

**WYCKOFF ZONING BOARD OF ADJUSTMENT**  
**JUNE 16, 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 June 16, 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](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 times."*

**ROLL CALL**

Board Members in attendance: Carl Fry, Chairman; Erik Ruebenacker, Brian Tanis, Ed Kalpagian, and Nekije Rizvani.  
Absent: Mark Borst, Vice Chairman, Rosa Riotto, Brian Hubert, and Ian Christ.  
Staff in attendance: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

Chairman Fry announced that the applications for 53 Cully Lane and 394 Franklin Avenue will not be heard this evening and will be carried to the July 21, 2022 meeting.

Board Attorney Becker stated that both applicant's noticed properly and will not need to provide further notice to the public for the July meeting.

**OLD BUSINESS**

Approval of the May 19, 2022 work session and public business meeting minutes.

Mr. Kalpagian made a motion to approve the May 19, 2022 work session and public meeting minutes. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Ruebenacker, Ms. Rizvani, and Chairman Fry.

**RESOLUTION FOR PAYMENTS #22-06**

Mr. Tanis made a motion to approve the Resolution for Payments #22-06. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Rizvani, Mr. Ruebenacker, and Chairman Fry.

**RESOLUTIONS TO BE MEMORIALIZED****Roufanis 371 Circle Dr. Blk 462 Lot 52.01**

(The applicant proposes to construct a one-story addition and a second floor addition requiring variance relief for pre-existing nonconforming lot area, frontage, depth, front yard setback and rear yard setback)

**Powers, 90 Wood St. Blk 264 Lot 11 - Corner Lot**

(The applicant proposes to expand the first and second stories of the home requiring variance relief for both front yard setbacks and other pre-existing nonconformities)

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

**CARRIED APPLICATION****Silva & Pisa 431 Lafayette Ave. Blk 483 Lot 30.01**

(The applicant proposes to renovate the home, construct a second floor addition, front porch and covered stairway to the accessory building requiring a variance for a side yard setback of 20.5' where the enhanced 25' is required)

Ms. Ronda Reinstein, Court Recorder, was present on behalf of the applicant.

Mr. DiGennaro provided the following details of the revised plans: At last month's meeting, the Board had made recommendations that any new addition to the footprint of the structure be constructed out of the side yard setback. The applicant submitted a revised site plan by Omland and Osterkorn dated 6/1/2022 and revised architectural plan by Plan Architecture dated 6/2/2022. The zoning table reflects that the addition on the southerly side of the property will comply with the 25' enhanced side yard setback. The garage was pulled forward to also meet the 25' requirement. The proposed side yard setback to the new construction is now 25.1'. The gross building area has been decreased from 7,386 sf to 7,376 sf and the building height has been reduced from 38' to 36.79'. With the garage being pushed forward, the driveway will be shorter which will slightly reduce the impervious coverage, however there are inconsistencies in the impervious coverage calculations so the Board should hear testimony on that. Before construction permits are issued, retaining wall structural stability calculations must be submitted. Finally Mr. DiGennaro recommended that there be language in the Resolution and a recorded deed which state there will be no second housekeeping unit and no kitchen in the carriage house.

Chairman Fry stated that at last month's meeting, a neighbor expressed concerns about driveway runoff onto Lafayette Avenue. The applicant is proposing to install granite driveway



curbing and trench drains to capture water. Rainwater from the roof will also be captured which was not previously the case, so drainage issues on the property should be improved.

Mr. Ruebenacker mentioned the soil movement portion of the application.

Mr. DiGennaro said it should be included in the Resolution that the soil movement permit is approved to move soil as per the Township Ordinance requirements.

Mr. Kalpagian said the RV and the boat have been removed from the property however there is a trailer and quite a bit of debris on the site.

Chairman Fry said we will request testimony about the conditions on the site.

**Varisano, 53 Cully Lane Blk. 212 Lot 4**

(The applicant proposes to construct a second story addition and a front vestibule requiring variance relief for front and side yard setbacks)

Chairman Fry previously announced that this application will be heard at the July 21, 2022 meeting.

**Gattoni 47 Dale Ave. Blk 277 lot 8**

(The applicant proposes to construct a detached garage requiring variance relief for an accessory structure side yard setback of 5' where 15' is the requirement)

Mr. DiGennaro provided the following technical summary of the application:  
I have received and reviewed the survey prepared by James P. Deady Surveyor dated 6/24/21, plot plan by Thomas W. Skrable PE dated 3/28/22, architectural plan prepared by Drafting Concepts last revised 9/7/21, and complete application. The existing single family dwelling is situated in the RA-25 zone and is not conforming due to the fact that there is currently no garage. The applicant is proposing to construct an accessory detached garage requiring side yard setback variance relief as the proposed accessory structure side yard setback is 5' where 15' is the requirement. The proposed garage height will be less than 20' which is conforming. A stormwater management plan has been submitted and approved. All of the bulk requirements on the property are conforming.

Chairman Fry said the lot is conforming and, in his opinion, it will be a major challenge for the Board to find that the construction of a detached garage 5' from the property line is going to benefit anyone. He pointed out that the history of the property shows that at one time the house did have a garage however in 1971, the garage was converted into living space which created a nonconformity.

Mr. Tanis said we need to hear testimony on what the hardship is.

**Vernieri 30 Godwin Dr. Blk 261 Lot 19**

(The applicant proposes to construct a two-story addition in the rear of the home and a front portico requiring variance relief for pre-existing nonconforming lot area and both side yard setbacks)

Mr. DiGennaro, the Township Engineer, provided the following technical summary of the application: I have reviewed the plot plan and architectural plans prepared Peter Cooper

Architect, last revision 12/11/21, survey prepared by Bernard Crescenzo, PLS dated 6/19/2020, landscape plan prepared by the applicant, application, and photos. The existing single family dwelling is located in the R-15 zone and is non-conforming due to deficiencies in lot area and side yard setback. The applicant is proposing to enclose and expand the existing enclosed porch to enlarge the kitchen and 2<sup>nd</sup> floor master bedroom requiring variance relief. The existing and proposed side yard setbacks are 13.9' and 19.7' where 20' is required due to the enhanced side yard setback triggered by the gross building area. A stormwater management plan is not required for this application and the property is served by municipal sewer.

Chairman Fry said the applicant is proposing to enclose the existing screened porch and then build a second story over the top of that and expand the rear of the home. They are increasing the gross building area which triggers the enhanced side yard setback of 20'. Mr. Fry said he would like to hear testimony as to why this location was chosen for the addition as it is only 13.9' from the property line. He added that no landscaping is proposed where the two story addition is being added so he would like to have a discussion about adding some screening in that area.

Mr. Ruebenacker said the pie shaped lot is a hardship.

**Abbott Family Properties 394 Franklin Ave. Blk. 250 lot 3.01**

(The applicant proposes to add a second story to the existing one-story building for the purpose of residential use in the B-1 zone requiring a Use variance, a parking variance, and variances for impervious coverage and front yard setback)

Chairman Fry previously announced that this application will be heard at the July 21, 2022 meeting.

**Barrister Land Development 753 Frederick Ct. Blk. 430 Lot 14**

(The applicant proposes to construct a new conforming home on a vacant lot consisting of 24,070 sf where 25,000 sf is the requirement).

Mr. DiGennaro provided the following technical summary of the application: I have reviewed the Plot Plan prepared by Lapatka Associates sheets 2 of 2 last revised 5/4/22, application, and Architectural plan prepared by Mark Braithwaite AIA Sheets A-01 – 07 undated. The application is to construct a new single family home on a non-conforming lot. The home that was existing on the lot has been demolished. The lot area is deficient for the zone which requires a minimum of 25,000 SF where 24,070 SF exists. All other bulk conditions are proposed to comply with the zone requirements. The property will be served by municipal sewer and the Township Stormwater Management requirements have been satisfied.

Chairman Fry stated that a vast majority of the trees on the site are marked for removal. Some are very mature so removing them may be for safety reasons however some of them appear to be healthy. They are also proposing a pool which is another reason why some of the trees are marked for removal. Mr. Fry pointed out that the applicant is not proposing to plant too many shade trees on the site to replace some of the trees that are being removed.

Mr. Tanis said there is a discrepancy between the trees on the site that are marked for removal and what is shown on the plan so we should hear testimony on that. He added that the proposed house seems to fit very nicely on the lot.



**94 Midland Avenue LLC 94 Midland Ave. Blk 304 Lot 1 – Corner lot**

(The applicant proposes to construct additions to the home requiring variance relief for pre-existing nonconforming lot area, frontage, and both front yard setbacks as well as proposed nonconforming side yard setback and principal building lot coverage)

Mr. DiGennaro provided the following technical summary of the application: I have reviewed the Plot Plan prepared by Hauser Engineering dated 5/27/22, Landscape Plan by Cipriano Landscape dated 3/30/22, Architectural Plan prepared by Chris Blake Architect dated 5/27/22, application, and photos. The existing single-family dwelling is situated in the RA-25 zone on a corner lot and is nonconforming by way of lot area, width, front yard setbacks, and accessory structure side yard setback. The applicant proposes to expand and renovate the dwelling requiring variances. The lot area is 11,250 sf where 25,000 sf is the requirement. Existing and proposed front yard setback on Hurley Court is 15.6'. Existing front yard setback on Midland Avenue is 14.2' and 14.7' is proposed where 40' is required for both front yards. Existing principal building side yard setback is 35.8', 14.9' is proposed where 20' is the requirement. Existing principal building lot coverage is 6.5%, 16.7% is proposed, and 15% is the maximum allowed. The existing detached garage is to be removed. The property is served by sanitary sewer, and the submitted stormwater management plan satisfies the Township requirements.

Chairman Fry said this is a challenging lot. It is extremely undersized for the zone and it's a corner lot. They are proposing to exceed the maximum allowed principal building lot coverage so we should hear testimony about any efforts that may have been made to not exceed the requirements. Mr. Fry pointed out that there appears to be an error on the plans which has the composite deck labeled as a family room. The property is overgrown so this will be an improvement on the existing conditions. There is a vacant piece of property to the left so we should hear testimony as to whether any efforts were made to purchase that property.

Mr. Ruebenacker commented about the fact that the applicant is proposing a height of 34.83' just 14' from the property line on Hurley Avenue.

Ms. Rizvani said that she noticed the empty lot to the left may possibly be wetlands because there is stream back there adding that if it is wetlands, it may impact the setbacks.

Mr. Tanis said he would like to hear testimony on how much of the existing house will remain because they are proposing to raise the first floor wall height which means they are taking down the entire first floor.

**Peck 130 Wyckoff Ave. Blk 462 Lot 41 – Corner lot**

(The applicant proposes to construct a two story addition to the home in the second front yard on Annette Court requiring variance relief for a front yard setback of 26' where 40' is required)

Mr. DiGennaro provided the following technical summary of the application: I have reviewed the Plot Plan and Architectural Plan prepared by Rockwood Architecture dated 3/14/22, Landscape Plan prepared by the applicant, application, and photos. The existing single family dwelling is situated in the RA-25 zone on a corner lot and is nonconforming by way of lot width, front yard setback and accessory structure garage located in the front yard. The applicant proposes to expand the dwelling requiring variances. The existing lot area is 16840.9 sf where 25,000 sf is the requirement. Existing front yard setback on Annette Court is 36' and 26' is proposed where 40' is the requirement. The accessory structure garage is located in the front yard on Annette

Court with a front yard setback of 22.5'. A stormwater management plan is not required.

Chairman Fry said the applicant came before the Board in 2019 with a different application.

Mr. Becker pointed out that the Board approved the setback variance for the garage in 2019 so the applicant is only here for the principal building front yard setback variance at this time.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:15 pm.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment



## WYCKOFF BOARD OF ADJUSTMENT

### JUNE 16, 2022 PUBLIC BUSINESS MEETING 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 June 16, 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."

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 times."*

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

Board Members in attendance: Carl Fry, Chairman; Erik Ruebenacker, Brian Tanis, Ed Kalpagian, and Nekije Rizvani.

Absent: Mark Borst, Vice Chairman, Rosa Riotto, Brian Hubert, and Ian Christ.

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

Chairman Fry announced that the applications for 53 Cully Lane and 394 Franklin Avenue will not be heard this evening and will be carried to the July 21, 2022 meeting.

Board Attorney Becker stated that both applicant's noticed properly and will not need to provide further notice to the public for the July meeting.

#### OLD BUSINESS

Approval of the May 19, 2022 work session and public business meeting minutes.  
The minutes were approved during the Work Session.

**RESOLUTION FOR PAYMENTS #22-06**

The Payment Resolution was approved during the Work Session.

**RESOLUTIONS TO BE MEMORIALIZED****Powers, 90 Wood St. Blk 264 Lot 11 - Corner Lot**

(The applicant proposes to expand the first and second stories of the home requiring variance relief for both front yard setbacks and other pre-existing nonconformities)

**Roufanis 371 Circle Dr. Blk 462 Lot 52.01**

(The applicant proposes to construct a one-story addition and a second floor addition requiring variance relief for pre-existing nonconforming lot area, frontage, depth, front yard setback and rear yard setback)

The Resolutions were approved during the Work Session.

**CARRIED APPLICATION****Silva & Pisa 431 Lafayette Ave. Blk 483 Lot 30.01**

(The applicant proposes to renovate the home, construct a second floor addition, front porch and covered stairway to the accessory building requiring a variance for a side yard setback of 20.5' where the enhanced 25' is required)

Mr. Becker recused himself for this application and stepped down from the dais. Joseph DeMarco joined the Board members at the dais to serve as the substitute Board Attorney.

Ms. Ronda Reinstein, Court Recorder, was present on behalf of the applicant.

Bruce Whitaker, the applicant's Attorney, came forward to present the revised application as follows: The RV has been removed from the site. There is a trailer on the site to facilitate moving some of the applicant's belongs from the property. Revised plans have been submitted which reflect that the new additions to the existing footprint will be out of the side yard setback at 25.1' therefore that variance has been withdrawn. The variance we are seeking is for the height of 36.79'. There were some stipulations made at the last meeting which will remain in effect which include providing certification of structural stability calculations of retaining walls 2' in height or greater, no second housekeeping unit on the property, drainage improvements we testified to all remain the same including proposed granite block curbing for the driveway, and soil movement requirements will be met as per the Township Ordinance.

Kiersten Osterkorn, the applicants Engineer, came forward to provide testimony as to the revised Engineering plan and was reminded that she is still under oath. Ms. Osterkorn clarified that the impervious coverage calculation of 11,796 sf on the zoning table of revised engineering plan is correct however she did not transfer that number over to the revised section J. The new construction will now be outside of the side yard setback. Since the last meeting we revised the plan to show which trees will be removed and we are proposing foundation plantings.

Mr. DiGennaro asked for a summary of the new drainage plans.



Ms. Osterkorn stated that under existing conditions, the roof leaders and driveway runoff drain in a sheet flow pattern down the sloping property onto Lafayette Avenue. Under proposed conditions we are curbing the driveway to keep any rainfall that hits the driveway within the curbed portion. We are proposing trench drains along the bottom the driveway to collect the surface water as it flows down. All roof leaders are going to be collected and piped into the proposed chamber collection system towards the front of the property with overflow to the existing inlet on Lafayette Avenue.

Frank Troia, the applicant's Architect was sworn in, provided his professional credentials, and was recognized as an expert witness in his field. Mr. Troia stated that he was involved in the design and revisions of the architectural plans. The new addition of the attached garage has been pulled in 5 ½' so it will be out of the setback. The proposed new covered patio has also been pulled in to comply with the setback requirement. The proposed height of the building is 36.79' which is in line with the existing ridge height.

Chairman Fry pointed out that the plan calls for cedar siding and stone veneer with some metal roofing for a couple of the roof peaks as well as the covered walkway to the carriage house.

OPEN TO THE PUBLIC  
NO ONE FROM THE PUBLIC COMMENTED  
CLOSED TO THE PUBLIC

In closing, the Chairman stated that there is a history of conditions with this property which have not been adhered to throughout time. He added that he wants it to be clear in reinforcing that there is to be no kitchen in the carriage house.

Mr. Whitaker stated that if the application is approved, he will send a letter to Rob Landel, the Township Attorney, informing him that all of the previous issues with this property and the carriage house have been resolved.

Mr. Tanis made a motion to approve the application with the conditions that the carriage house will not be used as a second housekeeping unit, and a certification of the structural stability of proposed retaining walls will be submitted prior to the issuance of construction permits. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Rizvani, Mr. Ruebenacker, and Chairman Fry.

Mr. Becker returned to the dais.

#### **NEW APPLICATIONS**

##### **Varisano, 53 Cully Lane Blk. 212 Lot 4**

(The applicant proposes to construct a second story addition and a front vestibule requiring variance relief for front and side yard setbacks)

It was announced that this application will be heard at the July 21, 2022 meeting.

##### **Gattoni 47 Dale Ave. Blk 277 lot 8**

(The applicant proposes to construct a detached garage requiring variance relief for an accessory structure side yard setback of 5' where 15' is the requirement)

Michael Gattoni, the applicant, was sworn in. Mr. Gattoni stated that he has been a Wyckoff resident for 30 years and he looks forward to living here for many more years to come. He then presented his application as follows:

My lot is nonconforming as there is no garage. The garage that previously existed was converted into a family room sometime in the early 1970's. I am seeking a hardship variance for an accessory structure side yard setback of 5' where 15' is the requirement. I believe the request is not only appropriate as it conforms with the neighborhood aesthetics, but also de minimis in nature. The proposed location of the garage is necessary due to the grade of the property and to provide an appropriate distance between the garage and the septic field. The proposed garage will be placed at the end of the existing driveway which will eliminate the need for any additional paving or impervious lot coverage. Additionally I would like the Board to take into consideration that we have spoken with our next door neighbor, who will be most impacted by the garage, and he has no objections to it. The benefits of blending with the existing pattern of development in the neighborhood creates a more attractive appearance that would outweigh any detriment associated with the nonconforming side yard setback. The addition of the garage will eliminate a nonconformity and the location is warranted due to the topographic conditions of the lot.

Ms. Rizvani asked how old the septic system is. Mr. Gattoni stated the septic is 40 years old.

The Chairman asked if the septic has been tested recently. Mr. Gattoni stated that the septic was tested before he moved into the house, and it passed.

Chairman Fry said that the big issue is that the lot is conforming in area and all bulk requirements. The lot is larger than required in the zone with almost 33,000 sf where 25,000 sf is required. The fact that a previous owner eliminated the garage is hurting your case because you want a garage, but the Board will not be able to approve a garage 5' off the property line on a lot that is 33,000 sf in size.

Mr. Gattoni said he would like to have his Engineer, who is not present at this meeting, come in and testify about the topographic conditions of the property.

Chairman Fry advised Mr. Gattoni that if he is not willing to make any other changes to the location of the garage, the Board will carry the application to the next meeting. At that time the Engineer can provide expert testimony as to why this is the only location for the proposed garage.

Mr. Ruebenacker agreed with the Chairman regarding the challenge of approving the garage 5' off the property line on this lot. He suggested downsizing to a one car instead of a two car garage which would be a good option to move the structure out of the setback or further away from the property line.

Mr. DiGennaro advised Mr. Gattoni that the location of the drywell his Engineer is proposing on the plan has to be relocated because it must be 50' away from the septic.

Mr. Kalpagian questioned if the applicant might be planning to replace the septic considering the fact that it is 40 years old. Mr. Gattoni replied that he is not planning to do so at this time due to funding.

Mr. DiGennaro suggested converting the family room, which was once the garage, back into a two car garage and constructing an addition of a new family room off the back of the house to recover the living space.



Mr. Gattoni said he just completed interior renovations to that room including vaulting the ceilings and he does not wish to undo the work he did.

Mr. Tanis suggested reducing the size of the garage from 24' wide to 20' or 22' wide to push it further away from the property line.

Chairman Fry said the Board has offered some good options adding that he would like to see the existing family room converted back to a garage, then a new family room addition could be constructed off the rear of the house. The Chairman stated that he is not looking for the proposed garage to be shifted just a couple of additional feet away the property line, but getting it as close to the required 15' setback as possible for a lot this size. Finally, Mr. Fry advised the applicant that whatever he decides upon should be reflected on the submitted revised plans accordingly, the survey should be current and accurate, and the location of the septic should be identified accurately on the survey and confirmed by the Engineer providing testimony.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Board Attorney Becker stated that the application will be carried to the July 21, 2022 meeting without further notice to the public.

**Vernieri 30 Godwin Dr. Blk 261 Lot 19**

(The applicant proposes to construct a two-story addition in the rear of the home and a front portico requiring variance relief for pre-existing nonconforming lot area and both side yard setbacks)

Joseph Demarco, the applicant's Attorney came forward to present the application. He stated that the applicant is proposing to construct an addition in the rear of the existing home. The property is irregular in shape. Variances are being sought for the left side yard setback of 13.9' and the right side setback of 19.7' where the enhanced side yard setback of 20' is the requirement. There will be no further encroachment into the existing side yard setbacks. Finally, he stated that he believes the addition will not have a large impact on the property or the neighborhood.

Jennifer Vernieri, the applicant, was sworn in. Ms. Vernieri stated that she resides in the home with her three (3) children. There is an existing sunroom in the left rear corner of the home that is not utilized due to disrepair. She would like to enclose and renovate the existing sunroom and build a second level over the top of it to create a larger master suite. Ms. Vernieri said she is also proposing to enlarge the existing kitchen by constructing an addition off the rear of the home to line up with the sunroom. She went on to say It would not be possible to construct the addition to the right rear of the home because the garage is on that side of the home. Ms. Vernieri stated that she prepared the landscape plan and all of the plantings shown on the plan have already been planted.

Chairman Fry said the plan shows the existing footprint of the sunroom will remain and only the kitchen will be expanded off the rear of the home. He added that the existing side yard setback where the second story addition is proposed is 13.9' however it will not encroach further into the setback. The Chairman pointed out that there does not appear to be any screening proposed on the left side of the property where the second story addition will be constructed adding that he

believes plantings should be added to that side. He went on to say that if the application is approved, a condition will be that any plantings damaged during construction will be replaced with like kind and size plantings.

Ms. Vernieri stated that most of the landscaping is around the perimeter of her property and she does not believe they will be damaged during construction.

Mr. Tanis pointed out that the home is being reroofed and resided so some of the existing foundation plantings will most likely be damaged or destroyed.

Ms. Rizvani said there is no window proposed for the enclosed porch area where the addition is Proposed so it is a solid wall.

Ms. Vernieri stated that she is planning to add windows across the back of the kitchen however she wants to have a solid wall on the left side for upper and lower kitchen cabinets and a refrigerator.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. DeMarco stated that he believes this is a very straight forward application where the benefits outweigh the detriments in his opinion. He added that Ms. Vernieri will follow the recommendations of the Board to add additional screening on the left side of the home and that any plantings that are damaged or destroyed during construction will be replaced with like kind and size.

Chairman Fry summarized by saying that screening with plants of 3'-4' in height will be added on the left side, any plants damaged will be replaced with like kind and size, and there will be no further encroachment into the side yard setbacks.

Mr. Kalpagian made a motion to approve the application. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Ms. Rizvani, Mr. Kalpagian, Mr. Ruebenacker, and Chairman Fry.

**Abbott Family Properties 394 Franklin Ave. Blk. 250 lot 3.01**

(The applicant proposes to add a second story to the existing one-story building for the purpose of residential use in the B-1 zone requiring a Use variance, a parking variance, and variances for impervious coverage and front yard setback)

It was announced that the application be carried to the July 21, 2022 meeting.

**Barrister Land Development 753 Frederick Ct. Blk. 430 Lot 14**

(The applicant proposes to construct a new conforming home on a vacant lot consisting of 24,070 sf where 25,000 sf is the requirement).

Robert Milanese, the applicant, came forward to present the application and was sworn in. Mr. Milanese stated that he is the sole owner of Barrister Land Development Corp. and he is a licensed Attorney in the State of New Jersey. Mr. Milanese provided the following details of the application: We are seeking a hardship variance for a pre-existing, nonconforming lot which is deficient in area by 930 square feet.



Board Attorney Becker pointed out that the application states that an attempt was made by the applicant to purchase land from a neighbor.

Mr. Milanese confirmed that he did reach out to owners of neighboring properties however the attempt was unsuccessful.

Mr. Milanese continued: We are building a very traditional home with a wood shake roof, and cedar shake and stone siding. I believe it will be a benefit to the community. We may remove the pool from the plan. We have a lot of grading issues on the site so many of the trees may not survive. I would be happy to walk the property with Mr. DiGennaro to review the trees on the lot to see if we can keep more of them.

Mr. DiGennaro stated that he walked the site and many of the trees marked for removal are white pines which are not of great value because their root structures are wide and shallow. He said he identified two (2) deciduous trees that look like they can be saved adding that there were not many trees that looked like they were worth saving. All of the trees in the front are white pines and appear to be in the right of way.

Chairman Fry said that there are some oaks and maples that look like they can be saved if the pool is being eliminated. He asked Mr. Milanese to have a Professional Landscape Designer prepare a plan and to walk the site with Mr. DiGennaro and Mr. Borst to see which trees can be saved and how many shade trees can be added.

Mr. Milanese said he would be happy to do that.

There was a discussion about the steep grade in the front of the property. Mr. Milanese stated that the plan is to cut it a bit to take the grade down and make the driveway less steep.

Mr. Tanis asked if any trench drains are proposed to capture the driveway runoff.

Mr. Milanese stated that he is not opposed to adding trench drains to each end of the circular driveway and a seepage pit to capture the runoff. The driveway will also be lined with Belgium Block curbing.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Ruebenacker made a motion to approve the application with the conditions that trench drains will be installed at both ends of the circular driveway along with a catch basin, the driveway will have Belgium Block curbing, the landscape plan will be revised to identify which trees will remain and how many new trees will be added, the pool will be eliminated from the plan. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Rizvani, Mr. Ruebenacker, and Chairman Fry.

**94 Midland Avenue LLC 94 Midland Ave. Blk 304 Lot 1 – Corner lot**

(The applicant proposes to construct additions to the home requiring variance relief for pre-existing nonconforming lot area, frontage, and both front yard setbacks as well as proposed nonconforming side yard setback and principal building lot coverage)

Bruce Whitaker, the applicant's Attorney, provided the following details of the application: The corner lot property is nonconforming in lot area consisting of 11,250 sf where 25,000 sf is the requirement, lot width is 17' where 125' is the requirement, the front yard setback of the existing home is 17.20' to Midland Avenue where 40' is required, and the front yard setback to Hurley Court is 15.60' where 40' is required. There is an existing single family home on the property with a detached garage which is deteriorating. The applicant proposes to add a second story to the existing dwelling unit, and to construct an addition to the easterly side and southerly sides of the building including an attached garage. The applicant will maintain the lot width and the front yard setbacks. Based upon the narrowness of the lot, the front yard setback on Hurley Court, for the rear extension of the building, is now 16.70' which is greater than the 15.60' which currently exists but still less than the required 40'. The front yard setback to Midland Avenue will have a de minimis modification with a setback of 17.40' versus the 17.20' that currently exists. The applicant is seeking variance relief to permit a side yard setback of 14.90' on the easterly side of the property where 20' is required, and a variance for principal building lot coverage of 16.7% where 15% is the maximum allowed. The existing lot area has only 45% of the lot area required in the zone. The house that is proposed is a modest house with a sufficient width to provide an appropriate streetscape considering that the existing lot width is only 60% of what is required. There is a substantial benefit in what the applicant is proposing that far outweighs any detriment. The upgrades to the property will be a substantial benefit. There is currently no drainage system on the property so what is being proposed will greatly improve the drainage on the site as per the standards of the Township of Wyckoff. Mr. Whitaker stated that the existing walls are going to remain, and the applicant's Architect will testify to that.

Chris Blake, the applicant's Architect was sworn in, provided his professional credentials and was accepted as an expert witness in his field. Mr. Blake stated that he prepared the architectural plans that have been submitted to the Board. He said that the existing home is in a state of disrepair however the structure, the foundation and the framing are all intact. There will be a brand new second story and an attached garage which will be built over. We have made efforts to maintain the existing setbacks without further exacerbating them. The upgrading of the house, and the landscaping, will be a benefit to the community.

Mr. Ruebenacker said he has concerns about the height of the structure at almost 35'. Specifically on the Hurley Court side, where there will be approximately 60' of structure just 15.6' from the property line where 40' is required. He asked about the proposed ceiling heights for the first and second stories.

Mr. Blake stated that they are proposing a ceiling height of 9' on the first floor and 8' on the second floor adding that they can lower the first floor ceiling height to 8' which would reduce the height of the structure by 1'.

Chairman Fry stated that the gable peak on the Hurley Court side is the highest point of the house and it is so close to the road. He suggested lowering the ridge to reduce the appearance of the mass of the house and make it less conspicuous.

Mr. Blake stated that he can redesign to get the height down to 32.8'.

Chairman Fry asked if any efforts were made to purchase the vacant land to the left of the subject property.



Mr. Whitaker stated that the Township of Wyckoff owns the land, and the Town would have to initiate the sale or offer. In addition, half of the piece of property would go to each of the neighboring properties.

Mr. DiGennaro stated that there is definitely wetlands on the adjacent property and to the rear. By removing the existing garage, you are getting further away from the wetlands however you should speak with your Engineer to determine the regulatory requirements for working in proximity to the wetlands which may be addressed by permit by rule.

Chairman Fry asked if the addition to the rear could be shifted over behind the garage and away from the property line on Hurley Court.

Mr. Blake stated that he can shift it over approximately 5'.

William Moore, the applicant's Landscape Professional was sworn in, provided his credentials, and was accepted an expert witness in his field. Mr. Moore provided the following details of the landscape plan: The goal was to provide a variety of plantings materials and trees, proper planting along the easterly side, and to soften and enhance the area along Hurley. We are planning to remove only two (2) trees. The existing plantings along Hurley Court have not been maintained are quite overgrown. Buffer plantings are proposed along the driveway. We are proposing a total of 165 plantings, 18 different species, 20 of which are trees.

Mr. Ruebenacker asked if an irrigation system is proposed.

Mr. Moore said an irrigation system is not proposed on the landscape plan.

Mr. Whitaker stated that an irrigation system will be added.

Mr. Tanis pointed out for the record, that most of the proposed plants and trees on the landscape are a larger size or more mature sized plantings which will provide good coverage.

Mr. Moore said that they proposed the taller plants and trees so that they will make an impact as soon as they are planted.

Mr. Ruebenacker asked that the location of A/C units be shown on the revised plans adding that if feasible, the electric should be placed underground.

Mr. Kalpagian inquired about the type of siding.

Mr. Blake stated the siding will be Hardie plank.

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Vincent Buccisano, who resides at 7 Hurley Avenue was sworn in. He stated that he feels the proposed house is too large for the existing lot and that based on the deteriorating conditions of the existing house, he does not see how the existing walls can remain.

Mr. Whitaker stated that Mr. Blake, the applicant's Architect, has testified that the existing foundation and framing are intact therefore the existing walls will remain.

**Adjustment**

Maria Casazza who resides at 51 Deerfield Road, and Axel Belohoubek, who resides at 47 Deerfield Road, were sworn in. They both expressed concerns about water runoff from the subject property onto their properties and that they both currently have water issues when it rains heavily.

Mr. DiGennaro said that the applicant submitted a stormwater management plan which meets the requirements of the Township. The proposed drainage system will capture water from the site and greatly improve upon the current conditions resulting in a net zero increase in runoff.

**CLOSED TO THE PUBLIC**

Mr. Ruebenacker asked for clarification on the existing and proposed front porch and foyer.

Mr. Blake said the foyer is existing and will be renovated, and the porch will be replaced in kind.

Mr. Tanis pointed out that the Engineering plan indicates that a variance is required for the impervious coverage which does not appear to be correct based on the calculations. There was a discussion about the calculations and it was determined that no variance is required for impervious coverage.

Chairman Fry summarized by stating the roof line will be lowered 2-3', the right side of the rear addition will be pushed over 5' from Hurley Court, the gable end on the Hurley Court side will be lowered, an irrigation system will be added, impervious coverage information will be corrected on the Houser Engineering plan, A/C units will be shown on the plan, sheet A-2 will be corrected to reflect the deck not the family room, and siding will be Hardie plank.

Mr. Whitaker requested that the application be carried to the August meeting. Mr. Becker announced that no further notice to the public is required.

**Peck 130 Wyckoff Ave. Blk 462 Lot 41 – Corner lot**

(The applicant proposes to construct a two story addition to the home in the second front yard on Annette Court requiring variance relief for a front yard setback of 26' where 40' is required)

Karen Peck, the owner and applicant was sworn in. Douglas Scott was also sworn in. Ms. Peck stated that she came before this Board back in 2019 and received variance approval for an addition however the project never happened.

Chairman Fry said the new plans show that you are proposing to add a two story addition along the entire right side of the house with a front yard setback of 26' on Annette Court. The dimension from the existing garage to the rear of the addition is 22' and 20' to the steps which is extremely impractical. He added that you will not be able to back out of the garage if the structure is only 22' from the addition. The Chairman also stated that he recalls the previous application and that the Board actually recommended having 30' from the garage to the proposed addition at that time.

Mr. Scott stated that they do not park their cars in the garage, and he believes this proposal suits the needs of their family.

Mr. Ruebenacker suggested shrinking the proposed back bedroom by a few feet to get further away from the garage.



**Adjustment**

Mr. DiGennaro suggested bumping the addition to the front towards Wyckoff Avenue and away from the garage.

Mr. Tanis asked if any consideration was given to just adding a full second story to the home since it is a Cape Cod style home. By doing so, they could eliminate expanding the footprint into the front yard setback on Annette Court and the garage issue.

Mr. Scott stated that Ms. Peck works from home and needs a home office in addition to the need for a second bathroom and additional bedrooms for their three (3) daughters. He added that the proposed two-story addition will accomplish that and stay within budget.

Chairman Fry suggested turning the basement into an office space which would be very cost effective.

Ms. Peck stated that she does not wish to be in the basement all day all day long.

Mr. Scott asked the Board what revisions to the plans they would recommend in order for this application to move forward.

Chairman Fry stated that he would want to see the proposed addition 27' from the garage. He also said the landscape plan should be improved upon by adding more plantings on the Annette Court side where the two-story addition is proposed.

Mr. DiGennaro recommended adding landscaping to the front if they are planning to bump the addition out towards Wyckoff Avenue.

Mr. Tanis suggested moving the garage doors around to the Annette Court side of the garage which would eliminate the issue of the addition being too close to the garage and the architectural plans won't have to be revised.

**OPEN TO THE PUBLIC**

Elizabeth Charles who resides at 393 Annette Court was sworn in. Ms. Charles said she received the notice about the proposed renovation and she wanted to hear what the applicant is proposing to do. She added that it sounds good.

**CLOSED TO THE PUBLIC**

Chairman Fry asked what kind of siding is proposed.

Ms. Peck said they are leaning towards vinyl siding.

There being no further business, a motion was made to adjourn the Public Session, seconded and passed unanimously. The Public Business Meeting was adjourned at 11:30 p.m.

Respectfully Submitted,

06-16-2022PM

12  
Adjustment

Board of

Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment