

**WYCKOFF BOARD OF ADJUSTMENT
NOVEMBER 20, 2014 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 Erik Ruebenacker, Vice Chairman:

"The November 20, 2014 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, Vice Chairman; Carl Fry; Mark Borst; Susan Yudin; John Carolan; Ed Kalpagian, Alt. Brian Hubert, Alt.

Board Member(s) Absent: Jim Donkersloot, Chairman

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

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APPROVAL OF MINUTES

The October 16, 2014 public work session/public business meeting minutes were approved at the public work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #14-11- Approval of vouchers from various escrow accounts.

Resolution #14-11 was memorialized at the public work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

THE TURNER GROUP – 90 EDISON STREET, LLC BLK 270 LOT 15 (R-15 CORNER); 90 Edison Street. *(The applicant proposes to add a second floor level to the existing home which will encroach into the front yard setback, side yard setback and exceed principal building lot coverage and total lot coverage).*

APPLICATION(S) – CARRIED

SCHALK, JOSEPH & IRMA BLK 241 LOT 7 (B1A); 256 Everett Avenue. *(The applicant proposes to expand the existing footprint of the house towards the rear of the property which will exceed principle building lot coverage and total lot coverage).*

Joe Schalk 256 Everett Avenue, Wyckoff, NJ, was reminded by Board Attorney Spizziri that he remains under oath. He said that since the last meeting he has taken into consideration the recommendations made by the Board.

Ali Qureshi, 236 Grandview Avenue, North Caldwell, NJ, was sworn. He stated that he is a licensed architect in the State of New Jersey with a bachelor and master's degree in architectural and has testified previously in front of this board. He said that he took the Boards recommendation and incorporated the changes into the revised site plan and floor plans. He said that the gravel area shown on the site plan is a typographical error and will become a grass area. The garage will be rebuilt to the same footprint and height of the existing garage. The variances that are being requested are due to the undersized lot area. He added that the front porch is not considered an accessory structure so if this is made a part of the principle building then this variance can be removed.

Township Engineer DiGennaro said that if the front porch is removed as an accessory structure the 234 square foot garage and 62 square foot deck will remain at 6.2% accessory coverage which will still require a an accessory structure variance.

Mr. Qureshi said a seepage pit is shown on the site plan, the existing driveway and 2 parking spaces will be macadam and the rear addition has been stepped in by 1' for a side yard setback of 4.3' where 12' is required and 3.3' currently exists on the original house.

Mr. Schalk said low foundation evergreens will be planted and a 6' high PVC fence will be installed in the rear yard and the side property line of the house to the corner of the house. The existing driveway will be resurfaced.

Vice Chairman Ruebenacker said the Board will need the size and species of the proposed plants that will be used for the foundation plantings.

Board Member Yudin asked what the use will be of the basement and the third floor.

Mr. Schalk said the basement and the third floor will be used for storage only.

Board Member Fry asked if the rear addition will include a full basement under the new bedroom #1 and new bedroom/bath #2.

Mr. Schalk said that due to the underpinning that would be required on the existing slab for the second floor addition he decided to dig a full basement within the same footprint of the existing concrete slab.

Board Attorney Spizziri asked that the basement building plans be marked as storage only.

Board Member Borst requested a landscaping plan that would include the right side of the front of house and the proposed steps.

Vice Chairman Ruebenacker said he is struggling with not having the architectural plans for the garage.

Township Engineer DiGennaro said the applicant will be replacing garage in the same location with the same setbacks and the height of garage will be not exceed 15' which is the code for an accessory garage structure.

Board Member Yudin asked if the same siding used on the house will be used on the garage.

Mr. Schalk said the house and garage will have the same siding.

Board Member Fry asked if the front yard setback is measured to the first front step.

Township Engineer DiGennaro said the front yard setback will be 6.9' to the first step.

Vice Chairman Ruebenacker said the revisions since the last meeting are: the rear addition has been recessed by 1' from the side property line; a new driveway will be installed; the gravel area in the rear yard will be changed to a grass area; the existing garage will be replaced with a not to exceed height of 15'; the landscape plan will be revised to cover the entire front structure of the house with the size and species of plants to be determined by the applicant and approved by the Township Engineer and the front yard setback will be revised from 9.9' to 6.9' based on 3 steps and that the basement will only be used for storage.

Township Engineer DiGennaro said the site plan will need to be resubmitted to scale giving a dimension for the front yard setback to the first step, making the changes highlighted by Vice Chairman Ruebenacker and add a note to the site plan that all roof leaders including the garage will connect to the 500 gallon seepage pits.

Vice Chairman Ruebenacker said the variances being requested for lot size, front yard setback, side yard setback is decreasing from 3.3' to 4.3', the rear yard on the accessory garage structure will remain the same and the total accessory structure will go from 6.5% to 6.2% based on the recalculation of the front porch.

Township Engineer DiGennaro said the applicant will need to submit a new set of plans, revise Section J of the application to include total principle building area coverage, accessory structure coverage and total principle and accessory structure coverage.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Yudin made a motion to approve the variance as delineated by Vice Chairman Ruebenacker. Second, Board Member Borst. Voting in favor: Mr. Kalpagian, Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Fry, Mr. Borst and Vice Chairman Ruebenacker.

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).*

This application has been postponed at the request of the applicant and will be carried to the Thursday, December 18, 2014 public hearing meeting. The applicant will not be required to renotice the newspaper or neighboring property owners within 200'.

STEIMEL, RICHARD & LISA BLK 202.02 LOT 13 (RA-25); 444 Lake Road. *(The applicant proposes to make alterations to the existing first floor and expand the second floor which will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application).*

Rich Steele was reminded by Board Attorney Spizziri that he remains under oath. He said that revisions have been made to the site plan which are as follows: the existing sunroom will be demolished, the square footage of the second floor has been reduced and tapered away from the property line and the proposed garage on the right side of the house has been shifted further away from the side yard setback and into the house. He said the bonus room over the garage has been eliminated, the front porch has been reduced in size and will extend no further than the existing side yard setback and the rear yard addition on the left and right side of the house has been stepped back so there is a reduction in the overall square footage of the house. He said that the utilities will be placed underground and the applicant will connect to sanitary sewer located in the street.

Mr. Fred Klenk was also reminded that he had been previously sworn at the last meeting. He said that the square footage of the house has been reduced by 800 square feet. He said that doghouse dormers have been added to the front of the house and the floor plan has been adjusted by pushing the garage further into the house which reduced the right side yard setback and the existing sunroom or porch has been removed from the site plan. He added that the first floor elevation will be raised by 1' 4" due to the low ceiling height in the basement. The left side yard setback will be decreased with the removal of the sunroom from .9' to the existing 8.3'. The principle building coverage is slightly over by 1.1% and the principle building area exceeds the allowable 15% by 3.8% or 18.8% and but does not exceed the combined coverage.

Board Member Carolan asked if the stone wall on the right side of the house will be removed.

Mr. Klenk said the existing driveway will be reduced and the grade will remain the same.

Board Member Fry said the applicant did an outstanding job with the Board's recommendations.

Vice Chairman Ruebenacker asked where the air conditioning units will be located.

Mr. Klenk said the air conditioning units will be located behind the 2 car garage on the right side of the property line within the setback.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Fry made a motion to approve this application with the following conditions: the utilities will be placed underground and the house will connect with the sanitary sewer system located in the roadway. Second, Board Member Yudin. Voting in favor: Mr. Kalpagian, Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Fry, Mr. Borst and Vice Chairman Ruebenacker.

APPLICATION(S) – NEW

BEAUCHAMP, DONALD & KYUNG HWA RHEE BLK 421 LOT 90 (RA-25); 698 Charnwood Drive. *(The applicant proposes to install an in-ground pool and patio which will exceed impervious coverage).*

Board Member Borst recused himself from discussion and removed himself from the dais.

Andy DeVecchio, the applicant's attorney, said the pool has been reduced by 99 square feet to 810 square feet, the patio has been reduced from 1,797 square feet to 1,030 square feet and the impervious coverage from 36.95% to 33.52% where 28.5% is the maximum allowable impervious coverage in the RA-25 zone.

Mr. Robert Weissman, 686 Godwin Avenue, Midland Park, NJ, owner of Weissman Engineering and a licensed professional engineer and land surveyor in the State of New Jersey, was sworn. He said this application is for a pool, spa and patio. The applicant will install a 1000 gallon seepage pit to connect to patio drains and landscaping will screen the pool from the neighboring property owners. He added that there is no water feature proposed with this application. The 4' high pool fence will be installed around the perimeter of the yard and will be compliant with the State Code for pool safety protection.

Board Member Hubert noted a 2' high retaining wall on the plans.

Mr. Weissman said the grade drops down towards the rear of the property and a 2' retaining wall will capture the property.

Ms. Katherine Gregory, 96 Linwood Plaza, Fort Lee, NJ was sworn. She said she did a site visit and reviewed the Wyckoff Master Plan. She said the applicant would like to install a pool and patio which will require a lot coverage variance since it will exceed the imperious coverage by 5% which will require a variance. She said that this application promotes the purposes of the Municipal Land Use Law under the C2 variance. She presented to the Board a 3 dimensional aerial photo of the neighborhood. She said the surrounding properties have pools and this 5% variance request will not be distinguishable. The positive criteria will not impact the light, air and open space but will a desirable, visual environment in the rear yard due to development techniques and good civic design and arrangement. She added that there will be no substantial detriment to the public good since the landscaping will be increased and there will be no visual impacts to the neighborhood.

Vice Chairman Ruebenacker asked what the heights of the plants will be around the property line. Mr. Weissman said the arborvitae will be 8' to 10' in height.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Carolan made a motion to approve this application for a 33.5% impervious coverage variance where 28.5% is allowed. Second, Board Member Hubert. Voting in favor: Mr. Kalpagian, Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Fry and Vice Chairman Ruebenacker.

FINE, BRUCE & LINDA BLK 288 LOT 32 (RA-25); 332 Voorhis Avenue. *(The applicant proposes to construct a second floor addition, porch and patio which will exceed principle building lot coverage, total accessory structure coverage and total lot coverage).*

Mr. Ben Cascio, the applicant's attorney, was present. Dr. Bruce Fine, 322 Voorhis Avenue, Wyckoff, NJ, the homeowner, was sworn. Mr. Mark Braithwaite, 17 Sheridan Avenue, HoHoKus, NJ, the applicant's architect, was sworn. He said he has been licensed in the State of New Jersey since 1993 and has been before this Board on numerous occasions.

Board Attorney Spizziri said he had received a letter from Mr. Reynold Amels, the neighbor, which was handed out to the Board Members at Mr. Amel's request. He said the letter cannot be considered as testimony since the neighbor or witness is not present this evening for cross examination.

Ben Cascio, on behalf of the applicant, said the applicant would like to construct an addition to the second floor of the existing home in order to provide safe access and living quarters for their disabled parents on the first floor. He said that some of the variances can be reduced based on the board's comments. However, the building coverage cannot be eliminated because it is pre-existing.

Dr. Fine said he would like to add a second floor to the existing home which would include an in ground pool since his in-laws, who currently reside on Lake Road in Wyckoff, have become more disabled. He would also like to add a covered porch to the front of the house and take an existing rear yard patio area and cover it with a roof for an outdoor living room. He said this will not increase the footprint of the existing house. He said that barrier free access to the front and rear of the house will be added.

Marked as identification at this time were the following exhibits:

A-1 Aerial photo of homes in the area with pools

A-2 Aerial photo of homes in the area with pools

Mr. Fine said that during the recess he and his architect discussed how the project can be reduced. One of the areas was the back porch which can be reduced in depth by 3'; eliminate the pathways, remove the shed or reduce the size of the pool.

Board Member Carolan was concerned with the landscaping and handicapped assessable ramp in the front of the house.

Mr. Fine said that currently there is one step going onto a covered porch and one step into the house. He said he would like to raise the elevation of the sidewalk so there will be no step on the front porch or into the house.

Board Member Borst said the proposed landscape plan does not show what is currently on the property. He asked that the landscape designer label what landscape is existing and what will

be new.

Mr. Cascio asked where the air conditioning unit and generator will be located.

Mr. Fine said the air conditioning unit and generator will be moved to the other side of the house. He said the 700 square foot pool is 2' in depth and one side is designed for wading only.

Mr. Borst said the pool is not oversized and would not want to see it reduced.

Board Member Fry said a previous variance was requested in 2002. He said the addition to the second floor will be stepped in. He said that he is concerned with the building lot coverage exceeding the 20%. He asked that this variance be reduced.

Mr. Cascio said the accessory and building lot coverage can be reduced along with the impervious coverage.

Mark Braithewaite said the applicant is doing everything in the spirit of the ordinance and the character of the neighborhood. He said he will make every effort to reduce the impervious coverage. Currently the applicant is adding 695 square feet to the front and rear porch. He said the side yard setback is triggered due to the addition being over 3,700 square feet.

Vice Chairman Ruebenacker summarized the concerns of the Board by stating that a more detailed/revised landscape plan will need to be submitted, the walkway/patio and covered patio area will also need to be reduced.

OPEN TO THE PUBLIC

Norman DeLiberto, 329 Voorhis Avenue, Wyckoff, NJ was sworn. He stated that he lives across the street from Dr. Fine. He said that in the past 5 years 4 houses in this area have been renovated and is present this evening in support of this application.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the December 18, 2014 Board of Adjustment meeting. The applicant will not need to renote.

MINERVINI, DAVID BLK 230 LOT 14 (RA-25); 545 Franklin Avenue. *(The applicant proposes to expand the existing first floor, add a second floor level and construct a detached garage which will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application).*

Mr. Jonathan Hodash, 60 South Main Street, New City, NY, was sworn. He said he has been an architect for 22 years. He said the existing house is contemporary in style and constructed on a slab. He said the applicant would like to construct a detached garage on the left side of the property 5' from the side yard setback and after hearing the comments at the work session meeting the garage will be moved to 10' from the property line is the required side yard setback for an accessory structure. He said the mass of the house is away from the property line. He said the existing house is oriented close to the side yard and the rear addition will be a single story addition. The variances are for the side yard setback due to the location of the existing house. He said the interior of the house will not flow if the kitchen is not added to the rear of the house.

Board Member Fry asked how much of the existing house will remain.

Mr. Hodash said the left area of the house will remain. The applicant would like to remain in the house during construction. The new construction will have a basement area.

Township Engineer DiGennaro asked if the applicant had done a value assessment to see what the cost would be in knocking down the original house and starting over fresh.

Vice Chairman Ruebenacker and Board Member Borst struggled with granting a 10' side yard variance where 25' is required due to the enhanced side yard setback of 25'. Mr. Borst said the proposed landscape plan has a lot of sun loving plants be planted in the shade. He asked that screening be planted on the left hand side of the house and tighten up the screening towards the rear to the end of the garage.

Board Member Hubert asked if the exterior material will be stucco with wood trim.

Mr. Hodash said the exterior will be stucco with wood trim.

Vice Chairman Ruebenacker said he would like to see some effort to step in the second floor of the addition to meet the 25' enhanced side yard setback. He asked where the mechanicals will be located.

Mr. Hodash said the setback is currently at 2' and the mechanicals will be located in the new basement.

Vice Chairman Ruebenacker said this proposed house is a 5,200 square foot house. Township Engineer DiGennaro said the proposed addition can be turned which would create the same flow pattern that you have.

Mr. Minervieri said he would like to modify the interior of the house to fit with the existing first floor house plan and not construct a new house.

Board Member Fry noted that the applicant is trying to work with the original structure. He asked if the architect looked at any design that kept the 2 car garage in the front of the house and build the house towards the back. He said the property is 90' wide which is not a hardship. He added that the addition will be angled and you will be looking into the rear of the neighbor's property.

Vice Chairman Ruebenacker said the applicant could construct the garage in the front of the house. The hardship for this application is the width and shape of the property.

Board Member Fry suggested that the applicant could construct a new house and live in the original house until the new house has been completed.

The Board recommended that the applicant revisited the design of the house and reduce the side yard setback of 10' where 25' is required. The board unanimously agreed to carry this application until the December 18, 2014 meeting. The applicant will not need to renote.

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Board Attorney Spizziri announced that a special meeting has been scheduled for Monday, December 8, 2014 at 7:30 p.m. for the Christian Health Care Center (CHCC) application.

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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 11:15 p.m.

Respectfully Submitted,

Susan Schilstra, Secretary
Wyckoff Board of Adjustment