

**WYCKOFF BOARD OF ADJUSTMENT
AUGUST 16, 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 August 16, 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 times."

Roll call was taken.

Pledge of Allegiance.

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

Board Member Absent: Robert Ebel, Alt.

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

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

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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

July 19, 2018 work session/public business meeting

The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #18-07 Approval of vouchers from various escrow accounts.
Resolution #18-07 was memorialized at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

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).*

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).*

DECKER, ROBERT BLK 456 LOT 23 (RA-25); 174 Cottage Road. *(The applicant proposes to enlarge the existing garage which will encroach into the side yard setback).*

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

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 resolution will be memorialized at the September 20, 2018 Board of Adjustment meeting.

APPLICATION(S) – NEW

KOCHER, DAN & LAURIE BLK 352 LOT 25 (RA-25); 274 Merlin Place. *(The applicant proposes to add an addition to the rear of the homes for a kitchen, great room and porch on the first floor and master bedroom on the second floor which will trigger the enhanced side yard setback requirement).*

Laura Kocher and Dan Kocher, 274 Merlin Place, Wyckoff, NJ were sworn. Laura Kocher said they are seeking approval for a second story addition with a porch in the rear which was approved last year. She said cosmetic changes have been made to the interior of the house and also more curb appeal to the exterior of the front of the house.

Fred Klenk, the applicant's architect, 684 Route 208 North, Franklin Lakes, NJ was sworn. The Board accepted Mr. Klenk as an expert architect since he has appeared before the board on numerous occasions. Mr. Klenk said the applicant would like to change the architecture in both the interior and exterior of the home. He said the variance request is for a hardship and flexible variance for the undersized square footage of the lot, lot width and front yard setback since the home is skewed on the property. He said the applicant is requesting side yard setback variances for the one story open porch which surrounds 2 sides of the rear addition to the house. He said

that 23' is proposed and 25' is required and 13' is proposed on the other side of the rear addition where the enhanced side yard setback requirement is also 25'. He added that the principal building lot coverage will be 17.82% where 15% is the maximum allowed.

Board Attorney Becker asked that the following exhibit be marked as identification:

- A-1 McNally Engineering site plan with old plan as an overlay
- A-2 Previously approved architectural plan
- A-3 New proposed architectural plan

Township Engineer DiGennaro said there is a setback of 23' to the left side yard setback. He said the right side is 15' to the fireplace and 13' to the house. He said there were changes to the house since the last approval and he felt he did not have the latitude to make those changes without the consent of the board. Board Member Hubert noted that the air conditioning units are not located on the site plan. Mr. Klenk said the air conditioning unit will be located either between the fireplace or at the rear of the home. Township Engineer DiGennaro said he would like to see the mechanicals stay within the 15' setback. Board Member Tanis agreed that the air conditioning units should be placed by the fireplace with screening. Mr. Klenk then explained the revised architectural plans and floor plan with the Board.

The following exhibits were marked as identification:

- A-4 Rear and left side elevations and drawings
- A-5 Proposed first floor plan
- A-6 Proposed second floor plan

Chairman Fry said technically the proposed home is the same footprint as the previous approved site plan but there are interior changes. He asked what will remain of the house once construction begins. Mr. Klenk said the roof and dormers facing the street will be removed. He added that the house will not be taken down to its foundation. Board Member Borst said that the foundation shrubbery will be destroyed during this type of construction. He asked the applicant to supply the board with a landscaping plan. Chairman Fry asked that the maple tree in the front yard remain. He also noted that there is not a lot of area along the side yard property line to install shrubbery. Mr. Klenk said the applicant will supply a new landscaping plan to the Board.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Chairman Fry asked that the landscaping be clearly identified and screening be added around the air conditioning units. He also asked that the engineering plans be revised to show the correct setbacks for the structure. The Board suggested that the utilities be placed underground if possible. The Board unanimously agreed to carry this application to the September 20, 2018 public hearing meeting. The applicant will not need to renote the newspaper or adjoining property owners.

MUSTO, ROBERT & MARY ANN BLK 498 LOT 91 (R-15); 390 Hil-Ray Avenue. *(The applicant proposes to rebuild the existing deck and add a covering over the deck which will exceed total accessory structure coverage).*

This application will not be heard this evening due to insufficient proof of publication.

WALTHER, DANIEL & KRISTY BLK 466 LOT 5 (R-15); 71 Mary Ann Lane. *(The applicant proposes to construct a cover over the front steps which will encroach into the front yard setback).* Daniel and Kristy Walther, 71 Mary Ann Lane, Wyckoff, NJ were sworn. Daniel Walther said he would like to construct a roof over the front door for safety reasons during the winter to shield the weather. He said the size of the existing porch will not change. Chairman Fry noted that the variance request for the front yard setback where 40' exists and 36' is proposed to the bottom step. He asked if the existing retaining wall will be reconstructed. Mr. Walther said yes the retaining wall will be reconstructed but this will not affect the existing porch. Chairman Fry asked for clarification with regards to the landscape plan. Board Member Borst suggested planting 24" to 30" boxwoods by the foundation and 3 gallon containers of euonymus in front of the boxwoods. Mr. Walther agreed to do this.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker made a motion to approve this application as presented subject to the following conditions: the boxwoods to be planted closer to the structure and will be 24" to 30" in size with the 3 gallon euonymus closer to the street; Section J will be revised. Second, Board Member Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

PERFORMANCE INVESTOR SERVICES (ALLEN STILES) BLK 461 LOT 17 (RA-25); 434 Caldwell Drive. *(The applicant proposes to demolish the existing structure to construct a new conforming home which will meet all the bulk requirements).*

Board Member Borst and Board Member Hubert recused themselves from discussion and removed themselves from the dais.

Darryl Garvin, Esq., the applicant's attorney, was present. He called the first witness to testify. Bob Weissman, Weissman Engineering Co., 686 Godwin Avenue, Midland Park, NJ was sworn. The Board accepted Mr. Weissman as a professional engineer since he has appeared before the Board on numerous occasions. He said the applicant would like to demolish the existing dwelling and construct a new dwelling that is conforming in all aspects. The only deficiency is for lot area where 25,000 square feet is required and 22,097.3 square feet exists. He said the home will be 3,698 square feet which is under 3700 gross building area and enhances side yard setbacks will not be required. The side yard setbacks are 20.5' where 20' is required. He said the septic system in the rear yard will be replaced as per code. Seepage pits in the front yard will alleviate the increase in runoff and provide Stormwater management for the property.

Board Attorney Becker asked that the following exhibit be marked for identification:

A-1 Application package

A-2 A handout showing a slight revision in the septic location in order to save a tree behind it

Mr. Weissman continued that the AC units will be located in the rear of the house on the left side. Chairman Fry said this house will be conforming on a non-conforming lot. He then asked what will happen to the trees in the front of the house. Mr. Weissman said there are 2 trees that were already removed.

Allen Stiles, Performance Investor Services, the applicant was sworn. He said he will be building this home. He said the trees in the front were removed by PSEG since they were interfering with overhead wires. He said additional trees will be removed when the house has been demolished. The rear yard natural screening will remain. He added that he has relocated the septic system closer to the house in order to save a tree. He said the house will have a front load garage and he will plant ornamental trees in the front yard not in the right of way. Chairman Fry asked that a professional landscape plan be submitted indicating which trees are proposed to be removed and where the additional trees will be planted. He was also concerned with the grading of the lot and the height of the house. Mr. Stiles said he will regrade the lot and the building height will remain at 34' and the lot will be properly drained. Township Engineer DiGennaro was concerned with adjusting the grade of the property in order to accommodate the building height. He said the applicant must adhere to the Stormwater Management Plan. Board Member DeLeo asked if another window could be installed on the left side elevation. Mr. Stiles said he will install a window on the second floor in bedroom #1 and bedroom #2 and a window in the study. Vice Chairman Ruebenacker said the windows will balance the architectural on the left side elevation. Chairman Fry asked that the applicant return next month with a revised landscape plan and revised architectural showing the addition of the 3 windows on left side elevation.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the Thursday, September 20, 2018 meeting. The applicant will need to submit a revised landscaping plan indicating foundation plantings, which trees are proposed to be removed and the precise location of the new landscaping will be planted. He also asked for a revised architectural plan indicating the location of the 3 additional windows on the left side elevation of the house; 2 on the second floor and 1 on the first floor. He said that 34' will be the peak elevation and will be maintained around the house. The AC units will also need to be located on the revised site plan. Chairman Fry also asked if the utilities can be placed underground. Mr. Stiles confirmed that the utilities will be placed underground. The applicant will not need to renote the newspaper or adjoining property owners.

CLEAVER, MARC & TINA BLK 454 LOT 4 (RA-25); 221 Wyckoff Avenue. (The applicant proposes to enlarge the existing family room and add a new mud room addition which will encroach into the rear yard setback and exceed impervious coverage).

Robert Hertzberg, Project Manager for On The Spot Home Improvements, Saddle Brook, NJ was sworn. He said his business will be constructing the improvements to Mr. Cleaver's home. Marc Cleaver, 221 Wyckoff Avenue, Wyckoff, NJ was sworn. David Cochran, 10 Grant Street, Long Branch, NJ, the applicant's architect, was sworn. Chris Lantelme, Lantelme, Kurens & Associates, 101 West Street, Hillsdale, NJ, the applicant's engineer, was sworn. Mr. Hertzberg said this is an application for two (2) one story additions into the side yard and rear yard. The construction will increase the square footage of the existing family room to the rear and also add a mud room and laundry room to the right side of the house which will include a fully ADA compliant bathroom. Mr. Cleaver said he has lived in this home for 14 years with his wife, nephew and daughter. He said he would like to enlarge the family room and bring the laundry upstairs from the basement. He said he is legally blind and the handicapped accessible bathroom will be helpful since he also has a prosthesis leg. Mr. Hertzberg said the variance is for rear yard setback of 34.1' where 40' is required. Mr. Cleaver said he will be using a wheelchair in the future and additional family members may be moving in with us.

David Cochran, said he graduated from Rutgers University and was a licensed engineer and planner in the State of NJ. He said the size of the addition is due to the multiple people who will be residing in the house and Mr. Cleaver needs a larger room for his use on the first floor. Vice Chairman Ruebenacker asked what the square footage of the proposed family room is. Mr. Cochran said it is 36' x 25'. Chairman Fry said the existing family room is 18' deep. Mr. Cochran said the width will be doubled to 36' in depth with a cathedral ceiling running from the front of the room to the rear. Vice Chairman Ruebenacker said the family room will be approximately 850 square feet in size and a very large room. He said the variance is for 5' of depth into the rear yard setback. He suggested that the family room be reduced in order to eliminate the 5' variance in the rear yard. Mr. Ruebenacker also noted that the first step exterior landing on the right side addition will be directly onto the driveway. Board Member Tanis asked where the handicapped ramp will be located. Mr. Cleaver said the ramp will be located to the right of the side entrance. Vice Chairman Ruebenacker asked that the side mudroom, laundry room and ADA complaint bathroom be moved back and away from the driveway area. Chairman Fry agreed. After a brief discussion with his client, Mr. Hertzberg said the applicant will revise the site plans and return next month.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agree to carry this application to the Thursday, September 20, 2018 public hearing meeting. Revised plans will need to be submitted 10 days before the next meeting. The applicant will not need to renote the newspaper or adjoining property owners.

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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 10:32 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment