

**WYCKOFF BOARD OF ADJUSTMENT
JUNE 15, 2017 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 Mark Borst, Acting Chairman:

"The June 15, 2017 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.

Board Member Attendance: Mark Borst; Susan Yudin; Ed Kalpagian; Brian Tanis; Brian Hubert; Rich DeLeo, Alt.; Robert Ebel, Alt. Arrived at 8:03 p.m. - Erik Ruebenacker, Chairman

Board Members Absent: Carl Fry, Vice Chairman

Staff Present: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Board Secretary.

The Board of Adjustment Meeting began with the Pledge of Allegiance.
Roll call was taken.

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Mark Borst, Acting Chair 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"*

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Chairman Ruebenacker arrived at 8:03 p.m. and took charge of the public hearing meeting. He thanked Board Member Borst for his management of the work session meeting. Chair Ruebenacker stated that all phones, pagers and hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

OLD BUSINESS

APPROVAL OF MINUTES

May 18, 2017 work session/public business meeting

The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #17-06- Approval of vouchers from various escrow accounts.

Resolution #17-06 approved at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

CIRILLI, DOMENICO & KARA BLK 395 LOT 1 (RA-25 CORNER LOT); 360 Newtown Road. *(The applicant proposes to add a level and expand the existing footprint of the house which will encroach into the side yard setbacks due to the enhanced side yard setback ordinance and exceed principal building lot coverage).*

GRIECO, ALYSSA BLK 214 LOT 77 (RA-25 CORNER LOT); 304 Wiley Place. *(The applicant proposes to construct a small addition to the rear of the house and expand the second floor which will encroach into the second front yard setback on Birch Parkway).*

SCLAFANI, PETER & LILLYAN BLK 423 LOT 17 (RA-25); 770 Albemarle Street. *(The applicant proposes to install an in-ground pool which will exceed accessory lot coverage).*

HAFTEK, JOSEPH & KRISTEN BLK 500 LOT 4.02 (R-15); 71 Colgate Avenue. *(The applicant proposes to add a level to the existing home. The first floor cantilever windows will encroach into the front yard setback.).*

The above referenced applications were memorialized at the work session meeting.

APPLICATION(S) – CARRIED

WERKLEY, TIMOTHY/ESTRELLA, ROSA BLK 483 LOT 16 (RA-25); 129 Starr Place. *(The applicant proposes to expand the first floor and add a level to the second floor with will encroach into the side yard setback due to the enhanced side yard setback requirement and will exceed principal building lot coverage).* This application has been carried until the Thursday, July 20, 2017 meeting at the request of the applicant.

SHOTMEYER, MARSHA BLK 314 LOT 64 (RA-25); 502 Helena Avenue. *(The applicant proposes to add a level and expand the existing footprint of the house which will encroach into the side yard setbacks).* This application has been carried until the Thursday, July 20, 2017 meeting at the request of the applicant.

APPLICATION(S) – NEW

188 HILLSIDE AVENUE, LLC BLK 353 LOT 10 (RA-25); 188 Hillside Avenue. *(The applicant proposes to add a level and expand the footprint of the existing dwelling which will encroach into the front yard setback).*

Board Member Borst recused himself from discussion and removed himself from the dais. Chair Ruebenacker asked Board Member Yudin to explain what was discussed at the work session meeting.

Roberto Cuan, from the law firm of Cuan & Singh, P.C. the applicant's attorney said that his client is renovating the existing house and would like to install a covered front porch which will encroach into the front yard setback by 22.1' where 26.1' currently exists and 40' is required. He said that a revised landscaping plan has been provided to the Board.

Francesco Oliveri, 25 Catherine Street, Rochelle Park, NJ was sworn. He stated that a second level will be added to the house along with centering the front door and adding some cosmetic changes. Board Member Yudin asked if the utilities will be placed underground and how much of the existing house will remain. Mr. Oliveri said he is not doing any new construction and the utility service will remain above ground. He said the first floor of the existing home will remain. Board Member Kalpagian asked if the front steps will remain. Mr. Oliveri said the front steps will be removed and replaced in front of the new front door. Township Engineer DiGennaro said the front yard setback is not measured to the front step but to the porch which will be covered. Board Member Hubert noted that a full bath will be installed in the basement. Mr. Oliveri said the basement will be a finished open area with a full bath. Township Engineer DiGennaro said the applicant will need to apply for an open road permit to connect to the sewer and said if the utility pole is on the applicant's side of the street then it is a possibility that the applicant will be able to place the utilities underground. Mr. Oliveri said he will contact the utility company to see if this is feasible. Board Member Yudin asked what product will be used on the exterior of the house. Mr. Oliveri said vinyl siding will be installed with vinyl shingles. Chair Ruebenacker said the existing retaining wall will need to be repaired and if it is higher than 2' it will need to be inspected by and certified by a professional engineer. Township Engineer DiGennaro said the retaining wall is holding up the driveway and will need to be certified that it is structurally sound after construction. Board Member Ebel said he would like to see a different quality of exterior material with a stone base. Chair Ruebenacker said that he is struggling to see the hardship with this variance request. Board Member Kalpagian said the applicant is moving the entire porch 4' closer to the road. Attorney Cuan said this update to the existing home will be aesthetically pleasing and the landscaping plan will add character to the house. Township Engineer DiGennaro said the existing property survey does not consider the formal dedication of the township right of way therefore the front yard setback is measured to the center line of the road. The existing house was constructed at 46' from the center line or property line and is now measured from the right of way (ROW) or property line. He added that the property will need to be surveyed and the applicant will dedicate the ROW to the township. He said the applicant will then loss 26' of his front yard property which is a hardship. Also, the applicant is going up 2 stories on the original footprint of the house and not over the modest 4' front porch encroachment. Board Member Yudin asked if the arborvitae are going to be planted on top of the retaining wall or to the side of it. Mr. Oliveri said the arborvitae will be planted to the left of the retaining wall. Board Member Tanis noted that cedar impression style shakes will be at the peaks of the house, the house will be well trimmed with window trim and corner board and he feels it will not look boxy. Board Member Hubert asked where the air conditioning units will be located. Mr. Oliveri said they will be located in the rear of the house and showed the Board their location on the site plan. Chair Ruebenacker reiterated that the air conditioning units will be located in the Northeast corner of the rear of the house and they will be buffered. Township Engineer DiGennaro asked if the existing garage will remain. Mr. Oliveri said he is going to renovate the garage with siding and a new roof.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Yudin made a motion to approve this application subject to the following conditions: a survey will need to be ratified of the ROW to recreate the property line; remove the cement slab on the side of the house; connect to underground electric if feasible; the retaining wall on the south side of the property certified pre and post construction; a new

driveway will be installed; the air conditioning unit in the rear of the house will be screened; the garage will remain with renovations. Second, Board Member DeLeo. Voting in favor: Mr. Ebel, Mr. DeLeo, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin and Chair Ruebenacker.

MOROZ, CEZARY/GAWLE, DANUTA BLK 231 LOT 6 (RA-25); 516 Clinton Avenue. *(The applicant proposes to expand the footprint of the existing house and add a level to the second floor which will trigger the enhanced side yard setback and encroach into the side yard setbacks).*

Ben Cascio, Esq. the applicant's attorney, was present. Thomas G. Stearns, III, 144 Jewel Street, Garfield, NJ was sworn. He said he has a Bachelor degree in civil engineer since 1998 in the State of New Jersey. The Board accepted Mr. Stearns as an expert engineer. Cezary Moroz and Danuta Gawle, 69 Summit Avenue, Elmwood Park, NJ were sworn. Mr. Cascio said this is an application for a side yard variance on an undersized lot. The applicant will be constructing the house to occupy. The original house was building in the 1930's and is setback almost twice the requirement. Mr. Moroz said they purchased the property in May of 2017. He said he would like to use the rear yard and have proposed to build around the current foundation and basement and expand the original house on each side. The existing property line will be screened. Mrs. Gawle said there are many mature in the rear yard and they would like to remove some of these trees and use the backyard for their children. Mr. Cascio said the existing garage will be removed and this non-conformity on the property will be removed.

Board Attorney Becker asked that the following exhibits be marked as identification:

A-1 application package

A-2 new pictures of the property

Mr. Stearns said the lot is a non-conforming lot in an RA-25 zone with 100' frontage where 125' is required. The house is setback at 74' where 40' is required. The existing rear wall of the foundation of the house and basement will remain and the existing non-conforming garage will be removed. 18 trees in the front will be removed in order to install a circular driveway. The trees are in poor shape with surface roots showing. The applicant would like a traditional layout for their new home and need the width of the dwelling. He said there will be a raised patio in the rear with a balcony above the patio off the master bedroom. He said the variance request is for the 2 side yard setbacks. Mr. Cascio asked if this proposal will affect the 2 homes on each side of the property. Mr. Stearns said that both neighboring properties are quite a distance from the proposed house and have front yard setbacks that are closer to the street. The proposed dwelling size is over 5,200 sf which triggers the enhanced side yard setback requirement. He added that 2 seepage pits will be located inside the circular driveway and trench drains will be placed in the driveway. He said the proposed house will be centered on the property with screening. Mr. Cascio said the property is currently serviced by Ridgewood Water service and the applicant will connect to the public sewer system. Mr. Stearns said the applicant will tie into underground electric across the street, the existing oil tank will be removed and natural gas will service the new house. He added that landscaping has been provided on the engineering site plan and existing mature bushes will remain.

Board Member Borst said he is concerned with the 15' side yard setback and would like to reduce the amount of clear cut trees in the rear yard. He asked that an expert tree arborist review the property as to the tree removal, he would like a professional landscape plan done of the property with realistic sizes and species of plants and would also like the side yard setbacks

reduced. Township Engineer DiGennaro said the shade tree commission can look at this site regarding tree removal. Chair Ruebenacker said the house is very wide and would also like the side yard setback reduced. He said the applicant is asking for 15' where 25' is required due to the enhanced side yard setback requirements. Board Member Hubert concurred that it is a beautiful house but the side yard setbacks need to be reduced to at least 20'. Board Member Kalpagian said the lot is quite deep and the applicant has the freedom to construct this house with the required setbacks. He also suggested that a professional landscape plan be submitted. Chair Ruebenacker asked that 14 deciduous trees be planted to replace the mature trees that are going to be removed. He noted that there is a proposed keystone wall to be constructed. Mr. Stearns said this wall will soften up the grading on the left side of the house to make the grade work with the neighbors. Chair Ruebenacker said any wall over 2' will need to be certified by a professional engineer. He also asked that the applicant bring their architect to the next meeting. Board Member DeLeo suggested that the second floor be setback to 25'. Board member Yudin questioned the rear yard elevation. Mr. Stearns said he will clarify with the architect to make sure a height variance is not required. Township Engineer DiGennaro said the height of the roof is measured from the lowest grade. Board Member Borst said the height of the house measures 36.4'. Chair Ruebenacker said the height of the house is limited to 35'. He would also like testimony as to the exterior finishes to be used on the house.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

Chair Ruebenacker said the house will be changed from septic to sewer, the existing oil tank will be removed, exterior finished to the house will be discussed at the next meeting, the Shade Tree Commission will make a recommendation regarding the tree removal in the rear yard, a professional landscape plan will need to be provided, trench drains will be installed in the driveway and the side yard setbacks will need to be reduced to 20'. The Board said this application will be carried to the July 20, 2017 public hearing meeting. The applicant will need to submit revised plans by Monday, July 10, 2017.

STOJKOVSKI, VESNA & DRAGAN BLK 436 LOT 26 (RA-25 CORNER LOT); 701 Mountain Avenue. *(The applicant proposes to live in the existing home while they construct a new dwelling which will be consistent with the bulk requirements).*

This application will not be heard this evening due to a deficiency in public notice.

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There being no further business, a motion to adjourn the meeting was made and seconded and passed unanimously. The meeting concluded at 9:53 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment.