

WYCKOFF BOARD OF ADJUSTMENT

NOVEMBER 19, 2020 PUBLIC BUSINESS MEETING MINUTES

Work Session: 7:30 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube account

Public Meeting: 8:00 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube account

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

"The November 19, 2020 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.

Board Members in attendance: Carl Fry, Chairman; Mark Borst Vice Chairman; Erik Ruebenacker, Ed Kalpagian, Brian Tanis, Rosa Riotto, Brian Hubert, Kimberly Evans, and Ian Christ.

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

Pledge of Allegiance.

OLD BUSINESS

Approval of the October 15, 2020 Work Session and Public Business meeting minutes. The October 15, 2020 Work Session and Public Meeting minutes were approved during the Work Session.

PAYMENT RESOLUTION #20-11

Payment Resolution #20-11 was approved during the Work Session.

MEMORIALIZING RESOLUTIONS**Christian Jorquera & Kirstin Bohn 74 Yale Ave. Block 469 Lot 4**

(The applicant proposes to construct a portico over the existing front landing requiring variance relief for the front yard setback)

Michael & Lindsay Mitchell 71 Harding Rd. Block 263 Lot 55

(The applicant proposes to construct an attic dormer in the rear of the home requiring variance relief for a pre-existing nonconforming side yard setback and a portico over the front entrance requiring variance relief for the front yard setback)

The two (2) Resolutions were approved during the work session.

REQUEST FOR EXTENSION OF APPROVAL

Robert Mosera 241 Eastview Terrace Block 393 Lot 6

(The applicant is requesting a one (1) year extension of time to begin construction on the subject property. The Resolution was approved on 1/16/2020)

A one (1) year extension of approval was approved during the Work Session.

NEW APPLICATIONS**Cangiolosi, Ignazio 535 Concord Place Block 311 Lot 3 RA-25 Corner Lot**

(The applicant proposes to construct a one-story addition in the rear of the principal structure requiring variance relief for a rear yard setback of 28.4' where 40' is required and a variance for soil movement in excess of 100 cubic yards to construct a circular driveway)

Harold Cook, the applicants Attorney, provided the following overview of the application:

This is an application to permit the construction of a single-story addition to the existing single-story ranch home. This is corner lot with two front yards which is a hardship. There is an existing deficiency for the swimming pool accessory structure with a setback of 6.7' to the pool patio. If the application is approved the applicant is proposing to reconstruct the pool patio at 10' from the property line instead of 6.7'. There is a variance requested to permit a rear yard setback of 28.4' where 40' is required. The second variance request is for a principal building coverage of 15.7% which exceeds the maximum allowed 15% however, the combined principal building and accessory structure lot coverage is 18.2% where 20% is the maximum allowed. Lastly, the applicant is seeking a variance to remove an excess of 100 cubic yards of soil to facilitate the construction of a circular driveway. The purpose of the proposed circular driveway is for safety and for better access to the front entryway.

Robert Weissman and Ignacio Cangiolosi were sworn in.

Mr. Weissman stated the project will involve the movement of approximately 723 cubic yards of soil which includes the septic tank which has been installed, the proposed seepage pits and the proposed circular driveway. The reason for the driveway is to provide easy access to the front entry of the house. It will also provide additional parking and easy drop off for guests. Mainly the circular driveway is desired for safety reasons and to eliminate having to back a vehicle out onto Concord Place. Mr. Weissman went on to say that we are proposing a 9.5% grade where up to 15% is allowed. We are proposing to install five (5) seepage pits for roof drainage and driveway

drainage which will result in a net reduction of runoff. The A/C units will be relocated to the southwesterly side of the home and a generator will also be installed in that location.

A few Board Members expressed concerns about of the slope of the proposed driveway. Mr. Weissman stated that a 9.5% grade over the course of approximately 100' is not excessive.

Mr. Kalpagian asked what type of siding will be used on the home. Mr. Weissman stated that the applicant will side the home with hardy plank or vinyl siding and stone. Mr. Hubert pointed out that the plans indicate stucco over wire lathe is proposed. Mr. Cook affirmed that stucco will not be used; the siding will be hardy plank or vinyl and stone.

Chairman Fry stated that the landscape plan depicts a shed for the pool equipment however the shed is not reflected on the engineering plan adding that the addition of the shed will change the accessory structure lot coverage on the engineering plan. Ms. Riotto pointed out that the shed depicted on the landscape plan is 10'x14'.

Mr. DiGennaro said that any shed larger than 8'x10' will need to be installed 20' from the property line. Mr. Cook stated that the applicant will reduce the size of the proposed shed to 8'x10'. Mr. DiGennaro added that an 80 square foot shed can be installed 6' off the property line. Mr. Weissman said the shed will be installed 10' off the property line and that the addition of the shed increases the accessory lot coverage to 2.7% and the total combined lot coverage to 18.4%.

Mr. Borst said that there are discrepancies between the landscape plan and the engineering plan with regard to the trees that are proposed to be removed, the proposed addition, the proposed fence, the proposed shed, and the proposed pool patio. He recommended coming back next month with a new landscape plan that matches the engineering plans so that it is clear for the Board to see exactly what is proposed.

Mr. DiGennaro stated that if the Board is agreeable to the proposed construction of the addition to the principal structure, perhaps the Board could vote on the application this evening which would allow the applicant to proceed with construction since we are now getting into the colder months. He went on to say that the applicant could then submit a revised landscape plan for approval prior to the next meeting.

Mr. Ruebenacker said that in his opinion there are too many discrepancies between the engineering plans and the landscape plan including the size of the shed, the pool patio, the placement of the fence, the engineering calculations, and the removal and planting of trees. He strongly recommended that all of the issues be cleared up and revised plans be submitted for next month's meeting. Chairman Fry agreed stating that there are too many changes involved to move forward and take a vote on the application this evening.

Mr. Cook requested that the Board bifurcate the application and only approve the variances for the principal structure so that the applicant can proceed with the construction of the addition. He added that as a condition, a certificate of occupancy can be withheld until a revised landscape plan is submitted and approved.

Board Attorney Becker stated that the application can be bifurcated however the applicant will have to re-notice for the December meeting.

Mr. Borst stated that the landscape plan needs to be cleaned up and he would like to see five (5) shade trees of 3 to 3 ½ inch caliper added to the landscape plan.

Mr. Kalpagian asked for clarity on exactly what the Board would be approving if the application is bifurcated and there is a motion. Mr. Becker stated that the Board would be voting only on the rear yard setback variance and the principal building lot coverage variance for the proposed addition to the home. The landscape plan and plot plan will have to be revised as discussed.

Mr. Hubert expressed concern that the Board is setting a dangerous precedent by bifurcating this application and proceeding in this way. Mr. Becker said that this Board has never done this before, at least not in the last five years, however it can be done. It depends on whether or not the Board is comfortable with it. The Board can approve the variances for the principal structure addition. A condition of the approval will be that the applicant will submit revised landscape and engineering plans and that no certificate of occupancy will be issued until the revised plans are submitted and approved by the Board.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Chairman Fry announced that the application will be bifurcated. The construction of the addition to the house proper can proceed however the landscape and engineering plans will have to be revised with regard to the shed, fencing, grading, and trees.

Mr. DiGennaro wanted to clarify that if approved, the applicant may only construct the one-story addition to the home. No work can be performed on the driveway, grading, seepage pits, shed or tree removal. Mr. Cook agreed on behalf of the applicant.

Board Member Ruebenacker made a motion to bifurcate and approve the application to allow the applicant to proceed as proposed with the one-story addition, 28.4' off the rear yard property line where 40' is required resulting in a principal building lot coverage of 15.7% where 15% is the maximum allowed. The approval is conditioned upon the submission of revised landscape and engineering plans as well as an amended architectural plan reflecting the proposed siding of hardy plank and stone. No other proposed construction will proceed until the applicant returns to the Zoning Board with revised landscape and engineering plans and no certificate of occupancy will be issued until the revised plans are submitted and approved.

Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Christ, Ms. Evans, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

Puleo, Fortunato 300 Wiley Place Block 214 Lot 76 RA-25

(The applicant proposes to construct a pavilion/roof over an existing outdoor BBQ area and patio requiring variance relief for an accessory structure side yard setback of 10' where 15' is required)

Fortunato Puleo, the applicant, was sworn in. Chairman Fry asked Mr. Puleo to explain how the footings were placed and what the orientation of the proposed structure will be.

Mr. Puleo stated that he began the project to construct a pergola over his outdoor grilling area by placing the footings in the ground. He then decided to construct the pavilion with a covered roof. Mr. Puleo stated that he thought there might be an impervious coverage issue with the

addition of the roof, so he contacted the building department. It was at that time that he was told he needed a variance. Mr. Puleo went on to say that the gable end of the roof will be facing his neighbor and he is planning to capture runoff from the structure in a seepage pit. The roof area will be 12'x12'.

Mr. Tanis asked the applicant if he is planning to run electricity to the structure for fans or lighting, specifically any type of flood lights they may impact the neighbor. Mr. Puleo stated that if he does add any lighting it will probably just be a string of patio lights.

OPEN TO THE PUBLIC
NO ONE APPEARED OR CALLED TO COMMENT
CLOSED TO THE PUBLIC

Chairman Fry stated that in summary the proposed structure will have a 12'x12' roof which will be, at the closest point, 10' off property line to the roof.

Mr. Ruebenacker stated that the variance request is for a 10' side yard setback where 15' is required. He added that no landscape plan was submitted however the property is currently very well screened and in his opinion a landscape plan is not required for this application. Mr. Fry agreed stating that there appears to be sufficient screening.

Mr. Borst made a motion to approve the application. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Evans, Mr. Christ, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Chairman fry.

Janke, Debra 460 Grandview Ave. Block 497 Lot 7.01 RA-25 Corner lot

(The applicant proposes to install a black aluminum non-solid fence that is greater than 4' high in front yard #2 and to construct a shed in front yard #2)

Debra Janke, the applicant was sworn in and provided the details of her application. Ms. Janke stated that she would like to install a shed for storage of yard tools and a snowblower. Since her property is a corner lot, the shed will be in what is considered her second front yard. She chose this location because there is an existing walkway there which will provide access to the shed. The location is also in close proximity to the driveway which will provide easy access to use the snowblower. Ms. Janke stated that the shed will be 10' in height to the roof peak and it will be screened with landscaping. Ms. Janke then explained why she proposes to relocate the existing fence from its current location out to the property line on Deep Brook Road. She stated that it has become unbearable and unsafe because everyone thinks the property is town property or a park and the public uses that area of her property for picnicking, dog walking, exercising, and napping. Ms. Janke stated that she finds garbage and food refuse left behind by landscapers, contractors, and members of the public who utilize her property as if it is public property. She added that this is very concerning to her especially during the COVID-19 pandemic because she has to pick up the garbage. Ms. Janke said that she recently saw a woman buzz-cutting a man's beard and hair while sitting on the bench on the Janke's property, which she found extremely disturbing.

Chairman Fry stated that this is a hardship due to the corner lot.

Mr. Tanis asked if the fence could be installed behind the existing pear trees instead of in front of the trees. Ms. Janke stated that the pear trees are on her property and she maintains them so she wants the trees within the fenced area.

Mr. DiGennaro asked the applicant how she determined that the pear trees are on her property and not in the public right of way. Ms. Janke said she measured from the street to the trees. Mr. DiGennaro stated that as an Engineer, even he would find it very difficult to accurately measure, and make a determination of the true property line in the field, without the proper equipment, or based on the information he has in front of him. He recommended that Ms. Janke should have the property line staked by a professional prior to relocating the fence. He expressed concern that the trees may actually be in the right of way, not on the Janke's property.

Chairman Fry stated that the application does not have information regarding the color of the proposed shed. Ms. Janke said the shed will be dark reddish-brown color.

Mr. Borst said that he recommends planting five (5) skip laurels to screen the shed on the facing Deep Brook Road and two (2) skip laurels along the side facing Grandview Avenue. Ms. Janke said she would like to alternate the skip laurels with hydrangeas.

There was a discussion regarding the property line, the location of the pear trees, and the proposed relocation of the fence. Chairman Fry asked if the Board could move ahead with the application this evening and the applicant would then be required to submit a revised survey showing that the fence will be installed in the proper location. Mr. Becker stated that the Board can proceed with a condition of approval that the applicant will have a professional surveyor determine the true property line for the fence placement. As an alternative, Mr. DiGennaro said that the applicant can install the fence 15' from the street and avoid hiring a surveyor.

OPEN TO THE PUBLIC

Vijay Pyreddy posted a message in the Zoom chat stating that he is the Janke's neighbor and he never knew the subject piece of property was theirs.

CLOSED TO THE PUBLIC

Chairman Fry summarized as follows: the proposed shed will be 10'x20', it will be 10' in height, dark brown in color, and total of (7) plantings will be planted along the Deep Brook Road and Grandview Avenue sides of the shed as screening.

Mr. Ruebenacker made a motion to approve the application for the fence height variance and the variance for an accessory structure (shed) in a front yard, with seven (7) screening plantings, and the condition that the fence will be on the property line or within the property based on a new professional survey of the Janke's property. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Ms. Evans, Mr. Christ, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

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 11:00 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment

