

**WYCKOFF BOARD OF ADJUSTMENT  
DECEMBER 21, 2017 PUBLIC BUSINESS MEETING MINUTES**

Work Session: 7:30 p.m. Second Floor, Memorial Town Hall

Public Meeting: 8:00 p.m. – Court Room, Second Floor, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meetings Statement by Erik Ruebenacker, Chairman:

"The December 21, 2017 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.

**Board Member Attendance:** Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Brian Hubert; Ed Kalpagian; Brian Tanis; Rich DeLeo, Alt; Robert Ebel, Alt.

**Staff Present:** David Becker, Board Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Board Secretary.

The Board of Adjustment Meeting began with the Pledge of Allegiance.  
Roll call was taken.

\* \* \* \* \*

Erik Ruebenacker, Chairman read this 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)"*

\* \* \* \* \*

Chair Ruebenacker stated that all phones, pagers and hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

**OLD BUSINESS**

**APPROVAL OF MINUTES**

November 16, 2017 work session/public business meeting  
The minutes were approved at the work session meeting.

**RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #17-12-** Approval of vouchers from various escrow accounts.  
Resolution #17-12 was approved at the work session meeting.

**RESOLUTION(S) TO BE MEMORIALIZED**

**MOROZ, CEZARY/GAWLE, DANUTA** BLK 231 LOT 6 (RA-25); 516 Clinton Avenue. *(The applicant proposes to expand the footprint of the existing house and add a level to the second floor which will trigger the enhanced side yard setback and encroach into the side yard setbacks).*

**ZURIER, ROBERT & CAROL** BLK 289 LOT 6 (RA-25); 303 Martom Road. *(The applicant proposes to construct a screened porch in the inside of the rear corner of the existing house which will exceed lot coverage).*

The above referenced resolutions were memorialized at the work session meeting.

#### **APPLICATION(S) – NEW**

**CAPRIO, MICHAEL** BLK 293 LOT 9.01 (R-15); 161 Godwin Avenue. *(The applicant proposes to expand the first floor with a new kitchen and second floor master bedroom which will encroach into the side yard setback).*

Bruce Whitaker, from the law firm of McDonnell & Whitaker, representing the applicant's Michael and Sarah Caprio, said the existing home has historical significance as a stone house and aesthetics considerations. The house was originally built in 1737 and has gone through a number of significant changes over the years but it is not on any historic registrar so there are no building restrictions. He said that the Caprio's do not want to knock the house down and construct a new conforming house. They would like to make this house viable by making a proper flow of living space within the existing house. The existing structure is skewed on the property and they would like to restore and preserve the historic structure and make it functional. The existing stone house near the road will be preserved. He added that there are 2 variances which are the existing front yard setback of 9.97' and proposed side yard setback of 14.94'. He said that under the C1 criteria which there is a lawfully existing structure is misaligned on the property and C2 where the benefits outweigh the detriments because under the MLUL "wherever you can try to attempt to either restore or preserve historically significant designations and structures". He noted that the height of the second floor will be 26' where 35' is the maximum.

Sarah Caprio, 161 Godwin Avenue, Wyckoff, NJ was sworn. She said they purchased the house 13 years ago and would like to enlarge the home to make it their forever home and preserve the charm of the house. She said the stairs to the second floor are steep and narrow with a low sloped ceiling on the second floor landing with only 2 legitimate bedrooms upstairs and a bathroom. She added that there are no closets in the children's bedroom. The doorway to the second floor toy room over the existing first floor family room in the original section of the stone house is 4.11' high and 24" wide. The exterior second floor side balcony is needed in order to get the washer, dryer and furniture to the second floor. She continued that the first floor kitchen is very tiny with a 30" wide single entry door and is a one person kitchen. She said they would like to add a modest addition to the side of their home where adding on to the rear of their home would make a long and narrow home with no proper flow of living space. She would like to provide a new safe stairway with legitimate bedrooms with closets on the second floor, a safe entry into the second floor laundry and toy room, a master bedroom with a master bathroom and a modern kitchen on the first floor with amenities.

Marked at this time were the following exhibits:

A-1 Application package

A-2 Photo of the second floor landing

A-3 Photo of the front of the home

A-4 Photo of the diagonal of the house front and rear view of the home

A-5 Photo of the shrubbery around the perimeter of the house

Mr. Whitaker asked what the height is of the existing shrubbery along the side property line. Ms. Caprio said the privet shrubbery is 8' to 12' high. She said it could be considered the rear yard due to the location of the house but it is an unused area where I only go back there to mow the lawn.

Kevin Spink, Canzani Architects, 80 East Ridgewood Avenue, Paramus, NJ was sworn. He received a Bachelor of Architect from NJIT, is licensed in the State of New Jersey and has been qualified as an expert in the past before this Board and other Boards in Bergen County.

Marked at this time was the following exhibit:

A-6 Architectural plans

Mr. Spink said the first floor of this 1737 - 2 story colonial style house has a family room to the east of the house along Godwin Avenue, which attaches into a kitchen and dining room area with a small entry foyer along with a guest room added to the rear of the house. He said these additions have been added throughout the years. He continued that the existing staircase to the second floor is 2'8" wide and once you get to the second floor there is a hallway landing to the room on the right where there is a 5' ceiling which heightens to 7'4" in the center and back to 5' ceilings in the bedroom and a 4'9" doorway leading 2 steps down to the laundry room and toy room over the main first floor family room. The hallway continues to the master bedroom which also has a 5' ceiling which rises to a 7'4" ceiling in the center of the room. He said the rear second floor balcony is for getting appliances and furniture to the second floor. He said the stairway to the second floor will be shifted to the north in order to make the second floor functional and the existing non-functional old staircase will be removed. The second floor will have higher ceilings when the ridge plate is lifted higher. The existing kitchen area is 10' x 11' and will be extended towards the side yard property in order to make it a 16' x 24' kitchen with an eat in area within the kitchen. The existing dining room will remain in its current location. A master bedroom suite will be constructed above the kitchen area. The total height of the addition will be 26' where currently it is 20.75' and 35' is the maximum. The existing rooms will remain in their existing location but will just be enlarged for a functional use. The front façade of the house will remain the same maintaining all the beauty and charm of the house and asphalt roof shingles will be used on the new and existing roof along with shingle siding on the exterior of the house.

Board Member Borst asked Mr. Spink to explain the proposed first floor kitchen layout and the existing foyer. Mr. Spink said the existing kitchen will become a hallway and the existing foyer will remain a foyer. Mr. Borst said the size of the master bedroom is controlling the size of the addition. Mr. Spink agreed with this statement. He also added that there is a 5' wide exterior stairway leading to the new basement under the addition which the Caprio's will use as storage. Chair Ruebenacker suggested the master bedroom be redesigned in order to reduce the side yard setback encroachment. He noted that there is unused space on the first floor. Board Member DeLeo said that using Township Engineer DiGennaro calculation the gross building area with the shed and the garage what the primary structure would be. Mr. Spink said the gross building area would be 3,672 square feet. Board Member Hubert asked if the finished space above the garage was included. Mr. Spink said he will recalculate and modify Section J of the application. Board Member Borst said the area beneath the master bedroom is the guest room

and kitchen. He said the new staircase is also underneath the new master bedroom. Mr. Spink agreed with this assessment. Mr. Borst asked if the second floor could be cantilevered toward the rear yard. Mr. Whitaker said cantilevering would not look historic. Board Member Borst insisted that the side yard setback encroachment could be reduced by 5' by reducing the size of the master bedroom and master bath. He reiterated that the size of the master bedroom is driving the size of this entire addition where there are 2 rooms on the first floor that are not being utilized whatsoever. Board Member Hubert said the proposed stairs are quite wide. Mr. Spink said the proposed stairs are wider than the minimum code because they are switch back stairs. These stairs will also lead to the full 8' high basement under the new addition along with an exterior stairway at the rear of the addition. Mr. Spink said the existing basement under the stone house section is a cellar with access from a bilco door and a crawl space under the other additions. Vice Chair Fry said the largest obstacle of reducing the master bedroom is the located of the interior stairs which affects the depth of the new addition. He noted that the layout of the proposed stairs are in the only location possible. Mr. Spink said the stairway is 3'8" wide because it is a switch back stairway and also its location is due to the existing foundation wall that will be underpinned during construction and the bulk head will be built out therefore the stairs leading to the new basement will only be 8' wide. He added that if the stairway is shifted toward the front of the house you will lose the use of the existing second floor bathroom. Mr. Whitaker said the applicant has been working on the design of this house for months with the architect. He said the applicant should be applauded for keeping the existing house and going to the trouble with this renovation instead of knocking the existing house down. Board Member Yudin credited the owners that they are preserving the element of the historic home. She asked Township Engineer DiGennaro if the house is on the historic register. Mr. Whitaker said the house is not on the historic register and is not deed restricted. Mr. DiGennaro said this house is not on the historic register and therefore there are no construction limitations. Board Member Ebel noted that the proposed house does not have a large room count. Chair Ruebenacker said the applicant's landscape architect is present this evening but he feels the board is acceptable of the landscape plan as proposed. Board Member Borst agreed with the landscape plan.

#### OPEN TO THE PUBLIC

Al Parisi, 167 Godwin Avenue, Wyckoff, NJ was sworn. He said he lives to the right of the Caprio's and would be most affected by this addition. He said he has no concerns with the application. Chair Ruebenacker asked Mr. Parisi if he is comfortable with the landscaping along the property line. Mr. Parisi said the existing buffer is fine. Vice Chair Fry asked how far Mr. Parisi's house is off the side yard property line. Mr. Parisi said his house is 15' to 17' off the side yard property line.

#### CLOSED TO THE PUBLIC

Chair Ruebenacker said he thinks the Board has conflicts with this application. He said the proposed addition is 26' high, 2 stories, 37' from the front yard setback where 40' is required, 15' off the side yard where 20' is required. He said he would be comfortable with a 2' to 3' adjustment which would bring the side yard setback to 17' or 18'. Board Member Borst agreed with this assessment of the application by Chair Ruebenacker. The remaining Board Members gave their opinions of the application in which they see the hardship and agree with maintaining and preserving the historic structure and modernizing the interior of the house so it is functional. Vice Chair Fry said if the side yard setback was closer than the 15' then he would be concerned.

Mr. Whitaker summarized by saying this is a unique application, a lawfully existing structure and the applicant would like to protect and preserve the historic aspects of the home. He said that in

the 1700's there was no zoning ordinances or Municipal Land Use Law until 1976. He said the C1 variances criteria is for the uniqueness of the property and the C2 variance is that the benefits outweigh the detriments. He said the applicant does not use this side yard area and can be considered a rear yard where it is actually a side yard. He respectfully requested that the Board grant the applicant the variance relief.

Chair Ruebenacker said the applicant is requesting a front yard variance for 37.27' where 40' is required for the new construction as well as 20.18' where 15' is required and the applicant is requesting 14.94' side yard setback or 14.19' to the eave where 20' is required due to the enhanced side yard setback. Mr. Ruebenacker requested that Section J be revised to include the second floor of the garage to the gross building area calculations along with the accessory pergola and the deck. Board Member Kalpagian asked if the gross building area will affect the building coverage. Mr. DiGennaro said the revised calculation will not exceed the lot coverage and trigger another variance. He also asked that the applicant provide the permit information on the existing well or abandon the well. Chair Ruebenacker asked Board Attorney Becker to verify that the house is not registered as historic.

Board Member Yudin made a motion to approve this application as presented with the following condition: Section J will need to be amended to include the second floor of the garage, pergola and deck as gross floor area and the well be permitted or abandoned. Second, Vice Chairman Fry. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin and Vice Chair Fry. Voting in denial: Mr. Borst and Chair Ruebenacker.

\* \* \* \* \*

There being no further business, a motion to adjourn the meeting was made and seconded and passed unanimously. The meeting concluded at 9:53 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary  
Wyckoff Board of Adjustment.