

WYCKOFF BOARD OF ADJUSTMENT

FEBRUARY 21, 2019 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 February 21, 2019 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"*

"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.

Board Member Attendance: Carl Fry, Chairman; Mark Borst, Brian Hubert, Brian Tanis, Ed Kalpagian, Kelly Conlon and Lou Cicerchia.

Board Members Absent: Erik Ruebenacker, Vice Chairman and Board Member Rosa Riotto

Staff Present: David Becker, Board Attorney; Maureen Mitchell, Board Secretary and Robert Shannon, Township 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.

APPROVAL OF MINUTES

January 17, 2019 work session and public hearing minutes were approved during the Work Session.

RESOLUTION FOR PAYMENT #19-01

Payment Resolution #19-02 was approved during the Work Session.

RESOLUTION(S) TO BE MEMORIALIZED

MILAZZO, DANIEL AND MELISSA BLK 314 LOT 30 425 Hamden Court. (*The applicant proposes to construct a one story addition to the rear corner of the existing residence to enlarge the kitchen and dining room*). Application was approved.

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*). Application was denied.

Both Resolutions were memorialized during the Work Session.

FOR DISCUSSION

Michael Kanning of 17 Colonial Drive was in attendance at the meeting. He asked Board Attorney Becker for an opportunity to address The Board regarding his variance application which was previously approved with the condition of planting as per the approved landscape plan. Mr. Kanning did not provide Public Notice and was not on the agenda, however courtesy was extended to allow him to address The Board. Mr. Kanning stated that he came before The Board in October of 2017 with an application to renovate and expand his home at 17 Colonial Drive. In addition to the architectural plan, Mr. Kanning also submitted a landscape plan prepared by professional landscaper Ken Seenstra Landscaping, Inc. dated 10/10/2017. The application was approved at the October 19, 2017 Zoning Board meeting. The Resolution was memorialized on November 16, 2017. In addition to the approved landscape plan, the applicant agreed to The Board's recommendation to plant 3, three inch caliber shade trees in the front yard. This was incorporated into the Resolution of approval. Mr. Kanning stated that he completed the home construction project this past December 2018 and he is living in the home under a temporary C.O. pending completion of the landscaping. He did not begin planting in the fall due to the cold weather. He said that upon revisiting the landscape plan he now finds it to be excessive and added that there is no way he could fit all of that "stuff" on his property even if he tried. He has a revised landscaping plan and stated that he asked several people what he needs to do to get the new plan approved adding that in his opinion it seems there is "no easy way" to modify his variance approval. Mr. Kanning said that he would like his revised plan to be reviewed without having to endure going through the entire application process again. Chairman Fry advised Mr. Kanning that while he finds the process grueling, it is a requirement. When you are changing a plan, the method of approach is to resubmit your application with an amended landscape plan and come before this Board. Mr. Kanning then stated that he doesn't understand why this was not explained to him prior to this meeting. In response, Township Administrator Bob Shannon stated that he is aware of emails from Township Attorney Robert Landel to Mr. Kanning advising him to submit a new application. Mr. Kanning said he did not get all of the answers he needed. Mr. Shannon encouraged Mr. Kanning to contact Township Attorney Landel again. Mr. Kanning was finished with his statement and left the meeting.

APPLICATION(S) – CARRIED

TAIBI, ANTHONY AND CLAIRE BLK 480 LOT 7 (RA-15) 42 Wyckoff Avenue. (The *applicant proposes to construct a one story addition on the existing house to include a main floor bedroom with closet and enlarge the existing bathroom.*)

At the January 17, 2019 meeting The Board recommended revising the architectural plans to allow for a 30' rear yard setback where 28.24' had been proposed, decrease the size of the addition to reach an impervious coverage total of 20% or less, and increase the distance between the detached garage and the new addition. Ed Sherman of 26 Smithfield Road, Waldwick was sworn. He is a licensed Architect in good standing in the State of N.J. His credentials were accepted by the board. Mr. Sherman stated that he revised the plans for the renovation by reducing the size of the rear bedroom addition by 5 ½ feet thereby eliminating the rear yard setback variance. This also resulted in an increase in the distance between the new addition and the detached garage of 10.10' and a total impervious coverage of 20.46%. Chairman Fry stated that Mr. Sherman made a great effort to take The Board's recommendations into consideration and opened the meeting to the Public for discussion.

OPEN TO THE PUBLIC

NO ONE APPEARED

CLOSED TO THE PUBLIC

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

APPLICATIONS - NEW**1. MEYER, ROY** BLK 491 LOT 47.01 (R15) 448 Louisa Avenue

Roy Meyer Jr. was sworn. He stated that he and his wife just recently moved back to Wyckoff. They love the house that they purchased at 448 Louisa Avenue however there is no garage. Mr. Meyer said that ideally he would have preferred adding the attached garage to the left side of the house however he was advised not to do so because of the proximity of the bedrooms. The property on the right side is steeply sloped and the proposed garage will only be 8.4' from the property line. Board Members discussed possible options for the location of a garage but concluded that none were feasible due to the size and topography of the lot. Chairman Fry stated that the lot size is a challenge however the proposed 12' wide garage is modest in size and there are no other practical options for choosing a different location for the garage. Chairman Fry inquired about the trees that were removed as noted on the landscape plan. Mr. Meyer stated that they recently had an incident where a 25' tree limb fell from one of the trees on his property and landed on a children's play gym in the adjacent property. He and his wife were extremely upset by this and called a tree expert to come and inspect their trees. The tree expert recommended taking down the 6 existing Locust Trees since they are not healthy and very commonly lose limbs. Mr. Meyer added that two of his adjacent neighbors have play gyms near the property line and he would not want to see any children get hurt by falling tree limbs. The landscape plan shows that 2 new Cherry Trees will be planted in the back, and 8 Arborvitaes will be added along the property on the side of the new garage. The foundation will be concrete block filled in with crushed stone. The air conditioning unit will be moved under the deck in the back yard.

OPEN TO THE PUBLIC

NO ONE APPEARED

CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve the application as stipulated with AC units to be moved under the rear deck and screening trees to be planted on the property as discussed. Second, Mr. Kalpagian. Voting in favor: Mr. Cicerchia, Ms. Conlon, Mr. Tanis, Mr. Hubert, Mr. Kalpagian and Chairman Fry.

2. 118 SHELDON STREET LLC, BLK 267 LOT 26 (R15) 118 Sheldon Street

Jarred Lanz, the applicant's attorney, introduced the two witnesses who would provide testimony: Kevin Finnan the agent for the owner and Albert Martorano, the Architect. Kevin Finnan was sworn. Albert Martorano was also sworn. Mr. Martorano gave a brief summary of the proposed construction. He stated that the house is on a concrete slab so there is no basement. The existing single story house has 3 bedrooms and 1 bathroom. The washer and dryer are currently located in the kitchen. Mr. Martorano said that the goal is to add a second story to the home. The first floor would be the main living space with an open concept kitchen and family room, one formal room that could be utilized as a living room or dining room and another room that could be used as a home office or a closed off quiet room. On the proposed second floor there is a master bedroom, 3 additional bedrooms, 2 bathrooms and a laundry room. One of the smaller bedrooms might also be utilized as a play room or home office. The front and side doors will have a roof over the entryway to protect the entrance from the weather. The existing detached garage will remain and undergo cosmetic changes only. Chairman Fry stated that the proposed renovation is a challenge as the lot is severely undersized at 6650 square feet and the applicant is requesting variance relief for 11 non-conformities. He went on to say that his major concern is that this is a neighborhood of small homes. It is a neighborhood that affords the opportunity for young family to purchase a home in Wyckoff. He stated that the applicant is proposing 4 bedrooms on the second floor; one of which may be used as a home office or playroom as well as a closed off room on the first floor for the same purpose. Chairman Fry suggested that the dwelling which is slab on grade could be shifted to the right; especially since this is essentially a tear down. In addition he said that the existing home has a 4.7 side yard setback and the second story design puts the proposed dwelling 8.7 square feet over the maximum allowed gross building area. He said that in his opinion he does not believe that The Board can entertain the proposal as submitted. Board Member Kalpagian suggested eliminating 8 square feet of the addition, shifting the house 2' to the right, stepping in the second story addition and getting below 2700 square feet. Board Member Tanis expressed concern about the height of the boxy structure. He suggested perhaps softening the appearance with a shed dormer or building a 4-5 foot knee wall on the second story and building up from there. Chairman Fry recommended getting the left side yard setback to 10 feet. Board Member Borst asked if they could strive to get the total coverage down to 23%. He also recommended rethinking the planting of Inkberry Hollies along the foundation as they will grow to 7 feet and block the windows. Chairman Fry cited the Boards list of recommendations for the applicants as follows:
Left side yard setback should be increased to 10 feet
Get below 2700 square feet gross building area so not to trigger the side yard setback
Strive to achieve a total lot coverage of 23% where you have 24.2%
Add air conditioning units to the landscape plan
Air conditioning units will be placed behind the left side of the house, must be 10 feet off of the property line and screened
No cantilevers on the front of the house

OPEN TO THE PUBLIC

NO ONE APPEARED
CLOSED TO THE PUBLIC

Mr. Finnan was agreeable with the Board's recommendations. Mr. Martorano stated that he will revise the plans based on the recommendations made. The application will be carried to the March 21, 2019 meeting.

3. 107 HARDING STREET, LLC BLK 263 LOT 66 (R-15) 107 Harding Road

Attorney for the applicant Jennifer Knarich of Price, Meese, Shulman and D'Arminio, located in Woodcliff Lake New Jersey, gave a brief overview of the application. Ms. Knarich stated that the applicant is proposing to construct a second story addition on the existing one story home in the R-15 zone. There is an existing non-conformity with regard to the 10.5' left side yard setback. The right yard setback is 16.1'. The addition of the second story increases the principal building from 1373 square feet to 2808 square feet thereby triggering the enhanced side yard setback. Ms. Knarich then introduced the Engineer, Tibor Latinicsics of Conklin Associates, Ramsey New Jersey.

Mr. Latinicsics was sworn. He spoke about the deficiencies in lot size which is 11,745 square feet where 15,000 is required, frontage of 81' where 100' is required and side yard setbacks of 10.5' and 16.1' where 20' is now required as a result of the triggered enhanced side yard setback. Mr. Latinicsics went on to say that there is an existing 1 car garage which will remain. He added that there is currently an extensive amount of macadam on the property; specifically a double wide driveway from the street to the garage as well as an expanded turnaround area behind the house to facilitate not having to back out of the driveway onto Harding Road. Mr. Latinicsics said that most of the pavement will be removed resulting in a reduction of impervious surface coverage from 42.8% to 36.5%. They are proposing to add a seepage pit in the front yard with plans for all leaders on the home to drain to the seepage pit. In closing he stated that the A/C units will be placed in the rear of the home and will be screened, there is a comprehensive landscape and irrigation plan, utilities will be placed underground, storm water management has been addressed and the footprint of the existing structure will not be enlarged. Architect Jeff McGraw was sworn. His company is DeGraw and DeHaan Architects of Middletown New York. He is licensed in New York and New Jersey. Mr. McGraw spoke about the proposed layout of the home stating that the first level will mainly be an open concept living space. The second level will have a master bedroom with master bath, 3 additional bedrooms, 1 additional bathroom and a laundry room. The main roof ridge will be 26.5' with the highest gable reaching 29'. Mr. DeGraw pointed out that this is well below the maximum allowed height of 35'. Chairman Fry reminded Mr. DeGraw that the R-15 zone has a side yard setback requirement of 15'. The existing home is already non-conforming at 10.5' and the proposed new home will exceed the 2700 square foot maximum which extends the side yard requirement to 20'. Mr. Fry stated that considering this is essentially a complete tear down, perhaps a more thoughtful approach to conforming could have been taken. He suggested taking 10' off the second story in order to attain the required setback.

Board Member Borst said that he didn't think it was necessary to lose the design presented by the Architect. He suggested reducing the size of the house by 5' on the left, removing 5' of foundation, thereby keeping the aesthetics they are trying to achieve with the modern farmhouse design and conforming at the same time. Mr. DeGraw stated that he would prefer not to incur the large cost of removing part of the foundation. He added that he would rather step in the second level to stay out of the setback.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Chairman Fry reiterated the Board's recommendation of reducing the size of the new home by 5' on the left side or stepping in the second level 15' on the left side. The application will be carried to the April 18, 2019 meeting pending revised plans.

4. ST. ELIZABETH'S CHURCH BLK 216 LOT 16.02 (RA-25); 700 Wyckoff Avenue.

Board Attorney David Becker asked if any Board Members felt the need to recuse themselves. No one expressed any conflict of interest or potential lack of impartiality therefore the application hearing proceeded. Mr. Becker then asked The Board to address the requested waivers. Chairman Fry stated that he had reviewed the list of waivers and does not see any problem with granting the request. He added that in speaking with Township Engineer DiGennaro, Mr. DiGennaro did not take issue with any of the waiver requests. Thomas Barrett, the attorney for the applicant came forward to introduce The Pastor of St. Elizabeth's Church Fr. Stephen Fichter who would be providing testimony as to the great need for the addition of the proposed Daily Chapel and new restrooms. Fr. Stephen was sworn. He stated that this project has been in the making for approximately 7 years. Two Pastor's before Fr. Stephen took over saw the need for this addition to the Parish. He stated that there are 250 children enrolled in the elementary school as well as 1000 public school children attending Religious education classes at St. Elizabeth's. In addition, there are 63 various ministries going on at all times. There is a great need to provide more space for all of this activity. Fr. Stephen said that his primary need for the addition is for the safety of the school children. Currently there are no restrooms for people attending funerals and daily mass each day. The only available restrooms are in the elementary school building. For safety reasons, each time a person is allowed into the school to use the restroom, Fr. Stephen stands at one end of the corridor while the school's principal stands at the other. This is to ensure that no one who might wish to cause harm to the students or teachers is free to wander around the elementary school. Fr. Stephen stated that in addition to the safety issue, there is a need for an alternate place to pray. He explained that there is a daily mass at 7 a.m. and another at 9 a.m. followed very often by a funeral at 10 a.m. There is a Rosary group that stays after the 9 a.m. mass to pray the Rosary as a group. If a funeral is scheduled, they have to move to another place to pray as a group. Currently, they move to the basement of the elementary school. The addition of the daily mass chapel will eliminate the need for people to enter the school during the day when the children are attending class as well as provide a reverent place for parishioners to pray. The proposed Daily Chapel, which will be adjacent to the main Church, will also allow the Parish to save money on heating and lighting since they will utilize the smaller Chapel for weekday mass and the larger main Church on the weekends when there are larger numbers of churchgoers. Fr. Stephen said that he took careful consideration deciding on the best location for the addition. He found that the proposed location will not interrupt the flow of traffic, will not interfere with the parking and creates the opportunity for the Chapel to flow right into the Church. The exterior of the addition will match the existing main Church exterior so as to give the appearance of one continuous structure built at the same time. Lastly, the Church does not need a parking variance and the only other available land that is owned by the Church is the large grassy field that St. Elizabeth's allows the Township to utilize as a soccer field for its recreation program. Fr. Stephen stated that he did not want to take that privilege away from The Township.

The applicant's Architect Robert Nocella of Montvale N.J. was sworn. He has been a licensed architect in the state of N.J. since 2001. Mr. Nocella presented the Architectural Plans marked

as exhibit A-1 as well as the colored rendering of the proposed addition marked as exhibit A-2. Mr. Nocella stated that there will be no disturbance by the 2900 square foot addition to the existing parking or roadways and the existing number of parking spaces will be compliant. The new Chapel will hold approximately 80 people. The proposed restrooms will be built to accommodate the number of churchgoers. A stop sign, stop line and speed bump will be placed near the corner of the new addition to slow drivers coming around the side of the building. No outside lighting will be added to illuminate the new addition to avoid any disturbance to the closest neighbors.

Albert Demerich, Landscape Architect was sworn. He is a licensed Landscape Architect in the states of New Jersey, New York, Pennsylvania, Delaware and Virginia. His office is in Long Neck Delaware. Mr. Demerich presented the proposed Landscape Plan marked as exhibit A-3. Two trees will be removed. One is a 19 inch Maple which is in poor condition. It is rotting, roots are exposed and it is basically struggling. The Japanese Maple that is going to be removed is in the line of sight of the new construction and it is also not doing well. One of the main limbs has fallen off and there are signs of rot. There is another Japanese Maple which will remain. The existing A/C units will remain. The current screen plantings are in poor condition and will be removed and replaced with Viburnum, Red Sunset Maple and Japanese Cryptomaria. A large variety of garden type shrubs and trees will be planted around the foundation including but not limited to Azalea, Cameo Flowering Quince, Forest Green Cherry Laurel, Rhododendron, Manchurian Lilac, Forest Pansy Redbud and Kousa Dogwood. Board Member Borst liked the landscape plan. Board Member Tanis asked that no dense plantings be placed on the corner of the Chapel as they might hinder a driver's line of sight while driving around the building. Chairman Fry inquired about Storm Water Management. The Stormwater Management Plan has been submitted and satisfies the Township code.

Bridgett Bogart was sworn. She is a Professional Planner whose office is located at 47 Franklin Turnpike in Ramsey, NJ. She has been a licensed Professional Planner since 2001. The Board accepted her credentials. Ms. Bogart stated that St. Elizabeth's is in the RA-25 zone on a 9 acre lot which is undersized. Code requires a minimum of 13 acres for a school and a minimum of 5 acres for a church. The applicant is requesting variances for the undersized lot area as previously mentioned, proposed rear yard setback of 65.8' where 100' is required, proposed lot coverage of 11.70% where 10% is the maximum permitted, proposed impervious coverage of 44.58% where the maximum allowed is 28.5%. Ms. Bogart said that this site has been occupied by a church and school with minimal impact for decades. She presented photos (marked as exhibit A-4) that were taken from the neighboring property to show that the new addition will not be seen by the neighbors and will cause minimal impact to the surrounding neighborhood. In closing, Ms. Bogart stated that the proposed addition of a Daily Chapel and restrooms has been extensively researched and it has been determined that this is the only practical location to build it. She believes that the benefits will far out way any detriments.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Chairman Fry recapped the application and testimony. He cited the requested variances for lot size, rear yard setback, lot coverage and impervious coverage. He reaffirmed that no up lighting or spot lights will be installed and there will be significant plantings for screening. Finally Mr. Fry said that the safety of the school children and the added space for people to pray is certainly a benefit that out ways any detriments. He asked for a motion.

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

There being no further business, a motion was made to adjourn the Public Session Meeting, seconded, and passed unanimously. The Work Session was adjourned at 11:30 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment