

WYCKOFF BOARD OF ADJUSTMENT

MAY 20, 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 May 20, 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 May 20, 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 April 15, 2021 Work Session and Public Business meeting minutes.
The minutes were approved during the Work Session.

RESOLUTION FOR PAYMENTS #21-05

Payment Resolution #21-05 was approved during the Work Session.

MEMORIALIZING RESOLUTIONS**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)

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)

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)

The three (3) Resolutions were approved during the work session.

APPLICATION WITHDRAWN**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 has been withdrawn

APPLICATION CARRIED**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)

It was announced during the work session that this application will be carried to the June 17, 2021 meeting pending the submission of revised plans.

NEW APPLICATIONS**Barry, Ryan 191 Van Houten Ave. Blk 292 lot 10**

(Applicant proposes to add a second story addition, portico, expand garage, add family room and deck in the rear requiring variance relief for front yard setback, side yard setback, principal building lot coverage, lot area, lot frontage and accessory structure rear and side yard setbacks)

Bruce Whitaker, the applicant's Attorney, provided an overview of the application as follows: The property is deficient in lot area consisting of 17,356 sf where 25,000 sf is required in the RA-25 zone. The applicant is proposing to upgrade the entire building, add a second level, and add a roof covering over the existing front landing. The addition will be constructed over the existing footprint of the home with no further encroachment into the existing nonconforming setbacks. The applicant is seeking three (3) variances. The existing front yard setback is 35.2' where 40' is required. The applicant proposes to add a roof over the front landing. The existing side yard setback is nonconforming at 19.8' where the enhanced side yard setback of 25' is required. The proposed side yard setback is not changing. There is extensive landscaping on the property, especially on the side where the nonconforming setback exists, and the landscaping will remain. The third variance requested is for principal building lot coverage of 16.2% where 15% is allowed. Utilities will be placed underground.

Mr. Becker, the Board Attorney, marked the submitted application packet as exhibit A-1.

Kiersten Osterkorn, the applicant's Engineer, and Christopher Canzani, the applicant's Architect were sworn in. Rae Ann Barry, the applicant, was also sworn in.

Ms. Osterkorn stated that she is a licensed Engineer in the State of New Jersey and that her license is in good standing. Chairman Fry stated that Ms. Osterkorn has appeared before this Board many times and is recognized as an expert witness in the field of Engineering. Ms. Osterkorn then provided the following details of the application: The existing structure is a 1 ½ story home which fronts Van Houten and Demarest Avenues. The property slopes down from west to east to the rear corner of the property. There is an existing buffer of trees along the rear of the property and along Demarest Avenue which will remain. The existing lot area, front yard, and side yard setbacks are nonconforming and what is being proposed will not further exacerbate any of these nonconformities. With the expansion of the garage, the proposed principal building lot coverage is 16.2% where 15% is the maximum allowed however the total combined lot coverage is proposed at 18.8% which is below the allowed 20%. We are proposing to add a full second story, expand the garage, and construct a covered front landing. The addition of a family room in the rear of the home will conform with all setback requirements. A seepage pit is proposed for the front yard to collect runoff and the proposed impervious coverage is below the maximum allowed. Finally, Ms. Osterkorn said that she believes the renovations are appropriate for the neighborhood and will greatly enhance the streetscape.

Chris Canzani provided the following architectural details:

The existing home is a three (3) bedroom ranch. The proposed design will place the bedrooms upstairs on the new second level and increase the living space on the main level of the home. The design is an expanded Cape Cod style. The proposed height at the highest point is 32' and the roof will be expanded over the front porch. With regard to the siding, the existing exterior walls are brick, and we are proposing to place stucco over the bricks and use bluestone for the front porch. The new second story will be sided with a PVC or vinyl shingle product, asphalt shingles are proposed for the roof, and PVC for all of the trim. Aluminum gutters and leaders will

be installed. Finally, Mr. Canzani said that he believes the proposed size and style of the home are in character with other homes in the neighborhood.

Mr. Hubert asked how much of the existing home will be demolished. Mr. Canzani stated that the plan is to maintain as many of the existing exterior walls as possible.

Chairman Fry questioned how the combination of stucco, vinyl siding and bluestone will work from a design or style standpoint adding that stucco is not common in that neighborhood or for the style of home that is proposed. Mr. Canzani said that the homeowner is not fond of the brick exterior and would like a mixture of different textures for the siding.

Chairman Fry asked about the proposed ceiling height. Mr. Canzani stated that the first floor will have 8'6" high ceilings, the second floor will have 8' ceilings and the attic will be 8' at the highest point of the ridge and then the height will taper down tremendously as you move away from the center. He went on to say that a staircase to the attic is proposed however the attic will remain unfinished.

Mr. Fry pointed out that the A/C condenser units, with screening, are shown on the plan in the rear adjacent to the proposed family room addition. He asked if the applicant is planning to install a generator as well. Mr. Canzani said his client would like to include a generator, if possible, which will be installed in the area of the A/C units and the generator will also be screened. The Chairman advised Mr. Canzani that a revised plan must be submitted showing the location of the generator with screening.

Mr. Tanis asked the size of the overhang. Mr. Canzani stated it is 2' from the exterior wall.

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

Mr. Whitaker stated that the applicant just contacted him and said the siding on the house will be hardy plank not stucco.

With regard to the landscape plan, Ms. Osterkorn stated that the A/C condenser units and generator will be screened with boxwoods. All of the trees and landscaping along Demarest Avenue will remain as well as the trees along the rear of the property line. There is an existing tree row on the right side of the home which will remain. Two 6'-7' blue point junipers are proposed to flank the front porch as well as rhododendron and merlot sweet spire. Chairman Fry advised that any existing plantings that get damaged during construction will be replaced with like, kind, and size plantings.

Mr. DiGennaro stated that if the application is approved, the resolution should include the proposed siding is now hardy plank as well as the addition of the generator. He added that revised plans must be submitted reflecting the changes discussed during the meeting.

Chairman Fry summarized by stating that a generator with evergreen screening is proposed, the siding on the first and second levels of the home will be hardy plank, the attic will remain unfinished, the existing tree rows and landscaping will remain, and any landscaping damaged during construction will be replaced with like, kind, and size plantings.

Vice Chairman Borst made a motion to approve the application with the conditions stated by the Chairman. Second, Ms. Riotto. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Borst, and Chairman Fry.

Carollo, Anthony 425 Red Rock Rd. Blk 497 Lot 85 MF/AH-5

(The applicant proposes to install an inground pool requiring variance relief for accessory structure side and rear yard setbacks)

Board Attorney Becker announced that Vice Chairman Borst has recused himself for this application and removed himself from the Zoom meeting.

Bruce Whitaker, the applicant's Attorney, provide the following brief summary of the application: The applicant is proposing to install an inground pool in the rear yard. No changes are proposed for the existing principal building, single-family home. The property currently meets all of the bulk requirements for the Multi-Family, Affordable Housing zone. The proposed swimming pool will result in a deficiency as it pertains to the rear yard setback and the side yard setback to the pool patio. This is a unique piece of property with a large retaining wall to the rear and extensive screening, therefore, the pool itself will not be readily discernible to anyone who is not on the property. The proposal is to place the fence on top of the existing retaining wall with the understanding that none of the existing trees are to be removed or disturbed for the purpose of installing the fence. Finally, Mr. Whitaker opined that the proposed pool is modest in size and variance relief is appropriate under the C-1 criteria.

Mr. Becker marked the engineering plan dated 4/28/2021 exhibit A-1.

Joseph Vince, the applicant's Professional Engineer was sworn in. Jessica Booth, the applicant's Landscape Design Professional was also sworn in. Chairman Fry stated that Mr. Vince has previously testified before this Board and is recognized as a qualified witness in Engineering.

Mr. Vince provided the following details of the proposal from an engineering perspective: The property is relatively rectangular in shape however it is wider in the rear of the property than it is in the front, and it is deeper on the left side than it is on the right. We are proposing to construct an inground pool in the left rear area of the site with an associated patio. The site is unique due to the zoning requirements in the MF/AH Zone where there are smaller lot requirements compared to other zones in Wyckoff. There is an existing retaining wall along the rear of the property and the subject property is at the low side of the wall. There is an existing row of evergreens behind that wall. There is solid vinyl fencing along each side of the rear yard as well as tall evergreen trees. The retaining wall is approximately 2' feet onto the applicant's property and the arborvitaes are behind the wall. The plan is to install a pool code fence on top of the retaining wall. The trees may have to be trimmed to facilitate the fence installation. If the fence cannot be placed on top of the retaining wall, the pool may have to be reduced in size to accommodate the fence being placed on the ground as it must be installed 3' from the wall to be Code compliant. The variance request is for a 3.6' rear yard setback to the pool patio and a 6.3' side yard setback to the pool patio. The proposed pool is free formed and is approximately 33' long and 16' wide at the widest point.

Chairman Fry stated that he would like some clarity regarding the slope of the property in the area where the pool is proposed. He added that from a topographical perspective, the property is lower where the proposed patio is closest to the house and the land slopes up from there to the retaining wall in the rear of the property. He asked if there is going to be a reveal on the lower side of the

pool or if the property will be built up to accommodate the pool.

Mr. Vince said the property is slightly higher in elevation at the rear corner and the intent is to grade down towards the pool and patio to make it relatively flat. He added that a seepage pit will be installed to collect runoff from the pool and patio areas.

Chairman Fry asked what the impact will be on the retaining wall if the hole for the pool will be dug just a couple of feet away from it. Mr. Vince said there will be no impact adding that the wall is made of modular blocks which are typically buried approximately 1' deep and the pool itself will be below the bottom of the wall.

Chairman Fry said this is a very tight area even for a pool of this size and the evergreens behind the retaining wall will have to be trimmed quite a bit to accommodate a fence on top of the retaining wall. He went on to say that if you cannot install the fence on top of the wall, it will have to be installed 3' from the retaining wall and the submitted plan has the proposed pool patio just 3.6' from the retaining wall. The Chairman asserted that the Board needs to know tonight what the location of the fence will be before a decision can be made. Finally, he stated that in his opinion it is a poor design being so close to the retaining wall at 3.6' and would prefer to it closer to the 10' that is required.

Mr. Whitaker stated that if there is a need to install the fence on the ground, in front of the retaining wall, the pool will be reduced in size and the fence will be installed 3' from the wall as per code.

Mr. Tanis affirmed that the Board needs to know where the fence is going to be installed before making a decision. He added that if the fence cannot be installed on top of the retaining wall, that will change the entire application including the setbacks and the size of the pool and a new pool plan will need to be submitted. Mr. Tanis said that he would like to hear testimony from the Landscape Professional about whether or not the shrubs behind the retaining wall can be trimmed back enough to install the fence on top of the wall.

Mr. Hubert inquired about the type of fence being proposed as it is not noted on the plan adding that he thinks it is best that the applicant comes back with a plan that shows exactly where the fence will be installed, and the type of fence proposed as the Board cannot make a decision based on what has been discussed this evening.

Ms. Riotto stated that the pool needs to be moved further away from the retaining wall even if it means reducing the size of the pool. She pointed out that there is an option to eliminate the proposed hot tub in order to shift the pool over and reduce the size. Ms. Riotto said she feels the proposal is too much for that small area.

Ms. Rizvani concurred with the other Board members stating that we need to know what type of fence is proposed and if it will be installed on top of the retaining wall or on the ground in front of the wall. She went on to say that if the plan has to be changed, the Board should see that plan before making a decision. She also recommended a black chain link fence which will blend in better to the surroundings.

Mr. Whitaker stated that he would like the Board to carry the application to the June 17 meeting.

OPEN TO THE PUBLIC

George Farra, who resides at 316 Megan Court, phoned in to the meeting. Mr. Whitaker stated that if Mr. Farra wishes to testify or cross examine, he is required to be on video as well as audio. Mr. Farra said that he registered for the Zoom meeting with audio access only. Mr. Becker stated that he is aware that members of the public who wish to testify are required to appear on video however Mr. Farra should be permitted to speak. Mr. Farra questioned why the fence is required since there is a retaining wall and shrubs in the rear of the property. Mr. Becker stated that the retaining wall does not meet the Township of Wyckoff Code for a pool fence or enclosure. Mr. Whitaker said that a pool must have a barrier that prevents a person from walking up to the property and jumping into the pool and the retaining wall would not prevent that from happening.

CLOSED TO THE PUBLIC

Chairman Fry announced that the application will be carried to the June 17, 2021 meeting. Board Attorney Becker stated that the applicant does not need to re-notice the public for that meeting.

Levin, Sara 321 Martom Rd. Blk 289 Lot 8 RA-25

(The applicant proposes to construct a new covered front porch requiring front yard setback variance relief)

Chris Papaleo, the applicant's Architect, was sworn in. Mr. Papaleo stated that he is licensed in the State of New Jersey and has a master's degree from NJIT. He added that he has testified before Land Use Boards in many towns in the State of New Jersey. The Chairman recognized Mr. Papaleo's credentials as acceptable. Mr. Papaleo stated that the addition of the roof over the front porch will not encroach further into the front yard setback. The proposed gable roof over the porch will be aligned with the existing roof on the front elevation of the home.

Chairman Fry asked for the height of the gable roof and depth dimension of the concrete platform. Mr. Papaleo stated that the proposed height is 15.6' at the ridge and the platform is 4 ½' deep. Mr. Fry asked if the accessory structure shed on the property will be removed. Mr. Papaleo stated the shed will be removed.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Chairman Fry summarized by stating that the roof addition over the porch will not encroach further than what is existing at 37.38', the height of the gable roof will be 15.6' and the existing shed will be removed resulting in a total combined lot coverage of 16.4%.

Mr. Borst made a motion to approve the application. Second, Mr. Borst. Voting in favor: Ms. Rizvani, Mr. Tanis, Mr. Hubert, Ms. Riotto, Vice Chairman 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 10:30 p.m.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment