

**WYCKOFF BOARD OF ADJUSTMENT
MARCH 15, 2018 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 Carl Fry, Chairman:

"The March 15, 2018 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.

Chairman Fry 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"*

"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 time."

Roll call was taken.

Pledge of Allegiance.

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

Board Member(s) Absent: Mark Borst

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.

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Chairman Fry 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

February 15, 2018 work session/public business meeting

The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #18-03 Approval of vouchers from various escrow accounts.

Resolution #18-03 was memorialized at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

FOX, CHRISTOPHER BLK 443 LOT 2 (RA-25); 764 Hickory Hill Road. *(The applicant proposes to add a level which will exceed the building height).*

ALTONAGA, RAYMOND & CECELIA BLK 320 LOT 105 (RA-25 CORNER LOT); 286 West Stevens Avenue. *(The applicant proposes to remove the rear porch and construct a rear family room which will exceed principle building lot coverage).*

SIMONE, MICHAEL & DANA BLK 367 LOT 10 (RA-25); 522 Eder Avenue. *(The applicant proposes to add a small addition to the second floor master bedroom to align with the footprint of the existing structure and a front porch addition which will encroach into the side yard and front yard setbacks).*

NUGENT, WILLIAM BLK 314 LOT 53.01 (RA-25); 519 Wyckoff Avenue. *(The applicant proposes to install a pool with spa which will exceed the accessory lot coverage).*

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

APPLICATION(S) – CARRIED

LIZZI, JOSEPH & JULIE BLK 290 LOT 23 (RA-25); 318 Martom Road. *(The applicant proposes to expand the existing single car garage to a two car garage and a covered front porch which will encroach into the front yard setback and also expand the master bedroom and master bathroom which will exceed principle building lot coverage).*

Larry Skott, the applicant's architect, was reminded by Board Attorney Becker that he was sworn at the previous meeting and remains under oath.

Marked as identification at this time was the following exhibit:

A-3 Revised application package

Mr. Skott said the applicant was previously asking for 3 variance and upon review of the application they have removed one variance for side yard setback. The applicant is still seeking a front yard variance of 35.20' to 29' where 40' is required; the principle building coverage is going from 13.67% to 17.09% to 17.01% where 15% is required; and the 15' side yard variance has been reduced to 20' which does not require a variance. He said the applicants would like to age in place and have modified there existing bedroom and adding a full 2 car garage attached to the house in order to stay in their current home. He added that he found 2 properties that were similar to the Lizzi's house except they were 2 stories and closer to the front yard setback. He said the applicant's house foundation to the edge of pavement is 44' and will remain a single story house. Magic Landscape has provided the applicant with a professional landscape design. He said the

hardship regarding this application is the undersized lot and this addition is have little or no negative impact on the neighbors. The positive criteria is that the addition will add architectural character to the house with the front porch, extended garage and landscaping. Chairman Fry asked if there was confirmation that the setback of the house is an additional 15'. Township Engineer DiGennaro said the there is an addition 15' which means there is an extra 5' of grass and 20' of asphalt road. He added that the house is 50' off the edge of pavement and the current road is narrow. Board Member Kalpagian said the applicant is proposing 29' from the property line. Township Engineer DiGennaro said the appearance is a unique condition with the addition of a 5' unimproved right of way. Board Attorney Becker said this still does not change the need for a 29' variance. Vice Chairman Ruebenacker said each application stands on its own merit. He said he walked the property and does not think that this addition will enhance the neighborhood. He added that the applicant disregarded the comments of the Board. Mr. Skott said the applicant did not disregard the board's comments. He said by reducing the width of the garage would not accommodate the needed 20' for 2 cars. Board Member Ebel said he appreciates the landscaping in the front yard but you are going to see the garage doors when traveling down the street. Mr. Skott said the garage doors will be tucked in the side of the garage with a 27' side yard setback from the neighbor's property. Board Member Hubert said there are only 2 side loading garages in the neighborhood and the challenge is the 29' front yard setback to the property line. Chairman Fry said the board is struggling with the 29' front yard setback. He said the Board appreciates the left side addition being stepped in to 20'.

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Kathryn Davenport, 315 Martom Road, Wyckoff, NJ was sworn. She said the addition to the front of the Lizzi's house will add some character with a softer curb appeal since it currently has a flat front. She likes the side loading garage and agrees that they will be able to age in place in this home. She would also like to age in place in her home. She said that most of the homes in the neighborhood have added second floors to them and overbuilt on the current foundation. She added that the Lizzi's house will retain the original character of the Knolls Section in Wyckoff.

CLOSED TO THE PUBLIC

Township Engineer DiGennaro said that for the record he asked the architect to state the number of existing bedrooms in the house. Mr. Skott said there are 3 bedrooms and 3 bedrooms will remain and the septic system will remain the same size. Mr. DiGennaro added that a silt fence and tree protection will need to be shown on the site plan, the HVAC will remain in the existing location on the left side of the house and the dimension to the septic tank will need to be identified on the site plan. The Board Members continued to struggle with this application. Chair Fry asked the applicant one more time if they would choose to reconsider and modify the application. The applicant declined this opportunity.

Board Member Yudin made a motion to approve this application as submitted. Second, Board Member Tanis. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert and Ms. Yudin. Voting in denial; Mr. DeLeo, Mr. Ruebenacker and Chair Fry.

SCHOENDORF, WILL & CHARLOTTE BLK 393 LOT 9 (RA-25); 389 Newtown Road. *(The applicant proposes to expand the existing single car garage to a 2 car garage which will encroach into the side yard setback and add a covered front porch).*

Charlotte Schoendorf and Will Schoendorf, the applicants, were reminded by Board Attorney Becker that she was sworn at the previous meeting and remains under oath. Ed Sherman, the

applicant's architect, 26 Smithfield Road, Waldwick, NJ was sworn. He said he is a licensed architect and register in the State of New Jersey and licensed for over 30 years. He added that he has appeared before numerous boards the board accepted his credentials. The Board accepted Mr. Sherman's credentials.

Marked as identification at this time was the following exhibit:

A-2 Revised submittal

Mr. Sherman said the site is an irregular shaped undersized lot. The existing first floor will remain the same except for the addition of the garage. He said the applicant has removed the den closet on the first floor so it will not be considered a bedroom, 4 bedrooms will be located on the second floor, the rear yard deck will be removed, and the principle building area has been reduced by 233 square feet which reduced the gross building area below 3700 square feet. The reduction of the size of the garage, the second floor above garage and the removal of the shed helped the applicant achieve the reduction of 3700 square feet of gross building area. He said the variances are for existing non-conforming lot size, frontage, and the existing side yards of 10.9' where 12.7' will be the new variance request and for the existing right side variance of 12.6' which will remain. The new variance is for principal building of 17.41% where 15% is the maximum allowed due to the size of the property which is 12,380.25 square feet where 25,000 square feet is required in the RA-25 zone. He said by removing the walkway to the deck and the shed the impervious coverage has been reduced by 235 square feet.

Chairman Fry said the applicant has made some nice improvements to the plan. He said the proposed side yard setback of 9' has been increased to 12.7' at the rear corner of the garage. Mr. Sherman noted that the front of the garage is setback 20+ feet from the side property line due to the pie shape of the lot. Chair Fry asked what the height of the structure will be. Mr. Sherman said the home will be 31' to the highest point of the roof line and 29' on the right side of the house where presently it is 18'. Vice Chair Ruebenacker asked what the height of the roof is at the 2 corners of the left side of the house by the sitting room. Mr. Sherman said the height will be 20' to the dormer roof tine and then it extends another 3' to the roof line based on the pitch of the roof. The rear left corner of the roof line of the master bedroom is at 26' to the tip of the roof and 17' at the gutter line. Township Engineer DiGennaro asked if the side yard setback dimensions are to the overhang. Mr. Sherman said the side yard setback dimensions are 11.6' to the soffit overhang on the left side of the house and to the structure on the right side of the house.

Chairman Fry said the shed and deck have been removed. He said the closest point of encroachment is the existing side yard corner setback of the existing garage of 11.6' and the front yard setback of the garage is at 40.1' which is conforming. Mr. Fry said that the size of the property is 50% less in square footage than what is required in this zone. He said the hardship of this application is the pie shape of the lot. He added that the gross building area has been reduced which reduced the side yard setback requirements. Board Member Yudin said the scale of the house is quite large for the size of the lot. Vice Chair Ruebenacker said if this house was situated in an R-15 zone the gross building area would be 2,700 square feet and the applicant is proposing a 3,688 square foot house. He said he struggles with the applicant declaring a hardship due to the size of the lot when the hardship exists due to the size of the house on this lot which is not in the spirit of the township ordinance. Mr. Sherman said the second floor addition will be placed on the existing foundation except for the expanded garage which will maintain a 40' front yard setback. Board Member Kalpagian said this proposed home is not a detriment or out of character to the neighborhood. Will Schoendorf said they are using the property that they

purchased in the most concise way. Charlotte Schoendorf said they have lived in Wyckoff all of their lives and purchased the home knowing that it was substandard in lot area. She added that there have been numerous homes under construction on Newtown Road. She said they have made good faith efforts given the hardships of the size and shape of the property. She said the shed and deck were removed and the garage was reduced from a 2 car garage to a 1 ½ car garage. She said she would like to maintain all the bedrooms on the second floor. Board Attorney Becker said the variance request is for the side yard setback and principal building coverage. Board Member Hubert said he struggles with the side yard setback and size of the house with building on half of what the square footage of the property. Chair Fry said this is not a very large house. He said the principal building coverage is at 17.41% where 15% is required and combined is 20%. Board Member Kalpagian said there the proposed home is 2.5% below the combined requirement. He said the hardship is due to the shape of the lot. Board Member DeLeo said the applicant has made every effort to follow the board's feedback. Board Member Tanis said the amount of garage located in the setback is minimal. He said the odd shaped of the lot is a hardship and the proposed house is not overly excessive in size.

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No one appeared.

CLOSED TO THE PUBLIC

Township Engineer DiGennaro said the site plan will need the location of the silt fence detail, identify the tree protection, locate the air conditioning units, provide landscape plan to show the elimination of the shed, revise Section J of the application, underground utilities and provide a Stormwater Management Plan prepared by a licensed NJ professional engineer. Board Member Tanis made a motion to approve this application subject to the above conditions. Second, Board Member DeLeo. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Kalpagian and Chairman Fry. Voting in denial: Mr. Hubert, Ms. Yudin and Vice Chair Ruebenacker.

APPLICATION(S) – NEW

McHUGH, DANIEL & KATHRYN BLK 466 LOT 52.02 (R-15); 380 Auburn Street. *(The applicant proposes to install a pergola and in-ground swimming which will exceed total accessory structure and total lot coverage).*

Daniel McHugh and Kathryn McHugh, 380 Auburn Street, Wyckoff, NJ were sworn. They said they purchased the house 3 years ago and would like to install a modest sized in-ground pool and pergola for outdoor family dining. They said they were not aware of a non-compliant house pertaining to lot coverage. Chairman Fry said Section J of the application will need to be completed. He said the building coverage is already at 19.2% where 15% is the maximum and the accessory pool and pergola structures will be at 6.2% making the combined principal and accessory structure 25.4% where 20% is the maximum. Mr. McHugh said he looked at the public records of his house and said there was no variance request to construct the house. Chairman Fry said he is concerned with the shallow rear yard and the neighbor who also has a shallow rear yard. He suggested that the pergola be removed which would reduce the accessory structure coverage to 3.5%. Township Engineer DiGennaro said if the pergola was removed the combined lot coverage would be reduced to 22.7% where 20% is the maximum. Mr. McHugh asked if the pergola could be reduced in size. Board Member Yudin said the principle building coverage at 19.2% does not leave room for too much accessory coverage. Board Member Kalpagian said the pool is the smallest pool that can be installed. Board Member Tanis said the entire rear yard

will be pool area with pavers and landscaping. Mrs. McHugh said they are going to have a full landscape plan which will buffer the pergola. He also suggested that the pergola be removed.

Rich Cording, CLC Landscape Design, 58 Ringwood Avenue, Ringwood, NJ was sworn. He said he worked with the applicant in preparing this plan. He said the pergola will be 10' in height and the evergreen screening will also be planted at 10' tall. He said the existing white pines will be removed and emerald green arborvitae will be planted in front of the 5' solid fence. Chairman Fry said the pool cannot be reduced in size but said he would like to see the pergola removed which will lower the combined lot coverage closer to 20%. He noted that there will not be any green space in the rear yard with the proposed pool and pergola. Mr. McHugh agreed that if the pergola is removed there will be more green space. He noted that his children play in the cul-de-sac and side yard of the house. Vice Chairman Ruebenacker asked what the purpose is of the pergola. Mr. McHugh said the sun in the afternoon is very heavy and the pergola will protect them the sun and the rain. Chairman Fry recommended that the pergola be removed which would reduce the combined lot coverage to 22.7%.

OPEN TO THE PUBLIC

Dennis Yackovetsky and Jacqueline Yackovetsky, 387 Cornell Street, Wyckoff, NJ were sworn. They said their rear yard connects with the McHugh's rear yard. They were concerned with the fire pit patio area activity being the closest to their bedroom window and the placement of the pool. They suggested that the pool be moved to the right side or side yard of the McHugh's property. Chairman Fry said that the applicant also has a shallow rear yard and is asking the homeowner to relocate his pool. Township Engineer DiGennaro said the applicant is before the Board this evening requesting a variance for exceeding lot coverage. The pool is conforming with regards to setbacks as submitted. The Wyckoff Code is silent pertaining to fire pits. Mr. Cording said the white pines are dense, they will be removed and 27 - 10' emerald green arborvitae will be planted to screen the neighbor's rear yard. He said the fire pit will be a natural gas fire pit. He added that the pool will be open 4 months of the year and the barbeque and dining area will be located further away from the neighbor's property. The pool filter and heating equipment will be located in the corner of the property away from the neighbor's house. He added that this design accommodates all of the neighbors' concerns. Chairman Fry said the McHugh's are making every effort to screen the pool area. Mr. Yackovetsky asked about the runoff from the pool to the edge of the patio. Chairman Fry said a 1290 seepage pit will be installed in the pool area to capture the water from the pool inlets. Mr. Cording said he has designed the drainage system and it will capture the water which will be an improvement to what currently exists in this area. Township Engineer DiGennaro said the Wyckoff Code requires a Stormwater management plan be designed for a zero net increase in runoff which the design engineer will certify. He said a 1290 gallon seepage tank with inlets and a curtain drain around the ratio has been designed. The plantings along the rear fence will further improve absorption of ground water. The code is designed to address a 10 year 2 hour storm event and this application has met the requirements of the township. Chairman Fry said the applicant is compliant and precautions have been taken for drainage. Mrs. Yackovetsky then asked if a sound system will be put in the pool area. Mr. McHugh said they are installing rock speakers in the pool area that will face towards their house. Mr. Yackovetsky suggested that the pool and fire pit be moved away from his house. Vice Chairman Ruebenacker asked what the distance is from Mr. Yackovetsky's house to the property line. Mr. Yackovetsky said the foundation of his house is 30' from the fence. Township Engineer DiGennaro said the pool is more than 10' from the fence. Chairman Fry said the pool will be at least 40' from the neighbor's house. Mr. Yackovetsky remained concerned with the noise around the fire pit at night.

CLOSED TO THE PUBLIC

Chairman Fry said the pergola will be removed which will make changes to the patio configuration; the landscape plan will need to match the engineering plan; 27 – 10' arborvitae will be planted; Section J will need to be revised to 19.2% remaining as principle lot coverage and 3.5% for the accessory coverage. He added that one variance will be eliminated for the total accessory coverage and the combined lot coverage will be reduced to 22.7% where 20% is required.

Board Member Kalpagian made a motion to approve this application landscape plan to match the engineer plan; remove the pergola. Second, Vice Chairman Ruebenacker. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Ruebenacker and Chairman Fry. Voting in denial: Ms. Yudin.

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There being no further business, a motion to adjourn the meeting was made and seconded and passed unanimously. The meeting concluded at 11:03 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment.