

**WYCKOFF BOARD OF ADJUSTMENT
MARCH 19, 2015 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 March 19, 2015 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: Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Brian Hubert; John Carolan; Brian Tanis, Alt.

Board Member(s) Absent: Ed Kalpagian, Alt.

Staff Present: John A. Spizziri, Sr. Esq., Board Attorney; Mark DiGennaro, Township Engineer; Susan Schilstra, Board Secretary.

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

Chairman Ruebenacker stated that all phones, pagers, PDAs, etc. should be turned off or switched to vibrate in order to avoid interrupting the public session.

OLD BUSINESS

APPROVAL OF MINUTES

January 15, 2015 work session/public business meeting

The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #15-02- Approval of vouchers from various escrow accounts.

Resolution #15-02 was not voted upon due to lack of vouchers.

RESOLUTION(S) TO BE MEMORIALIZED

HANNOUSH, PETER & GRETCHEN BLK 400 LOT 13 (RA-25); 516 Sicomac Avenue.

(The applicant proposes to occupy the existing home while a new home is being constructed. This new construction will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application).

BARROS, NORMA BLK 266 LOT 20 (R-15); 198 Godwin Avenue. *(The applicant proposes*

to install an in-ground pool which will exceed lot coverage).

DeSILVA, MICHAEL & KRISTI BLK 319 LOT 7 (RA-25); 15 Neelen Drive. *(The applicant proposes to construct a porch to the front of the house which will encroach into the front yard setback).*

STOLPER, JONATHAN BLK 423 LOT 18 (RA-25); 766 Albemarle Street. *(The applicant proposes to construct an in-ground pool which will result in an accessory lot coverage of 6.17% where 5% is allowed).*

DISCUSSION, APPOINTMENT OF PROFESSIONAL

RESOLUTION #15-002 for: Professional Service Appointment of Gary Montroy as a consultant to review construction plans of the CHCC Vista Project at the expense of the applicant.

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Chairman Ruebenacker 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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APPLICATION(S) – CARRIED

CHRISTIAN HEALTH CARE CENTER (CHCC) BLK 443 LOTS 49.03, 52.01 & 51; 301 Sicomac Avenue; Amended site plan/Variance/Use Variance. The applicant proposes to amend the previous variance and site plan resolution adopted by the Board of Adjustment on May 13, 2013. The application amends the prior approval to provide for a reduction of building coverage in; 1) Wyckoff from 126,587 sf to 118,132 sf for a net change of minus 8,455 sf; 2) a reduction of impervious surface in Wyckoff of 11,672 sf; 3) a reduction in building coverage in Hawthorne from 26,502 sf to 25,935 sf for a reduction of 567 sf, and 4) a total reduction of impervious surface in Hawthorne of 1,221 sf. The total reduction in both municipalities of building coverage is 9,023 sf and the reduction in impervious area is 10,452 sf. The total number of units previously approved at 199 remains unchanged with some redistribution of 1 & 2 bedroom units. The applicant is also seeking an adjustment of the construction materials required in the Wyckoff resolution of approval.

This application has been carried until the April 16, 2015 public hearing meeting.

PRO-CONTRACTOR, LLC BLK 425.01 LOT 53 (RA-25); 723 Terrace Heights. *(The applicant proposes to demolish the existing house and construct a new house which will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application and also create a 3 story dwelling due to the topography of the land).*

Board Attorney Spizziri and Board Member Yudin removed himself from the dais and Township Attorney Landel took over the meeting at this time.

Harold P. Cook, the applicant's attorney, was present. He said the applicant proposed to demolish the existing dwelling, construct a new single family residential dwelling on the premises and is seeking a C1 and C2 variance for a 3 story home due to the topography of the land for the convenience of a walk out basement.

Acting Board Attorney Landel noted for the record that the applicant's proof of publication and notices to the neighbor are correct.

Mr. Mark Palus, MAP Engineering, Kinnelon, NJ was sworn by Acting Board Attorney Landel. Mr. Palus said the existing home is located on the north side of Terrace Heights. He said the property is approximately 230' in depth and due to topographic conditions on site the property drops 15' in elevation sloping towards the rear of the property. The building height across the front of the house will be 33.8'. He said the existing home was constructed with a walk out basement and the new home is proposed with this feature. When someone is standing on the patio and looking up they will see the house at a height of 38'.

Marked for identification at this time was the following exhibit:
A-1 Site plan dated 12/10/14 and revised 1/14/15

Mr. Cook asked Mr. Palus to explain the landscaping plan.

Mr. Palus said there are significant trees on the property which will be removed. The front yard setback will be at 55' in order to preserve 2 mature trees. The septic system will be in the rear yard and a few trees will be removed from this area. He said that 23 trees will be removed of which 3 are in the septic field and 11 evergreens that were planted along the property line that in his opinion are in very poor shape.

Mr. Cook said the applicant will place additional screening along the property line.

Township Engineer DiGennaro asked how Mr. Palus established your ridge height.

Mr. Palus said the architectural plans show the house at 27.8' from the first floor to the ridge height which is a standard home height in some towns. He said this house is not going to look very tall unless you are a neighbor directly behind the house.

Acting Board Attorney Landel said the rear height of the house will be at 38' without bringing in any fill?

Mr. Palus said the building height of 38' is measured in Wyckoff by the finished grade. He said that 9" of soil will be removed from the rear of the house to accommodate the basement walkout.

Chairman Ruebenacker was concerned with the turning radius at the entrance to the 3 car garage.

Township Engineer DiGennaro said the required side yard setback is 27 feet from structure to the property line.

Mr. Palus said the side yard setback by the garage is 27.9' where 27' is required. He said the driveway is located 1' off the property line so the back up space out of the garage is 26.9'. He stated oversized garage doors will be required and installed for the turning radius out of the garage. He said the applicant did not want to install any retaining walls at the back edge of the driveway which would conflict with the turning radius and limit the backup area. The driveway will have a Belgium block curb wall to direct any storm water runoff into the inlet in the rear of the driveway which will pipe this runoff to three (3) one (1) gallon seepage pits. Also, as a result of this development which includes a larger house, the impervious coverage will be reduced by 608 square feet.

Board Member Hubert suggested landscape screening be planted on the right side of the garage.

Mr. Palus said the applicant is only 1' off the property line and there is not significant area to screen in this area as he has drafted the plans.

Board Member Borst said the proposed driveway is unnecessarily narrow and suggested that the side yard setback by the garage be reduced to 30' with a minimum of a 5' wide buffer area to plant screening along the property line.

OPEN TO THE PUBLIC for any questions of Mr. Palus.

No one appeared

CLOSED TO THE PUBLIC

Mr. Cook called his next witness, Mr. William Brown, the applicant's architect.

Acting Board Attorney asked that the architectural drawing be marked as identification

A-2 Architectural drawing Sheet A-1 revised 1/6/15

A-3 Architectural drawing Sheet A-5 revised 1/6/15

Mr. William Brown, 241 Madison Avenue, was sworn. He said that he prepared the plans and the rear height of the house will be 38 feet tall. He said the heights of the floor are 9' so the front of the house will be 21 feet to the eve line and 38 feet to the house roof ridge. The house will be more aesthetically pleasing with the roof line at this height. He said that three (3) 10 feet wide garage doors will be used for a larger vehicular turning radius as they exit the garage.

Chairman Ruebenacker asked that the house be shifted to achieve a more reasonable side yard setback or reduce the size of the entire house.

Acting Board Attorney Landel asked what the square footage is of the house.

Mr. Brown said the house will be 4,900 square feet plus an additional 894 square foot for the garage totaling 5,794 square feet.

Township Engineer DiGennaro said there is a discrepancy on sheet A-5 with regards to the rear elevation which will need to be verified and accurately depicted.

Mr. Brown said sheet A-5 will be corrected and also sheet A-3 with the house ridge height.

Acting Board Attorney Landel asked that the entire packet of plans be marked as A-4.

Board Member Fry said the front of the house is aesthetically pleasing but he is struggling with the 27' turn radius in the driveway and screening will need to be planted along the side yard property line.

Mr. Raymond Springer, 299 Briarwood Drive, Wyckoff, NJ, contract purchaser, was sworn. He said he spoke with Mr. Brown and is willing to modify the plan.

Mr. Brown said he will modify the house to include the 4' to 5' side yard planting area.

Chairman Ruebenacker said he would like to see a professional landscaping plan to include a 4' to 5' planting area to achieve a significant screening along the property line.

OPEN TO THE PUBLIC for any questions of Mr. Brown

Les Fox, 714 Terrace Heights, Wyckoff, NJ said the proposed house will be aesthetically pleasing to the neighborhood. He was concerned with the landscape screening on the right side of the house and possible the planting of 6' arborvitae along the property line.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the Thursday, April 16, 2015 public hearing meeting at 7:30 p.m.

Township Engineer DiGennaro reminded the applicant's engineer that they will need to revise the Section J dimensional requirement page of the application when revised plans are re-submitted with the corrections.

Board Attorney Spizziri returned to the dais

OMLAND, ANDREW & KIERSTEN BLK 332 LOT 6 (R-15); 22 Madison Heights. (The applicant proposes to expand the footprint of the existing home and add a second level which will trigger the enhanced side yard setback requirement of 20 feet requiring a variance application).

Priscilla Triolo, the applicant's mother and attorney, said revised plans have been submitted and the proposed variances have been reduced to front yard setback of 30' where 40' is required and total accessory structure of 5.6% where 5% is required.

Ms. Triolo marked the following exhibits as identification:
Amended A-1 Revised site plan dated 3/2/15

Charles Osterkorn, 121 Godwin Avenue, Wyckoff, NJ, the applicant's father and engineer, was sworn. He said the revisions include a Dutch colonial style house with an 8' front porch, the proposed 2 car garage has been reduced in size which reduced the combined lot coverage, the landscaping along the property line and by the garage has been enhanced, a new tree will be planted in the front yard and a seepage pit will capture run off from the site.

Board Member Borst said the landscaping plan was acceptable.

Mr. Osterkorn introduced the revised architectural plans and they were marked for identification:
Amended A-2 Architectural plans revised 3/3/15

Mr. Osterkorn said the proposed dwelling has a porch that runs the length of the front of the house which is 8 feet in width with pillars. He said the distance from the edge of the proposed porch to the edge of the paved street is 46.9 feet.

Board Member Borst that this applicant is a hardship since the road is not centered.

Chairman Ruebenacker noted that the front porch dimension has not changed from the previous submission.

Ms. Triolo said the previous porch had spindles and railings and was not tied into the architectural of the house. She added that for architectural reasons the applicant would like an 8 foot front porch.

Board Member Carolan asked what the height will be of the raised porch.

Mr. Osterkorn said the porch is be 2 feet off the ground which does not require a railing.

Mr. Osterkorn asked that the following exhibits be marked for identification:

Amended A-3 Garage plan revised 3/3/15

Amended A-4 Aerial plan of 22 Madison Heights dated 3/19/15

Mr. Osterkorn said the second floor of the garage has an open second floor plan with a set of stairs. He added that a small bathroom will be located on the first floor of the garage.

Board Member Yudin asked what will be the use of the second floor of the accessory garage structure.

Ms. Triolo said the applicant will use the second floor for her exercise equipment.

Board Member Fry asked for testimony as to the purpose of the garage.

Mr. Osterkorn said the garage will be used for recreational use where it will be a garage with a work shop. He added that exhibit A-4 illustrates the offsets to the existing property line and to the curb line and also shows the adjacent neighbors front yard setbacks which are closer to the street than the proposed application on this private dead end street.

Chairman Ruebenacker opened the meeting to the public for any comments.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve this application as submitted. Second, Board Member Yudin. Voting in favor: Mr. Hubert, Mr. Carolan, Mr. Tanis, Ms. Yudin, Mr. Borst and Mr. Fry. Voting in denial: Chairman Ruebenacker.

SCHWARTZ, PETER & DINA BLK 217 LOT 7 (RA-25); 88 Logan Lane. *(The applicant proposes to construct an in-ground pool, patio, spa and pool equipment which will result in an impervious coverage of 34.85% where 28.5% is allowed).*

Antimo DelVecchio, the applicant's attorney, said the applicant is seeking variance approval for maximum impervious coverage. He said the applicant has reduced the pool size and patio around the pool in order to reduce the impervious coverage to 32.5%. He said that when the house was reconstructed during the original application the pool was withdrawn from the application due to the construction time period of 1 year. He then introduced the applicant's engineer.

Mr. David Hals, 9 Post Road, Oakland, NJ, licensed professional engineer and land surveyor in the State of NJ and a professional planner was sworn by Board Attorney Spizziri.

Marked as identification at this time were the following exhibits:

- A-1 Affidavit of notice which was submitted in advance of the previous hearing date
- A-2 Engineering plans with last revision date of 3/6/15
- A-3 Drainage calculations dated 12/7/14
- A-4 Site photos (6)

Mr. Hals said the existing property consists of a single family dwelling with patios, shed and existing swale located on the southerly portion of the property which runs in an east west direction and service an upstream area. He said the swale takes the rear yard drainage from all the lots and connects it to a storm drain to the west of the property. He said the proposal is to construct a swimming pool and patio which meets the setback requirements in this zone. A variance for total impervious coverage is being requested for 32.5% where 28.5% is required which includes the pool equipment and barbeque. The existing shed will be located from right to the left of the property in a conforming location not in the setback area. The pool is 36 x 18 or 806 square feet for the pool and spa and 445 square feet for the patio and equipment. A drain will be installed at the edge of the patio which will be piped to an underground seepage pit to control the run off from the patio area. There will be no visual impact to the adjacent neighbors and the drainage improvements will improve the drainage that flows off the property.

Chairman Ruebenacker asked if the new play area is or is not included in the impervious coverage calculation.

Mr. Hals said it is not included in impervious coverage because it is not an impervious surface.

Board Member Borst said the landscape plan does not include around the pool.

Board Member Fry questioned the proposed seepage pit and asked if the water table is high in this area.

Township Engineer DiGennaro said there is surface water in this area. He said that when a perk test is performed if they find a high water table they will have to modify the location of the dry well.

Mr. Hals said that when the house was renovated 2 seepage pits for the house were installed. He said a ground water test will be done before the seepage pits are installed and the location

of the seepage pits may need to be modified.

Mr. DelVecchio said the variance request is for maximum impervious coverage. He said the initial application was asking for 34.85%, and the revised application this evening is for 32.5% where 28.5% is required. He said the original application in 2008 was for 32.71%. He said this application will now gather surface water and will control it.

Board Member Borst said the pool size is not overly large in size and will capture the water runoff.

Board Member Hubert asked how many homes are affected by this water condition in the area.

Township Engineer DiGennaro said the water easement is along the side of this house. He said this area picks up drainage from Crescent Avenue down Frost Court to the drainage easement next to the applicant's house.

Chairman Ruebenacker continues to struggle with the excessive impervious coverage and asked that the applicant meet the Board half way.

OPEN TO THE PUBLIC

Susan Winton, 80 Logan Lane, Wyckoff, NJ, said during heavy rains this area is low with regards to drainage. In 1970 the swale was installed to continue the water and her concern is that this proposed pool will add additional problems with water in the rear yards of the neighboring property owners.

Michael Wolff, 92 Logan Lane, Wyckoff, NJ, the neighbor to the right of the applicant's house, was also concerned with the flooding of water in this area. He questioned where the water will be discharged.

Township Engineer DiGennaro said the engineer of record's plan shows the water discharge will be discharged into a dry well and any overflow will be added to the swale.

Eugene Nowak, 111 Frost Court, Wyckoff, NJ said the drainage in this area has been very severe. He said that the overflow from the municipal drain runs down his driveway and into his house.

Township Engineer DiGennaro said he had visited Mr. Nowak and had cleared obstructions in the storm drains because a larger pipe was flowing into a smaller pipe.

CLOSED TO THE PUBLIC

Mr. DelVecchio said the applicant recognizes the drainage issue. He said that an oversized seepage pit can be installed.

Chairman Ruebenacker also asked that the pool be screened with sufficient landscaping from the neighbors on the right side of the house.

The Board unanimously agreed to carry this application to the Thursday, April 16, 2015 public hearing meeting at 7:30 p.m.

APPLICATION(S) – NEW

KAYAL, GARY BLK 351 LOT 19 (RA-25); 387 Cedar Hill Avenue. *(The applicant proposes to install an in-ground pool and construct an addition to the rear of the house which will trigger the enhanced side yard setback ordinance).*

Mr. Gary Kayal, 387 Cedar Hill Avenue, Wyckoff, NJ was sworn. He said he would like to build a small addition, approximate 13' x 14', to the right rear of his home with the intent of it being a cabana for the pool.

Mark Palus, the applicant's engineer, MAP Engineering, Kinnelon, NJ was sworn. He said the applicant is proposing to construct a new driveway, pool and patio which are fully conforming improvements. He said the applicant is requesting a variance for the proposed 180 square foot one story addition which is currently setback at 18.5' and since the house is not parallel to the property line and an 18.9 foot side yard setback variance is being requested. The house is not parallel and when the house is squared off the side yard setback will be at 18.9'. He added that based on the size of the house an enhanced side yard setback of 25' is required but the home was constructed before the ordinance was adopted. He said the applicant owns a landscaping company and a total of 377 plantings will be planted.

Vice Chairman Fry said this addition will be far enough away from the neighboring property owner and will not intrude on their privacy.

OPEN TO THE PUBLIC

Paula Decker, 308 Wyckoff Avenue, Wyckoff, NJ said she was concerned with the water issues with this property. She said that during a heavy storm the water comes from this property into her back yard and flows towards her front yard.

Mr. Palus said this property slopes to the rear of the property by 8 feet. He said the same drainage pattern will be maintained and 2 -1,000 gallon seepage pits will be installed and will collect water runoff from around the property. The proposed landscaping will also help absorb water along with an aluminum black fence along the rear property line and a 2' to 3' retaining wall along the rear of the yard.

Township Engineer DiGennaro questioned the retaining wall along perimeter of the rear property.

Mr. Palus said the retaining wall will be no higher than 3' and a minimum of 3' from the property line so it will meet code requirement. He said approximately 2' of fill will be placed in the rear of the yard.

Mr. Kayal said that some of this fill will come from the excavation of the pool and porch area.

Mr. Palus said that approximately 300 cubic yards of soil will be imported to the property. He said the keystone block wall drains will be collected to an additional seepage pit to the rear of the yard.

Township Engineer DiGennaro said that the applicant cannot allow water to concentrate onto neighboring properties. He added that he will work with engineering regarding the retaining wall

and additional seepage pits.

CLOSED TO THE PUBLIC

Board Member Carolan made a motion to approve this application subject to the following condition: a revised plan will be submitted for review by the Township Engineer for the retaining wall with seepage pits. Second, Vice Chairman Fry. Voting in favor: Mr. Hubert, Mr. Carolan, Mr. Tanis, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

CERVONE, RYAN & DANIELLE BLK 456 LOT 63 (RA-25); 204 Coolidge Terrace. *(The applicant proposes to expand the second floor and add a covered front porch and landing which will encroach into the front yard setback).*

Ryan Cervone and Danielle Cervone, 204 Coolidge Terrace, Wyckoff, NJ were sworn. Mr. Cervone said he is proposing to update the existing home, add a second floor and install a 6' front porch which is creating the variance since a piece of the front porch will encroach into the front yard setback by 34.7' where 40' is required due to the radius of the cul-de-sac which is a hardship.

Board Member Borst said that he has reviewed the landscape plans and they are sufficient.

Chairman Ruebenacker said if this house was not located on the cul-de sac a variance would not be required. He applauded the applicant for not overbuilding this house.

Board Member Borst said the 34.7' setback will be to the first step.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve this application as presented with a front yard setback of 34.7' to the first step. Second, Board Member Hubert. Voting in favor: Mr. Hubert, Mr. Carolan, Mr. Tanis, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

DeGREGORIO, JOSEPH & ELIZABETH BLK 352 LOT 14.01 (RA-25); 331 Newtown Road. *(The applicant proposes to construct a detached garage adjacent to the dwelling which triggers a variance due to the fact that the detached accessory structure will be located in front of the front plane of the principal structure facing the street).*

This application has been carried due to insufficient proof of publication.

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The following applications will be carried to the Thursday, April 16, 2015 due to lack of time.

COLLADO, FRANK BLK 207 LOT 13 (RA-25); 288 Brookside Avenue. *(The applicant proposes to extend the overhang on the front of the house by 2 feet which will encroach into the front yard setback).*

PISA, ANTHONY BLK 265 LOT 50 (RA-25); 55 Saxonia Avenue. *(The applicant proposes to connect the garage to the existing house and add a level to the second floor which will encroach no further than the existing front and side yard encroachments).*

PEKALA, KRZYSZTOF & EWA BLK 268 OT 24 (R-15); 112 Linden Street. *(The applicant would like to demolish the existing home and construct a new home which will encroach into the front and rear yard setbacks and exceed principal building lot coverage).*

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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 11:16 p.m.

Respectfully Submitted,

Susan Schilstra McQuaid, Secretary
Wyckoff Board of Adjustment