

**WYCKOFF BOARD OF ADJUSTMENT
NOVEMBER 17, 2016 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, Vice Chairman:

"The November 17, 2016 Public Business Meeting 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.

Board Member Attendance: Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Tim Shanley; Brian Hubert; Brian Tanis, Alt.; Rich DeLeo, Alt.

Board Member Absent: Erik Ruebenacker, Chairman; Ed Kalpagian.

Staff Present: David Becker, Board Attorney; Joseph C. Perconti, Planning Board Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Board Secretary.

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

Vice Chair 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.

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Vice Chair 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"*

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Vice Chair Fry addressed the audience and said that the Wispelwey application at 28 Shadyside Drive and the Erten application at 116 Wood Street will not be heard this evening due to deficient public notice. He said the applicant's will have to renotece their application to the newspaper and property owners within 200' in order to be on the agenda for the next Board of Adjustment meeting.

WISPELWEY, CHRIS & MICHELE BLK 263 LOT 10 (R-15); 28 Shadyside Drive. *(The applicant proposes to increase the footprint of the first and second floor which will exceed gross building area and encroach into the sides yard setback, front yard setback and building coverage).*

ERTEN, ALI BLK 264 LOT 20 (R-15) 116 Wood Street. *(The applicant proposes to remove the detached garage and add an attached garage and mud room on the first floor with a second floor dormer and a master bedroom over the garage and a covered front porch with landing & steps which will exceed the principle building and total lot coverage).*

OLD BUSINESS

APPROVAL OF MINUTES

October 20, 2016 work session/public business meeting
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #16-11- Approval of vouchers from various escrow accounts.
Resolution #16-11 was approved at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

KOZLOWSKI, MARIUSZ BLK 516 LOT 25 (R-15 CORNER); 522 Ravine Court. *(The applicant proposes to modify the previous approved application to add a second floor addition which will encroach into the second front yard (Ravine Avenue) and also create 3 stories due to the topography of the property).*

BAYKOWSKI, ROBERT BLK 310 LOT 1 (RA-25); 530 Carlton Road. *(The applicant proposes to modify the previous approved application to expand the existing house with a second floor addition and first floor front and rear addition which will exceed gross building area and encroach into the side yard setback).*

JACKSON, EUGENE & COURTNEY BLK 259 LOT 9 (R-15); 7 Ward Avenue. *(The applicant proposes to expand the existing house with a single story 400 square foot rear addition and a 220 square foot accessory deck which will encroach into the side yard and exceed principle building and total accessory coverage).*

VASQUEZ, JAMIE & MARIA BLK 324 LOT 19 (RA-25); 343 Lakeview Drive. *(The applicant proposes to increase the footprint of the first floor and add a second level addition which will exceed gross building area and encroach into the side yard setback).*

The above referenced resolutions were memorialized at the work session meeting.

FOR DISCUSSION/CONSIDERATION

PARAGON AUTO BODY & COLLISION EXPERTS BLOCK 260 LOT 2 (B1 zone); 290 Franklin Avenue. Amended site plan/variance. *(The applicant proposes to construct a new spray booth outside the existing building (Phase I) and to construct a one-story 6,739 square foot addition to the south side of the existing building (Phase II)).* The applicant is requesting an extension of time to commence construction.

Vice Chair Fry said that Attorney Perconti has joined the Board on the dais to support the Board during the applicant's testimony. He asked Mr. Worthington to explain to the Board what the construction schedule will be.

Ted Worthington, the applicant, and Vanessa Worthington, the applicant's daughter, 290 Franklin Avenue, Wyckoff, NJ were sworn. He stated to the Board that the original 2012 approval was never constructed with Phase I being an exterior spray booth and Phase II being the addition to the existing building. He said currently no Phase II construction has taken place on the site and the proposed construction will remain the same as approved and documented in the Resolution of Approval. He said that he had to go through the State DCA in order to obtain a building permit which took some time and he is now before the Board requesting an extension of time. He added that he also purchased the building in the process. He said he would like to start construction in January and it will take 4 to 6 months to complete construction

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Hubert made a motion to grant the applicant a 2 year extension of time. Second, Board Member Borst. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Shanley, Mr. Hubert, Ms. Yudin, Mr. Borst and Vice Chair Fry.

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At 8:17 p.m. Joseph Perconti stepped down from the dais. Board Attorney Becker came back onto the dais as Board Attorney.

APPLICATION(S) – NEW

FINKLE, BRADLEY & REGAN BLK 432 LOT 12 (RA-25); 799 Birchwood Drive. *(The applicant proposes to demolish the existing structure and construct a new 2-story, single family residence which will exceed the gross building area and trigger the enhance side yard setback requirement).*

Ben Cascio, the applicant's attorney, said the applicant purchased the home and plans on tearing the existing home down. He said recently the applicant found out the rear yard is deficient in lot width which results in a hardship variance. He said the mean width is 119.86 feet according to the Wyckoff Ordinance which takes the average lot width rather than the frontage as lot width which is 125 feet.

Board Attorney Becker asked that the following exhibits be marked as identification:

A-1 Entire application package

A-2 Colored site plan rendering dated 10/7/16

Bradley Finkle, the applicant, was sworn. He stated he is the owner of the property since 11/20/15 and currently reside in NYC. He said he would like to demolish the existing home and construct a 4,600 square foot modern house. He said he met with his architect, Mr. Braithwaith, to construct a house that did not require any variances and then found out about the mean lot width variance.

Michael J. Hubschman, the applicant's engineer, was sworn. He said he graduated NJIT and is a licensed engineer in the State of New Jersey since 1984 and a licensed planner since 1986. He prepared the house plans and will testify as an engineer and planner. Mr. Hubschman said this single family home and pool will be demolished and will construct a new 4,700 square foot

single family dwelling with driveway and pool in the rear. The existing lot is irregularly shaped with a width of 127' in the front yard and 112' in the rear which averages to 119 feet and that is why the applicant is before the Board. He said this is a pre-existing under width lot but it is not an undersized lot. He said the applicant is requesting a C1 hardship variance caused by the physical feature of the lot due to lot width. He added that 17 pine or cedar trees on site will be removed which is shown on the soil erosion plan with the majority in the rear of the property around the proposed pool area. Board Member Borst noted that the proposed home will be 6" lower than the existing home. Mr. Hubschman said the existing first floor is 106.2 and the new first floor will be at 105.5 and the garage floor will be at 105. Mr. Borst noted a drastic change in elevation and was expecting a retaining wall along the right property line. Mr. Hubschman said the grade will slope away from the pool down towards the rock wall. He said the existing pool is at 104.3 and the proposed pool will be at 104 and a retaining wall will not be proposed.

OPEN TO THE PUBLIC for questions of the Engineer

Stephen Schmidt, 780 Albemarle Street, Wyckoff, NJ was sworn. He was concerned with the tree removal. Mr. Hubschman said the trees are cedar and pine trees that are located in the middle of the property. Mr. Schmidt said he just had all 4 corners of his property marked and one marker is staked by the stone wall. He asked that the applicant measure from his marker. Township Engineer DiGennaro said the applicant has not staked out his property yet and if there is a conflict it will need to be addressed between the owners and corrected.

CLOSED TO THE PUBLIC

Mark Braithwaite, AIA, the applicant's architect, was sworn. The board recognized Mr. Braithwaite since he has been before the Board on numerous occasions and accepted him as an expert. Mr. Braithwaite said the house was constructed in the 1970's and it was better to demolish the house than renovate the existing home. He said there will be 4,521 square feet of net livable heated space on the first and second floor. He said consideration was taken to the shape of the lot, the slope of the lot and the orientation of the sun which took 7 months to design. He added that this will be nice addition to the neighborhood with no variances being required. Vice Chair Fry said this proposed home will be 100% conforming on an irregular shaped lot. He added that this will be a 5 bedroom home serviced by municipal sewer. Board Member Borst asked what the material will be for the exterior of the house. Mr. Braithwaite said hardiplank will be used. Township Engineer DiGennaro noted that the height of the house will be 34' from the first floor to the roof ridge with a cupola as an architectural feature. Board Member Shanley noted a generator on the right side of the house. Township Engineer DiGennaro said generators are permitted as long as they are outside the accessory structure setback and must be adequately screened.

OPEN TO THE PUBLIC for questions of the Architect

Paul Coppola, 793 Birchwood Drive, Wyckoff, NJ was sworn. He said he is located to the right of the property and was concerned with the construction of the new pool in creating a drainage problem. He said the previous owner had a drainage system by the pool. Mr. Braithwaite said the new owners are proposing a new drainage system with seepage pits which will pick up surface run off with 4 inlets, 2 in the rear yard and 2 on the side of the house using an 8" pipe to take the water away. Township Engineer DiGennaro asked if it was possible to put a slot drain around pool to pick up any additional water flow off the patio. Mr. Braithwaite said a slot drain or trench drain along the edge of the pavers by the pool patio will be installed.

CLOSED TO THE PUBLIC

Mr. Bill Vlasich, the applicant's landscaper, was sworn. Board Member Borst said arborvitae are located along the left property line and noted that additional arborvitae will be extended to the rear of the property. Vice Chair Fry noted that Japanese holly will screen the ground mounted central air conditioning units on the right side of the house. Mr. Vlasich confirmed these statements.

OPEN TO THE PUBLIC for questions of the landscaper.

No one appeared.

CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve this application with the addition of a slot drain or French drain along the edge of the pool pavers which will be located at the discretion of the Township Engineer. Second, Board Member DeLeo. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Shanley, Mr. Hubert, Ms. Yudin, Mr. Borst and Vice Chair Fry.

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There being no further business, a motion to adjourn the meeting was made and seconded and passed unanimously. The meeting concluded at 8:58 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment