

**WYCKOFF ZONING BOARD OF ADJUSTMENT
FEBRUARY 17, 2022
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 February 17, 2022, 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."

"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."

OATH OF OFFICE

Board Attorney Becker administered the Oath of Office to Brian Hubert.

ROLL CALL

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

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

OLD BUSINESS

Approval of the January 20, 2022 work session and public business meeting minutes.

Mr. Borst made a motion to approve the January 20, 2022 work session and public meeting minutes. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Chairman Fry. Mr. Hubert abstained.

RESOLUTION FOR PAYMENTS #22-02

Mr. Tanis made a motion to approve the Resolution for Payments #22-02. Second, Ms. Riotto

Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Riotto, Mr. Hubert, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

MEMORIALIZING RESOLUTIONS

McMillin 284 Crescent Ave. Blk 217 Lot 1

(Applicant proposes to install A/C condenser units in the second front yard of a corner lot)

St. Elizabeth's 700 Wyckoff Ave. Block 216 Lot 16.02

(The applicant proposes to install eleven (11) directional signs on the Church/school campus)

Mr. Borst made a motion to approve the two (2) Resolutions. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Chairman Fry. Mr. Hubert abstained.

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 was originally heard at the November 2021, and that the applicant has submitted revised plans.

Mark DiGennaro, the Township Engineer, provided the following technical summary of the revised submission: I have reviewed the plot plan prepared by Weissman Engineering last revised 1/5/22, architectural plans prepared by William Brown Architects last revised 12/23/21, and landscape plan prepared by VisionScape Design last revised 2/4/22. The existing single family dwelling is located in the RA-25 zone and is non-conforming as to lot area, frontage, accessory structure setbacks. The applicant is proposing to construct an attached covered patio to the rear of the structure with which includes a bathroom and storage area requiring variance relief. A stormwater management review plan has been prepared and satisfies the Township Code. The swimming pool has already been issued a permit to construct as it is without variances. The lot is nonconforming in area consisting of 16,930 sf where 25,000 sf is the requirement, and lot frontage is 100' where 125' is the requirement. The accessory structure (shed) is nonconforming with a rear yard setback of 18' and a side yard setback of 14.1' where 20' rear and 15' side are required. The principal building existing side yard setback #1 is 20.2' and will remain unchanged. Existing side yard setback #2 is 22.6' and proposed is 19.6' where the enhanced setback of 25' is the requirement for both sides due to a gross building area in excess of 3,700 sf. The proposed principal building lot coverage is 16.8% where 15% is the maximum allowed and the proposed total combined lot coverage is 20.5% where 20% is the maximum allowed.

Mr. Kalpagian said he would like to hear testimony from the applicant regarding the proposed 19.6' side yard setback. He went on to say that the existing shed is nonconforming and now the applicant is proposing to construct a new storage area in the side yard setback. Mr. Kalpagian suggested moving the existing shed so it conforms which would remove two variances or eliminate the existing which would eliminate three variances.

Mr. Ruebenacker said he does not understand the logic behind proposing a 19.6' side yard setback when the size of the addition could be reduced slightly or bumped in to get it to 20'.

Board Attorney Becker pointed out that the Engineer's report refers to the enhanced side yard setbacks of 25' for each side although the revised section J does not reflect a gross building area greater than 3,700 sf. Mr. Becker stated that if the gross building area exceeds 3,700 sf, the required side yard setbacks are now 25' for each side. He added that the house is currently conforming however if 25' is required, both side yards will now require a variance.

Chairman Fry said the revised section J still shows a gross building area of 3,450 sf which appears to be incorrect. He went on to say that initially when he reviewed the revised plans, he was going to suggest reducing the size of the addition to get it to 20' however now the setback requirement is actually 25'. He suggested removing the existing shed and moving the addition over a bit to get to at least 20'. He also pointed out that the applicant is proposing to exceed the combined lot coverage at 20.5% and that there are more nonconformities checked off on the revised plan than the original submission.

Mr. Kalpagian reiterated that if they eliminate the existing shed, they will eliminate three (3) variances.

Mr. Borst said the existing shed should be removed.

APPLICATION(S) – NEW

Mendez, Angel 343 Meadowbrook Road Blk. 206 Lot 4

(The applicant proposes to construct an inground swimming pool, patio and pavilion requiring variance relief for accessory lot coverage)

Mr. DiGennaro provided the following technical summary of the application: I have reviewed the survey prepared by Ampol Surveying; LLC dated 10/2/14, site plan by DJ Egarian & Associates last revised 10/19/21, architectural plan by unidentified preparer dated 6/15/21, and application. The existing single family dwelling is in the RA-25 zone and is conforming. The applicant is proposing to construct an inground swimming pool, patio and pavilion requiring variance relief for accessory lot coverage of 6.7% where 5% is the maximum allowed. Retaining walls greater than 2 ft in height require design calculations prepared by a NJPE to be submitted and approved by the Township prior to issuing any building permits. Mr. DiGennaro stated that he would like the comment regarding the requirement of the design calculations of the retaining walls included in the Resolution.

Mr. Borst said he walked the property and the retaining walls have already been constructed. He also said the applicant's Engineer was site and told him that the applicant is only going before the Board at this point for the pavilion and the accessory structure lot coverage variance.

Shelmac, LLC 47 Wyckoff Avenue Blk. 486 Lot 2

(The applicant constructed a dormer on the front of the house requiring variance relief for the front yard setback)

Mr. DiGennaro provided the following technical summary of the application: I have reviewed the plot plan prepared by Weissman Engineering dated 2/16/21, architectural plan prepared by George Held AIA dated 11/18/21, self-prepared landscape plan, application, and photos. The applicant is seeking relief from the code to allow the front facing dormer constructed within the front yard setback to remain. The property is non-conforming due to lot

area, frontage, depth, front yard and side yard setbacks, accessory structure setbacks, lot coverage for principal, accessory and combined, and impervious lot coverage. The existing lot area is 6,039.55 sf where 15,000 sf is required. Lot frontage is 55.96' where 100' is required. Lot depth is 110.27' where 125' is required and front yard setback is 18' to the first step where 40' is required. The front yard setback to the newly constructed roof dormer is 24.8' requiring variance relief. Existing side yards are 18.5' and 15.45'. Principal building lot coverage is 19.64% where 15% is allowed, accessory structure lot coverage is 5.89% where 5% is allowed, and combined lot coverage is 25.53% where 20% is allowed. Impervious coverage is 48.8% which exceeds the maximum allowed 45%.

Chairman Fry questioned how the work on the dormer was completed prior to submitting an application to the Zoning Board for the front yard setback.

Mr. DiGennaro stated that, as far as he is aware, the dormer was not on the plans that were submitted to the Building Department when the permits were pulled. It was discovered by the Construction Official, upon the field inspection, and he notified the owner that he needed to remove the dormer or submit a Zoning Board application for a front yard setback variance.

Chairman Fry said he would like to hear testimony about whether any additional changes were made and if any other work was done that was not on the plans submitted to the Building Department. He also said he would like to know if there is a small room up in the attic or if it is just cosmetic.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:00 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment