

WYCKOFF BOARD OF ADJUSTMENT

AUGUST 19, 2021 PUBLIC BUSINESS MEETING MINUTES

Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall
Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

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

"The August 19, 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; Erik Ruebenacker, Ed Kalpagian, Brian Tanis, Ian Christ, and Nekije Rizvani.

Absent: Mark Borst, Vice Chairman; Brian Hubert, and Rosa Riotto.

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

PLEDGE OF ALLEGIANCE

OLD BUSINESS

Approval of the July 15, 2021 Work Session and Public Business meeting minutes.
The minutes were approved during the Work Session.

RESOLUTION FOR PAYMENTS #21-08

Payment Resolution #21-08 was approved during the Work Session.

MEMORIALIZING RESOLUTIONS**Victoria Silva and Joseph Pisa 431 Lafayette Ave. Blk 438 Lot 30.01**

(The applicant proposes to place an RV on the property to reside in during renovations to the primary dwelling due to a fire in the home)

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)

Goodman, Ryan 421 Cornwall Ct. Blk 314 Lot 47 RA-25

(The applicant proposes to construct a one story addition, and covered and uncovered decks in the rear of the home requiring variances for rear and side yard setbacks)

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

(The applicant proposes to construct an addition to the existing building)

The four (4) Resolutions were memorialized during the work session.

NEW APPLICATIONS**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)

Robert Jones, the applicant, was sworn in. Roger Schlict, the applicant's Architect, was sworn in. Mr. Schlict stated that he is a licensed Architect in good standing in the State of New Jersey and has appeared before this Board many times. He was recognized as an expert in the field of Architecture. Mr. Schlict provided the following details of the application:

The lot is deficient in size consisting of 17,619 sf where 25,00 sf is required. The lot is irregular in shape which creates the hardship and the need for the variance. The left side of the house has an existing setback of 15.4' to the existing steps and 18.78' to the house proper which is the area we are proposing the addition on the second level. We are not proposing to further encroach into the left side yard setback. The existing right side yard setback is 20.23' where 25' is required and we are not proposing any work on that side of the home. The existing rear yard setback is 27.3' where 40' is required. In summary we have an undersized lot, with an irregular shape, with a lawfully existing structure located in a nonconforming location. The basis for the relief is the hardship of the lot size, shape, and shallowness. We are proposing to construct a level over the existing garage to create a master suite. The addition will stack directly over the existing garage and no enlargement of the footprint will occur. Only the roof overhangs will come close to the setback. The rear yard is heavily screened by tall green giant arborvitaes. The height will match the existing structure height of 26'.

Mr. Kalpagian inquired about the siding. Mr. Schlict stated the new siding and windows will match what is existing.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

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

Tusk, Marla 104 Willow Pond Ct. Block 421 Lot 81 RA-25

(The applicant proposes to enlarge the existing rear covered porch requiring variance relief for the enhanced side yard setback and exceeding allowable principal building lot coverage)

Marla Tusk, the applicant and home owner, was sworn in. Daniel D'Agostino, the applicant's Architect was sworn in. Mr. D'Agostino stated that he is licensed Architect in good standing in the State of New Jersey. He received a degree in Architecture from NJIT in 2006. Mr. D'Agostino stated that he has appeared before this Board and numerous Boards in the area. He was recognized as an expert in the field of Architecture. Mr. D'Agostino provided the following details of the application:

The plan is to create an outdoor living space for the family. We are requesting three (3) variances for impervious lot coverage, principal building lot coverage and side yard setback. The enhanced side yard setback requirement is 25' and we are proposing 22.25'. The hardship is the angle of the property as it moves to the rear of the lot. If we located the covered porch closer to the center of the house, we would lose the natural light that comes into the rear of the home, specifically in the kitchen area. The proposed addition is a one-story, open air pavilion and it will be heavily screened from the neighbors on the left who will be most impacted.

Chairman Fry asked the proposed distance from the back of the house to the end of the covered Patio. Mr. D'Agostino stated it will be 27' in length. Mr. Fry said that although the ordinances have changed since the construction of the home, and the lot is irregular, he believes the porch addition could have been constructed outside the setback. He added that the applicant is also proposing to max out the total combined impervious coverage allowance with the principal building alone. Finally Chairman Fry stated that the Board must consider the benefit versus the detriment and make a decision to grant relief from the ordinance for a recreational item which is not a necessity.

Mr. Kalpagian stated that the 19.99% principal building lot coverage is a struggle adding that it leaves no room to add any accessory structures in the future for this owner or a future owner of the property. He also said he has concerns about the open porch being closed in and a second level being added on top of it. Mr. Kalpagian suggested a deed restriction to prevent the porch from being enclosed in the future.

Mr. Tanis stated that he would have preferred to see the porch addition shifted over and out of the side yard setback.

Chairman Fry asked Mr. D'Agostino how they arrived at the large size of the porch that is being proposed. Mr. D'Agostino said he took into consideration what the home owner wants to use the space for such as outdoor cooking, dining, and a seating area. He said he then calculated the size of the furniture and how much space would be needed to accommodate it comfortably.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Chairman Fry reiterated that the Board would have to consider the benefit versus the detriment, the location, the proximity to the neighbors, and the proposed side yard setback.

Mr. Kalpagian again stated that he would like to see a deed restriction pertaining to the porch remaining an open air space and no further lot coverage.

Mr. Kalpagian made a motion to approve the application with a deed restriction that the porch shall remain an open air space. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Christ, Ms. Rizvani, and Mr. Ruebenacker. Opposed, Chairman Fry.

Denise, John & Jenna 533 Helena Ave. Block 336 Lot 6 RA-25

(The applicant proposes to renovate the home which was damaged by a fire and construct an addition requiring variance relief for pre-existing nonconforming side yard setbacks, lot area and frontage)

John and Jenna Denise, the applicants, were sworn in. William Brown, the applicant's Architect, was sworn in. Mr. Brown, whose professional office is in Wyckoff, has appeared before the Wyckoff Zoning Board numerous times and was recognized as an expert in the field of Architecture.

Mr. Denise stated that he and his wife grew up in Wyckoff. In 2015, they purchased the home at 533 Helena Avenue. Mr. Denise explained that one year ago there was a devastating fire in the home and they are now planning to rebuild their home. They desire to renovate the existing home and also construct a modest addition to better accommodate their growing family.

Mr. Brown provided the following details of the application:

The lot is slightly undersized consisting of 21,807 sf where 25,000 sf is the requirement and the existing lot width is 78' where 125' is required. The existing principal building lot coverage is 7.55% and we are proposing 9.28% where 15% is permitted. The existing left side yard setback is 12.8' and will not change. The existing right side setback is 8.9' and we are proposing 8.7'. We created an entrance on the left side of the front of the house next to the garage which will enter into the kitchen area and a new formal entryway and foyer on the right side of the front side where we are proposing a new staircase to the second level. There are two (2) existing bedrooms on the first floor, one of which is used as an office. One (1) of the bedrooms will remain and the other will be modified and remain an office. There are three (3) existing bedrooms upstairs which will remain although they will be modified to enlarge the master bedroom and two (2) bedrooms for the children. The siding will be Hardie plank and architectural shingles.

Chairman Fry pointed out that the plan shows a closet in the proposed office on the first which means it will technically be considered a bedroom.

Mr. DeGennaro stated that a new four (4) bedroom septic system is currently being designed for the home by Weissman Engineering. He cautioned the Board not to approve what could potentially be a five (5) bedroom house unless the applicant can accommodate a five (5) bedroom septic system on the property. He recommended that there be a deed restriction stating that if the property can only accommodate a four (4) bedroom septic, the house must only contain four (4) bedrooms.

Board Attorney Becker stated that rather than a deed restriction, it may be best to stipulate in the Resolution that if the property can accommodate a five (5) bedroom septic, the house can be a five (5) bedroom home which will leave that option open for the home owners.

Chairman Fry asked how much of the existing home is going to be taken down. Mr. Brown stated that they are planning to reframe with new studs due to the fire damage however due to the cost of lumber, they are hoping to salvage some of what is existing. Mr. Fry said there could be extensive water damage and mold, adding that it might be best to start fresh and push back from the 8.9' on the right side. Mr. Brown said the applicants like the layout of the existing house and wish to keep it as much as possible with the exception of a small expansion. He added that due to the existing deficiency in the width of the lot, the house would only be 35' to 38' wide if it was reconstructed out of the setbacks.

Mr. Ruebenacker questioned if it is the intention of the Board to make this applicant redo the foundation to facilitate shifting the house out of the setback. Chairman Fry stated that the Board has done so in the past in cases of complete teardowns adding that it may not be the answer in this case, but it is a conversation that should be had.

Mr. Kalpagian asked if the insurance company performed a deep investigation and approved an estimate based on possible fire, water, and mold damage. Mr. Denise said he believes the negotiations with the insurer have been finalized as far as he understands it.

Mr. Tanis pointed out that the plan shows steel beams proposed in the basement and the carpentry notes state that the framing of the perimeter walls will be 2 x 6 studs so essentially it appears that every wall is coming down as well as the first floor deck to install the steel beams in the basement for support.

Mr. Brown stated that it is difficult to predict how much of the house will remain until the carpenters begin taking things apart however he estimates that at least 50% of the existing home will be taken down.

Mr. Kalpagian said that in his opinion, and based on his experience, it is more likely after a fire that 60% to 75% of the home will have to be demolished.

Mr. Ruebenacker asked Mr. Brown why he chose to propose the new formal front entryway on the right side of the front of the house in the side yard setback. Mr. Brown stated that it was the best location to place the front entry to facilitate creating a foyer and to provide a good flow through the house and up the stairway to the second floor. He added that the applicant's wish to have the second front entrance off the garage for the children to go in and out near the kitchen.

Mr. Denise said that he would like the second entry next to the garage for access into the kitchen area for the children when they are playing outside and for entering the home from the driveway. He also said he believes the nook entrance on the left side adds personality to the design of the home. Mrs. Denise said it will be a nice place for their children to hang out with their friends.

There was a discussion about the landscape plan with the general consensus being the plan is inadequate and a revised plan should be submitted which shows which plantings will be removed and which will remain. It was recommended that the revised landscape plan also show the location of any proposed walkways to the two (2) front entryways and the location of the proposed septic system in the front yard.

Chairman Fry inquired about the existing detached garage in the back of the existing home. Mr. Denise stated that the detached garage will remain and will be resided to match the proposed siding on the renovated home.

Mr. Fry provided the following summary of the Board's discussion about the application: The section J of the application will be revised to reflect the proposed walkway calculations. A revised site plan and landscape plan to be submitted reflecting the proposed walkways, location of the new septic system, plants and shrubs to be removed and plantings to remain based on where the septic field will be installed, A/C condenser unit and generator behind the garage and behind the plane of the house, existing bilco door, which is to remain, utilities underground, and foundation plantings across the front of the house.

Mr. Ruebenacker requested that the proposed 4' tall arborvitaes be increased to 5' to 6' in height.

Board Attorney Becker stated that the aforementioned items will be conditions of approval and no Certificate of Occupancy will be issued until all of the conditions are met. He added that the resolution will state that the home will remain a four (4) bedroom house based on the proposed installation of a new four (4) bedroom septic system.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Mr. Ruebenacker made a motion to approve the application with the following conditions: the proposed green giant arborvitaes will be increased from 4' in height to 5'-6', the Resolution will stipulate that the house will remain a four (4) bedroom house, the revised site plan will note underground utilities, A/C condenser unit and generator behind the garage and behind the plane of the house, walkways, and landscape improvements. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Ruebenacker, Mr. Christ, Ms. Rizvani, 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