

**WYCKOFF ZONING BOARD OF ADJUSTMENT  
JUNE 15, 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 Vice Chairman Borst:

"The June 15, 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. Borst 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."*

Vice Chairman Borst Chaired the meeting in Chairman Fry's absence.

**ROLL CALL**

Board Members in attendance: Mark Borst, Erik Ruebenacker, Nekije Rizvani, Brian Tanis, Brian Hubert, Chris Joachim, and Doug Messineo.

Absent: Carl Fry and Ed Kalpagian.

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

**OLD BUSINESS**

Approval of the May 18, 2023 Work Session and Public Business Meeting minutes.

Mr. Hubert made a motion to approve the May 18, 2023 Work Session and Public Business Meeting minutes. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Messineo and Vice Chairman Borst. Abstained: Mr. Joachim.

**PAYMENT RESOLUTION #23-06**

Ms. Ruebenacker made a motion to approve Payment Resolution #23-06. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Messineo and Vice Chairman Borst. Abstained: Mr. Joachim.

#### **RESOLUTION FOR MEMORIALIZATION**

##### **Bickford 514 Hopper Ave. Block 516 Lot 11**

(The applicant proposes to construct a roof over the front entryway requiring variance relief for the front yard setback)

Mr. Hubert made a motion to approve the Resolution. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, and Vice Chairman Borst. Abstained: Mr. Messineo and Mr. Joachim.

##### **Fox 416 Flaker Drive Block 483 Lot 21**

(The applicant proposes to install an emergency backup generator in the side yard setback requiring variance relief)

Mr. Hubert made a motion to approve the Resolution. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Messineo, and Vice Chairman Borst.

##### **Eastern Christian School 518 Sicomac Ave. Block 400 Lot 11**

(An application for a Deviation from Standard of Conditional Use to construct two temporary classroom buildings on the campus requiring variances)

Mr. Hubert made a motion to approve the Resolution. Second, Mr. Messineo. Voting in favor: Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, and Mr. Messineo. Abstained: Mr. Tanis, Mr. Joachim, and Vice Chairman Borst.

#### **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)

Mark DiGennaro, the Township Engineer provided the following details of the revised application and plans:

The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, front yard and side yard setbacks, principal building lot coverage. The applicant is proposing to improve the property by removing the flat roof, garage, and breezeway to construct an attached 1 car garage and 2<sup>nd</sup> story addition. This application was previously heard by the ZBA in November 2022 and the application has been significantly revised. The existing lot consists of 12,423 sf where 25,000 sf is the requirement, and lot frontage is 75' where 125' is the requirement. The existing front yard setback is 31.41', and proposed is 36' where 40' is the requirement. The existing side yard setback #1 is 0.56' and proposed is 2.72'. Existing side yard #2 is 1.11' and proposed is 24.5' where 20' is the requirement for each side. The existing principal building lot coverage is 16.9% and proposed is 17.7% where 15% is the maximum allowed. The following list of items must be addressed by the applicant's Engineer:

A.Engineering Plan



- a. No fabric below proposed drywell.
  - b. Clean crushed stone surrounding drywell to be specified to be 1-1/2" material.
  - c. Septic for Lot 8 appears to be within 50' of proposed drywell and septic for Lot 6 is also located in the rear yard. Application does not consider locations of existing adjacent septic systems which must be verified by design engineer. Locating the drywell in the front yard may be best alternative.
  - d. Drywell is being proposed to capture entire roof area of structure to address runoff concerns by neighbor during last public hearing.
  - e. Engineer must include a statement that the proposed drywell design will result in a zero net increase in runoff from the developed site on the design submittal.
  - f. Property is currently served by municipal sanitary sewer which was completed last month. Plan should show location of building lateral and cleanout.
  - g. Mechanicals must be located on the plan with appropriate evergreen landscape screening. A/C and generator, if proposed.
  - h. Proposed American Red Maples to be specified by caliper size, minimum 2" DBH.
- B. Architectural
- a. Siding material not specified.

Mr. Ruebenacker said that in his opinion, the proposed five bedroom house, with very minimal living area, is too much for the lot. He also expressed concerns about the fact that the five bedroom house will only have a one car garage therefore the potential exists for creating a problem with parking cars on the street.

Vice Chairman Borst said his concern is the fact that the elevations do not show any windows and that he would like to see what the exterior walls are going to look like, and the siding is not specified on the plans.

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

##### **185 Jackson, LLC 190 Crescent Ave. Block 265 Lot 67**

(The applicant proposes to construct an addition to the home requiring variance relief for lot area, frontage, and both side yard setbacks)

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

I have reviewed the survey dated 5/16/22 prepared by Steven L. Koestner, PE, LS, architectural plan prepared by RA Puzio, AIA, dated 8/8/22, revised thru 3/3/23, site plan prepared by Steven L. Koestner, PE, LS last revised 4/17/23, application and photos. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, and side yard setbacks. The applicant is proposing to improve and expand the dwelling by adding a two story addition. The existing lot area is 16,450 sf where 25,000 sf is the requirement. Lot frontage is 80' where 125' is the requirement. Existing side yard setback #1 is 3.53' and proposed is 3.0' to the overhang. Existing side yard setback #2 is 10.42' and proposed is 10.42' to the overhang where 25' is required for each side due to the gross building area triggering the enhanced side yard setback requirement.

Vice Chairman Borst said they are requesting six variances in total. Mr. Becker said a variance was previously granted in 1961 for the right side yard setback.

Ms. Rizvani pointed out that sheet A-1 shows a covered patio however the site plan does not show that. Mr. Joachim said it looks like the second story addition is being built above the porch area to create a covered porch.

Mr. Borst said he is happy to see they loaded the mass of the second story to the right side of the house rather than the left and that he would like to hear testimony on how far out of the required 25' setback the second story is on the left side. Mr. Messineo said it looks like the setback to the second story addition is about 12'.

Vice Chairman Borst said the landscape plan needs help because they are only proposing a couple of perennials, six shrubs, and two trees. Mr. Hubert said it looks like some trees were already removed and that he would like to hear testimony on whether the trees fell down or if they were taken down prior to the submission of the application to the Zoning Board which often happens.

**Liu 451 Russell Ave. Block 336 Lot 13**

(The applicant is seeking a front yard setback variance for a roof over the front landing in the front yard setback)

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

I have reviewed the plot plan and architectural plan prepared by William Brown, Jr. AIA, last revised 5/3/23, sheet SP-1 and A -3, and the application. The existing single family dwelling is situated in the RA-25 zone and is non-conforming as to lot area, frontage, front yard setback, and side yard setback. The applicant is seeking to permit the existing non-conforming front porch constructed by the previous owner prior to the purchase of the property. The existing lot area is 21,789 sf where 25,000 sf is required, and lot frontage is 100' where 125' is required. The existing and proposed front yard setback is 26.39' where 40' is the requirement. Existing and proposed side yard #1 setback is 19' where 20' is required. Stormwater management is not applicable, and the property is served by a septic system.

Board Attorney Becker asked if it was discovered that the portico was constructed without a variance when the homeowner went for a certificate of occupancy at the time of the sale, or at transfer of title. Mr. DiGennaro said he believes it happened at transfer of title however he is not sure of exactly how this happened. Mr. Becker said he assumes that the homeowner got the CO and then after the fact he was told that he has to fix the problem which should have been the previous owners responsibility.

Vice Chairman Borst said that basically the current owner bought the home with the existing portico, and then found out that there were no permits, so now he is here to ask if he has to take it down. Mr. Hubert pointed out that the portico is minimal in size.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:02 pm.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment



## WYCKOFF BOARD OF ADJUSTMENT

### JUNE 15, 2023 PUBLIC BUSINESS MEETING MINUTES

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Mr. Borst 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."*

Vice Chairman Borst Chaired the meeting in Chairman Fry's absence.

#### **ROLL CALL**

Board Members in attendance: Mark Borst, Erik Ruebenacker, Nekije Rizvani, Brian Tanis, Brian Hubert, Chris Joachim, and Doug Messineo.

Absent: Carl Fry and Ed Kalpagian.

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

#### **OLD BUSINESS**

Approval of the May 18, 2023 Work Session and Public Business Meeting minutes.  
The minutes were approved during the Work Session.

#### **PAYMENT RESOLUTION #23-06**

The Payment Resolution was approved during the Work Session.

#### **RESOLUTION FOR MEMORIALIZATION**

**Bickford 514 Hopper Ave. Block 516 Lot 11**

(The applicant proposes to construct a roof over the front entryway requiring variance relief for the front yard setback)

**Fox 416 Flaker Drive Block 483 Lot 21**

(The applicant proposes to install an emergency backup generator in the side yard setback requiring variance relief)

**Eastern Christian School 518 Sicomac Ave. Block 400 Lot 11**

(An application for a Deviation from Standard of Conditional Use to construct two temporary classroom buildings on the campus requiring variances)

The Resolutions were approved during the Work Session.

**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)

Bruce Whitaker, the applicant's Attorney, came forward. He stated that he was not representing the applicant when the application was first presented to this Board back in November of 2022.

The plan has been greatly revised based on comments made by the Board at the November meeting and is a much more appropriate plan for the streetscape and the neighborhood. We have a lot that is deficient in area by half of what is required. The existing lot width is 60% of what is required. We have pre-existing nonconforming front yard setback, both side yard setbacks, and lot coverage. We are proposing to create a structure that is appropriate for the lot. The lot coverage is di minimis over what is currently existing, and we are proposing a garage which is required under your ordinance.

Thomas Ashbahian, a Licensed Professional Engineer, Architect, and Planner was sworn in and provided the following details of the revised plans:

We heard the Board's comments at the last meeting. The building now is a much more compact design. The front elevation has a series of gable lines. We now have a garage. By taking down the secondary structure on the left we have eliminated a nonconformity, opened up the side yard considerably, and created access to the rear yard. The southerly side yard setback will now be conforming at 24.5' where 20' is the requirement. We are proposing a second story over 60% of the first floor. The second floor will contain three bedrooms, two bathrooms, and laundry area. There are two existing bedrooms on the first floor. One of the bedrooms on the first floor could be used as an office or a playroom. We are creating conventional hip roof overhangs. The principal building lot coverage is going to increase from 16.9% to 17.7% due to the addition of the proposed attached garage. The existing footprint is a brick structure which we will build upon. The proposed height is approximately 30' which is well below the permitted 35'. The entire existing building is brick which will remain. The second story will be sided with horizontal Hardie board with some vertical accents. We will accommodate all of Mr. DiGennaro's comments made during the Work Session meeting. We have not yet designated a location for the A/C units however they will be in the area of the stone patio and will be outside of the side yard setback. We are proposing three red maples across the front of the property, a screening panel of emerald green arborvitae, an arrangement of hydrangea, cypress, sea green junipers, and an assortment of perennials. Finally



Mr. Ashbahian stated that under the C1 criteria, the law recognizes that due to the size, the shape and the arrangement of the property, variances can be granted. In this case, the lot area is less than half of what is required. Under the C2 criteria, the existing building is unsightly and outdated. We are proposing to modify a lawfully existing structure which will create a much more aesthetically pleasing building which will be no detriment to the neighborhood or the zoning ordinances of the Township of Wyckoff.

Mr. Hubert asked about the size of the two existing bedrooms on the first floor. Mr. Ashbahian said they are approximately 13' x 18' in size and the proposed second floor bedrooms are smaller.

Mr. Ruebenacker pointed out that the second story is bumped in and asked for clarification on the second story dimension to the property line. Mr. Ashbahian stated that the house is skewed so at its closest it will be 10.5' and at the widest part it will be 12' from the property line.

Mr. Tanis asked about the ceiling height for the first and second floors. Mr. Ashbahian stated the first floor ceiling height will be 9' and the second floor ceiling height will be 8'.

Vice Chairman Borst said he has a problem with the fact that there are no windows shown on the rear and side elevations on the plan. Mr. Ashbahian stated he felt that the side and rear windows were not of any significance, and that they will of course be shown on the construction sets. He added that the windows are all indicated on the floor plan. Mr. Borst also said the rear elevation does not show a hip roof on either end. Mr. Ashbahian stated all of the roof lines will be hipped.

Mr. Hubert asked about the basement and if there is a bathroom down there. Mr. Ashbahian stated that the basement is fairly large and is unfinished. There are currently some mechanicals in the basement as well as a fireplace. He added that he does not believe there is a bathroom in the basement because due to the fact that there was a septic system prior to connecting to sewer.

Vice Chairman Borst asked if the steps shown on the interior floor plan lead to the basement to which Mr. Ashbahian replied yes. Mr. DiGennaro asked if the exterior steps to the basement are to remain to which Mr. Ashbahian again replied yes. Mr. DiGennaro suggested that the Board include something in the Resolution which states the basement cannot be used as a second housekeeping unit. Mr. Ashbahian stated you can't have bedrooms in that basement without building extensive wells for egress.

Mr. Joachim said he thought a pre-existing stairwell to the basement would have to be covered with renovations so that you could not have an open stairwell. Mr. Ashbahian stated that applies to commercial applications only.

Mr. Tanis said he thinks the revised plan is significantly better than the original submission adding that the first plan was a non-starter. He said this new proposal will be a huge improvement and fit in much better with the neighborhood.

Mr. Ruebenacker said he has concerns about the five bedroom home, 2' off the property line, with only a one car garage because he does not want to see that little street turn into a parking lot. He said he would like to hear testimony by the owner/applicant about the intent of the two existing bedrooms on the first floor. Mr. Whitaker stated that in today's world, most homes consist of four bedrooms and an office so we can take the closet out of one of those rooms.

Mr. Hubert agreed saying that two adults and three children can potentially mean the two cars in

the driveway suddenly turn into five cars and three of them have to park on the street.

Vice Chairman Borst asked for testimony about the existing retaining wall on the property. Mr. Ashbahian stated that there is a grade differential so we can't make the walls disappear. Mr. Borst said he would want to see the neighbor on that side accommodated. Mr. Ashbahian stated we can stipulate to leaving the wall and finishing it; it can be capped with stone.

Regarding the landscaping, Mr. Borst recommended swapping out the emerald green arborvitaes for an alternative because the deer will eat the emerald greens within a month. He also advised planting larger red maples than what is proposed on the plan.

#### OPEN TO THE PUBLIC

Charles McKearnin, who resides at 299 Wiley Place, was sworn in. Mr. McKearnin commented on the existing retaining wall which he stated encroaches onto his property. He said there is a deed which states that if and when the wall is replaced, it is to be move off of his property and he would like to see the wall improved.

Caren Scoropanos, who resides at 294 Wiley Place, was sworn in. Ms. Scoropanos stated that she is concerned about the five bedroom house, and cars parking on the street. She added that the street is narrow, and it is very difficult for a school bus or garbage truck to get down the street because cars are parked on both sides of the street.

#### CLOSED TO THE PUBLIC

Vice Chairman Borst said the Board cannot stipulate how many bedrooms a home can have. Mr. Ruebenacker said the challenge is that all of the bedrooms on the right side of the house, on both the first and second floors, are in the side yard setback. Mr. Becker said there was some mention of removing a closet in one of the bedrooms. Mr. Whitaker stated that there is no ordinance that limits the number of bedrooms and opined that it would be discriminatory, adding that the bedroom count is not something that comes into the planning aspect. Mr. Ruebenacker stated that the setbacks of the structure do however come into the planning aspect, and that he will make his decision based on the proposed setbacks.

In summary, Mr. Whitaker stated that the proposed plan is viable for this site. The site fits within the scope of the C1 and C2 criteria. There is a lawfully exiting structure on a lot that is substandard. We are eliminating an existing nonconformity, and what is proposed is much better than what is there now.

Regarding the landscape plan, Mr. Borst asked that the proposed emerald green arborvitaes be switched out with green giant arborvitaes, at a height of 6' to 7', as they are more deer resistant. He also asked that the proposed red maples across the front of the property be of 2" to 2 1/2" caliper and that they are not planted in the right of way. Lastly he asked that the proposed sea green junipers be 5 gallon size instead of the proposed 3.25 gallon. Mr. Whitaker said that can all be stipulated.

Mr. Tanis made a motion to approve the application with the stipulations listed in Mr. DiGennaro's Technical memorandum, the landscape plan changes recommended by Mr. Borst, and single housekeeping unit. Second, Mr. Joachim. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Joachim, Mr. Messineo, and Vice Chairman Borst. Voting against: Mr. Ruebenacker.



**NEW APPLICATIONS FOR PUBLIC HEARING****185 Jackson, LLC 190 Crescent Ave. Block 265 Lot 67**

(The applicant proposes to construct an addition to the home requiring variance relief for lot area, frontage, and both side yard setbacks)

Bruce Whitaker, the applicant's Attorney, came forward and provided the following details of the application:

The applicant proposes to renovate the existing home. We have a lot that is nonconforming with an area of 16,450 sf where 25,000 sf is required in the RA-25 zone. We have a lot width of 80' where 125' is required and we have side yard setbacks of 11.52' and 3.53' where 20' is required for each side yard. You acknowledged during the work session that there was a variance granted on this property in 1961. The applicant is proposing to maintain the setback of 11.52' on the south side of the property. We now have a side yard setback requirement of 25' because we are proposing a gross building area of 4,074 sf. There is a nonconforming side yard setback of 3.53' which will remain for the existing one story garage, but we are stepping back the second story over the garage approximately 13'. The nonconforming lot is the hardship. The proposed building will meet the maximum permitted lot coverage percentage even though the lot is deficient in area and width. Variance relief is appropriate under the C1 criteria due to the existing nonconformities of the lot, and the C2 criteria because what is proposed will be much more aesthetically pleasing than what exists. I heard the comments during the work session about the landscaping and we will stipulate that we will meet all of the conditions listed in Mr. DiGennaro's technical report, and we will supplement the landscaping plan in any manner suggested by the Board.

Steven Koestner, the applicant's Engineer was sworn in, provided his professional credentials, and was accepted as an expert in the field of Engineering. Mr. Koestner provided the details of the site plan which he prepared, last revised on 4/17/2023:

There is presently a one-story structure with a two-car garage on the property. We are proposing to add a second story addition however, the second story will only cover a portion of the existing first story. The second story will be indented 13.52' on the northerly side of the building. The setback on the southerly is and will remain 11.52'. Due to the gross building area exceeding 3,700 sf, the required side yard setbacks are 25' on each side. We are adding a 500 gallon seepage pit in the rear yard to collect runoff from the roof leaders. We added some landscaping to the plan which will be enhanced. We do meet the building coverage requirement at 14.4%. Proposed building height is 32' where 35' is permitted. We are not exacerbating any of the pre-existing nonconformities on the lot.

Mr. Hubert pointed out that two trees were recently taken down and asked if that was because of the proposed location of the seepage pit. Mr. Koestner stated that he does not know why and when the trees were taken down. Mr. Whitaker said the applicant is not present to testify.

Robert Puzio, the applicant's Architect, was sworn in, provided his professional credentials, and was accepted as an expert in the field of Architecture. Mr. Puzio provided the details of the architectural drawings, which he prepared and revised through 3/3/2023:

We are proposing to turn this house into a two-story center hall colonial where we are moving all of the bedrooms to the second story. We will open up the first floor which consists of the kitchen, living room, dining room, family room and mud room with a staircase in the center foyer. The second story will consist of the primary bedroom, three additional bedrooms, three bathrooms, and a laundry room. We are proposing a gable roof, and Hardie siding with stone veneer.

Mr. Ruebenacker said the required setback is 25' and the proposed setback to the second story addition is 13.52' which is only about half way to where it should be. He asked if any thought was given to getting the second story closer to the 25' setback verses 13.52'. Mr. Puzio stated they thought about it however they would not be able to accommodate the primary bedroom if they had to meet the 25' setback. Mr. Ruebenacker pointed out that there is a lot of living space proposed in that second story addition; large bedrooms, dressing room, laundry room, and an open foyer to the first floor below, adding that it doesn't look like much effort was put into getting the addition closer to the required setback. Mr. Puzio said if the second story were to be pushed further back, the house would look out of balance.

Mr. Tanis agreed with Mr. Ruebenacker saying the applicant needs to get the gross building area down below 3,700 sf adding that you could easily lose 300 sf from the house because there is a lot of extra living space proposed. He pointed out that the master bedroom suite is very large. In addition to that there is a dressing room and an open foyer taking up a lot of space. Mr. Tanis said that in his opinion, once you exceed 3,700 sf of gross building area on a lot this size, the hardship is self-inflicted.

Mr. Whitaker stated if that is the general consensus, we will carry the application and submit a redesigned plan.

Vice Chairman Borst said he understands the hardship of the nonconforming lot however he does not understand going over 3,700 sf of gross building. He went on to say that if he saw smaller rooms on the second floor he would better understand the hardship. Mr. Borst said he would also like to see a better landscape plan with little more detail and a little more screening for the house.

Mr. Tanis asked if underground electric would be feasible. Mr. Koestner said generally speaking we like to keep it overhead so that we don't have to dig up the street. Mr. Becker said we encourage underground electric if the utility pole is on your side of the street. Mr. DiGennaro said Crescent Avenue is unique in that the property lines and right of way lines are a little dicey. He advised contacting the utility company to see if it is feasible.

Mr. Ruebenacker stated the guidance is to get the gross building area below 3,700 sf, and try to get as close as possible to the 20' setback on the left side.

Board Attorney Becker announced that the application will be carried to the July 20, 2023 meeting without further public notice.

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

Vice Chairman Borst asked that the location of the A/C units be verified on the revised plans.

**Liu 451 Russell Ave. Block 336 Lot 13**

(The applicant is seeking a front yard setback variance for a roof over the front landing in the front yard setback)

Santo Alampi, the applicants Attorney, came forward to present the application. He placed on the record that he did not handle the transaction for the applicant at the time of the purchase of the home. Mr. Alampi explained that the applicant purchased the property, closed on the property,



and a Continued Certificate of Occupancy (CCO) was not issued. He said his client was led to believe by the seller that the CCO was issued. The purchase transaction took place in 2021 when we were still under the covid pandemic restrictions, so closings were happening by mail. When the applicant was unable to obtain the CCO from the seller, he began communicating directly with the Township in an attempt to obtain the CCO. He was told by the Construction Official, after an inspection, that the portico was built without permits. After that, the applicant retained me to handle the matter and subsequently submitted the variance application. Mr. Alampi stated that he believes the application meets the C1 and C2 criteria adding that a variance was granted for the side yard setback many years ago, and that information has been provided to the Board.

Vice Chairman Borst asked about the proper procedure regarding the CCO at the time of closing. Mr. Becker said it is up to the individual municipalities however in Wyckoff they require a CCO for the transfer of a residential property adding that the seller would be responsible for getting that. He went on to say that unfortunately, it did not happen that way, and now it is up to the Board to decide if the application meets the criteria to grant the variance.

Vice Chairman Borst said the Board is typically in favor of a covering over a front porch for safety reasons specifically protection from snow and ice.

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

Mr. Joachim asked if the portico has been inspected and found to be structurally sound with regard to holding up under the weight of a snow load. Mr. Borst said he assumes that the drawings submitted by Mr. Brown are as built drawings. Mr. DiGennaro said the first step is for the Board to approve it. Then the applicant has to obtain a permit from the Building Department. Once the permit is issued, the Construction Official will have to go out to inspect the structure and issue the CCO.

Mr. Becker stated that the job of the Board at this time is to decide if you approve of granting the front yard setback variance for the portico.

Ms. Rizvani suggested that if there was no CCO then there was probably no fire inspection, so the homeowner needs to make sure he gets that done. The applicant said he did have a fire inspection. Mr. Alampi stated that Tom Gensheimer, the Township's Construction Official has been involved in the process.

Mr. Hubert made a motion to approve the application. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Joachim, Mr. Messineo, and Vice Chairman Borst.

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 9:45 p.m.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment