

## WYCKOFF BOARD OF ADJUSTMENT

### DECEMBER 20, 2018 PUBLIC BUSINESS MEETING MINUTES

Work Session: 7:30 p.m. Second Floor, Memorial Town Hall

Public Meeting: 8:00 p.m. – Court Room, Second Floor, Memorial Town Hall

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

"The December 20, 2018 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.

Chairman Fry read this 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 times."*

Roll call was taken.

Pledge of Allegiance.

**Board Member Attendance:** Carl Fry, Chairman; Erik Ruebenacker, Vice Chairman; Mark Borst, Susan Yudin, Brian Hubert, Ed Kalpagian, Brian Tanis, Rich De Leo, Alt.

**Board Member Absent:** Robert Ebel, Alt.

**Staff Present:** David Becker, Board Attorney; Mark DiGennaro, Township Engineer; Maureen Mitchell, Board Secretary; Robert Shannon, Town Administrator.

The Board of Adjustment Meeting began with the Pledge of Allegiance.

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Chairman Fry stated that all phones, pagers and hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

**OLD BUSINESS****APPROVAL OF MINUTES**

October 18, 2018 work session/public business meeting were approved at the work session meeting.

**RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #18-10** was approved at the work session meeting.

**RESOLUTION(S) TO BE MEMORIALIZED**

**MUSTO, ROBERT & MARY ANN** BLK 498 LOT 91 (R-15); 390 Hil-Ray Avenue. *(The applicant proposes to rebuild the existing deck and add a covering over the deck which will exceed total accessory structure coverage).*

**ALEXANDER, DARREN & TRACY** BLK 483 LOT 42 (RA-25 CORNER); 92 Ravine Avenue. *(The applicant proposes to raise the roof of the accessory garage which is an expansion of a non-conforming use).*

Both resolutions were approved at the work session meeting.

**APPLICATION(S) – CARRIED**

**CALABRESE, MICHAEL & ERIN** BLK 230 LOT 9 (RA-25), 615 Woodfield Rd. *(The applicant proposes to enlarge existing garage and add a bedroom over garage which will encroach into the side yard setback).*

At the October 18, 2018 meeting the applicant's Architect Fred Klenk stated that the applicant would like to request a hardship and flexible variance in order to renovate and expand the existing structure resulting in triggering the enhanced side yard setback requirements. After reviewing the plans, The Board members were concerned with the addition looking like a rectangular box without a dormer. They suggested that the second floor be setback for a more appealing look to the house. Mr. Klenk said the applicant was agreeable with the recommendation to set the second floor back. The applicant was asked to provide revised plans as well as Landscape plans at the next meeting.

Erin and Michael Calabrese were sworn. They presented the revised plans and Landscape Plan to The Board and Township Engineer DiGennaro. Mr. Calabrese stated that the revised plans marked as exhibit A-4 dated 10/25/2018 reflect the new design with the second story addition stepped in 2 feet on the side and in the front of the house. Chairman Fry listed the variances as the side yard accessory, the existing 20.6' on the right and the 24.3' on the left for the side loaded garage where 27 is required.

The Board then reviewed the Landscape plan. The right side will not be impacted. Landscaping on the left side will be planted to match the right side plantings after the renovation is completed. The Board approved of the Landscape Plan that was presented.

**OPEN TO THE PUBLIC**

No one appeared.

**CLOSED TO THE PUBLIC**

Vice Chairman Ruebenacker made a motion to approve the application. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Ruebenacker and Chairman Fry.

### **APPLICATION(S) – NEW**

**TSAPATSARIS, JENNIFER** BLK 366 LOT 5 (RA-25); 543 Eder Avenue. *(The applicant proposes to expand the existing house to include a laundry room, living room and a second floor addition for a bathroom and bonus room over the garage which will encroach into the enhanced side yard setback).*

Architect Nicholas Tsapatsaris from Nicholas Tsapatsaris & Associates, 10 Wilsey Square in Ridgewood New Jersey was sworn. He is an Architect and Engineer in the State of NJ. He also sat on the Planning and Zoning Boards in the Town of Ridgewood for a period of 5 years. Attorney Beck accepted Mr. Tsapatsaris' credentials on behalf of The Board. Mr. Tsapatsaris stated that the main objective of the applicant was to add a garage. The lot is 75 feet wide where 125 is required which creates a challenge. He went on to say that he tried to prepare plans to make the proposed garage comply. The compliant option would be a box in the middle of the back yard that would sit over the relatively new 6 bedroom septic system which was installed in 2010. In his opinion, trying to prevent the setback would not work. Architect Tsapatsaris showed as an exhibit the layout of the house and the existing driveway on the right side of the house which is already encroaching due to the pre-existing side yard setback. He outlined the existing floor plan which also proposed a new first floor family room and mud/laundry room. The proposed garage will have a bonus room above which will be finished with insulation, sheet rock and electricity. He then addressed the plan for the second floor where 4 bedrooms and 2 bathrooms currently exist. He proposes to add another bathroom attached to the 4th bedroom and a walk-in closet for the master bedroom.

Chairman Fry spoke about the existing and proposed floor plan layout. He cited that the single family dwelling currently has a living room, home office, den, guest bedroom, green house room, kitchen and 2 bathrooms on the first floor. There are an additional 4 bedrooms and 2 bathrooms on the second floor as well as a proposed bonus room above the proposed garage. Board Members Hubert and Ruebenacker both voiced their concerns about the size of the addition and the bonus room. Mr. Ruebenacker questioned why they could not eliminate the bonus room and simply roof the garage. Chairman Fry stated that the proposed plan is going to add a large amount of space considering that they are not looking to enlarge the footprint of the home. He pointed out that the first floor office, den and new bonus room could potentially be used as bedrooms making this a 6-7 bedroom house.

Mr. Tsapatsaris stated that the purpose of the size is purely architectural in keeping with the design of the Dutch Colonial design of the existing home. He also stated that the applicant has no need for additional bedrooms. Adding that the bonus room, den or office will not be utilized as bedrooms or a housekeeping unit.

Board Member Kalpagian struggled with the excessive size of the addition. He asked about the square footage of the gross building area before and after the renovation. Current square footage is 3,871' going up to 4,726 square feet after the renovation. There were discrepancies regarding the actual square footage and gross building area listed on the Section J form.

Chairman Fry asked for clarification.

Mr. Kalpagian added that he did not see how The Board could agree with the side yard setback

going from 18' to 9' in addition to adding a building with a height of 25'. He asked if Mr. Tsapatsaris had considered adding on to the left side of the home. The Architect stated that he had considered it however the complexity of it would require additional variances.

Chairman Fry stated that the proposed side yard setback of 9' is moving the expansion in the wrong direction. Instead of moving it back closer to the required number of feet, the design is moving in the opposite direction to 9'. He stated that the detriments far outweigh the benefits therefore it may be impossible for the Board to approve the application as is. Recommendation was made to bring back revised plans. Mr. Tsapatsaris asked if the Board would consider carrying the application. The Board agreed to carry.

#### OPEN TO THE PUBLIC

No one appeared

CLOSED

**STERGIOU, LAMBRYN** BLK 344 LOT 9 (RA-25); 460 James Way. *(The applicant proposes to add a great room to the existing home which will trigger the enhanced side yard setback ordinance. They also propose to build a detached garage/workshop in the backyard).*

Architect Fred Klenk was sworn. Route 208 Franklin Lakes, NJ. Mr. Klenk has been an Architect 50 years and has appeared before The Board many times. His credentials were accepted.

Mr. Klenk addressed The Board. He stated that the existing residence is non-conforming.

Township Engineer DiGennaro:

The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to front yard setback and enhanced side yard setback. The applicant is proposing to renovate and expand the existing structure triggering the enhanced side yard setback therefore requiring variances. The following is a summary of the project proposal:

- **Front Yard Set Back**

1. Existing 39.2 ft
2. Required 40 ft
3. Proposed UNCH

- **Building Side Yard Set Back**

1. Existing Sideyard #1 21.6 ft Proposed 28 ft
2. Existing Sideyard #2 28.5 ft Proposed 28.5 ft
3. Required 25 ft each side. (enhanced)
4. Side loading garage 27 ft required Existing 32.4 ft

- **Principle Building Rear Yard Set Back**

1. Existing 109 ft
2. Required 40 ft
3. Proposed 72 ft

- **Accessory Structures (required rear 20 ft; side 15 ft)**

1. Existing Shed Rear 18.9 ft Side 44 ft TBR
2. Proposed Garage Rear 35 ft Side 15 ft
3. Proposed Deck Rear 72 ft Side 52 ft

- **Lot Coverage (%)**

1. Existing principal building	12.4 %
2. Maximum permitted	15 %
3. Proposed principal building	14.27 %
4. Existing Accessory	3.51 %
5. Proposed Accessory	3.89 %
6. Max permitted accessory	5 %
7. Max Permitted combined	20 %
8. Existing Combined	15.91 %
9. Proposed Combined	18.16 %
- **Height**

1. Existing	27.5 ft
2. Maximum permitted	35 ft
3. Proposed principle building	27.5 ft
- **Impervious Lot Coverage**

1. Maximum Allowable	28.5 %
2. Proposed	27.7%

Architect Klenk stated that the applicant is proposing to enlarge the existing family room at the rear of the house. The addition will comply with setback requirements. They are removing the existing shed in the rear of the property and are proposing to construct a 2 car size garage-like structure 24' deep and 20' high the back of the property. The structure will be built to look like a garage however it will actually function as a workshop for fixing cars, hobbies, and wood working. The applicant is not proposing a driveway extension to the new structure at this time as it will not be an active garage. Mr. Klenk continued; the client would also like a larger family room. The existing family room is at the rear of the house. They are proposing to add to the entire room left to right going 16' back resulting in a 25'6" by 31' room. It will be a one story addition. Behind the new addition they are proposing a new 12' deck that will run the width of the room. There will also be a square gazebo that will extend beyond the deck. Mr. Klenk added that the rear elevation of the addition will be 20' which complies with the Township Code requirements. It will have a gable roof and 2 French doors leading out to the deck. There will be a modest pitch to the roof. The family room will be 3 ½' above grade.

Chairman Fry asked how the clients will access the new garage with vehicles. Mr. Klenk said that they may put down some crushed stone to drive over just to tighten up the ground. Township Engineer DiGennaro stated that putting down rock or stone will affect the impervious coverage restrictions and require a variance. Mr. Klenk engaged the Board and Mr. DiGennaro in a discussion about the possibility of other materials that might be used such as narrow concrete strips or paver blocks which allow grass to grow up through openings. After a lengthy discussion Mr. Klenk stated that a driveway was not part of the application brought before The Board and, if the applicant wishes to bring a vehicle back to the new garage he will drive on the grass. This was acceptable to the applicant and Board Members.

#### OPEN TO THE PUBLIC

Joseph Sarao of 465 Florence Avenue was sworn. He is the applicant's neighbor. Mr. Sarao

stated that he is not happy with the prospects of having a workshop next to his property.

Mr. Sarao voiced the following concerns:

1. The proposed structure in the back yard is too large for the property and too close to the property line.
2. The applicant will utilize the building as a commercial business.
3. The building will be used as a boat repair shop.
4. Construction debris will fall into his yard and his children may be injured.
5. He does not want to look at equipment or vehicles parked next to or behind the building.

Chairman Fry informed Mr. Sarao that with the proposed construction the applicant is still below the total lot coverage allowed, the garage will be 15' from the property line and will not exceed the height allowance of 20' Mr. Fry also stated that the house is a single family dwelling in an RA-25 zone and cannot be used as a commercial or home business.

Architect Klenk addressed the boat repair matter. He stated that the applicant will not work on boats in the new garage. With regard to construction debris: Chairman Fry emphatically stated that any residential property undergoing construction must be maintained by the resident and/or builder. No debris should be moved onto a neighboring property. These rules are upheld and policed by the Township inspectors. Lastly, regarding what the applicant can store near or in the new garage: The Board suggested that Mr. Sarao might want to consider planting arborvitaes or adding a fence around his property. Mr. Sarao stated that he and his wife have been considering putting up a fence. He thanked The Board.

#### CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve the application. Second, Board Member Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst Mr. Ruebenacker, and Chairman Fry.

**KLEIN, Yael & Adam** BLK 248 LOT 1.01 (RA-25 CORNER); 530 Overlook Drive. *(The applicant proposes to demolish the existing home and construct a new home keeping the dwelling more in conformity with the front yard setback on this non-conforming lot).*

Attorney Bruce Whitaker addressed The Board. He stated that he would present an overview of the application; what is non-conforming and why the proposal is the best solution for a lot that is non-conforming. Mr. Whitaker cited that the lot is non-conforming for 4 different reasons. The lot area is only 18,976 square feet where 25,000 is required. The depth is 140 feet where 150 is required. There are two non-conformities currently as pertains to the front yard setbacks on both Overlook as well as on Buena Vista. There is an existing detached garage which is non-conforming as it pertains to the setback. Mr. Whitaker went on to say that the applicant is proposing to demolish the dwelling and construct a new one. The second option would be to construct an addition onto the existing home which would still leave 5 non-conformities. By eliminating the garage we are eliminating 1 non-conformity. The new construction will result in a bigger front yard setback than currently exists. The application we are proposing falls within the perimeters of a Hardship variance. Lastly, a 5 bedroom septic system has already been approved.

Engineer Mark Palus 170 Kinnelon Road Kinnelon NJ was sworn. He stated that the property is located on Overlook and Buena Vista creating two front yards. They are proposing to knock down

the existing home. There is a detached garage and there are overhead utility wires. Mr. Palus stated that they are proposing to remove the detached garage and place the utility wires underground. A new single family home with an attached garage will be constructed. A new 5 bedroom septic system will be installed as well as new lines for water and gas. Mr. Palus added we are dealing with an undersized lot of 18,976 square feet where 25,000 is required and a depth of 140' where 150 is required. Currently the existing home is 24.4' from the bottom stair to the property line on Overlook. The newly proposed home will be 28.9' from the bottom stair to the property line. In addition, the existing dwelling is 35.5' from Buena Vista which is non-conforming. The new home will be 40.3' which will bring it to conformance.

Board Member Ruebenacker asked if the house could be pushed back further however due to the placement of the septic system it will not be possible. Code states that the house must be at least 25 feet from the septic system and the proposed dwelling is as far back as it can go according to Mr. Palus.

Chairman Fry asked if the septic system is as close to the property line as it can go. Mr. Palus said that by law the septic must be at least 10 feet from the property line. He added that the septic is in the only spot on the property that it can go.

OPEN TO THE PUBLIC

NO ONE APPEARED

CLOSED TO THE PUBLIC

Philip Finamore was sworn. He has a degree in architecture and is testifying as to the plans themselves. Mr. Finamore stated that renovating the existing home would create additional non conformities. He stated that the home will be a modest size. Mr. Finamore went on to discuss the design materials that will be used in the construction of the home including white clapboard siding, a dark roof, mute colors, stone veneer, and carriage style garage doors. An aproned roof will soften the front of the home. There will be a front entry portico. He stated that the proposed home is a little over 4000 square feet. It will be a 2 story, 5 bedroom home. There will be 1 bedroom on the first level with 4 bedrooms and 4 bathrooms upstairs. There is a basement that will remain unfinished. The home will have a 2 car attached garage. With regard to the landscaping: the east side has 4 large maples existing. Alternating Douglas fir and spruce will be added. Along the rear yard there is an existing maple; green giants will be added. Beneath the maple, leather leaf viburnums will be planted. Along Buena Vista, existing trees will be removed and replaced with October Glory Maples with boxwoods planted in between.

Board Member Ruebenacker inquired about the ceiling height. Mr. Finamore stated that the ceiling height on the both levels of the house is 9 feet. The overall height of the house will be 34.6 feet. Chairman Fry commented on the fact that the proposed build is really maxing out the allowable coverage adding that the house proper is at 14.9% where 15% is allowed. In addition, the height is maxing out at 34.6' where 35' is allowed. He also suggested that if the design had placed the house 6 feet further back there would be no problem. By design you have chosen to add the bump out. Board Member Ruebenacker stated that it should also be taken into consideration that they are proposing to take a gross building area of 2000 square feet and bring it up to 4800 square feet. Mr. Whitaker contested that the home is conforming. Chairman Fry responded by stating that the downside of it is that you still had the ability to shift the configuration to get that 6 feet back. Mr. Ruebenacker added that the 6' might be less of an issue if the proposed structure was not 34.6 feet high. Board Member Tanis commented that he feels the house is just too big and believes it could be made smaller. He added that the board should consider that the rest of the houses in that neighbor are approximately 2000 square feet which is below average for Wyckoff. The surrounding lots could never support a house like this.

Chairman Fry asked The Board to consider if everything has been done that could have been done to reduce the size, could it have been reconfigured and does it fit in? Mr. Whitaker argued that the matter at hand is the Variance not the size of the house.

OPEN TO THE PUBLIC

Lorraine Sarkisian, 540 Overlook Drive lives next door to the applicant. She stated that she is happy with the design and the size of the home. She is not concerned about the front yard setback.

CLOSED TO THE PUBLIC

Township Engineer DiGennaro asked how the homeowner would access the attic as it is not shown on the plans. Mr. Finamore said there will be a pull down stair case. The attic hatch will be added to the drawings. Mr. DiGennaro then inquired if the landscape plan being presented is the actual proposal or just for illustrative purposes. Attorney Whitaker said that is the actual proposal.

Attorney Becker made a statement reiterating the stipulations which included underground utilities lines, pull-down stairs to the attic, unfinished basement and landscaping proposal.

Board Member Yudin made a motion to approve the application with the change of reducing the height of the second floor ceiling by one foot from nine feet to eight feet. Second, Mr. Borst. Voting in favor Mr. Kalpagian, Mr. Borst, Ms. Yudin. Voting against Mr. Tanis, Mr. Hubert, Mr. Ruebenacker and Chairman Fry. There being 3 in favor and 4 against, the application was denied.

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There being no further business, a motion was made to adjourn the meeting, seconded, and passed unanimously. The meeting concluded at 11:40 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment