

**WYCKOFF BOARD OF ADJUSTMENT
JUNE 21, 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 Erik Ruebenacker, Vice Chairman:

"The June 21, 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.

Acting Chairman Ruebenacker 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 times."

Roll call was taken.

Pledge of Allegiance.

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

Board Member Absent: Carl Fry, Chairman; Mark Borst; Rich DeLeo, Alt.

Staff Present: Joseph Perconti, Acting Board Attorney; Mark DiGennaro, Township Engineer; Peter Ten Kate, Boswell Engineering Representative; Susan McQuaid, Board Secretary.

Staff Absent: David Becker, Board Attorney

The Board of Adjustment Meeting began with the Pledge of Allegiance.

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The Board welcomed Joseph Perconti, Planning Board Attorney, who will cover the meeting in the absence of David Becker, Zoning Board Attorney.

Acting Chairman 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

May 17, 2018 work session/public business meeting
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #18-06 Approval of vouchers from various escrow accounts.
Resolution #18-06 was memorialized at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

309 SUNSET BLVD. LLC BLK 290 LOT 8 (RA-25); 309 Sunset Blvd. *(The applicant proposes to add an addition and alterations for the construction of a new two car garage which will exceed building lot coverage).* This resolution was memorialized at the work session meeting.

APPLICATION(S) – CARRIED

CHRISTIAN HEALTH CARE CENTER BLK 443 LOTS 49.03, 52.01 & 51 (RA-25); 301 Sicomac Avenue. *(The applicant proposes to amend the Vista's previously approved variance and site plan to comply with the Bergen County Planning Board approval, dated January 18, 2018, for dedication of property to increase the width and improve Sicomac Avenue along the frontage of the CHCC with a revised driveway at the intersection of Sicomac Avenue and Cedar Hill Avenue. The improvements to Sicomac Avenue and Cedar Hill Avenue intersection include road widening, dedicated turning lanes and signalization. The applicant also proposes to include additions to the lower campus Building No. 1 and Southgate Building).*

This application has been carried to the Tuesday, July 10, 2018 special hearing meeting at 7:30 p.m. The applicant will not need to renote the public or the neighboring property owners.

APPLICATION(S) – NEW

FERENTINOS, ANNE-MARIE BLK 366 LOT 7 (RA-25 CORNER); 539 Farview Avenue. *(The applicant proposes to install an air conditioner compressor in the front yard on this corner lot which will encroach into the front yard setback).*

Anne-Marie Ferentinos, 539 Farview Avenue, Wyckoff, NJ was sworn. Ray Pazos, the applicant's contractor and a general contractor for 15 years, 463 Blue Hill Terrace, Franklin Lakes, NJ was also sworn. Ms. Ferentinos said she had the air conditioner compressor installed and didn't realize it was in the setback. She said she did not get the permit first. Mr. Pazos said he considered this an emergency since she was moving in and needed central air conditioning. Ms. Ferentinos said it was a new air conditioning unit and was not replacing an existing unit since the house did not have central air conditioning.

Acting Chairman Ruebenacker said the applicant needed a permit to install this air conditioning compressor. He said it is the contractor's responsibility to obtain a permit from the Wyckoff Building Department. He said the board will require some type of evergreen screening around this condenser that has already been installed. Township Engineer DiGennaro asked if the contractor could move the condenser to the other side of the house where it would not require a front yard variance on this corner lot. Mr. Pazos said a concrete slab was already installed under the air conditioner condenser. Ms. Ferentinos said she picked this side of the house because it would be further from the neighbors. Township Engineer DiGennaro said Ms. Ferentinos bought

this house without any central air conditioning, she had the time to file for a permit and install the air conditioning unit in the correct location. He said it is possible that the air conditioning condenser can be moved.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the July 19, 2018 meeting. Acting Chairman Ruebenacker said that 3 to 4 plantings at a height of 3' to 4' be noted on the site plan to be planted around the air conditioning condenser and Mr. Pazos is to research whether the condenser can be moved to the other side of the house. Township Engineer DiGennaro said the AC condenser should be 4 ½' off the house.

KALOGIANNI, MICHAEL BLK 231 LOT 17 (RA-25); 503 Old Woods Road. *(The applicant proposes to construct a new two story dwelling which is conforming to setback requirements. The variance request is for median lot width).*

Ben Cascio, the attorney representing the applicant, Michael Kalogianni for 503 Old Woods Road, said that Mr. Kalogianni and Robert Weissman, the applicant's engineer, will be testifying this evening.

Michael Kalogianni, 173 Franklin Avenue, Wyckoff, NJ was sworn. Robert Weissman, Weissman Engineering, 686 Godwin Avenue, Midland Park, NJ was sworn. The Board accepted Mr. Weissman's credentials since he has appeared before the Board on numerous occasions. Mr. Cascio said the applicant is present this evening for relief for a variance for median lot width since the property tapers from the front to the rear of the property. The remaining bulk requirements are conforming. The Township of Wyckoff has a mean lot width ordinance and therefore the applicant must comply with this. He added that the applicant will construct a new house that is also conforming to all bulk requirements. Mr. Kalogianni said he purchased the property 12 to 13 months ago. He said he would like to demolish the existing house and build a new house. He said the existing home is in poor condition and restoring the home does not make sense. Acting Chairman Ruebenacker asked if the new home will be listed for sale. Mr. Kalogianni said he has another house at 173 Franklin Avenue and he does not intend to live in the house on Old Woods Road.

Mr. Weissman said the property itself is fully conforming with one exception of low width where 125' is required 111.3'. The house itself will exceed 3700 square feet which triggers the enhanced side yard setbacks. He said a trench drain will be installed in the driveway and 4 seepage pits will accommodate the roof drainage and to comply with the Stormwater management requirements. He said currently there is no drainage. He said Belgium block curbing will be installed along the driveway to direct water towards the seepage pits and street. An existing shed will be removed. The entire home will be conforming to the bulk requirements and total lot coverage.

Acting Board Attorney Perconti asked that the following exhibits be marked as identification:

A-1 Application

A-2 Landscape plan

Mr. Weissman said that 22 trees will be removed and 43 replacement trees will be planted of which 5 trees will be deciduous trees. Board Member Hubert asked if the small trees along side of the house would be removed. Mr. Weissman said they will be replaced with Norway spruce and green giant arborvitae. Acting Chairman Ruebenacker asked about the slope of the property from side to side with regards to the drainage and the runoff. Mr. Weissman said the rear yard will be leveled which will diminish the rate of runoff. He said 2 sets of 2 seepage pits will be installed where there is currently no subsurface drainage currently on this property. He said Belgium block will be installed along the curbing of the driveway to intercept the water that will drain into the seepage pits. He said by introducing seepage pits and French drains along the driveway the water flow will be reduced in quantity because of the introduction of any hard surfaces into the seepage pits for ground water recharge and the overland flow in the rear yard will be diminished in the rate of flow by virtue of the proposed slope being reduced. The rate of flow will be reduced after construction. Township Engineer DiGennaro said the west side of property will be regraded from the front to the rear. The rear grade will be minimal and retaining wall will be required. Acting Board Attorney Perconti asked if there will be any soil movement. Mr. Weissman said there will be soil movement for the foundation and the grading.

Board Member Kalpagian asked what the square footage is of the existing home. Mr. Weissman said the existing house is 1678 square feet. Mr. Cascio asked Mr. Weissman to explain the height of the house. Mr. Weissman said the height of the house is proposed at 34.8' where the home 2 houses to the west of this house is comparable. Acting Chairman Ruebenacker asked what the height is of the ceilings. Mr. Kalogianni said the ceiling heights are 9' on the first and second floors. Mr. Ruebenacker suggested that the height of the house be lowered. Attorney Cascio said the ordinance gives the board the zoning perimeters of which to follow. However, the applicant will lower the roof by 1 foot. Township Engineer DiGennaro noted that the height of the roof is measured from the lowest finished grade to the highest peak.

Board Member Tanis said this house will be serviced by sanitary sewer. He questioned the need to remove so many trees since a septic area is not required. Mr. Weissman said there will be a patio in the rear of the house. He said some of the trees could be saved. Board Member Hubert said he would like to refer the applicant's landscape plan to the Shade Tree Commission for their review of what is going to be removed. Board Member Tanis asked if there were any measurement from the left side of the house to the gutter line and the right side of the house to the gable end of the garage. He said this house sits very tight to the side yard setbacks which may trigger a variance when construction begins. He said he was pleased with the architectural design of the house.

Acting Chairman Ruebenacker revisited the removal of the trees. Mr. Weissman said the applicant will save 5 birch trees in the rear of the property for a total of 17 trees to be saved. He then marked a site plan with the trees to be remained for Township Engineer DiGennaro. Board Member Tanis said the site plan indicates that 25 trees will be removed. Mr. Weissman said the number will change to 20 mature trees to be removed and 5 additional deciduous trees to be added to the landscape plan to be planted for a total of 10 deciduous trees. Township Engineer DiGennaro said many trees are being removed for the construction of the driveway and the house and the installation of underground utilities. He suggested that he visit the site with the homeowner and engineer and make a determination by looking at the site plan the condition of the trees and which trees will remain. Attorney Cascio said the applicant agrees to meet with Township Engineer DiGennaro for a review of the trees.

OPEN TO THE PUBLIC

Susan Frick, 641 Fairview Place, Wyckoff, NJ, was sworn. She said she would like the Board to consider not just this property but the adjoining properties. She said that in the last 10 years Hurricane Sandy had removed many trees in the neighborhood. She said she is concerned with drainage when the trees are removed and the style and size of the house for the neighborhood. Acting Chairman Ruebenacker said this is a variance free design and the applicant is willing to reduce the height of the house. Ms. Frick said the applicant is not considering the neighbors.

Jennifer Charles, 511 Old Woods Road, Wyckoff, NJ was sworn. She said her home is the new construction 2 doors down from the proposed site. She said her house has been step back from the road an additional 15' so it didn't look so massive from the street. Mr. Weissman said the proposed home will be setback 40' to the garage and 42' from the left front corner of the house where 40' is required.

Sal Gigante, 507 Old Woods Road, Wyckoff, NJ was sworn. He said this will be the largest house on the block and look massive. He asked if the house can be reduced in height more than 1'. He also was concerned with the amount of trees that are going to be removed.

Megan Rotella, 633 Fairview Place, Wyckoff, NJ was sworn. She said her house is located next door to the proposed dwelling. She said this house will be 7,000 square feet and the largest in the neighborhood. She was concerned with drainage due to the removal of the trees, grading and the amount of runoff from this property. Acting Chairman Ruebenacker said the runoff will be improved with the Belgium block curb along the driveway and the installation of 2 seepage pits in the rear yard to collect ground water and roof system runoff. Ms. Rotella was concerned with privacy along her property line. Board Member Tanis said Ms. Rotella's fence is along the property line. Township Engineer DiGennaro said the proposed Belgium block curbing will direct the water away from Ms. Rotella's property.

Lisa Chamberlin, 635 Fairview Place, Wyckoff, NJ was sworn. She said her rear property line is directly to the side of the proposed lot. She was concerned with the trees along her property line and their removal and also drainage into her yard. Mr. Weissman said the property will not be regraded in the rear. She said the new home will be looking right down into her yard. Mr. Weissman said the mature trees along the property line will remain.

Andrew Charles, 511 Old Woods Road, Wyckoff, NJ was sworn. He questioned how long the construction will take to construct this house. Mr. Kalogianni said it will take approximated one year to build. Mr. Charles was concerned with the house being vacant for 18 months.

Eugene Lipkowitz, 524 Old Woods Road, Wyckoff, NJ was sworn. He said he lives on the other end of the block but was concerned with the trees removing and the effect on drainage. He added that this home will be the largest home in the neighborhood.

Chris Kaminski, 544 Old Woods Road, Wyckoff, NJ was sworn. He also opined that this will be the largest house in the neighborhood and it does not fit.

Judith Elsinger, 508 Old Woods Road, Wyckoff, NJ was sworn. She said she lives across the street from this property. She said the neighborhood is beautiful neighborhood and she will be faced with looking at this 7000 square foot home every day.

Mitchell Hausman, 515 Old Woods Road, Wyckoff, NJ was sworn. He said the variance should not be granted for the construction of this home. Board Member Kalpagian said the variance request is for the average median width of the property due to the shape of the lot. He said that house over 3700 square feet increases the side yard setbacks to 25' and 27' if there is a side loading garage. The side yard setbacks for this proposed home are within the required setbacks. Board Attorney Perconti said that even if a smaller house was constructed there would still be a variance request for median lot width. Acting Chairman Ruebenacker said the township has an ordinance on lot coverage; lot coverage is a percentage of the principle structure. He said 15% is the maximum permitted coverage of a principle building structure in the RA-25 zone. The square footage of this piece of property is 33,000 square feet where 25,000 square feet is required. The current house covers 5.1% of the lot where 15% is permitted. The proposed building is at 13.39% where they have 1 ½% to make this house even larger where 15% is allowed. He said there is an ordinance to regulate the square footage and massing of structures on the lot. He said this is a very large lot and if this lot was rectangular in shape the applicant would not be before the Board this evening and would be able to apply for building permits tomorrow.

David Rudman, 490 Clinton Avenue, Wyckoff, NJ was sworn. He said the entire neighborhood is here this evening. He said we would like to see the house reduced to 4500 square foot. Houses of this proposed size of 7000 square feet will take longer to sell. He said that more than 30 trees were lost during Hurricane Sandy. He said it would be better for everyone if the house was reduced in size.

Megan Rotella, 633 Fairview Place, Wyckoff, NJ was previously sworn. She said the applicant is not a builder but is relying on the architect for the design of the home. Acting Chairman Ruebenacker said this question is not relevant to the application.
CLOSED TO THE PUBLIC

Acting Chairman Ruebenacker said that based on the concerns of the board he offered the following recommendations by the Board on this application:

1. This application be given to the Shade Tree Commission, which consists of local landscapers, for review with the assistance of Township Engineer DiGennaro;
2. The applicant is to consult with his architect with regards to the 11 neighbors being present this evening and their comments. He is to look at this as an opportunity to reduce the mass of the house possibly by 500 square feet.
3. The applicant is to lower the height of the house by 1'.

Board Member Yudin expressed concern that the Board should not limit the reduction to 500 square feet since the Board may not agree on this reduction after looking at the final plans. Board Member Kalpagian suggested that the architect be present at the next meeting. Board Member Hubert said the applicant should listen to the comments from the neighbors.

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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 10:10p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment