

**WYCKOFF ZONING BOARD OF ADJUSTMENT  
FEBRUARY 16, 2023  
PUBLIC WORK SESSION MINUTES**

Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall  
Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meetings Statement by Chairman Fry:

"The February 16, 2023, 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."*

**ROLL CALL**

Board Members in attendance: Carl Fry, Erik Ruebenacker, Brian Hubert, Nekije Rizvani, Ed Kalpagian, Christopher Joachim, and Doug Messineo.

Absent: Brian Tanis and Mark Borst.

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

**ORGANIZATIONAL BUSINESS**

Nomination of Vice Chairman

Chairman Fry announced that the nomination of Vice Chairman will be temporarily postponed.

**OLD BUSINESS**

Approval of the January 19, 2023 work session and public business meeting minutes.

Mr. Hubert made a motion to approve the January 19, 2023 work session and public meeting minutes. Second, Mr. Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr.

Ruebenacker, Mr. Joachim, Mr. Messineo, and Chairman Fry.

**PAYMENT RESOLUTION #23-02**

Mr. Ruebenacker made a motion to approve Payment Resolution #23-02. Second, Mr. Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Joachim, Mr. Messineo, and Chairman Fry.

**RESOLUTION FOR MEMORIALIZATION**

**185 Jackson LLC 8 Sherwood Lane Block 263 Lot 45**

(The applicant proposes to construct a second story addition and a two-story addition to the rear of the home requiring variance relief for lot area, frontage, front yard setback, both side yard setbacks)

Mr. Kalpagian made a motion to approve the Resolution. Second, Mr. Hubert. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Joachim, Mr. Messineo, and Chairman Fry.

**APPLICATIONS CARRIED**

**Kaldon 301 Wiley Place Block 219 Lot 7**

(The applicant proposes to renovate the existing home and construct an addition of a new front entryway and change the roof line requiring variances for lot area, frontage, front yard setback, both side yard setbacks, and principal building lot coverage)

Chairman Fry announced that the application will be carried to the March 16, 2023 meeting at the request of the applicant.

**Vander Molen 350 Auburn St. Block 470 Lot 1**

(The applicant proposes to add a second story to the existing dwelling and a front porch requiring variance relief)

Mr. DiGennaro provided the following overview of the revised plans submitted by the applicant: At the last meeting, the Board requested that the applicant submit a revised landscape plan which provides additional foundation plantings, and screening around the A/C units. The Board members also recommended changing the roof lines particularly along the sides of the structure due to the nonconforming side yard setbacks. A revised architectural plan prepared by Kenneth Mihalik was submitted with a revision date of 1/24/2023. The roof lines have been changed to a hip roof on both sides of the building. A landscape plan prepared by Peter Cooper, dated 2/1/2023 has also been submitted which shows screening around the A/C units at the left rear Corner of the house and foundation plantings for the front of the house.

Chairman Fry said it looks like they followed the Boards direction and changed the roof design to a hip roof. The landscape plan has been revised however some of the items in the legend do not match the plantings shown on the plan so we will need some clarity on that.

**Haner 282 Voorhis Ave. Block 285 Lot 25.01**

(The applicant proposes to add a second story to the existing dwelling and expand the garage requiring variance relief)



Mr. DiGennaro provided the following overview of the revised plans:

The Board advised that the existing shed has to be relocated because it is partially on the neighbors property. The revised plan shows the shed will be moved and will conform with the required accessory structure setback. The applicant was also asked to lower roof ridge and it appears it has been reduced by 4'. The height was previously proposed to be 29.6' and the revised plan shows the proposed building height is 25.6'. Hardie board siding is specified on the revised plan. The only question I have is about the compost structure in the rear as it is not identified as to be removed so we will get some testimony about that structure.

Chairman Fry said that at the last meeting the applicant stated he would remove the compost structure. Mr. Fry also said he has questions about the square footage calculations of the detached garage, the deck, and the house. Mr. DiGennaro said the deck should not be included in the calculation because it is an at grade deck.

**Kuhnert 240 Eastview Terr. Block 394 Lot 9**

(The applicant proposes to add a second story and expand the garage requiring variance relief)

Mr. DiGennaro provided the following overview of the revised plans:

At the last meeting the Board advised the applicant to reduce the mass on the right side of the structure, reduce the height, and bump the second story in on the left side in to 12'. They reduced the gross building area by 108 sf, reduced the footprint of the house by 93 sf, reduced the height by 1', and reduced the size of the front porch size however they did not bump in the second story addition on the left side. The proposed lot coverage has been reduced from 21.7% to 20.69%. The revised plans have a revision date of 1/19/2023.

Chairman Fry said the Board really did not want the left side built up at the existing setback. Recommendations were made to shift the mass of the second story to the rear however it does not look like they did anything with that. The mass is still all on the right side of the house which we has asked the applicant to minimize. No significant changes have been made to the plans from what I can see.

Mr. Ruebenacker said the Board had concerns about both sides due to the setbacks and no changes were made to the right side. All of the mass is still proposed on the right 12' from the property line.

**NEW APPLICATIONS FOR PUBLIC HEARING**

**Driggs 439 Lincoln Ave. Block 491 Lot 28**

(The applicant proposes to construct a second story to the existing home requiring variance relief for principal building front and rear yard setbacks, and accessory structure rear and side yard setbacks)

Chairman Fry announced that the application will be carried to the March 16, 2023 meeting at the request of the applicant.

**MacLaren 363 Lakeview Dr. Block 324 Lot 14**

(The applicant proposes to enlarge the existing home requiring variance relief for both side yard setbacks due to the enhanced side yard setback requirement)

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

I have reviewed the Architects plan prepared by JCA Architecture, last revised 2/10/23, landscape plan prepared by Vision Scape dated 1/11/23, application and photos. The existing single family dwelling is situated in the RA-25 zone and is non-conforming as to enhanced side yard setback. The applicant is proposing to add a second story above the garage, expand the first floor to the rear and add a front covered porch. The lot area, frontage, front yard setback, rear yard setback, depth, and lot coverage are all conforming. Existing side yard #1 setback is 21.9' and proposed is 20.4'. Existing side yard #2 setback is 21' and 20.6' is proposed where 25' is the requirement for each side. Stormwater management is not applicable. The property is served municipal sewer.

Chairman Fry said this is a conforming lot except it does have a slight taper. The applicant has identified this as a hardship variance. The house is already inside the enhanced side yard setback due to the existing gross building area. They are expanding out the rear of the home so we should hear testimony on why they could not make the rear addition conform with the enhanced setback requirement on the left side of the addition by pushing it the right. The landscape plan is very thorough.

Mr. Hubert said he would like to hear testimony on the existing and proposed height of the building.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 7:55 pm.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment

## WYCKOFF BOARD OF ADJUSTMENT

### FEBRUARY 16, 2023 PUBLIC BUSINESS MEETING MINUTES

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

The meeting commenced with the reading of the Open Public Meetings Statement by Chairman Fry:

"The February 16, 2023, 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, Erik Ruebenacker, Brian Hubert, Nekije Rizvani, Ed Kalpagian, Christopher Joachim, and Doug Messineo.

Absent: Brian Tanis and Mark Borst.

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

#### OLD BUSINESS

Approval of the January 19, 2023 work session and public business meeting minutes.  
The meeting minutes were approved during the work session.

#### PAYMENT RESOLUTION #23-02

The Payment Resolution was approved during the work session meeting.

#### RESOLUTION FOR MEMORIALIZATION



**185 Jackson LLC 8 Sherwood Lane Block 263 Lot 45**

(The applicant proposes to construct a second story addition and a two-story addition to the rear of the home requiring variance relief for lot area, frontage, front yard setback, both side yard setbacks)

The Resolution was approved during the work session meeting.

**APPLICATIONS CARRIED****Kaldon 301 Wiley Place Block 219 Lot 7**

(The applicant proposes to renovate the existing home and construct an addition of a new front entryway and change the roof line requiring variances for lot area, frontage, front yard setback, both side yard setbacks, and principal building lot coverage)

Chairman Fry announced that the application will be carried to the March 16, 2023 meeting at the request of the applicant.

**Vander Molen 350 Auburn St. Block 470 Lot 1**

(The applicant proposes to add a second story to the existing dwelling and a front porch requiring variance relief)

Mr. Joachim recused himself and stepped down from the dais.

Bruce Whitaker, the applicant's Attorney stated that the application was presented at the last meeting at which time the Board made some suggestions to revise the roof line and to submit a more robust landscape plan. Mr. Mihalik, the applicant's Architect will provide the Board with the details of the revisions made to the plan.

Kenneth Mihalik, the applicant's Architect, was reminded that he was previously sworn and is still under oath. Mr. Mihalik provided the following details of the revised plan:

You may recall that the plan we presented at the last meeting showed the home with a proposed new second story with a gable roof facing towards the street. The Board expressed concerns that the massing looked too heavy, so we changed the roof line from a gable to a hip thereby reducing the mass of the roof. The modifications do not change any of the variances we are seeking.

Chairman Fry asked for confirmation that all of the other dimensions are staying the same and only the roof line was changed. Mr. Mihalik stated that is correct.

Mr. Whitaker said we have also submitted a revised landscape plan prepared by Peter Cooper. We are proposing a double row of year-round foundation plantings in the front.

Chairman Fry pointed out discrepancies with the plan and the plant legend stating that he finds the plan confusing. He asked that the plan be revised and resubmitted.

Mr. Ruebenacker voiced displeasure that the second story was not stepped back considering the existing side yard setbacks. However, he said he takes into consideration the fact that the house is on a cul-de-sac, and there are no neighbors to the left or rear.

Ms. Rizvani said she likes the hip roof and finds it aesthetically pleasing.

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

Mr. Kalpagian made a motion to approve the application with the condition that the landscape plan will be revised, and the plantings will match the legend. Second, Mr. Hubert. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Messineo, and Chairman Fry.

Mr. Joachim returned to the dais.

**Haner 282 Voorhis Ave. Block 285 Lot 25.01**

(The applicant proposes to add a second story to the existing dwelling and expand the garage requiring variance relief)

Scott Bella, the applicant's Architect, was reminded that he was previously sworn and is still under oath. Mr. Bella stated that as per the discussion at last month's meeting we made some changes to the plans. We are seeking two (2) variances for the front yard setback and side yard setback. We lowered the front and rear roof plate by 2' and further reduced the roof pitch by another 2' for a total reduction in height of 4'. We originally proposed a height of 29.6' and we are now proposing a height of 25.6'. In addition we are proposing to relocate the existing nonconforming shed to meet the 6' setbacks. The composting structure has already been removed from the property and I have noted on the plans that Hardie board siding is proposed.

Mr. Becker clarified that the applicant is seeking variances for both side yard setbacks and the front yard setback for a total of three (3) variances.

Chairman Fry asked if any dimensional changes other than the height were made to the plans. Mr. Bella stated only the height was changed.

The Chairman said the shed will be relocated as shown on the revised plan. This application is definitely a hardship with the 50' lot width and the existing side yard setback of 3.8' adding that it is nice improvement.

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

Mr. Hubert made a motion to approve the application as amended. Second, Mr. Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Joachim, Mr. Messineo, and Chairman Fry.

**Kuhnert 240 Eastview Terr. Block 394 Lot 9**

(The applicant proposes to add a second story and expand the garage requiring variance relief)

Ed Sherman, the applicant's Architect, was reminded that he was previously sworn and is still under oath. Mr. Sherman explained that he is now proposing to cantilever the middle portion of the second story 2' to the front of the home, over the proposed front porch and is no longer expanding over the left side of the house.

Chairman Fry asked what the side yard setback will be to the second story on the left side of the



house. Mr. Sherman stated the setback will be approximately 18' to the second story on the left side. The existing second story bedroom on the left side will remain as is.

The Chairman said the Board had concerns about the mass on the right side at 12.8' and had recommended bumping the addition in on that side which he was hoping to see on the revised plan. Mr. Sherman stated that they are not proposing to build over the existing enclosed porch in the right rear of the house. He went on to say we are expanding the garage towards the front to enlarge the enclosed porch in the rear to create a family room. We have also lowered the building height by 1' from 28' to 27'. The height in the front will actually be less because the lowest point of grade is in the rear of the house.

Mr. Ruebenacker said he is struggling with bringing the mass towards the front of the house however it is outside the front yard setback. He pointed out that the side yard setback at the right front corner of the house is 20.2' where 20' is required and then the pie shaped lot tapers in from that point. Chairman Fry said the pie shaped lot is a hardship.

Mr. Messineo said he likes the fact that there is no gable end on the right side.

Mr. Kalpagian said he would have liked to see the mass on the right side reduced and pushed more towards the center and the rear however it is just not practical.

Chairman Fry expressed concerns about runoff on to the neighboring property to the right and asked if they are proposing any seepage pits. Mr. Sherman stated they are not required to install a seepage pit with this addition.

Mr. Hubert said the property slopes to the neighbor on the right side which is where the runoff will go. Mr. Sherman said the applicant testified at the last meeting that there is no runoff on the site.

Mr. Fry asked where the water from the gutters will be captured. Mr. Sherman stated that he was considering running the gutter on the right side towards the front to the driveway which pitches towards the street. The only water coming off the rear will be from the one-story portion of the home. He went on to say that there will be less water going to the rear than there is under the current conditions.

Mr. DiGennaro suggested running a pipe underground along the right side of the house from the back to the front and daylight the pipe to send all the runoff to the street.

Mr. Joachim pointed out that the grade of the property is lower in the rear than in the front so the water is not going to run up elevation to the front. Mr. Sherman said he can place the gutter towards the front of the house so it does not dump water in the rear.

Mr. Ruebenacker said he has concerns about runoff from the roof line dumping water out on the right side of the house 20' from the property line and asked why we can't request that a drywell be installed. Mr. DiGennaro said if the applicants wished to do so voluntarily they could however, it is not required for this project. He added that there are no neighbors here complaining about runoff.

Mr. DiGennaro said the existing septic system is for a four (4) bedroom house. The applicant is proposing four (4) bedrooms upstairs however the first floor dining room and den have closets. He recommended that the Resolution state that the home must remain a four (4) bedroom home.



unless the homeowner expands the septic system.

Chairman Fry asked how far the A/C units are from the property line. Mr. Sherman stated they will be in the rear of the house approximately 12' from the property line.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Ruebenacker asked about the proposed siding. Mr. Sherman stated the entire house will receive new vinyl siding.

Chairman Fry summarized by stating the dwelling must remain a four (4) bedroom house unless the septic system is expanded, new vinyl siding to match throughout, and roof gutters will be carried towards the front of the property.

Mr. Ruebenacker made a motion to approve the application as revised and with the aforementioned conditions. Second, Mr. Kalpagian. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Joachim, Mr. Messineo, and Chairman Fry.

#### **NEW APPLICATIONS FOR PUBLIC HEARING**

##### **Driggs 439 Lincoln Ave. Block 491 Lot 28**

(The applicant proposes to construct a second story to the existing home requiring variance relief for principal building front and rear yard setbacks, and accessory structure rear and side yard setbacks)

Chairman Fry announced that the application will be carried to the March 16, 2023 meeting at the request of the applicant.

##### **MacLaren 363 Lakeview Dr. Block 324 Lot 14**

(The applicant proposes to enlarge the existing home requiring variance relief for both side yard setbacks due to the enhanced side yard setback requirement)

Mr. Messineo recused himself and stepped down from the dais.

Alison MacLaren, the applicant, was sworn. Ms. MacLaren stated that she, her husband, and their three (3) children currently live in the home. They love their home and neighborhood. She said that she would appreciate the opportunity to renovate the house to better fit the family's needs.

Joseph Cestaro, the applicant's Architect, was sworn. He stated that he is a licensed Architect in the State of New Jersey in good standing and has appeared before this Board numerous times. He was recognized by the Chairman as an expert in Architecture. Mr. Cestaro then provided the following details of the plan:

The house was built in the 1970's. We are proposing an addition to the rear of the home to expand the kitchen, breakfast area, entryway, mud room, and laundry room. We are also proposing to add some living space above the garage. The variances we are requesting are for the enhanced side yard setback requirement. The addition will go straight back off the rear of the home. It will be a one-story addition with a left side yard setback of 20.4' to the overhang

where 25' is the requirement. We looked at numerous options for the addition however, architecturally, the option we are proposing makes the best sense.

Mr. Hubert mentioned the existing small addition in the rear of the house and asked if any consideration had been given to removing it to facilitate pushing the proposed addition over to the right and out of the enhanced side yard setback.

Mr. Cestaro stated that they looked at many different options for the addition. The purpose of the proposed location is the existing entryway on the left front side which the family uses as their main entrance to the home. He added that the lot is conforming, unfortunately, the lot tapers in slightly on the left side, which is why the addition will be in the enhanced setback.

Mr. Becker said the public notice states this application is for a hardship variance and asked if the hardship is the odd shaped lot. Mr. Cestaro said he believes that is the hardship. A discussion ensued about the difference between a hardship variance and a flexible variance.

Chairman Fry stated that the lot is conforming at 25,010 sf where 25,000 sf is required, and the width is also conforming therefore you need to prove your case for a hardship variance or build the addition outside the setback.

Ms. MacLaren said the lot is shaped like a trapezoid; wider in the front and tapered in slightly as it goes back. She added, if the lot was a perfect rectangle, I don't believe we would have the setback issue. Ms. MacLaren also pointed out that there is a substantial amount of screening between her property and her neighbor to the left adding that the house to the left also sits up significantly higher due to the grade of the slope.

Mr. Ruebenacker suggested moving the laundry room, which is part of the new addition, upstairs to the second floor. Ms. MacLaren stated that she is very happy with the setup of the second floor, and the size of the bedrooms so she really does not want to make any changes.

Chairman Fry said in this case, the encroachment into the enhanced setback is de minimis. He also said that he is not thrilled with the fact that the lot is conforming, and the addition can't be moved over to make it conform however the odd shape of the lot makes it difficult.

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

The Chairman said the submitted landscape plan is very well done.

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

Mr. Messineo returned to the dais.

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 9:10 p.m.



**02-16-2023PM**

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**Board of Adjustment**

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment