

WYCKOFF BOARD OF ADJUSTMENT

JUNE 17, 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., the meeting of the Zoning Board of the Township of Wyckoff scheduled for Thursday June 17, 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 June 17, 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."

ROLL CALL:

Board Members in attendance: Carl Fry, Chairman; Mark Borst, Vice Chairman; Brian Tanis, Ed Kalpagian, Rosa Riotto, Ian Christ, and Nekije Rizvani.

Absent: Brian Hubert and Erik Ruebenacker.

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

PLEDGE OF ALLEGIANCE**OLD BUSINESS**

Approval of the May 20, 2021 Work Session and Public Business meeting minutes.
The minutes were approved during the Work Session.

RESOLUTION FOR PAYMENTS #21-06

Payment Resolution #21-06 was approved during the Work Session.

MEMORIALIZING RESOLUTIONS**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)

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)

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

NEW APPLICATIONS**Victoria Silva and Joseph Pisa 431 Lafayette Ave. Blk 438 Lot 30.01**

(The applicant is requesting relief from 173-2 of the Township Code to place an RV on the property to reside in during renovations to the principal dwelling due to a fire in the home)

Chairman Fry announced that this application will be heard at the July 15, 2021 meeting pending proper public noticing.

Paragon Auto 290 Franklin Ave. Blk 260 Lot 2 B-1

(The applicant proposes to construct an addition to the existing building requiring variance relief for front yard setback, side yard setback, accessory structure side yard setback and impervious coverage allowance)

Board Attorney, David Becker, announced that he would be recusing himself for this application. Attorney Ken Porro was present to stand in as substitute Board Attorney for this application.

Harold Cook, the applicant's Attorney, stated that he will have two (2) witnesses this evening. Vanessa Worthington of Paragon Auto, and Erik Boe of LAN Associates were sworn in. Mr. Cook

stated that this is an application to permit the construction of building access stairs and a loading ramp within a minimum side yard setback. Mr. Cook said that unfortunately, these structures were not on the original plans that were approved back in 2013. He went on to say that when the Township Building Department Official came out to perform an inspection, it was determined that the unauthorized work on the access stairs and loading ramp would have to be halted until a Zoning Board application was filed. Mr. Cook stated that Ms. Worthington, the President of Paragon will provide the background story of exactly what transpired.

Ms. Worthington provided the following background details of why she is before the Board at this time:

The original plans to construct an addition to the building were approved in 2013 and at that time there was a verbal discussion about constructing the access stairs and loading ramp however those items were not drawn on the plans. When the Township of Wyckoff Inspector visited the site back in January, he noted that the stairs and the ramp which were under construction, were not on the plans and the work was halted. We were told to submit an amended site plan showing the stairs and ramp and a Zoning Board application which is why we are here before you this evening. The purpose of the access stairs and loading ramp are to provide easy access to unload parts which are used in the newer section of the building. We will have trucks unloading on that side of the building where the ramp is being constructed. It will allow us to keep the delivery trucks away from the repaired vehicles in the parking lot and away from the customers on the site. The access stairs will provide access to the painting department and an open area of the new addition. With regard to the landscaping, which was mentioned during the work session, it has been our plan to install the landscaping unfortunately work was halted in January by the Building Inspector. Mr. Cook asked Ms. Worthington what her intentions are as pertains to completing the the landscaping. Ms. Worthington stated that as soon as we are permitted to resume work on the ramp and the access stairs, we will attempt to have the landscape work completed within approximately two (2) to three (3) weeks. Finished cars will be parked near the street and vehicles requiring repairs will be kept towards the back. Mr. Cook asked Ms. Worthington if it is her intention to carry out the terms of the original approval. Ms. Worthington replied that it is her intention to complete the previously approved work.

Chairman Fry asked if trucks will be parked in the area of the new stairs and loading ramp. Ms. Worthington stated that vendor's delivery trucks will arrive, unload, and leave adding that the area of the new access stairs and ramp will not be utilized for parking trucks.

Chairman Fry mentioned that Ms. Worthington said the landscaping and curbing, which had been previously approved and committed to, will now be completed in approximately two (2) to three (3) weeks. He then pointed out that the original approval was granted eight (8) years ago and the landscaping was not completed. He said the one thing the Board was extremely concerned about when the prior application was heard back in 2013 was the aesthetics of the site. He went on to say that he recently noticed pallets and garbage as well as overgrown grass on the site adding that he feels that the Board was sold a bill of goods and he would like to know the reason behind it. Mr. Fry asked Ms. Worthington if she has obtained a Certificate of Occupancy or a Temporary Certificate of Occupancy.

Ms. Worthington stated that they just recently obtained final permits for fire and inspections adding that they have had many issues over the years with contractors and workers walking off the job, so the site is not fully operational yet. She added, the landscaping was one of the last things on the list to be completed but she is looking to get this finished.

Chairman Fry said that as a stipulation, he will demand that no Certificate of Occupancy be issued unless all of the original site work that was shown on the approved Jacobsen Landscaping plan, dated November 2012, is completed in a timely manner.

Erik Boe, the applicant's Engineer shared his screen to display the aforementioned landscaping plan. Chairman Fry pointed out that the plan shows the proposed curbed island in the parking lot, and he expressed concerns that fire trucks may not have enough room to access the rear of the building where the paint and chemical materials are used. Mr. Boe said the size of the island can be reduced to provide a 32' wide opening for fire truck access.

Chairman Fry said he wants to see the site cleaned up and kept clean adding that all garbage and debris must be removed from the site.

Mr. Tanis pointed out that the plan shows a proposed emergency back-up generator and concrete pad and there is no screening shown around the generator. He added that the fence has been replaced however there are no trees or shrubs in that area. He also added that the plan shows a porous grass paver walkway however the existing pavers are regular pavers.

Mr. DiGennaro stated that there is no impervious coverage maximum in the B-1 zone, so it is irrelevant.

Chairman Fry stated that the as-built should reflect the actual type of pavers on the site.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Chairman Fry summarized by stating that the applicant will complete the previously approved landscape plan including the curbed island which will be reduced in size to allow a 32' wide access area to the rear of the building. Once permits are approved, the landscaping will be completed within two (2) to three (3) weeks and an amended as-built plan will be submitted reflecting the 32' wide setback from the building to the curbed island and the existing paver walkway.

Mr. Porro reiterated the conditions adding that the work shall be completed prior to the issuance of a Certificate of Occupancy.

Vice Chairman Borst made a motion to approve the application with the conditions that the previously approved landscape plan will be complied with, and an as-built will be submitted reflecting the 32' wide setback from the building to the curbed island and the walkway pavers. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Riotto, Ms. Rizvani, Mr. Christ, Mr. Borst, and Chairman Fry.

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)

Fred Roughgarden, the applicant's Attorney stated that the applicant received a great deal of

feedback from the Board members during the April 15, 2021 meeting and has made substantial revisions to the proposed plans.

Jose Ortiz, the applicant's Architect, was sworn in. Mr. Ortiz stated that he is licensed in the States of New Jersey, New York, and Connecticut, and his license is in good standing. He was recognized by the Board as an acceptable witness in the field of Architecture. Mr. Ortiz stated that the gross building area, front yard setback, side yard setback on one side, and building lot coverage have been reduced.

Chairman Fry pointed out that good changes have been made to the plans however nothing has been revised on the right side of the structure where the existing side yard setback is 4.7' and 2.10' to the roof overhang of the proposed second story. He added that a good improvement to the plan would be to step in the second story or to bring the roof line down by changing it to a hip roof to reduce the impact of that second story. Mr. Fry also recommended reducing the size of the rear deck by a few feet to move it out of the accessory structure side yard setback which is proposed at 7' where 10' is required.

Greg Laterovian, the applicant's builder, said that changing the gable roof to a hip roof will take away from the design of the craftsman style they are trying to achieve. He added that due to the venting requirements, an unattractive mushroom type attic fan would have to be added to a hip roof to provide adequate venting of the A/C units. Mr. Laterovian stated that the redesign has reduced the building height by 5'9" and the pitch of the gables has been reduced. He added that he spoke with the applicant during the meeting recess, and she is agreeable to reducing the size of the rear deck to meet the accessory structure side yard requirement of 10'.

Mr. Tanis stated that that he believes the Chairman's comments about the gable roof have been misconstrued. The concerns are with the appearance of the mass of the structure with the gable roof on the right side going straight up on the second story; not with the proposed three (3) gables in the front of the house. Mr. Tanis also pointed out that the attic could be vented through the three (3) gables in the front of the house.

Mr. Borst stated the second level at 4.7' off the property line is a non-starter in his opinion. He recommended that the builder and the architect figure out how to reduce the appearance of that mass on the right side of the second story whether it is with a hip roof or some other roof revision.

Mr. Kalpagian agreed stating that the height of the gable roof, on the right side of the second story, so close to the property line is a problem.

Mr. Ortiz suggested constructing a 45 degree return or "dog ear" at the top of the gable end to reduce the height of the structure on both sides adding that would reduce the height at the ridge by 4' or 5'.

Vice Chairman Borst said he does not understand why every shade tree on the property is proposed to be removed and would like to hear testimony about that.

Mr. Laterovian stated the applicant wants the trees removed as she believes they pose a danger because the branches are very large, and a few come down every time there is a storm. Mr. Laterovian also said that four (4) of the trees have to be removed because they will be in the way of the build-out. One dogwood tree will remain in the front.

Mr. Borst said there are three (3) trees that he believes can remain including the tree in front of the shed, the tree close to the rear property line and the tree in front closest to the street.

Samantha Walsh, the applicant, was sworn in. She stated that she has concerns about the very tall trees near the rear property line and the one near the shed falling on the house however she is okay with leaving the tree in the front near the street.

Mr. Kalpagian asked what type of siding is proposed. Mr. Laterovian stated that vinyl cedar impression shingles or board and batten for the gables and straight lap for the rest of the house to provide the craftsman character.

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

Chairman Fry summarized by stating that the rear deck accessory structure will be reduced in size and made to conform at 10' from the property line, the roof peaks on the right and left side will be modified and reduced to a height of 23.7', siding will be vinyl cedar impression and straight lap or board and batten, utilities will be placed underground, and the large shade tree in the front of the house near the street will remain.

Mr. DiGennaro stated that revised architectural plan and landscape plan must be submitted in a timely manner prior to the next meeting.

Mr. Tanis made a motion to approve the application with the stipulations of the revisions to the roof as discussed, the rear deck will conform to the 10' setback requirement, an amended landscape plan will be submitted as discussed, and the utilities will be placed underground. Second Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Christ, Ms. Rizvani, Ms. Riotto, Mr. Borst, and Chairman Fry.

At 10:40 pm Chairman Fry announced that the meeting would be adjourned at 11:00 pm while there were still four (4) applications to be heard. Harold Cook, the Attorney representing 540 Helena Avenue, requested that this application be adjourned until the July 15, 2021 meeting. Roger Schlicht, the Architect for 385 Frances Place, requested that this application be adjourned until the August 19, 2021 meeting. Board Attorney Becker stated that the two applications will be carried, and the applicant's will not need to re-notice the public.

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)

Chairman Fry announced that Vice Chairman Borst has recused himself for this application.

Bruce Whitaker, the applicant's Attorney, provided the following information:

This is a carryover from the last meeting where the Board made comments and suggestions about the proposed pool plan. The applicant's listened to the comments and looked at alternate ways to accomplish what they wished to accomplish. Mr. Whitaker said he believes the revised plans have met the Board's expectations. The proposed pool will be level with the ground and will have a patio around it. The proposed rear yard setback to the pool patio is now 5' and the proposed

side yard setback to the pool patio is 5.3'. A code compliant fence is proposed to be installed on the ground, 3' from the retaining wall instead of on top of the retaining wall as was previously proposed. The existing landscaping behind the retaining wall will remain undisturbed. The pool has been reduced in size by 2% and the impervious coverage and building lot coverage are below the maximum allowed percentages.

Joe Vince, the applicant's Engineer, was reminded that he was previously sworn and is still under oath. The revised plan dated 6/8/2021 was marked exhibit A-3. Mr. Vince explained that the code compliant fence has been relocated to be installed on the ground, 3' from the retaining wall and will have a gate. There will be a stone area between the retaining wall and the fence around the pool and patio. The pool will be at grade, and we are proposing a knee wall on one side of the pool. The pool size has been reduced from 495 sf to 476 sf and will be 32' x 14'. The proposed rear yard setback is 5' and side yard setback is 5.3'. We did not dimension the rear yard setback on the plan however we will stipulate that the distance from the retaining wall to the proposed pool patio is 5'. The proposed impervious coverage is 55% where 60% allowed and proposed lot coverage is 31.9% where 35% is allowed.

Jessica Booth, the Landscape Designer with Borst Landscape Design, was sworn in. Ms. Booth said she graduated from Rutgers University in 2008 with a degree in landscape design. The Board recognized Ms. Booth as an expert in the field of landscape design. Ms. Booth stated that the area to the right side of the pool will be lawn and the hardscape will come up against the lawn at level grade. The area to the left side will have a planting bed of hydrangeas and spirea up against the fence and there will be a mulch area by the pool equipment and a/c condenser units. Finally Ms. Booth stated that there is sufficient buffering between the applicant's property and the neighboring properties, in her opinion.

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

Ms. Riotto made a motion to approve the application as discussed. Second Mr. Tanis. Voting in favor: Ms. Rizvani, Mr. Christ, Mr. Tanis, Mr. Kalpagian, Ms. Riotto, and Chairman Fry.

NEW APPLICATIONS

Muldoon, Robert & Christina 727 Charnwood Dr. Blk 421 Lot 61 RA-25

(The applicant proposes to construct a second story addition to the existing home with enhanced side yard setback variance required)

Christopher Canzani, the applicant's Architect, was sworn in. Mr. Canzani has appeared before this Board numerous times and was accepted as an expert witness in the field of Architecture. Mr. Canzani stated that the applicant is proposing to construct a second floor addition and make exterior improvements to the home. The bulk of the renovation will be on the second floor. The existing and proposed gross building area exceeds 3,700 sf therefore the enhanced side yard setback is required and the applicant is requesting variance relief for a side yard setback of 20.6' where the enhanced side yard setback requirement is 25'. Mr. Canzani stated that they are building over the existing footprint and the structure will be conforming to all other zoning and setback requirements. With regard to the landscaping, Mr. Canzani said that a landscape plan was not submitted because there is a significant amount of landscaping on the property and around the home. There are mature trees and shrubs around the home, and they are maintained

by a professional landscaper. The builder is going to scaffold over the existing plantings in effort to protect them as much as possible. Mr. Canzani stated that in the event that any of the plantings are damaged during construction, they will be replaced in kind.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Kalpagian made a motion to approve the application as presented with the stipulation that any landscaping damaged during construction will be replaced with like, kind, and size plantings. Second, Ms. Riotto. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Rizvani, Mr. Christ, Ms. Riotto, Mr. Borst, and Chairman Fry.

Jones, Robert & Ellen 385 Frances Place Blk 286 Lot 7 RA-25

(The applicant proposes to construct an addition of second story over the existing attached garage requiring variance relief for enhanced side yard setbacks and rear yard setback)

The application will be carried to the August 19, 2021 meeting.

A&J Acquisitions 540 Helena Ave Blk 314 Lot 72 RA-25

(The applicant proposes to demolish the existing home and construct new home on the lot with deficient Frontage of 120' where 125' is the requirement)

The application will be carried to the July 15, 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 11:15 p.m.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment