

**WYCKOFF ZONING BOARD OF ADJUSTMENT
SEPTEMBER 15, 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 September 15, 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."

ROLL CALL

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

Absent: Ed Kalpagian and Nekije Rizvani.

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

OLD BUSINESS

Approval of the August 18, 2022 work session and public business meeting minutes.

Mr. Hubert made a motion to approve the August 18, 2022 work session and public meeting minutes. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Ruebenacker, and Mr. Christ. Abstained: Ms. Riotto, Mr. Borst, and Chairman Fry.

RESOLUTION FOR PAYMENTS #22-09

Mr. Tanis made a motion to approve Payment Resolution #22-09 Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Ms. Riotto, Mr. Hubert, Mr. Christ, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

RESOLUTIONS TO BE MEMORIALIZED**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)

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)

Galgano 172 Wayfair Circle Block 428 Lot 19

(The applicant proposes to renovate and expand the home requiring variance relief for the side yard setback)

Roussos 9 Pace Dr. Block 320 Lot 8

(The applicant proposes to construct an addition and renovation requiring variance relief for front yard setback)

Ortiz 201 Hillside Ave. Block 354 Lot 7

(The applicant proposes to demolish the existing home and construct a new home conforming to all bulk requirements except for the existing undersized lot area and depth)

Mr. Ruebenacker made a motion to approve the five (5) Resolutions. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Ruebenacker, and Mr. Christ. Abstained: Ms. Riotto, Mr. Borst, and Chairman Fry.

REQUEST FOR EXTENSION OF TIME**Renshaw & Grossano 446 Radcliff St. Block 489 Lot 8**

On November 18, 2021 the homeowners received variance approval for principal building lot coverage and rear yard setback to connect the existing detached garage to the existing principal building (dwelling) with the construction of a mudroom. The homeowners have been unable to begin construction and have submitted a request for a one year extension of time.

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

Christian Health Care Center 301 Sicomac Ave. Block 443 Lots 49.03, 51, and 52.01

Jerome A. Vogel, Esq., on behalf of The Christian Health Care Center, has requested a ninety (90) day extension of time to begin construction of the addition to The Administration Building on the CHCC campus. The project was approved on September 20, 2018 as part of the Resolution for The Vista construction project. Previous one-year extensions of time were requested and approved by the Zoning Board of Adjustment in July 2019, and July 2020.

Mr. Borst made a motion to approve the ninety (90) day extension of time. Second, Mr. Ruebenacker. Voting in favor: Mr. Hubert, Ms. Riotto, Mr. Christ, Mr. Ruebenacker, Mr. Borst, and Chairman Fry. Abstained, Mr. Tanis.

CARRIED APPLICATIONS**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)

Mark DiGennaro, the Township Engineer provided the following details of the application: This is an application proposing to construct a second story consisting of two (2) residential apartments above the existing retail stores requiring a Use variance, as residential units are not permitted in the B-1 zone. At last month's hearing the Board voiced comments and concerns regarding access to the second floor apartments by emergency services. We requested feedback from the Fire and Police Departments, and they provided comments which have been provided to the Board. The applicant is also requesting a variance for parking as twenty-two (22) spaces are required and nine (9) are proposed including one (1) ADA compliant parking space. The applicant is proposing a dumpster enclosure and a seepage pit to collect the roof leaders. Revised plans have been submitted which reflect floor plan changes to the second floor. The applicant is now proposing access to the second floor apartments from the front of the building on Franklin Avenue as well as from rear of the building. The addition of the entrance from the front of the building addresses the concerns regarding access to the apartments by emergency services.

Chairman Fry said he reviewed the revised plans and thinks it is a better plan and a safer plan for first responders. He mentioned that the Police Chief, in reviewing the revised plans, stated that he has no objections to the new plan now that there will be access to the apartments from the front and rear of the building. The Chairman then read the following comments from Joe Vander Plaats, the Wyckoff Fire Chief:

"After careful review of the proposed plans, the Wyckoff Fire Department has no objections to the construction of a second story, but on the firematic side of the plans I would suggest fifteen (15) square feet of window in the side of each unit which would provide light and access for rescue and ventilation in the event of a fire. I would also suggest that the landing at the top be a minimum of 4' x 8' to navigate a stretcher and assist in fire attack. In addition, all overhead utilities should be placed underground making it safer for the raising and lowering of ground ladders when needed for ventilation and rescue. Access to the rear is already tight, it's imperative to keep the driveway open to the rear parking area. Other than the allotted marked parking spots on the site plan, no delivery vehicle for tenants, patrons and business owners should be stopping or standing in the access road. We suggest you add signs stating that no parking, stopping or standing is allowed along the driveway. Safety is our top priority both for the residents and our firefighting community".

Mr. Ruebenacker said he would like to have a discussion about the parking in the rear and whether or not the applicant has looked into leasing any parking spaces from other properties in the area.

Mr. Hubert agreed stating the parking lot is very tight. He also pointed out that the applicant is proposing nine (9) spaces. Five (5) of the spaces in the lot currently have signs stating they are reserved for the frame store which leaves only four (4) spaces for the pizza place and residents for the two (2) proposed apartments.

Gjoreski 172 Greenhaven Rd. Block 332 Lot 12

(The applicant proposes to renovate and expand the dwelling requiring variance relief for lot area, frontage, front yard setback, and both side yard setbacks)

The Chairman announced that this application will be carried to the October 20, 2022 meeting at the request of the applicant.

NEW APPLICATIONS**Rogovich 381 Oakwood Dr. Block 250 Lot 46**

(The applicant proposes to construct an inground swimming pool requiring variance relief for nonconforming lot area, frontage, side yard setbacks, principal building lot coverage, accessory structure lot coverage)

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

I have reviewed the plot plan prepared by Schwanawede/Hals Engineering last revised 6/17/22 which includes a landscape plan, application, photos, and drainage calculations. The existing single family dwelling is situated in the RA-25 zone and is non-conforming as to lot size, frontage, side yard setbacks, principal building lot coverage, and combined lot coverage. The applicant is proposing to construct a swimming pool requiring variance relief. In 2016, the applicant obtained a variance to expand the rear deck and erect an open air pergola above the deck requiring variances for accessory lot coverage and combined lot coverage. In 2009, the applicant obtained a variance to expand the principal building footprint, however, never performed the work. The existing lot consists of 14,400 sf where 25,000 sf is the requirement. Lot width is 90' where 125' is the requirement. Existing front yard setback is 34.28' where 40' is required. Side yard setbacks are 10.5' and 9.8' and will remain unchanged. Existing principal building lot coverage is 16.6% and will remain unchanged. Existing accessory lot coverage is 5% and proposed accessory lot coverage is 8.72% for a proposed total lot coverage of 25.33% where 20% is the maximum allowed. The application satisfies the Township stormwater management requirements, and a new 3-bedroom septic has been approved to be relocated into the front yard to accommodate the proposed pool in the backyard.

Chairman Fry said there is a lot of confusion regarding the previous history timeline for this property as to what was approved and what work was completed or not completed based on those approvals so we will need to hear testimony about that. He also pointed out that the 1987 Resolution states "Upon granting of this variance no further accessory use of the property is allowed".

Mr. Ruebenacker stated that historically, while the Board has granted variances for principal building lot coverage over the maximum allowed 15% or accessory lot coverage over the allowed 5%, we typically try to keep the combined as close as possible to the total combined maximum allowed 20%. Once it goes over the 20%, applicants need to understand that they have maxed out their lot coverage and they should not expect to come back for anything else in the future.

Haig 310 West Stevens Ave. Block 320 Lot 94

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

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

I have reviewed the submitted as-built survey prepared by Peter C. Kirch, PLS revised thru 7/27/22, site plan prepared by Houser Engineering last revised 5/29/15, porch alteration plan by KMM Architecture, dated 4/20/22, photos and application. The applicant is seeking to construct a roof above the existing rear raised patio to create a covered rear porch on the dwelling located on a non-conforming lot due to lot size, frontage, depth, side yard setbacks, and principal building lot coverage. The application requires variance relief for further expanding the principal building lot coverage. The existing principal building lot coverage is 16.61% and proposed is 18.28% where 15% is the maximum allowed. Existing accessory structure lot coverage is 1.67% and 0% is proposed for a total combined lot coverage of 18.28% where 20% is the maximum allowed. A stormwater management plan is not required.

Chairman Fry said there are no changes to the house proper except for the proposed roof over the existing rear raised patio.

Mr. Ruebenacker said the Board has to stress the 20% maximum allowed if there are any plans to add to the principal building or accessory use on the property in the future.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:05 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment

WYCKOFF BOARD OF ADJUSTMENT

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"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; Mark Borst, Vice Chairman; Erik Ruebenacker; Brian Tanis, Rosa Riotto, Brian Hubert, and Ian Christ.

Absent: Ed Kalpagian and Nekije Rizvani.

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

OLD BUSINESS

Approval of the August 18, 2022 work session and public business meeting minutes.

The minutes were approved during the Work Session.

RESOLUTION FOR PAYMENTS #22-09

The Payment Resolution was approved during the Work Session.

RESOLUTIONS TO BE MEMORIALIZED

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(The applicant proposes to demolish the existing home and construct a new home conforming to all bulk requirements except for the existing undersized lot area and depth)

The Resolutions were approved during the Work Session.

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On November 18, 2021 the homeowners received variance approval for principal building lot coverage and rear yard setback to connect the existing detached garage to the existing principal building (dwelling) with the construction of a mudroom. The homeowners have been unable to begin construction and have submitted a request for a one year extension of time.

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The extensions of time were approved during the Work Session.

CARRIED APPLICATIONS**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)

Harold Cook, the applicant's Attorney, stated that at the August meeting, the Board expressed concerns about the ingress and egress for the proposed second floor apartments. The applicant took the Board's recommendation and redesigned the front of the building to have access to the

apartments from the front on Franklin Avenue. Mr. Brown revised the plans that have been submitted to the Board. We heard the comments during the work session regarding the Fire Chief's recommendations, and we will believe we can comply with most of them except for the windows on the sides of the building, which Mr. Brown will address during his testimony.

William Brown, the applicant's Architect, was reminded that he was previously sworn and is still under oath. The architectural plan, last revised 8/11/22, was marked exhibit A-5.

Mr. Brown said the revised plan shows an additional door in the front of the building which leads to a vestibule and flight of stairs to the second floor hallway. The hallway runs across the second floor to a second stairwell that leads down and out the rear of the building through an additional new door. The previously proposed exterior staircase has been eliminated. We will provide screening around the proposed A/C units on the roof, and a small shed roof across the rear of the building to provide a little protection from the weather at the rear entrances to the retail stores and the second story stairwell. With regard to the Fire Chief's recommendation to install windows on either side of the building, we cannot accommodate that request because the building is on the property line. The International Building Code does not permit us to have windows unless the building is 5' from the property line or faces a street or an ally.

Chairman Fry asked if the applicant intends to place the utilities underground as recommended by the Fire Department. He added that with the addition of residential apartments above the stores we would definitely want to see those wires placed underground specifically for safety in the event of a fire rescue.

Mr. Brown stated the utility wires will be placed underground.

Mr. Cook mentioned that there was a discussion at the last meeting about replacing the fence in between the subject parking lot and the Wyckoff Reformed Church Cemetery. He stated that they do not know who owns the fence however the applicant has agreed to replace the fence.

Ms. Riotto asked about the size of the windows proposed for the second floor apartments and if they meet the Fire Department recommendations.

Mr. Brown stated that the proposed window are all egress windows, and they meet the requirements. They are 3' x 5' windows which is code compliant for fire rescue.

Mr. DiGennaro mentioned the size of the landing that was referenced in the Fire Chief's comments.

Mr. Brown stated that they are proposing a 3'-6" wide landing at the top of the front stair way however they will increase it to 4'-2" in width.

Mr. DiGennaro asked if the frame shop is going to be split into two (2) stores for a total of three (3) stores on the first floor.

Robert Abbott, the applicant, was sworn in. Mr. Abbott stated that the frame shop occupies what used to be two (2) retail spaces, and a pizza place operates the other space. The plan is to convert the frame shop space back into two (2) units for a total of three (3) retail stores on the first floor.

Mr. DiGennaro stated that having three (3) retail stores will increase the parking requirement and

the parking on the site is already deficient.

Mr. Abbott stated that the five (5) reserved parking spaces for the frame shop, which was mentioned earlier, is not in the lease and those reserved parking signs will be removed. All of the proposed spaces will be for general parking.

Chairman Fry asked Mr. Abbott if he looked into any other possible options for providing additional parking for the tenants and store employees.

Mr. Cook stated that Mr. Abbott's Real Estate office is down the street on Everett Avenue and there is parking available there for the new tenants if needed. He went on to say that there are residential apartments above the bike shop on the corner and that building does not have a parking lot or any designated parking spaces.

Tibor Latincsics, the applicant's Engineer, was reminded that he was previously sworn in and is still under oath. Mr. Latincsics stated that the applicant is proposing a drywell seepage pit with a grate to collect parking lot runoff and roof leaders will also be connected to the pit. The parking lot will be repaved and striped. Twenty-two (22) spaces are required and nine (9) are proposed including one (1) ADA compliant parking stall. The parking lot is accessed by a driveway out to Everett Avenue.

Chairman Fry said the parking issues are going to be for the property owner to deal with. There should be signage along the driveway to prevent people from blocking the driveway as recommended by the Fire Chief. If parking is a challenge for a potential renter, they may choose not to rent the space. The burden will be on the property owner to work out the parking issues for the tenants and shop owners.

Mr. Tanis stated that at last month's meeting, the cemetery representative had concerns about land disturbance near the property line and he asked what the setback is for the proposed seepage pit.

Mr. Latincsics stated the seepage pit is proposed 5' from the property line.

Mr. DiGennaro asked if there is any way the seepage pit could be pushed further away from the property line due to concerns voiced by the cemetery representative.

Mr. Latincsics said the seepage pit can be moved to 10' from the property line.

OPEN TO THE PUBLIC

Robin Brickman was reminded that she was previously sworn and is still under oath. Ms. Brickman stated that she is here on behalf of the Reformed Church Cemetery Board. She stated she is pleased with the 10' setback for the seepage pit to the property line. With regard to the fence, Ms. Brickman stated that the survey shows the fence is on the cemetery property.

Mr. Abbott stated that he will replace the entire fence with a 6' tall wooden stockade fence with the finished side of the fence facing his property.

Mr. DiGennaro questioned who is going to be responsible for future maintenance of the fence since the fence is on the cemetery property however, Mr. Abbott is going to pay to have the fence

replaced.

Karen Leevy, the president of the Wyckoff Reformed Church Cemetery Board, was sworn in. Ms. Leevy stated that she will accept future maintenance of the fence however she will need a notification of ownership for the Church's records.

Mr. Abbott stated that he will submit the permit application to the building department, pay for the permit, have the fence installed, and provide Ms. Leevy with a certificate of ownership.

CLOSED TO THE PUBLIC

Chairman Fry stated that mixed use is becoming more common place these days. The benefits of the proposal are that the building and the parking lot will be updated, utility lines will be placed underground and drainage on the site will improved. The only detriment is the parking situation however the burden will be on the property owner to work through those issues with the tenants of the retail stores and apartments.

Mr. Borst made a motion to approve the application subject to the replacement of the fence, increasing the size of the stairway landing, installation of no parking signs along the driveway, placement of utilities underground, and installing the seepage pit 10' off the property line. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Christ, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

NEW APPLICATIONS

Haig 310 West Stevens Ave. Block 320 Lot 94

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

Harold Cook, the applicant's Attorney, stated that the basis for the variance is the deficient lot area of 14,778 square feet where 25,000 square feet is the requirement in the zone. No new lot coverage is proposed, it is just being allocated differently. The accessory lot coverage will be eliminated because the raised patio will become part of the principal building due to the proposed roof over the top of it.

Chairman Fry said the accessory structure lot coverage is being reduced by the same percentage being added to the principal building lot coverage so there is a net zero increase in total combined lot coverage. The proposed principal building lot coverage is 18.28%, the proposed accessory lot coverage is 0%, and the proposed combined lot coverage is 18.28% where 20% is the maximum allowed.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

None of the Board members had any questions or concerns about the application therefore the Chairman asked for a motion.

Mr. Ruebenacker made a motion to approve the application as submitted. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Christ, Mr. Ruebenacker, Mr. Borst, and

Chairman Fry.

Rogovich 381 Oakwood Dr. Block 250 Lot 46

(The applicant proposes to construct an inground swimming pool requiring variance relief for nonconforming lot area, frontage, side yard setbacks, principal building lot coverage, accessory structure lot coverage)

Bruce Whitaker, the applicant's Attorney, provided the following details of the application: This is an application to permit the construction of an inground swimming pool. The lot is 14,400 sf in area where 25,000 sf is the requirement in the zone. Frontage is 90' where 125' is the requirement. Existing side yard setbacks are 10.5' and 9.8' where 20' is the requirement. All of these bulk nonconformities are a result of the undersized lot. There is a history of variances that were previously granted based on the nonconforming conditions of the lot however much of the work pertaining to those variances never occurred. In 1987 variances were granted for side yard setback and principal building lot coverage to construct an addition to the home. In 1991 a variance was granted for lot coverage to construct a deck. In 2009, variances were granted for principal building lot coverage and combined lot coverage to construct an addition in the rear of the home to expand the kitchen however the work was not done. In 2016, a variance was granted for combined lot coverage of 25.33% to expand the existing deck and construct a pergola in the rear yard. The existing deck was removed, and the new larger deck was never built, instead a patio was installed.

Chris Rogovich, the owner and applicant, was sworn in. Mr. Rogovich stated for the record that he did not complete the kitchen addition for which the 2009 variance was granted. He said that in 2016 he received variance approval to expand the deck and to construct a pergola with an outdoor kitchen. Mr. Rogovich stated that the existing deck at that time was taken down and he did not rebuild the deck. He did however construct a patio and pergola. He added that he would now like to construct an inground pool.

Chairman Fry mentioned the statement in the 1987 Resolution which says "Upon granting of this variance no further accessory use of this property is allowed". He asked Mr. Whitaker how he would interpret that. He added that it appears the intent of the Board at the time was to prevent any future accessory structures on the property.

Mr. Whitaker said the statement does not make sense to him because of the word "use" instead of structure.

Mr. Becker stated that the Board members can rely on the statement in the 1987 Resolution however they are not bound by it.

Mr. Borst said that in 2016 the variance was granted for combined lot coverage of 25.33% but the work was not completed and now the applicant is requesting the same variance.

Joe Vince the applicant's Engineer was sworn in and was accepted as an expert based on the credentials he provided. The Engineering plot plan dated 12/2/2020, last revised 6/17/22 was marked exhibit A-1. Mr. Vince provided the following details of the plan: Existing on the site is the house, driveway, front pergola, front walkway, rear patio, rear pergola, outdoor kitchen, and outdoor fireplace. The existing principal building lot coverage is 16.6%, accessory lot coverage is 5% and combined lot coverage is 21.6%. We are proposing to eliminate the existing hot tub and install a new hot tub and an 18' x 32' inground pool with patio surround

on three (3) sides. A new septic system will be installed in the front yard to allow for the pool to be constructed in the rear. We are proposing evergreen plantings and a pool code compliant fence. We are proposing a 31' rear yard setback to the pool and a 15' side yard setback which meets the setback requirements.

The Chairman pointed out that the rear yard setback should actually be measured to the patio not the pool.

Mr. DiGennaro stated the rear yard setback to the pool patio will be 24' and 31' to the pool itself where 20' is the requirement.

Mr. Vince stated that the existing principal building lot coverage of 16.6% will not change, the proposed accessory lot coverage is 8.94% and the proposed total lot coverage is 25.6%.

Mr. Borst said the bottom line is that the Board previously approved 25.33% combined lot coverage and the applicant is now proposing 25.6%.

There was a discussion about possibly removing the front pergola to reduce the accessory lot coverage.

Mr. Vince handed out photos of the front pergola which were marked exhibit A-2. He stated that the lattice work on the pergola has been removed and from the street you really don't notice the pergola, it just looks like columns at the entrance to the home.

Mr. Tanis pointed out that the plan shows the construction entrance is up the driveway and asked how an excavator would fit around the side of the house to access the back yard to dig the pool. He added that there is a spruce tree there and the area looks really tight on both sides not to mention that you are installing the septic system in the front and there is no landscaping proposed for the front of the house.

Mr. Rogovich stated that they are going to use smaller sized equipment and they only planning to remove one bush.

Mr. Tanis said we should put on the record that anything that is removed or damaged will be replaced and a landscape plan should reflect what is going to be removed and replaced.

Mr. Whitaker stated we will submit a plan and stipulate that if any landscaping or trees are removed, they will be replaced.

Mr. DiGennaro advised that no permit for the septic will be issued until the deed restriction is put in place for the septic.

Mr. Rogovich stated that he will check to see if the deed has been recorded.

Mr. DiGennaro asked the distance of the proposed seepage pit from the septic disposal field on lot 47 adding that it must be a distance of at least 50'.

Mr. Vince stated that he will look into that and make sure the pit is 50' from the septic field on lot 47.

OPEN TO THE PUBLIC

Karen Leevy, who resides at 34 Colonial Drive, was sworn in. Ms. Leevy appeared on behalf of the Wyckoff Reformed Church Cemetery Board. She stated that the Cemetery Board is having a survey prepared because the properties on Oakwood Drive, which back up to the cemetery, all have fences which appear to be on the cemetery's property. Most of the fences have gates which open on to the cemetery property and the property owners use this as a cut through to walk their children to Washington School, and they also drop their grass clippings over their fences onto the cemetery property.

Mr. Vince stated that upon reviewing the site plan, it appears that the applicant's fence encroaches 9' onto the property to the rear.

Mr. Becker stated the applicant will have to take care of that immediately.

Mr. Whitaker stated that Mr. Rogovich will move the fence onto his own property, and he will remove the gate.

Mr. Vince pointed out that there is a thin strip of land, labeled lot 54, in between the cemetery and the properties on Oakwood Drive however it is unknown who the lot belongs to.

CLOSED TO THE PUBLIC

Chairman Fry summarized by stating that there was a previous approval for lot coverage of 25.33% however the work was not done, and the applicant is now proposing accessory lot coverage of 8.94% and total lot coverage of 25.6%. The previous request for accessory coverage was for a raised deck and proposed is now a ground level pool. The existing hot tub will be removed, and a new hot tub will be installed. The front pergola will remain. The fence will be moved back onto the applicants property and the gate will be removed. A landscape plan will be provided which will indicate any plantings or trees to be removed and replaced. The distance of the seepage pit to the septic field on lot 47 to be determined and must be at least 50' away. All of these items will need to be revised and submitted to the Township Engineer if the application is approved.

Mr. Ruebenacker said that just because the Board approved 25% combined for this applicant in the past does not mean it has to be approved this time however the pool is not egregious. The proposed overage on the combined lot coverage is all accessory structure.

Mr. Tanis asked if the Board should have a stipulation that no further accessory structures shall be permitted on this property.

Chairman Fry stated that it's a struggle for the Board to approve a total lot coverage above 20% and this applicant is proposing 25.6%. This property has a long convoluted history of variance requests and then not following through and doing something other than what was proposed. Mr. Fry said there is a lot going on with this property and that he does not see anything wrong with making the stipulation that no additional lot coverage will be approved.

Mr. Borst suggested having the Resolution state no further variances shall be granted for this property.

Mr. Becker said the Board can add that language to the Resolution however it will not preclude an applicant from coming back to the Board in the future with an application for a variance.

Chairman Fry stated the fence will be moved back onto the applicants property line, the gate will be removed, a landscape plan will be provided which will indicate any plantings or trees to be removed and replaced, the distance of seepage pit to the septic field on lot 47 to be determined and must be at least 50' away, and no further variances shall be granted for this property.

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

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 10:05 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment