

WYCKOFF BOARD OF ADJUSTMENT

APRIL 15, 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 April 15, 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 as a "News" item.

"The April 15, 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"*

"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."

Pledge of Allegiance**OLD BUSINESS**

Approval of the March 18, 2021 Work Session and Public Business meeting minutes.
The minutes were approved during the Work Session.

RESOLUTION FOR PAYMENTS #21-04

Payment Resolution #21-04 was approved during the Work Session.

MEMORIALIZING RESOLUTIONS**Serkes, Matt 110 Ravine Ave. Blk 483 Lot 44**

(The applicant proposes to construct a two-story addition to the existing home with a pre-existing nonconforming side yard setback)

The Resolution was approved during the Work Session.

CARRIED APPLICATION**Electrify America, LLC 525 Cedar Hill Ave. Blk 391 Lot 42.01**

(The applicant is requesting a Use variance so as to permit the conversion of six (6) parking spaces on the property into a four (4) parking space electric vehicle charging station. The applicant is also seeking bulk variance relief with respect to the required front and rear yard setbacks, maximum fence height, required number of parking spaces, and accessory structure in a front yard)

It was announced during the Work Session that the application will be carried to the May 20, 2021 meeting.

NEW APPLICATIONS**Cauchard, Ronald & Denise 324 Wyckoff Ave. Blk 351 Lot 30**

(The applicant proposes to construct a second story addition above the existing attached garage and breezeway on a lot with pre-existing nonconforming lot area, frontage, and side yard setbacks)

The applicants, Denise and Ronald Cauchard were sworn in. Ed Sherman, the Architect was also sworn in. Matthew Rogers, the applicant's Attorney gave a brief summary of the application stating that the home is located in the RA-25 zone and is nonconforming in lot size, frontage, side yard setbacks, and accessory structure setback. This application proposes construction without expanding the existing footprint of the building. The application meets the criteria for a C2 variance because the benefits will outweigh the detriments. Mr. Rogers then introduced the Architect, Mr. Sherman.

Mr. Sherman stated that he has been a licensed Architect in the State of New Jersey for 35 years and his license is in good standing. Mr. Sherman has testified before many Land Use Boards in Bergen County including in Wyckoff.

Chairman Fry stated that Mr. Sherman has appeared before this Board a number of times and he

is recognized to testify as an expert in Architecture.

Mr. Sherman provided the following details of the application: the new construction will not further expand the existing footprint of the home. Presently this is a two (2) bedroom home and the proposal is for a three (3) bedroom home. The previous owners constructed a detached two (2) car garage on the property. The Cauchards propose to convert the existing attached one (1) car garage into a family room, enlarge the existing kitchen, add a bathroom and laundry room on the first floor, and a master bedroom and second bathroom on the second floor above the proposed new family room and existing breezeway. A revised section J was submitted reflecting the correct lot area of 14,991.29 sf and a proposed gross building area of 3541.84 sf. No other changes have been made to the section J or the zoning table on the plans. Mr. Sherman said that he heard the Board member's comments during the work session about adding a window on the left side of the second story addition and the applicant gladly agrees to adding the window.

Chairman Fry asked if the existing attached garage is going to be demolished in order to construct the proposed family room. Mr. Sherman said the existing attached garage is on a slab. The level of the garage floor will be raised to match the rest of the house and the existing framed structure will be utilized to convert the garage to a family room.

Mr. Kalpagian inquired about the proposed siding. Mr. Sherman said they will match the siding of the new addition to the existing siding on the house.

Mr. Tanis asked about the height of the ceilings. Mr. Sherman stated that the first floor ceilings are 8' and the second floor will be 7.6' or 8' in height.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Mr. Becker, the Board Attorney, mentioned the nonconforming shed. The Board members did not see any issues with the shed as it was pre-existing.

Mr. Tanis made a motion to approve the application for 324 Wyckoff Avenue with the condition of adding a window to the second story addition on the left side of the home, and submitting a revised section J. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Ruebenacker, Mr. Christ, Mr. Borst, and Chairman Fry.

Montes, Marco 122 Edison St. Blk 270 Lot 1 Corner lot

(Applicant to construct second-story dormer addition to the existing home requiring variance relief for both front yard setbacks, nonconforming lot area, depth, rear yard setback and principal building lot coverage)

The applicants, Marco Montes and Yulimey Ortiz, were sworn in. Jacob Solomon, the applicant's Architect was also sworn in. His business address 1425 Plaza Road in Fair Lawn NJ. Mr. Solomon stated that he has been a licensed Architect in the State of New Jersey for 28 years and his license is in good standing. Chairman Fry recognized Mr. Solomon as an expert in architecture.

Mr. Solomon provided the following details of the application: There will be no expansion of the existing footprint of the building. We are proposing a roof over the entry on Edison Street and the

entry on Harding Road. We are also proposing a dormer across the rear of the home and two (2) doghouse dormers in the front to enlarge the upstairs bedrooms and add a bathroom. The existing lot is undersized which is a hardship and there are existing nonconforming setbacks as well. On the Harding Road side of the home, a roof will be constructed over the entrance to the existing mudroom. On Edison Street, a new masonry landing with covered roof will be constructed. There is an existing one story garage which will not be built upon. The existing ridge line will not be increased in height. There was a nonconforming accessory shed on the property which has been removed. The applicant is seeking variance relief to add the roof covering over the two (2) entryways.

Mr. Ruebenacker pointed out that if the shed has already been removed, one nonconformity has been eliminated. The section J should be changed to reflect that the accessory lot coverage is now zero and the total combined lot coverage is now 18.5%.

Chairman Fry asked about the overhang not being centered over front door on Edison Street. Mr. Solomon said the front entry door is off-center because there is an existing coat closet to the right of the entry door. The proposed roof will be centered between the two (2) bays in the front and the applicant would like to have room to place a chair or two without blocking the front door.

Mr. Hubert asked about the calculations for impervious coverage and whether it includes the black top on the right side of the property and the rear of the property. Mr. Solomon stated that all of the black top was included in the calculations however it appears larger because the applicants share a driveway with their neighbor. Mr. Hubert then asked if central air conditioning is proposed and if so, where will the condenser unit be located. Mr. Solomon said the A/C condenser unit will be located on the concrete patio in the rear behind the garage. Chairman Fry stated that they must be out of the existing 13.7' setback. Mr. Solomon stated that the A/C condenser unit will not be in the setback.

Mr. Kalpagian asked what type of siding is proposed as it is not stated on the plans. Mr. Solomon said a standard 8" vinyl siding will be used to side the entire house.

Mr. Borst stated that the plan references an existing tree that is to remain however, he did not see that tree when he visited the property. A discussion ensued about which of the two (2) very large, mature trees on the property had been removed and which will remain. Mr. Montes stated that a large white oak on the left front corner of the house was rotting so he had it removed. There is an existing tree, close to the neighboring property line on Harding Road that will remain. Mr. Borst recommended that the applicant submit a more detailed landscape plan showing what is existing and what is proposed. He also recommended adding two (2) shade trees in the front on Edison and additional foundation plantings.

Mr. Ruebenacker recommended planting new arborvitaes to replace the ones that the applicant cut down on the side of the property in addition to planting the shade trees.

Mr. Montes mentioned that at some point in the near future, he would like to replace the existing fence on the property with a new fence. Mr. DiGennaro said that since it is a corner lot, he cannot move the location of the fence past the plane of the house, or it will require Planning Board approval. If the location of the new fence stays the same as it exists, it will not require Board approval. Mr. Montes stated that he will replace the fence in the same location as it currently exists, behind the plane of the house.

Chairman Fry stated that we want to see a revised landscape plan showing what is existing and what is proposed, additional foundation plantings, two (2) shade trees and the replacement of the arborvitaes that were cut down.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Mr. Kalpagian made a motion to approve the application with the conditions that a revised landscape plan will be submitted, two (2) shade trees will be added in the front on the Edison Street side, the arborvitaes that were cut down will be replaced, the A/C condenser unit will be placed in the rear on the concrete patio, and exterior siding will be vinyl. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Mr. Ruebenacker, Mr. Christ, Mr. Borst, and Chairman Fry.

Payerle, Donald 360 Pathway Manor Blk 316 Lot 18

(Applicant proposes to construct a roof over an open porch in the rear of the existing home requiring variance relief for principal building lot coverage on a nonconforming lot)

Bruce Whitaker, the applicant's Attorney, provided the following summary of the application: The property is deficient in area for the RA-25 zone being 16,797 sf where 25,00 sf is required and width is 111.75' where 125' is required. The existing principal building lot coverage is 16.74% and the applicant is proposing 18.02% where the maximum allowed is 15% however there are no accessory structures on the property, and none are proposed. The plan is to renovate the existing masonry raised patio which is deteriorating. The existing tent-like structure will be removed and a new, larger raised covered patio is proposed which will meet all setback requirements. The variance being sought is for principal building lot coverage of 18.02%. Mr. Whitaker stated that he made stipulations in the application that the open porch will never be enclosed, and no accessory structures will be placed on the property. He added that if the application is approved, one of the conditions of approval could be a deed restriction that would run with the land in perpetuity so that any future owner of the property would know that this is a restriction that they would have to adhere to. Finally, Mr. Whitaker stated that the proposed covered patio will be aesthetically better than what currently exists, the landscaping will be improved upon, and the structure will be entirely in the rear of the home and will not be seen from the street.

Donald and Donna Payerle, the applicants, were sworn in.

William Petrone, the applicant's Architect, was sworn in. His business office is located at 512 Ackerman Avenue in Glen Rock New Jersey. Mr. Petrone stated that he has been licensed in the state of New Jersey for 34 years and that his license is in good standing. The Board recognized Mr. Petrone as an expert in Architecture. Mr. Petrone said that the existing condition shows an awning over a masonry porch which does not accommodate seating and a grilling area under the existing awning. We are proposing to improve the look of the back of the house while providing more functionality to the outdoor area to accommodate grilling, dining, and lounging. A hip roof is proposed on the structure to diminish the feeling of the bulk and the new roof shingles will match what currently exists on the home. The base of the structure will have a stone fascia.

Mr. Ruebenacker asked for clarity as far as how much of the existing patio will be removed and how much larger the proposed raised patio will be. Mr. Petrone stated that all of the existing materials will be removed, and a new structure will be constructed which will be 214 sf larger than the existing one. The height to the ridge of the new roof over the patio will be 19.4'.

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Jeanne Miller and Tom Miller, who reside at 366 Pathway Manor, were sworn in. Ms. Miller said that she lives next door to the Payerles and there is a full line of arborvitaes along the side property line in the rear yard. Ms. Miller added that the property is very private and secure and that she has no problem with the applicant's proposal of the covered patio in the back yard. Mr. Miller stated that the proposed covered patio will be much more aesthetically pleasing than what currently exists.

Donald Payerle stated that there is a variety of significant landscaping along the rear property line. There are also arborvitaes along both sides of the rear yard, and the existing screening is very dense. Chairman Fry said the property appears to be well screened.

CLOSED TO THE PUBLIC

Mr. Ruebenacker made a motion to approve the application as submitted with the stipulation that the new porch will never be enclosed, no accessory structures will be placed on the property and a deed restriction stating such will run with the land. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Mr. Ruebenacker, Mr. Chris, Mr. Borst, and Chairman Fry.

Walsh, Samantha 101 Colona St. Blk 268 Lot 11

(Applicant proposes to expand the footprint of the existing home and add a second story requiring variance relief for enhanced side yard setback, front yard setback, nonconforming lot area, frontage and depth, principal building lot coverage and combined lot coverage)

Fred Roughgarden, the applicant's Attorney asked to have Krikor Laterovian, the Contractor; Gregory Goossen, the Architect; and Samantha Walsh, the homeowner owner sworn in.

Mr. Laterovian stated that he is the owner of Capnovate Construction located at 600 Huyler Street in South Hackensack New Jersey.

Mr. Goossen stated that he is the senior project designer for Ortiz Architecture in Wayne New Jersey. He stated that he is not a licensed Architect however he works under the supervision of Mr. Ortiz of Ortiz Architecture. He added that he has an architectural degree background from the New Jersey Institute of Technology.

Mr. Becker, the Board Attorney, stated that Mr. Goossen could testify however he should not be recognized as an expert in Architecture since he is not licensed in the State of New Jersey.

Mr. Roughgarden stated that the application is for an addition to the existing home in the R-15 zone. The lot is undersized, the home does not have a garage, and there is no basement. The application was made with the idea of bringing the home up to a modern, one-family residential structure to serve the needs of the young family occupying the home. The existing shed on the property will be removed, and an attached garage is proposed. The plan is to expand living area on the first floor and add a second level. The hardship is the undersized small lot and the fact that

there is no garage. Mr. Roughgarden asked Mr. Laterovian to provide testimony.

Mr. Laterovian stated that his company is a prominent building and construction company in the State of New Jersey, primarily Bergen County. He said that he currently has numerous projects on a waiting list in the Township of Wyckoff. He added that he is experienced with the requirements of the Township and familiar with the homes in the area. Mr. Laterovian stated that the subject home was designed according to the needs of the family which includes 4 bedrooms and a home office. He then addressed the fact that there are pre-existing nonconformities in lot area, frontage, lot depth, front yard setback, and side yard setback. In addition to the existing nonconformities, he said, we are requesting variances for principal building lot coverage of 29.85% where 15% is the maximum allowed and combined lot coverage of 32.17% where 20% is the max allowed.

Chairman Fry said that the proposed principal building and combined lot coverage far exceeds what he has ever seen approved by this Board. He stated that he understands the lot is undersized and asked for clarification on the square footage that is adding to the proposed gross building area.

Mr. Laterovian provided the following details: on the first floor we are proposing a 335 sf garage, a 15' by 15' dining room, a 13'7" by 12'6" den, a 12' x 18'10" family room, and a 12'1" x 15' kitchen as well as a powder room, walk-in pantry, mud room with mechanical room and a dog wash station. On the second floor we are proposing a 14' x 20' master bedroom with a vaulted ceiling, master bathroom and a walk in closet, three (3) bedrooms consisting of 12'x 4', 10'x14' and 12.4'x12.4' as well as a laundry room, office, and hall bathroom. There is a proposed covered deck and open deck area with fireplace, small outdoor kitchen in the rear and a covered porch in front.

Chairman Fry said this is a very aggressive plan adding that he does not see it moving forward as submitted based on the proposed gross building area and lot coverage. He went on to say that it appears to be a complete tear down and asked how much of the existing home will remain.

Mr. Laterovian stated that the 35'11" wall across the front will remain and modified headers and framing will be added to accept the new windows to that wall. There are existing walls on the exterior of the house that will be remaining however they will have to be rebuilt to accept the new headers.

Mr. Tanis asked for clarification on the walls that are to remain specifically regarding the existing and proposed ceiling heights on the first floor adding that the plan shows one remaining wall and the proposed ceiling heights are 9'.

Mr. Laterovian stated that the applicant is proposing 9' ceilings on the first and second stories. We will leave the exterior sheathing and studs, and sister 9' studs into the existing studs to build up, and then put the floor joist down.

Mr. Tanis said that basically a new wall is being constructed and you are essentially building a new house. He suggested digging out the basement to get the added space they are looking for.

Mr. Hubert agreed stating that it is a knock down.

Chairman Fry said the applicant is doubling the size of the home that currently exists adding that the existing home and the other homes in the neighborhood were built that way for a reason, because they are on small lots.

Mr. Kalpagian said the ultimate challenge is proposing a house this size on this small lot adding, you just do not buy a lot this size if you want a 3300 sf house. He went on to say that the proposed height of 34'.10" is going to look massive on that street and it is the wrong lot for that house.

Mr. Ruebenacker stated that this plan needs to go back to the drawing board because the house is just too big for this lot and this neighborhood.

Vice Chairman Borst said moving the house in 15' on the side with the existing 4' side yard setback and reducing the height would be a starting point. The 34'.10" height on a home that is 4' off the property line is a nonstarter. The proposed home was designed for a different piece of property. Mr. Borst questioned the proposed 12 on 12 roof pitch saying that it is too tall on this lot.

Chairman Fry stated that he believes this is a tear down and what has been proposed is unprecedented. He asserted that there is no way the Board can find that the benefit outweighs the detriment; only the homeowner will benefit from this.

Ms. Rizvani said she is familiar with the neighborhood and many of the homes are on slabs. She suggested that if it is a tear down, the applicant can construct a basement to gain the extra square footage and work within the confines. Ms. Rizvani added that she believes the addition of a garage is a positive aspect however the covered porch in front and covered deck in rear will be overwhelming on the existing lot

Mr. Christ stated that the design of the home is very nice however it is just too big for the lot adding that if it is a knock down, move it away from the 4' setback and reduce the height.

Mr. Ruebenacker called attention to the front yard setback which is existing at 30' while the applicant is proposing 21' where 40' is required and then adding a second level in the setback as well. He said there are many variances being requested with this application and it is such a large house on such a small piece of property.

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Nicole Monente, who resides at 104 Linden Street, and Mario Russo were sworn in. Mr. Russo stated that 104 Linden Street is one of the properties directly behind 101 Colona Street. He said that they are concerned about the size of the home and the possible encroachment into the rear setback. Mr. Russo stated that since the plans are going to be revised, he and Ms. Monente will hold their question and comments until they see what is resubmitted.

Robert Rivera, who resides at 100 Linden Street, was sworn in. He stated that he lives directly behind 101 Colona Street. Mr. Rivera said that the Board addressed his concerns with their questions, he believes the house is too large, and he will wait to see the revised plans.

CLOSED TO THE PUBLIC

Mr. Ruebenacker stated that the gross building area drives the side yard setback to the enhanced 20' and the proposed front porch and two (2) decks in the rear push the combined lot coverage

to 32.17% where 20% is permitted. He added that he does not think the Board has ever seen anything like this in the entire Township. The applicant is going to have to get that number closer to the allowed 20%.

Chairman Fry summarized as follows: we have heard comments about the gross building area, the overall size, the height, and the side yard setback. The fact that this is essentially a complete tear down, there may be an option to dig out a basement and bring the side yard setback in considerably. The principal building and combined lot coverage numbers are higher than any we have seen. The applicant should get as close as possible to the maximum permitted lot coverage of 20% because that is where the number should be and is much more appropriate for this neighborhood. To be in excess of 30% is a major struggle. The house as designed is for a much bigger lot and we cannot make provisions because someone wants a larger house on a lot that cannot support it. In addition, the landscape plan is extremely scarce. With an extensive renovation such as this we would want to see a more detailed, comprehensive landscape plan with significant plantings. Finally, Mr. Fry stated that the front porch should not have come into play on this house. To propose a full front porch on a house which is already nonconforming, in that neighborhood, is very uncharacteristic. It seems no effort was made to conform with the proposed home on this lot.

Mr. Borst pointed out that every tree on the property is going to be removed according to the plan. He said that he does not understand why every tree has to be removed specifically the one near the far rear property line and the one in front of the shed, which he believes can be salvaged. He went on to say that if you are going to take all of the trees down you need to beef up your landscape plan.

Mr. Roughgarden said that he appreciates the Board providing direction and that the comments were very helpful.

Board Attorney Becker announced that the application will be carried to the May 20, 2021 meeting.

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 11:10 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment