

**WYCKOFF ZONING BOARD OF ADJUSTMENT  
JANUARY 21, 2021  
PUBLIC WORK SESSION MINUTES**

Public Work Session: 7:30 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube channel

Public Business Meeting: 8:00 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube channel

The meeting commenced with the reading of the Open Public Meetings Statement by Ms. Mitchell:

**PLEASE TAKE NOTICE**, that in accordance with the Open Public Meetings Act NJSA 10:4-6 et seq., and in consideration of Executive Order #103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency in the State of New Jersey, the Zoning Board of the Township of Wyckoff does hereby notify the public that to protect the health, safety and welfare of our citizens, the meeting of the Zoning Board of the Township of Wyckoff scheduled for Thursday January 21, 2021 will be conducted virtually through Zoom technology and it will be live-streamed on the Township of Wyckoff's YouTube channel. The Work Session is scheduled for 7:30 and the Public Business meeting will begin at 8:00 pm.

These measures are implemented to allow members of the public to observe the meeting via live streaming and to provide the ability to comment during the periods for public comment during the meeting through Zoom telephone call in technology. Joining the meeting by telephone will be utilized as security against the sharing of inappropriate video content.

General instructions regarding access to the meeting is posted on the Wyckoff web site's home page at [www.wyckoff-nj.com](http://www.wyckoff-nj.com) as a "News" item.

"The January 21, 2021 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. Members of the public are welcome to be present at this meeting. However, in accordance with Section 7 (A) of the Open Public Meetings Act, participation on the part of the public at this meeting will not be entertained."

Ms. Mitchell read the following 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)"*

*"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 time."*

**ORGANIZATIONAL BUSINESS/MOTIONS**

1. Oaths of Office to be administered to the new and continuing members, where applicable.  
David Becker Esquire administered the Oaths of Office to newly appointed Board Member Nekije Rizvani, and reappointed Board Members Erik Ruebenacker, Ed Kalpagian, and Ian Christ
2. Roll call of Zoning Board Members  
Board Members in attendance: Carl Fry, Mark Borst, Erik Ruebenacker, Ed Kalpagian, Brian Tanis, Rosa Riotto, Brian Hubert, Ian Christ, and Nekije Rizvani.  
Staff in attendance: David Becker, Board Attorney, and Maureen Mitchell, Board Secretary. Absent: Mark DiGennaro, Township Engineer.
3. Election of Officers: Chairman and Vice Chairman for 2021  
Board Member Borst nominated Carl Fry as Chairman of the Zoning Board for 2021. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Mr. Fry.  
Board Member Kalpagian nominated Mark Borst as Vice Chairman of the Zoning Board for 2021. Second, Ms. Riotto. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Mr. Fry.
4. Resolution #21-001 for: Appointment of Zoning Board Attorney for 2021  
Mr. Ruebenacker made a motion to appoint David Becker as Zoning Board Attorney for 2021. Second, Mr. Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Chairman Fry.
5. Appointment of Board Secretary  
Mr. Kalpagian made a motion to appoint Maureen Mitchell as Zoning Board Secretary for 2021. Second, Ms. Riotto. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Chairman Fry.
6. Compliance with Open Public Meetings Act:
  - 6.1- Annual Notice of Meetings Has Been Posted
  - 6.2- Continuation of Current Rules and Regulations
  - 6.3- Official Newspapers – The Record, The Ridgewood News and The North Jersey Herald and News
  - 6.4- Acceptance of Annual ReportMr. Borst made a motion to accept and approve the Compliance with the Open Public Meetings Act 6.1 – 6.4. Second, Mr. Tanis. Voting on favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

**OLD BUSINESS**

Approval of the December 17, 2020, work session and public business meeting minutes.  
Board Member Hubert made a motion to approve the November 19, 2020 work session and public meeting minutes. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst and Chairman Fry.

**RESOLUTION FOR PAYMENTS #21-01**

Mr. Ruebenacker made a motion to approve the Resolution for Payments #21-01. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

**MEMORIALIZING RESOLUTIONS**

Bryndza, Katelyn and John 305 Voorhis Ave. Block 287 lot 5.01

(The applicant proposes to construct a front entry portico requiring variance relief for a front yard Setback of 28.5')

Cangiolosi, Ignazio 535 Concord Place Block 311 Lot 3 RA-25 Corner Lot

(The applicant is requesting approval for soil movement in excess of 100 cubic yards to construct a circular driveway)

Ms. Riotto made a motion to approve the two (2) Resolutions. Second, Mr. Borst. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

**NEW APPLICATIONS****Makela, Ray 191 Henry Pl. Block 395 Lot 16**

(The applicant proposes to install an A/C condenser unit in the side yard requiring variance relief for a side yard setback of 8')

Chairman Fry provided the details of Township Engineer, Mark DiGennaro's Technical Memorandum as follows:

The existing single-family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, side yard setbacks and accessory structure side yard setback. The applicant is seeking relief from the code to install central air conditioning and place the condenser units within the side yard setback requiring variance relief. The existing lot is undersized at 11,150 sf where 25,000 sf is required in the zone and the frontage is 50' where 125' is required. Existing side yard #1 is 12' and existing side yard #2 is 11.92' where 20' is required for each side. The applicant is proposing to install A/C condenser units in the left side yard resulting in an accessory structure side yard setback of 8' where 15' is the requirement. The applicant is requesting variance relief for accessory side yard setback. The applicant will provide testimony during the public Business meeting.

**Quiroga, Walter 469 Cedar Hill Ave Blk 349 lot 70**

(The applicant proposes to construct an addition to the existing home requiring variance relief for a side yard setback of 16.2')

Chairman Fry provided the details of Township Engineer, Mark DiGennaro's Technical Memorandum as follows:

The existing single-family dwelling is situated in the RA-25 zone is conforming. The applicant is proposing to construct a two-story addition and covered porch requiring variance relief for side yard setback. The lot is conforming in area, frontage, depth, front yard setback, rear yard setback and lot coverage. Existing side yard setback #1 is 27.8' and the applicant is proposing 16.2' where 25' is the requirement. Existing side yard setback #2 is 37.5' and will remain unchanged.

The proposed impervious coverage is 24.18% where 28.5% is the maximum allowed and the property is served by a septic system that was installed within the last 10 years. The proposed addition does not increase the number of bedrooms in the house therefore the septic does not require expansion. Chairman Fry commented that the lot is irregular, and the home does not sit squarely on the lot adding that the applicant will provide testimony during the Public Business meeting.

**Hildebrandt, John 371 Oakwood Dr. Block 250 lot 43**

(The applicant proposes to add second story loft/dormers to the existing detached garage requiring variance relief for side yard setback of an accessory structure and nonconforming lot area, frontage, and depth)

Chairman Fry provided the details of Township Engineer, Mark DiGennaro's Technical Memorandum as follows:

The existing single-family dwelling is situated in the RA-25 zone and has existing nonconforming conditions due to deficiencies in lot size, frontage, depth, and accessory structure side yard setback. The applicant is proposing to add a second story loft area above the existing detached garage requiring variance relief for an existing side yard setback of 10.8' which will remain unchanged where 15' is the requirement and a proposed height of 21.7' where 20' is the maximum allowed for a detached garage. The application does not require a stormwater management plan. It is recommended that any resolution of approval clearly states that the garage may not be permitted, now or in the future, to include a full bathroom and kitchen and shall not be permitted to be used as a separate living quarters, apartment, or business space, other than those permitted by Township of Wyckoff Ordinance. It is further recommended that the deed be recorded accordingly, and proof filed with the Township prior to issuance of any permits.

Chairman Fry stated that he would like to hear testimony as to why the applicant could not construct the addition to a height of 20' which would not require a variance.

Mr. Ruebenacker asked if the homeowner has a right to construct a bathroom in the garage. Board Attorney Becker stated that the concern is turning the garage space into a second living space which is why Mr. DiGennaro recommended the deed restriction pertaining to the use of the space.

Mr. Hubert stated that the Board should hear testimony from the applicant as to the purpose and logic of the proposed second story above the garage.

**Nicol, John 123 Midland Ave. Block 302 lot 12.01**

(The applicant proposes to construct a two-story addition to the existing home requiring variance relief for a side yard setback of 10.50' and nonconforming lot frontage)

Chairman Fry provided the details of Township Engineer, Mark DiGennaro's Technical Memorandum as follows:

The existing single-family dwelling is located in the R-15 zone and is nonconforming due to frontage, side yard setback, principal building enhanced side yard setback and accessory structure lot coverage. The applicant seeks a variance to add a two-story addition to the principal structure as well as a second story addition above the existing detached garage. The existing side yard setbacks are 10.5' and 36.5' and will remain unchanged where the enhanced side yard setback is 20' required for each side. The existing accessory lot coverage is 10.62% with 9.54%

proposed where 5% is the maximum allowed. The proposed total combined lot coverage is 16.59% where 20% is the maximum allowed. The applicant is proposing a full bathroom with shower for the garage. It is recommended that only a half bath (toilet and sink only) be permitted and any resolution of approval clearly state that the garage/cabana shall not be permitted, now or in the future, to include a kitchen and shall not be permitted or converted to be used as a separate living quarters, apartment, or business space other than those permitted by Township of Wyckoff Ordinance. It is further recommended that the deed be recorded accordingly, and proof filed with the Township prior to the issuance of any permits.

Chairman Fry stated that we will have to hear testimony from the applicant as to what the intentions are for the proposed second story over the garage and the cabana space. Mr. Becker stated that a separate living space is not permitted as per Township of Wyckoff Ordinance which is why Mr. DiGennaro is recommending the deed restrictions however it is up to the Board if they wish to follow the recommendations.

Mr. Hubert stated that the applicant should provide testimony as to the landscaping.

Mr. Tanis pointed out that there are discrepancies between the section J, the zoning table on the plans, and Mr. DiGennaro's report with regard to impervious coverage adding that testimony should be heard regarding those discrepancies.

**Brouwer, Scott 375 Butternut Ave. Block 462 Lot 17**

(The applicant proposes to construct an inground pool requesting variance relief for an accessory lot coverage of 11% where 5% is the maximum allowed and combined lot coverage of 22.7% where 20% is allowed)

Chairman Fry announced that he will be recusing himself for this application.

Vice Chairman Borst provided the details of Township Engineer, Mark DiGennaro's Technical Memorandum as follows:

The property is located in the RA-25 zone and is nonconforming as to lot area at 15,000 sf, Frontage at 100', front yard setback at 31.75' and accessory structure (shed) setbacks at 4.8' side and 9.5' rear. There is no record of a permit for the shed. The applicant appeared before the Board in 2007 seeking a front yard setback variance for an addition and alteration of an existing house and was granted a front yard setback variance of 31.75' measured to the first step. The current proposal seeks to install an accessory inground swimming pool requiring variance relief. The applicant is proposing an accessory structure lot coverage of 11% where 5% is the maximum allowed and a total combined lot coverage of 22.7% where 20% is the maximum allowed. A stormwater management plan has been submitted and complies with the Township requirements. The existing shed does not appear to have been permitted and encroaches into the side and rear yard setbacks. The Board should consider if additional variances will be granted for the shed or if it should be relocated to a compliant location. A permit will be required in either case. The applicant will provide testimony during the Public Business meeting.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:35 pm.

Respectfully Submitted,  
Maureen Mitchell, Secretary

