

**WYCKOFF ZONING BOARD OF ADJUSTMENT
SEPTEMBER 16, 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 September 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"*

"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, Ed Kalpagian, Brian Hubert, Brian Tanis, Rosa Riotto, and Ian Christ.

Absent: Nekije Rizvani.

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

OLD BUSINESS

Approval of the August 19, 2021, work session and public business meeting minutes.

Mr. Tanis made a motion to approve the August 19, 2021, work session and public meeting minutes. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Christ, Mr. Ruebenacker, and Chairman Fry. Abstained: Ms. Riotto and Mr. Borst.

RESOLUTION FOR PAYMENTS #21-09

Mr. Ruebenacker made a motion to approve the Resolution for Payments #21-09. Second, Ms. Riotto. Voting in favor: Mr. Kalpagian, Mr. Tanis, Ms. Riotto, Mr. Christ, Mr. Ruebenacker, Mr. Borst, and Chairman Fry. Abstained: Mr. Hubert.

MEMORIALIZING RESOLUTIONS**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)

Tusk, Marla 104 Willow Pond Ct. Block 421 Lot 81 RA-25

(The applicant proposes to enlarge the existing rear covered porch requiring variance relief for the enhanced side yard setback and exceeding allowable principal building lot coverage)

Denise, John & Jenna 533 Helena Ave. Block 336 Lot 6 RA-25

(The applicant proposes renovate the home which was damaged by a fire and construct an addition requiring variance relief for pre-existing nonconforming side yard setbacks. Lot area and frontage)

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

REQUEST FOR EXTENSION OF TIME**Christian Healthcare Center 301 Sicomac Rd. Block 443 Lots 49.03, 52.01, 51**

(The applicant is requesting an extension for partial approvals in Resolution for amending site plan and variances dated September 20, 2018)

Chairman Fry read the following letter of request for an extension of time dated September 13, 2021 from Jerome Vogel Esquire on behalf of the Christian Health Care Center:

This correspondence supplements our prior communication of July 19, 2021 to supply factual context upon which construction did not proceed on the structures. Unfortunately, the Covid-19 virus impacted the intended commencement of construction and the resultant governmental restrictions affecting not only the CHCC intention but also the various contractors and suppliers for these projects. It is anticipated that construction would be able to commence during the forthcoming year. If any further information is required, we certainly remain available.

Mr. Fry stated that he does not see an issue with approving the extension of time due to the issues associated with the pandemic however, he added, it should not take years to obtain the necessary supplies to begin the planned construction. The Chairman stated that the expectation is that construction will begin soon and that they will not be coming back to the Board for another extension.

Mr. Hubert made a motion to approve the one (1) year extension of time to begin construction on the Behavioral Health and Administration buildings. Second. Mr. Borst. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Christ, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

NEW APPLICATIONS**Wilson, Brian 382 Lehigh St. Block 482 Lot 1.01 R-15 Corner lot**

(The applicant is proposing to install and A/C condenser unit in the second front yard of this corner lot requiring variance relief)

Mark DiGennaro, the Township Engineer, provided the following technical summary of the application:

The applicant submitted a plot plan prepared by Harbor Consultants Inc. revised thru 8/20/2021, an application, and photos. The existing single family dwelling is situated on a corner lot in the R-15 zone and is non-conforming due to lot area, front yard setbacks, side yard setback and accessory structure setback. The applicant is proposing to install an air conditioning condenser in the front yard requiring relief from the code. The existing front yard setback on Lehigh Street is 20.3' and the existing front yard setback on Harvard Avenue is 11.3'. The principal building and accessory structure lot coverage is and will remain conforming. The applicant only seeks to place the A/C condenser unit in the second front yard on Harvard Avenue requiring variance relief.

Chairman Fry stated that he visited the site and saw that the A/C condenser unit has already been installed. He said he would like to hear testimony as to why the applicant is here before the Board requesting variance relief post-installation of the unit.

DeVincentis, Mark 470 Fairfield Rd. Block 313 Lot 3 RA-25

(The applicant proposes to construct a raised covered patio in the rear of the home requiring variance relief for principal building lot coverage)

Mr. DiGennaro provided the following technical summary of the application:

The applicant submitted an architectural plan prepared by mark Braithwaite revised thru 2/8/2021, survey prepared by Kent Rigg dated 3/29/2021, SESC and grading plan prepared by Thomas Skrable revised thru 4/21/2021, application and photos. The existing single family dwelling is situated in the RA-25 zone and is non-conforming as to enhanced side yard setback. The applicant is proposing to expand the existing structure requiring variance relief for excessive principal building lot coverage. Existing side yard setback #1 is 20.9', side yard #1 is 32.7' and both will remain unchanged. The existing gross building area triggers the enhanced side yard setback of 25' however the ordinance came into effect after the home was built. The existing principal building lot coverage is 14.43% and proposed is 16.21% where 15% is the maximum allowed. The proposed total combined lot coverage is 18.6% where 20% is the maximum allowed. The lot area, frontage, depth, and front yard setback are all conforming. The proposed height of the covered porch is 14.7' where 35' is allowed. Stormwater management is being proposed to collect the roof leaders from the addition and supplement the existing system that is in place.

Chairman Fry stated that due to the gross building area, the enhanced side yard setback of 25' is required. He added that the house proper is in the setback however the new covered porch addition will not be encroaching, and the right side of the home is heavily screened. The existing lot coverage is 14.43% and the addition of the covered porch increases the principal building lot coverage to 16.21% which exceed the allowable 15% however they will remain below the max allowed total lot coverage.

Mr. Kalpagian said the covering is really necessary to provide some relief from the sun in that back yard.

Mr. Hubert stated that he would like to hear testimony as to whether or not the applicant made any effort to stay at or below the 15% maximum principal building lot coverage.

There was a follow-up discussion regarding 533 Helena Avenue. Mr. DiGennaro stated that as a condition of the August 19, 2021 approval, the applicant submitted a revised architectural plan cover sheet and a revised landscape plan. The Resolution does not reflect the dates of the revised plans. Mr. DiGennaro requested that the Resolution be revised to reflect the revision dates.

Mr. Becker stated that the Resolution must reflect the actual exhibits that were marked into evidence during the public hearing.

Mr. Borst stated that the Board should stop appeasing applicants by approving applications with a condition to submit revisions rather than making them come back with the revised plans before an application is approved.

Mr. DiGennaro requested that a paragraph be added to item #11 in the Resolution which states a new four (4) bedroom septic is to be installed. No TCO or CO shall be issued until the new four (4) bedroom septic has been installed and approved.

Chairman Fry said the paragraph will be added to the Resolution. He also suggested that a cover page, referencing the revised plan dates, be attached to the memorialized Resolution that is kept in the applicant's file. Mr. Fry asked for a motion to approve the Resolution again with the changes to #11.

Mr. Kalpagian made a motion to approve the Resolution with the changes. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Christ, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

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