

WYCKOFF ZONING BOARD OF ADJUSTMENT
JUNE 17, 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., the meeting of the Zoning Board of the Township of Wyckoff scheduled for Thursday June 17, 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 as a "News" item.

"The June 17, 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"*

"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; Brian Tanis, Ed Kalpagian, Rosa Riotto, Ian Christ, and Nekije Rizvani.

Absent: Brian Hubert and Erik Ruebenacker.

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

OLD BUSINESS

Approval of the May 20, 2021, work session and public business meeting minutes.

Vice Chairman Borst made a motion to approve the May 20, 2021, work session and public meeting minutes. Second, Ms. Riotto. Voting in favor: Ms. Rizvani, Mr. Tanis, Ms. Riotto, Mr. Borst, and Chairman Fry.

RESOLUTION FOR PAYMENTS #21-06

Mr. Tanis made a motion to approve the Resolution for Payments #21-06. Second, Mr. Borst. Voting in favor: Mr. Tanis, Mr. Kalpagian, Ms. Riotto, Ms. Rizvani, Mr. Christ, Mr. Borst and Chairman Fry.

MEMORIALIZING RESOLUTIONS**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)

Mr. DiGennaro stated that as a condition of approval, the applicant submitted a revised engineering plan which shows the proposed generator to be located in the right rear of the home. The plan also shows the existing and proposed air conditioning condenser units to be located in the front yard setback on Demarest Avenue. The units were not shown in the front yard setback on the previously submitted plan that was approved by the Board on May 20, 2021. Chairman Fry said that the Board typically would not approve A/C condenser units in the front yard. He added that there will be a significant amount of construction on the property and strongly recommended that the A/C units be relocated to the rear of the home in the vicinity of the proposed generator, which is what the Board approved and is stated in the Resolution.

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

NEW APPLICATION**Victoria Silva and Joseph Pisa 431 Lafayette Ave. Blk 438 Lot 30.01**

(The applicant is requesting relief from 173-2 of the Township Code to place an RV on the

property to reside in during renovations to the principal dwelling due to a fire in the home)

Chairman Fry announced that this application will not be heard tonight as there are issues that need to be properly addressed with regard to the public notice. If the issues are addressed, the application will be heard at the July 15, 2021 meeting.

Paragon Auto 290 Franklin Ave. Blk 260 Lot 2 B-1

(The applicant proposes to construct an addition to the existing building requiring variance relief for front yard setback, side yard setback, accessory structure side yard setback and impervious coverage allowance)

Chairman Fry announced that Board Attorney David Becker would be recusing himself as he represented Paragon Auto in a previous land use matter. Attorney Ken Porro was present to stand in as substitute Board Attorney for the application.

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

I have reviewed a previously approved site plan prepared by Lan Associates, sheets SP.21 dated 4/25/12 revised thru 12/28/20, and SK-1 dated 12/16/20. The existing property is located in the B-1 zone and is nonconforming due to front yard and side yard setbacks. The applicant obtained approval by the Zoning Board on April 18, 2013 to construct improvements to the building. The applicant is currently seeking an amended site plan approval to construct three (3) sets of access steps and a loading ramp which were not shown on the previously approved site plan. One (1) set of steps and the access ramp are located within the side yard setback and the other two (2) sets of steps are located along the parking lot side of the building away from any property lines. A minimum side yard setback of 10' is required if provided. The existing side yard setback is 9.4' and the proposed steps and access ramp will encroach further into that setback. The applicant will need to provide testimony as to exactly what the proposed setback will be.

Chairman Fry stated that he was part of the hearing of the original application in 2013 and recalls that at that time, there was a lot of dialogue about the appearance of the property, the landscaping, the number of cars that would be parked in the front of the lot, and the lighting. Mr. Fry said that a landscape plan, prepared by Jacobsen Landscaping, was submitted because the Board had requested screening, specifically across the front of the lot. The Board had also requested during the 2013 hearing that the damaged vehicles be kept to the rear of the lot, and the repaired vehicles be parked in the front facing Franklin Avenue and the applicant had agreed to do so. There was also a proposed island with screening to be placed behind the front row of vehicles to further screen the damaged vehicles to the rear. Chairman Fry went on to say that to date, none of the landscaping has been completed. The applicant, at the time of the previous approval, was taken at his word therefore he would like to hear testimony from the applicant about why the landscaping has not been completed. Finally, Mr. Fry said that in his opinion, if the current application is to be approved, it should be contingent upon the completion of the work that was previously approved and committed to.

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)

Mr. DiGennaro provided the following technical summary of the revised plan dated 6/10/21: The applicant has significantly revised the plan. The front yard setback was previously proposed at 21.25' and is now proposed at 26.75' where 30.3' exists and 40' is required. Side yard setback #2 was previously proposed at 15' where the enhanced requirement is 20' and is now proposed at 18' where 15' is required due to the reduction in gross building area below 2,700 sf. The previously proposed principal building lot coverage was 29.85% and the newly proposed is 19.45% where 15% is the maximum allowed. Total combined lot coverage is 23.78% where 20% is the maximum allowed. The proposed gross building has been reduced from 3,304 sf to 2,698 sf. The proposed height has been reduced from 34.8' to 29.2'.

Chairman Fry said that the applicant has made some nice changes to the plan. He noted however, that one side yard setback is 4.7' and if you measure to the roof overhang, it is actually 2.10' with the second story going straight up at that distance from the property line. He suggested that a hip roof might be a better choice instead of the proposed gable roof which would help reduce the appearance of the mass of the structure on that side. Mr. Fry also pointed out that the deck in the rear is proposed at 7' where 10' is the requirement for an accessory structure and a nonconformity can be eliminated by reducing the size of the proposed deck.

Vice Chairman Borst reiterated the comments he made at the previous meeting stating that he does not understand why every tree on the property has to come down adding that he would like to hear testimony as to the reason for this.

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 recused himself for this application.

Mr. DiGennaro provided the following technical summary of the revised plan:

The applicant has addressed the concerns expressed by the Board at the last meeting. The proposed rear yard setback to the pool patio is now 5' and the side yard setback is 5.3' to the pool patio where previously the proposed setbacks were 3.6' and 6.3' respectively, and 10' is required. The size of the proposed pool has been decreased by 0.2% thereby reducing the lot coverage by 0.2%. Mr. DiGennaro reminded the Board members that the lot coverage and impervious coverage requirements are much different in the MF/AH zone than they are in the RA-25 and R-15 zones and that the applicant is still below the maximum allowed for lot coverage and impervious coverage. Finally, Mr. DiGennaro stated that the pool fence is now proposed on the ground, 3' from the retaining wall instead of on top of the retaining wall.

Chairman Fry said that the rear yard setback of 5' is not dimensioned on the revised plan and questioned if the 5' is to the patio pavers or the pool proper. Mr. DiGennaro stated that he scaled it and the setback is 5' to the paver patio. Mr. Fry said the pool has been reduced slightly in size and that there is a lot of hardscape proposed in the rear yard with not much of a grassy area.

Ms. Riotto said she would like clarity on the fence location as the plan shows a fence along the retaining wall as well as a fence 3' from the retaining wall, close to the pool patio. Chairman Fry agreed and said the Board will have to hear testimony about the fence.

NEW APPLICATIONS

Muldoon, Robert & Christina 727 Charnwood Dr. Blk 421 Lot 61 RA-25

(The applicant proposes to construct a second story addition to the existing home with enhanced side yard setback variance required)

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

The existing single family dwelling is located in the RA-25 zone and is nonconforming due to the imposed enhanced side yard setback ordinance. The applicant is proposing to expand the second floor of the existing structure requiring variance relief. The existing side yard set backs are 20.6' and 29.1' and will remain unchanged where the enhanced side yard setback of 25' is required due to the gross building area which exceeds 3,700 sf.

Chairman Fry pointed out that the applicant is not enlarging the footprint of the home or encroaching further into any of the existing setbacks.

Vice Chairman Borst stated that the applicant is did not submit a landscape plan adding that the entire façade of the home is proposed to be renovated so he would like to hear testimony as to why a landscape plan was not submitted.

Jones, Robert & Ellen 385 Frances Place Blk 286 Lot 7 RA-25

(The applicant proposes to construct an addition of second story over the existing attached Garage requiring variance relief for enhanced side yard setbacks and rear yard setback)

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

The existing single family dwelling is situated in the RA-25 zone and is nonconforming due to lot area, depth, front yard setback, rear yard setback, side yard setbacks and principal building lot coverage. The applicant is proposing to expand the existing structure requiring variance relief. The existing lot area is 17,619 sf where 25,000 sf is required, and the depth is 141' where 150' is required. The existing front yard setback is 34.5' and will remain unchanged where 40' is required. Existing side yard #1 is 15.4' and side yard #2 is 20.23' where the enhanced setback of 25 feet is required due the increased gross building area. The principal building rear yard setback is 27.3' and will remain unchanged where 40' is required. Existing principal building lot coverage is 19.2% where 15% is the maximum allowed and total combined lot coverage is 19.2% where 20% is the maximum allowed. Proposed building height is 26' which is below the maximum allowed 35'. The proposed bedroom count remains unchanged therefore, a septic expansion is not required, and stormwater management is not required per the Township Code. The plot plan does not reference the most recent survey prepared by GB Engineering and must be noted on the plan. Page one (1) of the zoning application must be properly completed and resubmitted.

Chairman Fry stated that this is an addition over the existing garage which will increase the gross building area to 4,300 sf thereby triggering the enhanced side yard setbacks of 25'. He added that there is a history of previous variance requests that do not tie together with the current application with regard to the principal building lot coverage. The Chairman said he would like to hear some testimony about how the existing principal building is 19.2% as it conflicts with the application from 2003 which approved a principal building coverage of 16.75%

A&J Acquisitions 540 Helena Ave Blk 314 Lot 72 RA-25

(The applicant proposes to demolish the existing home and construct new home on the lot with deficient Frontage of 120' where 125' is the requirement)

Ms. Rizvani recused herself from this application.

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

The existing single family dwelling is situated in the RA-25 zone and is nonconforming due to lot frontage. The applicant is proposing to demolish the existing functionally obsolete dwelling and construct a new single family home requiring variance relief for lot width deficiency which is 120" where 125" is required. The lot area is conforming, and the proposed new dwelling will be conforming. The applicant also seeks a soil moving permit to allow for the net import of soil in excess of 100 cubic yards. The applicant is proposing to regrade the property by utilizing onsite soil as well as importing approximately 450 cubic yards of soil. The plan must include a note which states that prior to the import of any soil, a soil manifest, certificate of origin shall be provided to the Township Engineer to ensure all imported material is free of debris and does not contain contaminants which exceed the Residential Direct Contact Soil Remediation Standards (NJRDCSRS). The applicant shall also be required to engage a licensed well driller to provide a well investigation report to the Board of Health and may be required to rehabilitate the well, or drill a new well, after obtaining all necessary State permits. All well permits obtained by the State must be filed by the well driller with the Board of Health. There is no municipal water provided by Ridgewood Water in this district at the current time.

Chairman Fry mentioned that an application for this property came before the board a few years ago and was approved however it was abandoned, adding that the current proposal is very different and simpler.

Vice Chairman Borst said he the landscape plan is insufficient, and he is shocked at the number of trees the applicant is proposing to remove.

Mr. Kalpagian expressed the same concern with the number of trees that are slated for removal and would like to see new shade trees proposed to replace some of those trees. He added that the plan that has been submitted does not qualify as a complete landscape plan in his opinion.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:45 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment