

**WYCKOFF BOARD OF ADJUSTMENT  
AUGUST 17, 2017 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, Acting Chairman:

"The August 17, 2017 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.

**Board Member Attendance:** Erik Ruebenacker, Chairman; Mark Borst; Susan Yudin; Ed Kalpagian; Brian Hubert; Rich DeLeo, Alt; Robert Ebel, Alt.

**Board Members Absent:** Carl Fry, Vice Chairman; Brian Tanis.

**Staff Present:** David Becker, Board Attorney; Peter Ten Kate, Boswell Engineering Representative; Susan McQuaid, Board Secretary.

**Staff Absent:** Mark DiGennaro, Township Engineer

The Board of Adjustment Meeting began with the Pledge of Allegiance.  
Roll call was taken.

\* \* \* \* \*

Erik Ruebenacker, Chairman 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)"*

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Chair Ruebenacker 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**

July 20, 2017 work session/public business meeting

The minutes were approved at the work session meeting.

**RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #17-08-** Approval of vouchers from various escrow accounts.  
Resolution #17-08 was approved at the work session meeting.

**RESOLUTION(S) TO BE MEMORIALIZED**

**STOJKOVSKI, VESNA & DRAGAN** BLK 436 LOT 26 (RA-25 CORNER LOT); 701 Mountain Avenue. *(The applicant proposes to live in the existing home while they construct a new dwelling which will be consistent with the bulk requirements).*

**KOCHER, DAN & LAURA** BLK 352 LOT 25 (RA-25); 274 Merlin Place. *(The applicant proposes to construct a one and a half story addition to the rear of the house for a kitchen, great room, master suite and porch which will trigger the enhanced side yard setback and encroach into the side yard setbacks).*

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

**APPLICATION(S) – CARRIED**

**WERKLEY, TIMOTHY/ESTRELLA, ROSA** BLK 483 LOT 16 (RA-25); 129 Starr Place. *(The applicant proposes to expand the first floor and add a level to the second floor with will encroach into the side yard setback due to the enhanced side yard setback requirement and will exceed principal building lot coverage).*

This application has been carried to the Thursday, September 14, 2107 public hearing meeting at the request of the applicant. The applicant will not need to renotece the newspaper or the public.

**SHOTMEYER, MARSHA** BLK 314 LOT 64 (RA-25); 502 Helena Avenue. *(The applicant proposes to add a level and expand the existing footprint of the house which will encroach into the side yard setbacks).*

This application has been carried to the Thursday, September 14, 2107 public hearing meeting at the request of the applicant. The applicant will not need to renotece the newspaper or the public.

**MOROZ, CEZARY/GAWLE, DANUTA** BLK 231 LOT 6 (RA-25); 516 Clinton Avenue. *(The applicant proposes to expand the footprint of the existing house and add a level to the second floor which will trigger the enhanced side yard setback and encroach into the side yard setbacks).*

Board Attorney Becker reminded Cezary Moroz, the applicant and Thomas G. Stearns, III, the applicant's engineer, were previously sworn at the June 15, 2017 meeting and remain under oath. Mr. Stearns said he has revised the site plan with a date of 7-18-17. He said that previously the applicant had asked for a 15' side yard setback where 25' is required and have the plans to reflect a 20' side yard setback with 21.5' to the second floor setback where 25' is required. He said the accessory garage will now remain, 36 arborvitae will be planted along the side yard property line as a buffer and the height of the house is at 33.56'.

Chair Ruebenacker asked if a retaining wall will be constructed on the left rear yard. Mr. Steans said there will be a 2' high retaining wall which will create a gentle slope. Board Member Kalpagian asked if the applicant had considered increasing the side yard setback to 23'. Chair Ruebenacker said he did like that the applicant stepped in the second floor by 1 ½'. He added that he also liked the proposed landscape plan. Mr. Moroz said he will be planting 14 additional trees. Board Member and Shade Tree Commissioner Borst said that 5 mature trees will need to remain in the rear yard which are located behind the masonry garage since they are in good health. He also said he has no issue with the landscape plan. He noted that the garage will now remain. Mr. Moroz said he will renovate the existing garage with new hardy plank siding and a new roof to match the proposed house. Boswell Engineering Representative Ten Kate said the existing garage will be recognized as a non-conformity. He recommended that trench drains be added to the driveway. Board Member Yudin requested underground utilities be installed.

#### OPEN TO THE PUBLIC

No one appeared.

#### CLOSED TO THE PUBLIC

Mr. Moroz said this house is his dream house that he would like to construct. Board Member Borst remained concerned with the 20' side yard setback where 25' is required on this house since the lot area is narrow and 100' deeper than required. He said there is adequate space to make this new construction conforming. He said that 5 trees in the rear yard will remain, the house will be serviced with underground utilities, trench drains will be added to the driveway in order to reduce runoff, and the existing garage will remain and be finished with matching product consistent with the new construction. The Board was unable to achieve an approval motion. Mr. Moroz decided to carry this application to the next meeting. The Board unanimously agreed to carry this application to the Thursday, September 14, 2017 public hearing meeting.

**PUCHALIK, JOSEPH & SARAH** BLK 352 LOT 4 (RA-25 CORNER); 269 Cedar Hill Avenue.  
*(The applicant proposes an alteration to the front porch, addition of a deck off the family room, shed and fence which will encroach into the front and side yard setbacks on this corner lot).*

Joseph and Sarah Puchalik were reminded by Board Attorney Becker that they were sworn at the last meeting and remain under oath. Sarah Puchalik said they submitted revised a site plan showing the location of the proposed shed 40' off of Newtown Road and 15' off the side yard setback along with a revised landscape plan to include plantings on the outside of the fence along Newtown Road and Cedar Hill Avenue. Board Member Yudin questioned the height of the proposed trees. Board Member Borst said the arborvitae will be planted at 3' to 4' high and will grow to 8' to 10' and the skip laurels will grow to 6' in height with the knock out roses at 3' to 4'. Joseph Puchalik said the arborvitae will grow to 15' and skip laurels to 18'. Chair Ruebenacker was concerned with screening the 6' privacy fence. Board Member Borst said all planting will cover the 6' fence. He also noted the plantings in front of the house which are deciduous and the new walkway. Chair Ruebenacker said the solid privacy fence will be a wooden stockade fence.

Sarah Puchalik said she would like the option to upgrade to a white PVC fence.

#### OPEN TO THE PUBLIC

No one appeared.

## CLOSED TO THE PUBLIC

The Board asked the applicant what their time schedule is for the completion of this project. Sarah Puchalik said they would like to start with the front porch and walkway & steps down the driveway, grading of the yard in the spring, install the deck, shed and fence last. The Board asked the applicant to complete these project in 21 months or complete by May 2019. The Board was concerned with the retaining wall and requested one in the front planting area and one along the left side of the driveway. Board Member Hubert made a motion to approve this application as amended subject to the following conditions: the projects will be complete by May of 2019; a 1' retaining wall around the front planting bed; 18" along the left side of the driveway and the landscaping plan be planted as proposed. Second, Board Member Kalpagian. Secretary McQuaid advised the Board that 3 absent Board Members from the previous meeting had listened to the tape of that meeting and are eligible to vote on the application this evening. Voting in favor: Mr. Ebel, Mr. DeLeo, Mr. Kalpagian, Mr. Hubert, Mr. Borst and Chair Ruebenacker. Voting in denial: Mrs. Yudin.

**LES, ALEXANDER & CHRISTINA** BLK 314 LOT 72 (RA-25); 540 Helena Avenue. *(The applicant proposes to demolish the existing home and construct a new home which will exceed the building height and trigger the enhanced side yard setback requirement).*

This application has been carried to the Thursday, September 14, 2107 public hearing meeting at the request of the applicant. The applicant will not need to renote the newspaper or the public.

**APPLICATION(S) – NEW**

**GREENE, DARYL** BLK 298 LOT 8 (R-15 CORNER LOT); 45 Rodger Court. *(The applicant proposes to expand the existing footprint of the house for a family room, a master bedroom and a front porch which will encroach into the front yard setback).*

Daryl Greene and Marin Greene, 45 Rodger Court, Wyckoff, NJ were sworn and Laborio Derario the applicant's architect, 10 Mountainview Road, Upper Saddle River, NJ was sworn. He said he is licensed in the State of New Jersey, New York, Connecticut and has been an architect for over 30 years. He added that he has been the director of municipal development in the town of Ramapo and has appeared before many boards. The Board accepted Mr. Derario's credentials.

Marin Greene said she is looking to add a 14' addition to the rear of the house. She said the shed in the rear yard will be removed. Board Member Borst asked why the applicant is seeking a 1' variance in the rear/side yard on this corner lot where 20' is required and 19' is proposed. Mr. Derario said the 1' is for the family room size where it will be an open concept plan in the rear addition. The fireplace is being kept within the room so it will not encroach into the rear/side yard setback. Board Member Kalpagian said the 2 story addition will remain at a 19' setback. He said by removing the shed it will remove one existing non-conforming variance. Chair Ruebenacker noted that the height of the addition will be at 30'. Board Member Borst suggested a privacy hedge along 30' of the rear property line with 8 to 10 evergreen trees at a height of 4' to 5' be planted. Board Member Hubert asked what the exterior of the house will be. Daryl Greene said the exterior of the house will be stone veneer with hardy plank siding. Board Member Borst suggested stepping in the rear wall on the second floor. Mr. Derario said that would reduce the bathroom, walk in closet and study area in that area of the master bedroom.

Board Member Borst also asked that the dogwood tree at the front corner of house be replaced with a flowering tree if it is damaged during construction. The Greene's agreed to replace this tree.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Yudin made a motion to approve this application as presented with the following conditions: 8 to 10 evergreen trees will be planted along 30' of the rear property line at a height of 4' to 5'; the dogwood tree in the front corner of the house will be replaced with a flowering tree and the siding will be hardy plank across the entire structure. Second, Board Member DeLeo. Voting in favor: Mr. Ebel, Mr. DeLeo, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst and Chairman Ruebenacker.

**JOSEPH & KARIN McINTOSH** BLK 206 LOT 29 (RA-25 CORNER); 290 Crescent Avenue. *(The applicant proposes to construct a third garage with bedrooms above which will encroach into the front yard setback on this corner lot).*

Joseph and Karin McIntosh, 290 Crescent Avenue, Wyckoff, NJ were sworn. Mr. McIntosh said he would like to add a third garage which encroach 25.8' into the front yard setback on this corner lot. He said the existing garage is at a slight angle and the pre-existing non-conforming setback is at 26.4'. Board Member Kalpagian asked if any trees will be removed during construction. Mr. McIntosh said he will be keeping the tree that is near the construction area.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

Board Member Borst made motion to approve this application as presented. Second, Board Member Kalpagian. Voting in favor: Mr. Ebel, Mr. DeLeo, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst and Chairman Ruebenacker.

**SANBORN, DANIEL & LINDSAY** BLK 395 LOT 3 (RA-25); 207 Henry Place. *(The applicant proposes to add a second floor level requiring variance relief for rear yard and front yard setback)*

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

Daniel and Lindsay Sanborn, 207 Henry Place, Wyckoff, NJ were sworn. Lindsay Sanborn said they would like to add a second floor to the existing house. They have a small ranch on an L shaped lot which creates a rear yard variance of 24.6' where 40' is required and 26' currently exist. Daniel Sanborn said that one tree will need to be removed since the roots will affect the new driveway. Board Member Borst said he is fine with the landscape plan. He asked what the exterior material will be used on the outside of the house. Lindsay Sanborn said they would like to use hardy plank or vinyl shake siding

OPEN TO THE PUBLIC

No one appeared.

## CLOSED TO THE PUBLIC

Board Member Kalpagian made a motion to approve this application as presented. Second, Board Member Hubert. Voting in favor: Mr. Ebel, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst and Chairman Ruebenacker.

**ACKERSON, KELLY** BLK 270 LOT 4 (R-15); 115 Wood Street. *(The applicant proposes to add a covered front porch, rear dormer and 2 doghouse dormers on the front roofline which will encroach into the front yard setback).*

Kelly Ackerson, 115 Wood Street, Wyckoff, NJ was sworn. She said she would like to construct a front door portico, 2 doghouse dormer in the front of the house and rear dormer. Chair Ruebenacker said the 6' portico would encroach into the front yard setback by 24.9' where 30.9' currently exists and 40' is required. Board Member Borst said that if any landscaping is damage during construction that it be replaced with the same kind.

## OPEN TO THE PUBLIC

No one appeared.

## CLOSED TO THE PUBLIC

Board Member DeLeo made a motion to approve this application as presented subject to the following conditions: if any landscaping is damage during construction that it be replaced with the same kind. Second, Board Member Kalpagian. Voting in favor: Mr. Ebel, Mr. DeLeo, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst and Chairman Ruebenacker.

**SHUR REAL ESTATE, LLC** BLK 214 LOT 46 (RA-25); 205 Franklin Avenue. *(The applicant proposes to add a two story addition requiring variance relief for side yard setback).*

This application has been carried to the Thursday, September 14, 2107 public hearing meeting at the request of the applicant. The applicant will not need to renote the newspaper or the public.

**VRTIS, ANGELA & MICHAEL** BLK 352 LOT 37.01 (RA-25); 268 Wyckoff Avenue. *(The applicant is seeking relief from the code to allow the encroachment of the accessory pool slide into the side yard setback).*

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

Michael Vrtis and Angela Vrtis, 268 Wyckoff Avenue, Wyckoff, NJ were sworn. Michael Vrtis said he bought the house 3 years ago and started renovating it. He said he started to renovate the rear yard with a septic field, pool and garage. He said there was a large maple tree that he wanted to keep. The pool project started last September. Angela Vrtis said when the pool was dug and the rocks were placed it was determined that the pool slide was encroaching on this tree. She said the contractor had shifted the slide as to avoid impacting the tree which had a drip line barrier. Michael Vrtis said the slide is currently 10.58' off the side yard setback where 15' for a side yard accessory structure is required. He said the pool slide will be screened rear round. Board Member Borst said the slide can be disconnected and moved. He is very concerned about the grade in the area of the slide, erosion. Landscaping and its location near the neighbors rear yard. Chair Ruebenacker said the Board needs a full understanding of the

grade of the land near the slide. Board Member Borst asked that the applicant return to the Board next month with a full landscaping and grading issue. Boswell Engineering Representative Ten Kate also asked that the cove landing be placed on the plan in its correct location and that the original slide be eliminated from the plan. The Board agreed that the proposed slide should be left in its current location at 10.58' off the property line and not moved. Board Member Kalpagian said the challenge is the screening and the runoff. He asked for a detailed landscape plan for the grade, retaining walls and plantings. Michael Vrtis said 4 seepage pits have been installed for the pool and the garage runoff.

**OPEN TO THE PUBLIC**

No one appeared.

**CLOSED TO THE PUBLIC**

The Board unanimously agreed to carry this application to the Thursday, September 14, 2017 public hearing meeting. The applicant will submit a detailed landscape plan for the grade, retaining walls and plantings.

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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 10:30 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary  
Wyckoff Board of Adjustment.