

**WYCKOFF ZONING BOARD OF ADJUSTMENT
JULY 15, 2021
PUBLIC WORK SESSION 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 July 15, 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"*

"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, Rosa Riotto, Ed Kalpagian, and Nekije Rizvani.

Absent: Brian Hubert, Brian Tanis, and Ian Christ.

Staff in attendance: Kevin Hanly, Substitute Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the June 17, 2021, work session and public business meeting minutes.

Mr. Kalpagian made a motion to approve the June 17, 2021, work session and public meeting minutes. Second, Ms. Riotto. Voting in favor: Ms. Rizvani, Mr. Kalpagian, Ms. Riotto, Mr. Borst, and Chairman Fry. Mr. Ruebenacker abstained.

RESOLUTION FOR PAYMENTS #21-07

Mr. Ruebenacker made a motion to approve the Resolution for Payments #21-07. Second, Mr. Borst. Voting in favor: Mr. Kalpagian, Ms. Riotto, Ms. Rizvani, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

MEMORIALIZING RESOLUTIONS**Walsh, Samantha 101 Colona St. Blk 268 Lot 11**

(Applicant proposes to expand the footprint of the existing home and add a second story requiring variance relief for enhanced side yard setback, front yard setback, nonconforming lot area, frontage and depth, principal building lot coverage and combined lot coverage)

Chairman Fry announced that as a condition of approval the applicant submitted revised plans. The revisions were to the gable ends of the roof, the rear deck, the landscape plan and utilities underground as listed in the Resolution.

Vice Chairman Borst made a motion to approve the Resolution. Second, Mr. Kalpagian. Voting in favor: Mr. Kalpagian, Ms. Riotto, Ms. Rizvani, Mr. Borst, and Chairman Fry. Mr. Ruebenacker abstained.

Carollo, Anthony 425 Red Rock Rd. Blk 497 Lot 85 MF/AH-5

(The applicant proposes to install an inground pool requiring variance relief for accessory structure side and rear yard setbacks)

Mr. Kalpagian made a motion to approve the Resolution. Second, Ms. Riotto. Voting in favor: Mr. Kalpagian, Ms. Riotto, Ms. Rizvani, and Chairman Fry. Mr. Ruebenacker abstained. Mr. Borst had recused himself from this application.

Muldoon, Robert & Christina 727 Charnwood Dr. Blk 421 Lot 61 RA-25

(The applicant proposes to construct a second story addition to the existing home with enhanced side yard setback variance required)

Ms. Riotto made a motion to approve the Resolution. Second, Mr. Borst. Voting in favor: Mr. Kalpagian, Ms. Rizvani, Ms. Riotto, Mr. Borst, and Chairman Fry. Mr. Ruebenacker abstained.

Paragon Auto 290 Franklin Ave. Blk 260 Lot 2 B-1

(The applicant proposes to construct an addition to the existing building requiring variance relief for front yard setback, side yard setback, accessory structure side yard setback and impervious coverage allowance)

Chairman Fry announced that the Resolution was not made available to the Board members therefore it could not be memorialized at this time.

NEW APPLICATION**Victoria Silva and Joseph Pisa 431 Lafayette Ave. Blk 438 Lot 30.01**

(The applicant is requesting relief from 173-2 of the Township Code to place an RV on the property to reside in during renovations to the principal dwelling due to a fire in the home)

Vice Chairman Borst recused himself and stepped down from the dais.

Chairman Fry stated that the applicant wishes to reside in a recreational vehicle on the property while the home is being renovated due to fire damage. The Township Code, pertaining to RV's, prohibits the use of an RV as a sleeping or dwelling place on any property in the Township

of Wyckoff. The applicant is requesting variance relief from the ordinance. Mr. Fry stated that there is a second structure on the property to the rear of the primary residence and he has questions about the use of the structure. He also said that he wants to hear testimony about how power, electric, water, and sewage issues will be handled.

Mr. Ruebenacker stated that if the application is approved, the Board should place a restrictive timeline on how long the RV can be used as the applicants residence during construction.

Chairman Fry said the applicant is requesting 1 ½ years which in his opinion is a very long time.

Mr. Kalpagian said he wants to hear testimony regarding the hardship beyond the fire aspect because generally fire is covered by homeowners insurance. He added that insurers are typically very liberal with regard to loss of use and will set someone up in temporary housing such as a hotel or an extended stay type facility.

Ms. Rizvani stated she would like to hear testimony regarding the timeline specifically what point the applicant is currently at with the rebuild, and if permits have already been obtained to begin the process of rebuilding.

Mr. DiGennaro said he feels that based on chapter 173-2 of the Township Code the application is appropriate and that the Board should adjudicate on that matter. He pointed out that there have been cases like this in the past where an obsolete structure was going to remain on a property as a residence while the new residence was being constructed therefore constituting two (2) principal structures on one (1) lot. Mr. DiGennaro stated that we instituted a time line, as suggested by Mr. Ruebenacker, and also a bond to ensure the demolition of that secondary structure when the time came. Mr. DiGennaro stated the reason for taking these actions is that we do not want secondary structures such as cottages, and guest houses popping up as a result of poor planning.

Mr. Borst returned to the dais.

A&J Acquisitions 540 Helena Ave Blk 314 Lot 72 RA-25

(The applicant proposes to demolish the existing home and construct new home on the lot with deficient Frontage of 120' where 125' is the requirement)

Ms. Rizvani recused herself and stepped down from the dais.

Mark DiGennaro, the Township Engineer, provided the following technical summary of the application: The applicant submitted a plot plan prepared by Lapatka Associates dated 2/16/2021, architectural plan prepared by Evans Architects last revised 2/17/2021, application, and photos. The existing single family dwelling is situated in the RA-25 zone and is nonconforming due to lot frontage. The applicant is proposing to demolish the existing functionally obsolete dwelling and construct a new single family home requiring variance relief for lot width deficiency. The applicant also seeks a soil moving permit to allow the net import of soil exceeding 100 cubic yards. The lot and the proposed new home will be conforming with all zoning requirements with the exception of the pre-existing nonconforming frontage of 120' where 125' is required in the zone. The property will be served by a new five (5) bedroom septic which has been approved. The stormwater management requirements have been satisfied. The applicant is proposing to regrade the property by utilizing on site soil as well as importing approximately 450 cubic yards of soil. The plan must include a note which states: prior to the

import of any soil, a soil manifest, certificate of origin shall be provided to the Township Engineer to ensure all imported material is free of debris and does not contain contaminants which exceed the New Jersey Residential Direct Contact Soil Remediation Standards (NJRDCSRS). The applicant shall also be required to engage a licensed well driller to provide a well investigation report to the Board of Health and may be required to rehabilitate the well, or drill a new well, after obtaining all necessary State permits. All well permits obtained from the State must be filed with the Board of Health.

Chairman Fry said the applicant should provide testimony as to the number of proposed bedrooms as the plan references a master bedroom and bedrooms #3 and #4 but bedroom #2 is not identified. He said he would also like to hear testimony about the height of the wall on the left side of the driveway and the proposed siding.

Vice Chairman Borst said the landscape plan is very basic but adequate however there is no quantity of how many trees will be removed and how many will remain listed on the plan.

Ms. Rizvani returned to the dais.

Goodman, Ryan 421 Cornwall Ct. Blk 314 Lot 47 RA-25

(The applicant proposes to construct a one story addition, and covered and uncovered decks in the rear of the home requiring variances for rear and side yard setbacks)

Mr. DiGennaro provided the following technical summary of the application: The applicant submitted an architectural plan and plot plan prepared by Plan Architecture revised thru 7/6/2021, survey prepared by Morgan Engineering dated 7/27/2015, landscape plan prepared by Contour Landscape dated 7/7/2021, application, and photos. The existing single family dwelling is situated in the RA-25 zone and is nonconforming due to rear yard setback. The applicant is proposing to expand the existing structure requiring variance relief. The existing rear yard setback is 35.5' and the applicant is proposing 33.1' where 40' is the requirement. The lot and existing structure are and will remain conforming with all other zoning requirements. The proposed bedroom count remains unchanged at four (4) bedrooms therefore a septic expansion is not required. The applicant has obtained approval to relocate the existing septic tanks to comply with the minimum required setbacks to an occupied structure. Deck footings must be a minimum of 5' from the septic field. Stormwater management is not required per the Township Code.

Jones, Robert & Ellen 385 Frances Place Blk 286 Lot 7 RA-25

(The applicant proposes to construct an addition of second story over the existing attached Garage requiring variance relief for enhanced side yard setbacks and rear yard setback)

It was announced that this application will be heard at the August 19, 2021 meeting.

Chairman Fry mentioned that the Board members were provided with a copy of Ordinance #1938. An ordinance to modify and supplement Chapter #163, "Stormwater Management" in the Code of the Township of Wyckoff to reflect the Federal comprehensive regulations known as Stormwater Control Ordinance. Mr. Fry stated that there are guidelines in the Ordinance that will definitely affect the Board specifically with new home construction and removal of trees as well as in ground pool construction adding that there is some excellent information in the Ordinance.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:20 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment