

## WYCKOFF BOARD OF ADJUSTMENT

### JANUARY 21, 2021 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:

**PLEASE TAKE NOTICE**, that in accordance with the Open Public Meetings Act NJSA 10:4-6 et seq., and in consideration of Executive Order #103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency in the State of New Jersey, the Zoning Board of the Township of Wyckoff does hereby notify the public that to protect the health, safety and welfare of our citizens, the meeting of the Zoning Board of the Township of Wyckoff scheduled for Thursday January 21, 2021 will be conducted virtually through Zoom technology and it will be live-streamed on the Township of Wyckoff's YouTube channel. The Work Session is scheduled for 7:30 and the Public Business meeting will begin at 8:00 pm.

These measures are implemented to allow members of the public to observe the meeting via live streaming and to provide the ability to comment during the periods for public comment during the meeting through Zoom telephone call in technology. Joining the meeting by telephone will be utilized as security against the sharing of inappropriate video content.

General instructions regarding access to the meeting is posted on the Wyckoff web site's home page at [www.wyckoff-nj.com](http://www.wyckoff-nj.com) as a "News" item.

"The January 21, 2021 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 time."*

**Pledge of Allegiance****ORGANIZATIONAL BUSINESS/MOTIONS**

1. Oaths of Office to be administered to the new and continuing members, where applicable.  
The Oaths of Office were administered during the Work Session.
2. Roll call of Zoning Board Members  
Board Members in attendance: Carl Fry, Mark Borst, Erik Ruebenacker, Ed Kalpagian, Brian Tanis, Rosa Riotto, Brian Hubert, Ian Christ, and Nekije Rizvani.  
Staff in attendance: David Becker, Board Attorney, and Maureen Mitchell, Board Secretary. Absent: Mark DiGennaro, Township Engineer.
3. Election of Officers: Chairman and Vice Chairman for 2021  
The Chairman and Vice Chairman were elected during the Work Session
4. Resolution #21-001 for: Appointment of Zoning Board Attorney for 2021  
Resolution #21-001 to appoint David Becker Esq. was approved during the Work Session
5. Appointment of Board Secretary  
The appointment of Board Secretary was approved during the Work Session.
6. Compliance with Open Public Meetings Act:  
6.1- Annual Notice of Meetings Has Been Posted  
6.2- Continuation of Current Rules and Regulations  
6.3- Official Newspapers – The Record, The Ridgewood News and The North Jersey Herald and News  
6.4- Acceptance of Annual Report  
Compliance with the Open Public Meetings Act 6.1 – 6.4 was approved during the Work Session.

**OLD BUSINESS**

Approval of the December 17, 2020, Work Session and Public Business meeting minutes.  
The minutes were approved during the Work Session.

**RESOLUTION FOR PAYMENTS #21-01**

Payment Resolution #21-01 was approved during the Work Session.

**MEMORIALIZING RESOLUTIONS**

Bryndza, Katelyn and John 305 Voorhis Ave. Block 287 lot 5.01  
(The applicant proposes to construct a front entry portico requiring variance relief for a front yard Setback of 28.5')

Cangioli, Ignazio 535 Concord Place Block 311 Lot 3 RA-25 Corner Lot  
(The applicant is requesting approval for soil movement in excess of 100 cubic yards to construct a circular driveway)

The two (2) Resolutions were approved during the Work Session.

### **NEW APPLICATIONS**

#### **Makela, Ray 191 Henry Pl. Block 395 Lot 16**

(The applicant proposes to install an A/C condenser unit in the side yard requiring variance relief for a side yard setback of 8')

Ray Makela, the applicant, was sworn in. He stated that he currently utilizes window A/C units to cool his home during the summer months and he would like to update the home by installing two (2) central A/C condenser units. Mr. Makela said that there is an existing deck on the rear of his home therefore, the only practical location for the A/C units is on the left side of the home. Due to the undersized lot width, a variance is required to place the units in the side yard setback. Mr. Makela stated that the proposed location for the A/C units faces the side of his neighbor's garage however, if he were to place the units in the rear next to his deck, they would be exposed to his neighbors' rear yard.

Chairman Fry pointed out that there is an existing brick platform or pad shown on the left side of the house. Mr. Makela stated that he currently keeps his trash and recycling cans on the brick pads. He added that he will either place the two (2) A/C condenser units on the pad or to the rear of the existing brick pad.

Mr. Tanis asked about screening for the A/C units. Mr. Makela stated that there are a couple of existing shrubs on the front left side of the house which need to be replaced. He said that his plan is to remove the shrubs and replace them with new plantings which will screen the trash cans and the A/C units from the street.

Mr. Borst recommended installing the A/C units to the rear of the existing brick platform and replace the existing shrubs with evergreen shrubs to screen the units from the street.

Vice Chairman Borst made a motion to approve the application with the condition that new evergreen plantings shall be placed on the left front side of the house to screen the A/C condenser units from the street. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Christ, Mr. Borst and Chairman Fry.

#### **Quiroga, Walter 469 Cedar Hill Ave Blk 349 lot 70**

(The applicant proposes to construct an addition to the existing home requiring variance relief for a side yard setback of 16.2')

Harold Cook, the applicant's Attorney, stated that this is an application for one (1) variance for the side yard setback. He went on to say that this is a uniquely shaped lot, and the house is skewed on the lot which is the hardship.

William Brown, the applicant's Architect, was sworn in. His office is located at 241 Madison Avenue in Wyckoff. Mr. Brown has appeared before the Wyckoff Board of Adjustment many times and was recognized as an expert in Architecture. Mr. Brown provided the following details of the application: the lot is large however the house is skewed on the lot and angles back towards the left side yard setback line. The kitchen is on the left side of the home, so the object was to create a living space to view the backyard and the proposed inground pool. A shallow roof covered porch is proposed as well as a small second story addition off the rear of the home. A paver patio is

proposed to connect the house to an outdoor kitchen area and the area around the pool.

Chairman Fry stated that Mr. DiGennaro advised that the paver patio around the pool is in the side yard setback. Mr. Cook stated that the applicant will remove the patio around the pool from the kitchen area so that it is not connected to the pool and will not be in the setback. Mr. Brown said the plans will be amended.

There was a discussion about the proposed patio area, off the proposed covered porch, which will be in the side yard setback. Mr. Borst suggested eliminating the patio off the side porch and replacing it with steppingstones to reach the pool area, which would eliminate a variance. Mr. Brown was agreeable to this suggestion.

Mr. Tanis and Mr. Ruebenacker questioned the proximity of the septic tank to the proposed new foundation. Mr. Brown stated that when they excavate, the septic tank will be moved if it is not at the required distance from the foundation.

Mr. Ruebenacker expressed concerns with adding the covered porch and patio on the left side of the house in the side yard setback when there is plenty of room behind the garage to add a patio.

Mr. Christ asked where the pool equipment will be installed. Mr. Brown said he does not see it on the landscape plans. Chairman Fry said it is important for the Board to see the pool equipment on the plans as well as the revised patio from the house to the proposed pool.

Chairman Fry stated that the Board was clearly struggling with the 16.8' side yard setback of the proposed covered porch and the applicant is proposing a second story addition with a balcony above the covered porch which is also in the setback. He added that the proposed second story balcony is quite large at 15' x 13'.

#### OPEN TO THE PUBLIC

Greg Nobile, who resides at 493 Booth Court, was sworn in. He stated that the second story addition of the balcony in the side yard setback is of concern to him.

#### CLOSED TO THE PUBLIC

Chairman Fry said that he would recommend revising the addition to get to a 20' side yard setback, at least.

Mr. Brown stated that the applicant will come back next month with revised plans.

Mr. Ruebenacker said that the railing of the second story balcony should be at the required 25' setback.

Chairman Fry said that the landscape plan should be cleaned up to match the site plan. The revised plan should show the section of patio that will be removed as discussed earlier as well as the location of the pool equipment, drainage pit, and measurements of the septic tanks to the foundation as discussed.

Board Attorney Becker stated that the application will be carried to the February 25, 2021 meeting and the applicant does not need to re-notice.

**Hildebrandt, John 371 Oakwood Dr. Block 250 lot 43**

(The applicant proposes to add second story loft/dormers to the existing detached garage requiring variance relief for side yard setback of an accessory structure and nonconforming lot area, frontage, and depth)

John and Annette Hildebrandt, the applicants, were sworn in. Harold Cook, the applicant's Attorney stated that there will be no change in the footprint of the existing home or garage. The applicant is proposing to add a second level to the detached garage.

Mr. Hildebrandt stated that he needs to add a home office in order to conduct business from home due to COVID-19. Board Attorney Becker stated that as per Township Code, the applicant may not operate a business out of the proposed home office.

Chairman Fry asked if any utilities such as bathroom, sink, plumbing, are proposed in the new addition. Mr. Hildebrandt replied that the addition will have electrical, heating and cooling and possibly a small sink. Mr. Cook stated that he heard Mr. DiGennaro's comments regarding a restrictive covenant pertaining to no living quarters in the space.

William Brown, the applicant's Architect was reminded that he was previously sworn and is still under oath. Chairman Fry asked Mr. Brown why the applicant is proposing a building height of 21.7' when 20' is the maximum allowed. Mr. Brown stated that the head room is needed for walking around in the office space. He added that he feels the architectural design is aesthetically pleasing and cutting a foot off the height will lessen the ceiling height below 8' at the center. The applicant is also proposing a cupola.

Mr. Borst stated that he did not see that a landscape plan was submitted with this application. Mr. Cook said that due to the fact that the application is limited to the detached garage, and the side yard building setback is well buffered, the applicant has requested a waiver for the submission of a landscape plan. Chairman Fry stated that any plantings damaged during construction will have to be replaced by like and kind plantings.

Mr. Tanis asked how much of the existing garage is being demolished. Mr. Brown stated that the entire first level will remain intact.

Chairman Fry summarized by stating that the existing detached garage is nonconforming due to the side yard setback and there will be no further expansion of the first floor of the garage. The building height is proposed at 21.7', the space will be used for work related computer and phone use, no bathroom will be installed, a waiver is granted for the landscape plan and the applicant may reinstall the cupola which currently exists on the detached garage. Any plantings damaged during construction shall be replaced with like and kind plantings.

Mr. Becker stated that there will be a deed restriction that the space will not be used as living quarters or to conduct business and shall not have a kitchen or bathroom.

OPEN TO THE PUBLIC  
NO ONE COMMENTED  
CLOSED TO THE PUBLIC

Mr. Ruebenacker made a motion to approve the application with the conditions of the aforementioned deed restriction and the replacement of any plantings damaged during construction. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

**Nicol, John 123 Midland Ave. Block 302 lot 12.01**

(The applicant proposes to construct a two-story addition to the existing home requiring variance relief for a side yard setback of 10.50' and nonconforming lot frontage)

John Nicol, the applicant, was sworn in. Mr. Cook stated that the applicant is proposing an addition to the rear of the principal dwelling and the detached garage. He added that he submitted a request for a waiver for the submission of a landscape plan as the property is heavily buffered. He then asked Mr. Nicol to explain the proposed use for the second story addition to the garage.

Mr. Nicol stated that the existing home has a small a basement. He would like to add a second story to the detached garage so that his son has a place to hang out when he is home from college. He is planning to place a couch and a television set in the second level.

Mr. Cook asked the applicant if he is aware that the second story addition to the garage is not to be used as separate living quarters and a kitchen shall not be allowed. He asked Mr. Nicol if he is agreeable with a restrictive covenant. Mr. Nicol stated that he understands that the space may not be used as a separate living quarters and is agreeable to the restrictive covenant regarding it's prohibition as a separate living quarters.

Mr. Nicol stated that the proposed two-story addition to the principal dwelling is to enlarge the living room on the first floor and the master bathroom on the second story.

Chairman Fry stated that the plan shows a proposed full bathroom in the detached garage adding that it is always a great concern to the Board because it appears that it is being set up as separate living quarters. Mr. Nicol said that he would like to add the bathroom so guests can shower out there when they come over to use the pool. Mr. Fry stated that he can install a toilet and a sink but no shower. Mr. Cook suggested to the applicant that he can add an outdoor shower.

OPEN TO THE PUBLIC  
NO ONE COMMENTED  
CLOSED TO THE PUBLIC

Mr. Ruebenacker asked what type of siding is proposed for the principal building and garage additions. Mr. Nicol said it will be white hardy plank siding.

Mr. Kalpagian made a motion to approve the application conditioned upon a deed restriction that the garage addition shall not be used as a separate living space, only a half-bath will be constructed in the garage, an outdoor shower will be installed, siding will be white hardy plank and the landscape plan requirement will be waived. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

**Brouwer, Scott 375 Butternut Ave. Block 462 Lot 17**

(The applicant proposes to construct an inground pool requesting variance relief for an accessory lot coverage of 11% where 5% is the maximum allowed and combined lot coverage of

22.7% where 20% is allowed)

Chairman Fry announced that he would be recusing himself for this application. Vice Chairman Borst assumed the role of Chairman.

Scott Brouwer, the applicant, was sworn in. He stated that he and his wife have wanted to install a pool since they have lived in Wyckoff. Since the Covid pandemic hit, they feel it is more important to have the pool for their family since they will be spending more time at home and away from public beaches, pools, and lakes. Mr. Brouwer stated that his lot is undersized which creates the hardship.

There was a discussion regarding the existing 96 sf shed on the property which is nonconforming and also requires a variance. The existing shed was constructed within the rear and side yard setbacks. The applicant was advised that he can move the shed to make it conform at 15' and 20', remove the shed from the property or reduce the size of the shed to 80 sf or smaller.

Mr. Borst asked about landscaping. The applicant stated that he is proposing three (3) skip laurels to screen the pool equipment.

OPEN TO THE PUBLIC  
NO ONE COMMENTED  
CLOSED TO THE PUBLIC

Board Attorney Becker advised that a decision must be made on how to proceed with the issue of the nonconforming shed. If it remains, it will require a variance. It can be relocated on the property so it conforms to the setbacks or it can be removed and replaced by a shed that is no larger than 80 sf and conforms to the required setbacks. Mr. Brouwer stated that he will remove the existing shed and replace it with an 80 sf shed with a 9.5' rear yard setback and a 6' side yard setback.

Mr. Ruebenacker made a motion to approve the application conditioned upon the removal of the existing 96 sf nonconforming shed which shall be replaced with an 80 sf or smaller shed that will be conforming to the Township rear and side yard setback requirements. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Mr. Christ.

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 11:15 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment