

**WYCKOFF ZONING BOARD OF ADJUSTMENT  
MARCH 18, 2021  
PUBLIC WORK SESSION MINUTES**

Public Work Session: 7:30 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube channel

Public Business Meeting: 8:00 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube channel

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

**PLEASE TAKE NOTICE**, that in accordance with the Open Public Meetings Act NJSA 10:4-6 et seq., and in consideration of Executive Order #103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency in the State of New Jersey, the Zoning Board of the Township of Wyckoff does hereby notify the public that to protect the health, safety and welfare of our citizens, the meeting of the Zoning Board of the Township of Wyckoff scheduled for Thursday March 18, 2021 will be conducted virtually through Zoom technology and it will be live-streamed on the Township of Wyckoff's YouTube channel. The Work Session is scheduled for 7:30 and the Public Business meeting will begin at 8:00 pm.

These measures are implemented to allow members of the public to observe the meeting via live streaming and to provide the ability to comment during the periods for public comment during the meeting through Zoom telephone call in technology. Joining the meeting by telephone will be utilized as security against the sharing of inappropriate video content.

General instructions regarding access to the meeting is posted on the Wyckoff web site's home page at [www.wyckoff-nj.com](http://www.wyckoff-nj.com) as a "News" item.

"The March 18, 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 time."*

**ROLL CALL:**

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

Absent: Ed Kalpagian.

Staff in attendance: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; Pete Ten Kate, Boswell Engineering; and Maureen Mitchell, Board Secretary.

**OLD BUSINESS**

Approval of the February 25, 2021 work session and public business meeting minutes.

Board Member Hubert made a motion to approve the February 25, 2021 work session and public meeting minutes. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Christ, Ms. Rizvani, and Chairman Fry. Mr. Borst abstained.

**RESOLUTION FOR PAYMENTS #21-03**

Mr. Borst made a motion to approve the Resolution for Payments #21-03. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Ms. Rizvani, Mr. Christ, Mr. Borst, and Chairman Fry.

**MEMORIALIZING RESOLUTIONS****Quiroga, Walter 469 Cedar Hill Ave Blk 349 lot 70**

(The applicant proposes to construct an addition to the existing home requiring variance relief for a side yard setback of 16.2')

**Urban, Lauren & Richard 239 Cottage Place Blk. 461 Lot 13**

(The applicant proposes to demolish the existing home and construct a new conforming single-family residential dwelling on the existing lot requiring variance relief for a nonconforming lot frontage of 119.8')

**Messina, Charles 191 Hillside Avenue Blk 354 Lot 15**

(The applicant proposes to construct an addition in the rear of the existing home requiring variance relief for the rear yard setback of 31.92 and principal building lot coverage of 17.15%)

Mr. Hubert made a motion to approve the three (3) Resolutions. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Christ, and Chairman Fry. Mr. Borst abstained.

**NEW APPLICATIONS****Serkes, Matt 110 Ravine Ave. Blk 483 Lot 44**

(The applicant proposes to construct a two-story addition to the existing home with a pre-existing nonconforming side yard setback)

Mark DiGennaro, the Township Engineer, provided his technical summary of the application as follows: The applicant submitted a stormwater management design by Omland & Osterkorn dated 2/22/21, and architectural plans prepared by Scott C. Bella: Architect, revised thru 1/11/21

and received 2/23/21. The plan revision date was not updated accordingly. Also submitted was a survey prepared by Bernard Criscenzo dated 3/29/16, landscape plan prepared by Architect, photos, and variance application. The existing single-family dwelling is in the RA-25 zone and is non-conforming due to side yard setback and accessory structure rear yard setback. The applicant is proposing to expand the structure to the rear requiring variance relief for enhanced side yard setback. The property is currently served by sewers and the stormwater management design satisfies the Township Code. The existing lot area is 33,494.55 sf where 25,000 sf is required. Lot frontage is 150.54' where 125' is required and lot depth is 229' where 150' is required. The existing front yard setback is 52.85' with 46.1' proposed where 40' is required. Existing side yard #1 setback is 16.86' which is nonconforming, and the applicant is proposing 16.86' where 25' is required on each side due to the enhanced side yard setback requirement. Existing side yard #2 setback is 93' and will remain unchanged. Principal building rear yard setback is 92.6' and proposed is 76.4' where 40' is required. The existing accessory structure (detached garage) has a rear yard setback of 19.1' where 20' is required. Proposed combined lot coverage will be conforming at 9.5% and the proposed building height will also be conforming at 32.3' (2 ½ stories).

Chairman Fry stated that the enhanced side yard setback is being triggered by the increase in the gross building area however, the applicant is not proposing to encroach further into the side yard setback. The hardship is the location of the home, which is constructed to the right side of the 33,494.55-sf lot. The applicant will provide testimony during the Public Business meeting.

**Electrify America, LLC 525 Cedar Hill Ave. Blk 391 Lot 42.01**

(The applicant is requesting a Use variance so as to permit the conversion of six (6) parking spaces on the property into a four (4) parking space electric vehicle charging station. The applicant is also seeking bulk variance relief with respect to the required front and rear yard setbacks, maximum fence height, required number of parking spaces, and accessory structure in a front yard)

Pete Ten Kate, Consulting Boswell Engineer, provided his technical review of the application as follows: the applicant proposes to convert six (6) existing parking spaces into a four (4) electric vehicle charging station in the north west corner of the Cedar Hill Shopping Center located at 525 Cedar Hill Avenue. Five (5) variances are being requested and the following waivers are being requested:

Filing for soil erosion and sediment control:

This is not required for this project.

Flood fringe application:

This is not applicable as this site is not in a flood plain

Details of retaining walls over two (2) feet in height:

No retaining walls are proposed for this project.

Provide written certification from a professional engineer certifying that there will be a zero-net increase in storm water runoff as a result of the project:

Mr. Ten Kate recommended that the Board request certification of zero-net increase in runoff as a result of the project.

Stormwater management plan:

The Board should request certification of zero-net increase in runoff.

Soil removal application:

There will be little or no soil removal at the site.

Traffic study, where required by the Board:

There will be no impact on the traffic flow to the site.

Environmental impact study where required:

The improvements will take place in an existing parking lot and there are no wetlands identified on the site.

Traffic signage and safety plans:

Traffic signage and safety will not be affected by the proposed improvements on the site as there will be no change in traffic patterns.

Design review of building plans where requested:

There are no buildings being proposed.

Compliance with ADA Code for parking spaces as to dimensions, signage, placard, and striping:

The project will have no effect on existing ADA parking spaces on the site. There are no proposed ADA spaces.

Developer's agreement:

There is no Developer's agreement necessary for the proposed improvements.

Chairman Fry pointed out that a waiver for a landscape plan has also been requested. He stated that the charging units and transformers are going to be installed in the back of the parking lot and it is his opinion that a landscape plan should be submitted to ensure that the equipment is properly screened.

Mr. DiGennaro stated that the requirement of a developer's agreement should not be waived. The charging units and associated equipment is going to be installed on the site. In the event that these units are not usable, or the applicant decides that the site is not viable, and the units are deactivated, an agreement should be in place which will require that the equipment and the fencing to be removed. Mr. DiGennaro added that a developer's agreement will protect the Township if that should happen.

Board Attorney Becker stated that in lieu of a developer's agreement, the removal of the equipment in the event that the units are no longer viable for some reason, could be included in the Resolution as a requirement which would be binding.

Mr. Ten Kate pointed out that the Resolution will outlast a developer's agreement which typically ends once a project is completed.

Chairman Fry stated that this application is before this Board because this type of installation is not a permitted use in the Township of Wyckoff. It is not defined either way in any ordinance, so by default, it is considered a nonpermitted use. He added that there are other considerations with this application as well since the applicant is also requesting variance relief for setbacks.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:10 pm.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment