

**WYCKOFF ZONING BOARD OF ADJUSTMENT  
MAY 20, 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 Chairman Fry:

**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 May 20, 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 May 20, 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."

Mr. Fry 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 times."*

**ROLL CALL:**

Board Members in attendance: Carl Fry, Chairman; Mark Borst, Vice Chairman; Nekije Rizvani, Brian Tanis, Rosa Riotto, and Brian Hubert.

Absent: Ian Christ, Ed Kalpagian, and Erik Ruebenacker.

Staff in attendance: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

**OLD BUSINESS**

Approval of the April 15, 2021, work session and public business meeting minutes.

Board Member Hubert made a motion to approve the March 18, 2021, work session and public meeting minutes. Second, Mr. Tanis. Voting in favor: Ms. Rizvani, Mr. Tanis, Mr. Hubert, Mr. Borst, and Chairman Fry.

**RESOLUTION FOR PAYMENTS #21-05**

Mr. Borst made a motion to approve the Resolution for Payments #21-05. Second, Mr. Hubert. Voting in favor: Ms. Rizvani, Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Borst and Chairman Fry.

**MEMORIALIZING RESOLUTIONS****Cauchard, Ronald & Denise 324 Wyckoff Ave. Blk 351 Lot 30**

(The applicant proposes to construct a second story addition above the existing attached garage and breezeway on a lot with pre-existing nonconforming lot area, frontage, and side yard setbacks)

**Montes, Marco 122 Edison St. Blk 270 Lot 1 Corner lot**

(Applicant to construct second-story dormer addition to the existing home requiring variance relief for both front yard setbacks, nonconforming lot area, depth, rear yard setback and principal building lot coverage)

**Payerle, Donald 360 Pathway Manor Blk 316 Lot 18**

(Applicant proposes to construct a roof over an open porch in the rear of the existing home requiring variance relief for principal building lot coverage on a nonconforming lot)

Mr. Tanis made a motion to approve the three (3) Resolutions. Second, Mr. Borst. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Borst, and Chairman Fry.

**APPLICATION WITHDRAWN****Electrify America, LLC 525 Cedar Hill Ave. Blk 391 Lot 42.01**

(The applicant is requesting a Use variance so as to permit the conversion of six (6) parking spaces on the property into a four (4) parking space electric vehicle charging station. The applicant is also seeking bulk variance relief with respect to the required front and rear yard setbacks, maximum fence height, required number of parking spaces, and accessory structure in a front yard)

Chairman Fry announced that the applicant's Attorney sent a letter to the Board stating that the application is being withdrawn without prejudice.

#### **CARRIED APPLICATION**

##### **Walsh, Samantha 101 Colona St. Blk 268 Lot 11**

(Applicant proposes to expand the footprint of the existing home and add a second story requiring variance relief for enhanced side yard setback, front yard setback, nonconforming lot area, frontage and depth, principal building lot coverage and combined lot coverage)

The applicant's Attorney requested that the application be carried to the June 17 meeting.

#### **NEW APPLICATIONS**

##### **Barry, Ryan 191 Van Houten Ave. Blk 292 lot 10**

(Applicant proposes to add a second story addition, portico, expand garage, add family room and deck in the rear requiring variance relief for front yard setback, side yard setback, principal building lot coverage, lot area, lot frontage and accessory structure rear and side yard setbacks)

Mark DiGennaro, the Township Engineer provided the following technical summary of the application:

The submitted plot plan was prepared by Omland and Osterkorn last revised 3/31/2021, and the submitted architectural plan was prepared by Canzani Architects dated 12/4/2020. The existing single family dwelling is situated in the RA-25 zone on a corner lot and is non-conforming due to lot area, front yard and side yard setbacks, accessory structure setbacks. The applicant proposes to expand the dwelling triggering the enhanced side yard setback giving rise for variance relief. The lot area is 17,356 sf where 25,000 sf is required in the zone. Existing and proposed front yard setback on Van Houten Avenue is 35.2' where 40' is required. Existing and proposed front yard setback on Demarest Avenue is 26.6' where 40' is required. The principal building side yard setback is 19.8' and will remain unchanged where the enhanced setback of 25' is required. The proposed principal building lot coverage is 16.2% where 15% is the maximum allowed however total combined lot coverage is proposed at 18.8% where 20% is allowed. The Township's stormwater management requirements are satisfied, and the property is connected to sanitary sewer.

Chairman Fry pointed out that there is a utility pole in close proximity to the home and would recommend that the applicant place the utilities underground. Mr. Borst stated that it appears that the applicant is proposing to place the wires underground.

##### **Carollo, Anthony 425 Red Rock Rd. Blk 497 Lot 85 MF/AH-5**

(The applicant proposes to install an inground pool requiring variance relief for accessory structure side and rear yard setbacks)

Vice Chairman Borst announced that he would be recusing himself for this application.

Mr. DiGennaro provided the following technical summary of the application:

The existing single-family dwelling is situated in the MF/AH-5 zone and is conforming. The applicant proposes to construct an inground swimming pool requiring variance relief for the rear yard and side yard setbacks. The accessory structure side yard and rear yard setbacks are required to be 10' and the applicant is proposing a 3.6' rear yard setback to the pool patio and a

6.3' side yard setback to the pool patio. The proposal satisfies the Township's stormwater management criteria, and the property is served by sanitary sewer.

Chairman Fry stated that the zoning requirements in the Multi-Family-Affordable Housing Zone are very different from those in the RA-25 and R-15 zones which typically come before this Board. The applicant is proposing to install an inground pool in the rear yard. The property has a large retaining wall across the rear with tall evergreens behind the wall. There are also tall evergreens along both the right and left sides of the rear yard. Mr. fry pointed out that the applicant is proposing a 3.6' rear yard setback where 10' is required and the pool will only be 10' from the house. He questioned if perhaps the proposed pool is too large for this lot.

Mr. Hubert stated that it is a unique hardship due to the size of the lot however the 3.6' setback is a struggle. He added that the property is well screened.

Ms. Rizvani said that she would like to hear testimony regarding the proposed fence on the retaining wall and this will work due to the large row of evergreens growing over the retaining wall in the rear of the property.

Mr. DiGennaro stated that it appears that the fence will be placed on top of the retaining wall because if it is installed in front of the wall, it will not meet the Township Code as someone could scale the retaining wall from the adjacent property and hop over the fence.

Mr. Tanis said he would like to hear testimony regarding the size of the proposed pool and why the applicant chose to propose a pool this size on this undersized lot.

**Levin, Sara 321 Martom Rd. Blk 289 Lot 8 RA-25**

(The applicant proposes to construct a new covered front porch requiring front yard setback variance relief)

Mr. DiGennaro provided the following technical summary of the application:

The existing single-family dwelling is situated in the RA-25 zone and is non-conforming in lot area, frontage, front yard setback, side yard setbacks, and principal building lot coverage. The applicant is proposing to construct a covered front porch requiring variances. The lot area is 15,075 sf where 25,000 sf is required, and existing frontage is 100' where 125' is required. Existing front yard setback is 36.73' and proposed is 37.38' where 40' is required. Existing side yard setback #1 is 9.4', side yard setback #2 is 26.1', and both setbacks will remain unchanged where 20' is required for each side. The existing and proposed principal building lot coverage is 16.4% where 15% is the maximum allowed however the total combined lot coverage is also 16.4% as the existing shed on the property is to be removed and 20% is allowed. The application does not qualify for a stormwater management plan.

Chairman Fry said this is a rather simple application of adding a roof over the front porch without further encroachment into the setback. It appears the existing shed is to be removed.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:10 pm.

Respectfully Submitted,  
Maureen Mitchell, Secretary  
Wyckoff Board of Adjustment