainage system. Mr. DiGennaro said it should be included in the Resolution that any sump pump will be tied into the proposed front seepage pit.

Ms. Rizvani expressed concerns about the abandoned building and any wildlife that may be inhabiting the building. Mr. DiGennaro stated that an abatement plan must be submitted to the Construction Official prior to demolishing the structure. Hazardous materials and animal control will be addressed at that time.

Ms. Riotto said she appreciates the members of the public who came out to express their opinions this evening. She added that the applicant is proposing a very modest home and she believes the neighbors will appreciate the improvements to the property once the new house is built.

Board Member Borst made a motion to approve the application with the condition that a revised landscape plan and site plan will be submitted which shows the a/c condenser unit and generator will be placed in the rear of the home and any sump pump will be connected to the front seepage pit. Second, Ms. Riotto. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Christ, Ms. Rizvani, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

#### **Schnurr, Michael 605 Buena Vista Dr. Block 247 Lot 7 RA-25**

(The applicant proposes to construct an addition to connect the existing detached garage to the principal building requiring variance relief for the side yard setback)

Gus Morpurgo, the applicant's Architect, was sworn in. His professional address is 18 Sycamore Avenue in HoHoKus New Jersey, he is licensed in the state of NJ and his license is in good standing. Mr. Becker said the Board recognizes his credentials as an expert in Architecture.

Mr. Morpurgo said the applicant is requesting variances to construct 2 small additions to the home. The lot area and frontage are nonconforming. We are requesting variances for a front yard setback of 36' where 40' is the requirement. We are also requesting a variance for a side yard setback of 3' to construct a mudroom which will attach the detached garage to the home where the enhanced side yard setback of 25' is required. The addition connecting the garage to the principal building will essentially be invisible from the street. That side of the home is heavily screened from the neighbors.

Michael Schnurr, the applicant, was sworn in. He presented photos of homes in the neighborhood similar to his home. Mr. Becker marked the application packet exhibit A-1 and the additional photos exhibits A-2 and A-3. Mr. Schnurr stated that he and his wife love the neighborhood. They are not trying to create a huge home they, are just looking to expand enough to create more storage and living space for their family.

Chairman Fry said the front porch will not further encroach into the front yard setback. The addition on the right side is completely out of the setback. The addition of the mudroom, which will connect the garage to the house, is the main issue. Mr. Fry said he does not believe the additions will be a detriment adding that the property is heavily screened.

Mr. Kalpagian asked if the height of the garage will remain the same. Mr. Morpurgo said the height will not change.

Mr. Borst pointed out that the plan proposes 4 bedrooms and 2 large offices that could potentially become bedrooms and the house is served by a 4 bedroom septic system. Mr. DiGennaro said the Resolution should state that the home will remain a 4 bedroom home.

Ms. Rizvani stated that there appears to be a well head outside the house in the area of the kitchen addition. Mr. Schnurr stated that he believes it is inactive. Mr. DiGennaro said the well should be inspected and decommissioned if it has not already been done. Mr. Borst said it could be very dangerous as it could collapse in. Mr. Becker stated that it will have to be addressed. Mr. DiGennaro said the well could be 150' to 200' deep. It should be inspected by a licensed well driller to identify the status and a permit should be pulled to have it filled in.

Mr. Tanis asked if any thought had been given to keeping the gross building area below 3,700 sf to eliminate the enhanced side yard setback. Mr. Morpurgo said that none of the rooms are very large, and the proposed guest bedroom is only 12' by 8'.

Mr. DiGennaro said the a/c condenser unit should be moved out of the front yard. Mr. Schnurr said the unit is well screened where it is. Mr. DiGennaro said a second unit will probably be needed with the expansion of the home and if that is the case, the units should be moved out of the front yard.

Mr. Borst commented on the landscape plan stating that the existing plantings may be damaged during construction. He recommended a condition that any plantings damaged during construction shall be replaced with like kind and size.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Chairman Fry summarized by stating that the siding will be hardy plank, the home, which is serviced by a 4 bedroom septic system will remain a 4 bedroom home, any landscaping damaged during construction will be replaced with like and kind plantings, if an additional a/c condenser unit is to be added the units will be moved out of the front yard, and the status of the well head will be inspected and addressed prior to the start of construction.

Mr. Ruebenacker made a motion to approve the application with the 5 aforementioned conditions. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Christ, Ms. Rizvani, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

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 10:00 p.m.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment