

WYCKOFF BOARD OF ADJUSTMENT

SEPTEMBER 19, 2019 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 Chairman Fry:

"The September 19, 2019 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.

Chairman Fry 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"*

"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 was taken.

Board Members in attendance: Carl Fry, Chairman; Erik Ruebenacker, Vice Chairman; Board Members: Brian Tanis, Ed Kalpagian, Brian Hubert, Kelly Conlon and Louis Cicerchia.

Board Members absent: Rosa Riotto and Mark Borst.

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

The Board of Adjustment Meeting began with the Pledge of Allegiance.

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Chairman Fry 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.

APPROVAL OF MINUTES

August 15, 2019 work session and public hearing minutes were approved during the Work Session.

RESOLUTION FOR PAYMENT #19-09

Payment Resolution #19-09 was approved during the Work Session.

RESOLUTION(S) TO BE MEMORIALIZED

CAMACHO, JOSE AND DONNA BLK 353 LOT 7 (RA-25) 200 Hillside Avenue.
The applicant proposes to construct an addition to the existing family dwelling.

TUBB, DANIEL 260 Wyckoff Avenue BLK 352 LOT 35.01
The applicant proposes to install a pool patio resulting in a 12' side yard setback where 20' is required.

The Resolutions were approved at the Work Session.

APPLICATIONS CARRIED

PAMA WOOD WORK 374 Oakwood Dr. BLK 250 LOT 40
The applicant proposes to demolish the existing dwelling and construct a new home on the property.

David Hals, the applicant's Engineer, was reminded that he was previously sworn and is still under oath. Mr. Hals stated that he took the Board's comments and recommendations at the previous meeting into consideration. The original submission proposed an addition to the existing home with a side yard setback of 5' as well as a variance request for a front yard setback. The applicant is now proposing to demolish the existing home and construct a new home with a new foundation which is centered on the lot which will result in 15.7' side yard setbacks on each side of the new home. The new home will also be constructed out of the front yard setback at 40.6'. Due to the revisions, it was necessary for the applicant to change the orientation of the septic system to enable the house to be moved back out of the front yard setback. A new 4 bedroom septic system is proposed. With the proposed home now being centered on the property, the 2 existing 36" caliper oak trees in the front yard will remain, where originally they were to be removed. Substantial landscaping is being proposed for both side property lines to provide a good buffer between the subject property and the adjoining properties. Mr. Hals presented aerial photos of the homes on Oakwood Drive, marked as exhibit A-2, to point out that what the applicant is proposing is in line with other homes on undersized lots in the neighborhood.

Board Member Hubert inquired about the proposed siding for the new home. Mr. Hals said that the applicant is proposing vinyl siding with brick around the lower portion of the home.

Vice Chairman Ruebenacker expressed concerns with the mass of the proposed 4,533 square foot principal structure on an undersized lot of 14,700 square feet and the request for 2 side yard setback variances for new construction of a home that could be made to conform. He added that the Township Ordinance was created to prevent this type of scenario.

Mr. DiGennaro stated that incorporating the 2 car garage into the principal building affects the gross building area of 4,533 where a detached garage would be considered an accessory structure. The covered porches in the front and rear of the proposed home also affect the gross building area.

Chairman Fry stated that the applicant has a grossly undersized lot and has made great efforts to conform while still creating an aesthetically pleasing home. He added that the proposed side yard setbacks are similar to the other properties in the neighborhood as presented by Mr. Hals in exhibit A-2.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Mr. Ruebenacker asked if the applicant plans to reside in the home or sell the home. Mr. Hals stated that the applicant will live in the home.

Mr. Tanis asked if the 15.7' setback is to the house or the overhang. Mr. Hals responded that the 15'7 is the body of the house, not the eaves, which means the setback will be 14.2' to the gutters.

Board Member Tanis made a motion to approve the application for 374 Oakwood Drive based on the plan with a revised date of 9/6/2019. Second, Mr. Kalpagian. Voting in favor: Mr. Cicerchia, Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert and Chairman Fry. Not in favor, Vice Chairman Ruebenacker.

GAF CONSTRUCTION LLC 770 Birchwood Drive BLK 430 LOT 4

The applicant proposes to construct a new single family home on a nonconforming lot.

Bruce Whitaker, the applicant's Attorney, gave a brief overview of the application. He stated that the lot is deficient in width being 112.97' where 125' is required and deficient in lot area of 22,596 sf where 25,000 sf is required in the RA-25 zone. The applicant is proposing to construct a new home and is not seeking any new variances to do so. The variance request is for the 2 pre-existing nonconformities that cannot be modified. The drainage concerns that were voiced by the Board Members at the last meeting have been addressed by the applicant's Engineer and the landscaping plan has also been revised. The original application and plan were marked as exhibit A-1, the revised Engineering plan dated 9/5/19 will be marked as exhibit A-2, the revised landscaping plan with a revision date of 9/10/19 will be marked as exhibit A-3 and the list of revisions to the landscape plan will be exhibit A-4. Mr. Whitaker asked Mr. Rigg, the applicant's Engineer, to explain the revisions to A-2.

Mr. Rigg was reminded that he was sworn at the last meeting and is still under oath. He explained that additional elevations along the old retaining wall next to the existing garage were taken and grades along both sides of the stone wall to the west were verified. Additional offsets were taken to confirm the location of the wall. Mr. Rigg identified that the 4 dead trees along the southerly borderline are on the adjoining property, not the applicant's. The driveway has been narrowed; moving it away from the property line in the front which will allow room for landscaping. The proposed house will be raised 6 inches, which will make the driveway level with the stone wall so there will be no pitch to the property line. Additional soil will be added to the applicant's side of the existing masonry retaining wall which is on the adjacent property. This area will be graded to match the grade on the other side of the masonry wall. The wire fence along the southerly property line and the part of the 2 sides will be removed.

Mr. Rigg then addressed the drainage concerns. He explained that to alleviate runoff from this sloping property onto the adjacent lot, the water will be directed to a low spot in the back yard where an 18" inlet will be added. All of the stormwater will be collected in that inlet and directed towards the storm drain. The roof drainage will be collected in a retention system for a zero increase in runoff. The front yard will be graded out to the street which will prevent runoff onto the neighboring property, where runoff is currently going. Mr. Rigg stated that although Township Engineer DiGennaro previously recommended adding a retaining wall to curtail the runoff, he believes the proposed grading of the property will sufficiently prevent the existing stormwater issues from continuing. Finally, Mr. Rigg stated that the hemlocks along the easterly boundary line belong to the adjoining property however the branches hang very low and the lower branches will have to be trimmed on the side of the applicant's property to allow the cars to freely access the driveway.

Mr. DiGennaro expressed concerns with the 20% slope coming off the side of the house to the property line. He asked Mr. Rigg if it would be possible to raise the contour to slow the water runoff and funnel it towards the proposed inlet or perhaps add a second inlet to keep the water from running onto the low spot on the neighboring property. Mr. Rigg stated that the proposed cleanout could potentially be changed to a second inlet by moving it forward another 10' to try to collect some additional water. He suggested that this could be evaluated in the field and the necessary adjustments would be made at that time. Mr. DiGennaro agreed.

Mr. Tanis asked if the proposed 7 green giant arborvitaes along the problem area between the proposed house and the adjacent property will be bermed and if so, will the berm assist in preventing runoff. Phillip Finamore, representing Evans Architects, stated that the intent for the row of arborvitaes is to bury half of the ball so there will be approximately a 12" raised mound which will serve as somewhat of a berm. Mr. Rigg added that he believes the berm and the grading that he discussed earlier will sufficiently control the stormwater runoff.

Mr. Finamore then gave a brief overview of the revised landscape plan dated 9/11/2019. He stated that the A/C units will be screened with skip laurel, 2 Cherokee brave dogwoods and 7 green giant arborvitaes will be planted along the westerly side of the property and along the east side, multiple layers of plantings will enhance the overall appearance of the home relative to the property.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker made a motion to approve the application for 770 Birchwood Drive with the condition that a second intake drain is to be negotiated in the field. Second, Mr. Hubert. Voting in favor: Mr. Cicerchia, Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Ruebenacker and Chairman Fry.

NEW APPLICATIONS

PERGOLIZZI, JOHN 316 Calvin Court BLK 349 LOT 48

The applicant proposes to move his A/C units from the rear yard to the side yard.

John and Elisa Pergolizzi, the applicant's, were sworn. Mr. Pergolizzi stated that he needs to replace his 17 year old central A/C system which is no longer working. He plans to upgrade to a quieter more energy efficient Trane unit. He would like to move the A/C units from the rear of his

home to the left side of his home. The new units will be 8' off the property line and will be screened with boxwoods. Mr. Pergolizzi stated that the homes in his neighborhood are approximately 70 years old. They are on undersized lots with only 17' between houses.

Chairman Fry asked Mr. Pergolizzi why he wants to move the units from the rear to the side yard. Mr. Pergolizzi stated that his septic system is old and he knows that it will have to be replaced before long. He added that he is thinking ahead and wants to get the A/C units out of the rear yard. Chairman Fry said that allowing the units to be moved from an area outside of the setback to a location inside the setback would be very tough for the Board to approve since this will result in an accessory structure side yard setback of 8' where 15' is required.

Mr. Ruebenacker agreed stating that at this point it is unknown whether the existing location of the A/C units will even be impacted by the installation of a new septic system and there is currently no plan to replace the septic. He added that at this time there is no valid reason to move the A/C units into the side yard setback.

Mr. Pergolizzi stated that other residents on his street have their compressors in the side yard where the houses are 17' apart.

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Mr. Fry stated that the Board has to justify how the benefits will outweigh the detriments which is a struggle with this proposal. Mr. Ruebenacker suggested sliding the A/C units to the right back corner of the house. Mr. Pergolizzi asked if he could move them directly behind the garage on the right rear corner of the house. Chairman Fry stated that might be the best location as long as the units do not encroach into the setback. Mr. Fry then advised Mr. Pergolizzi that the Board would carry the application for a month to allow him to gather information, think about where he might move the condenser units without encroaching into the setback, and submit a revised plan. Mr. Pergolizzi was satisfied with that advice. The application will be carried to the November 21, 2019 meeting.

CASTRO, HUGO 43 Park Avenue BLK 278 LOT 24.01

The applicant proposes to renovate the home and expand the second story.

It was announced during the Work Session that this application will not be heard this evening due to a deficiency in noticing.

PRIYANA HOLDINGS, LLC 440 Lake Road BLK 202.02 LOT 16

The applicant proposes to expand the first floor and add a second story to the existing home. The existing detached garage will be demolished.

Harold Cook, Attorney for the applicant, provided a brief overview of the application. He stated that the lot is an extremely undersized lot of 11,158 sf where 25,000 sf is required in the RA-25 zone. The property has a frontage of 75' where 125' is required and an existing side yard #2 setback of 9.3' where 20' is required. The applicant is seeking a variance for existing non-conformities of the undersized lot area, frontage and side yard setback. The applicant is proposing to remove the existing detached garage and shed. An attached garage will be constructed and the second story will be expanded. Mr. Cook introduced the applicant's Architect, William Brown.

Mr. Brown was sworn. He stated that the house is not a tear down however the detached garage and shed will be removed. An attached 2 car side load garage will be constructed. The garage will be set back 30' from the property line. A 215 sf porch will be added across the front of the new home and a small 90 sf addition will be added on the back of the house to allow adequate space for the kitchen and breakfast area. The second story addition will be set back on the right side where the side yard setback is 9.3' and will consist of a master bedroom with bathroom and 2 additional bedrooms. Mr. Ruebenacker stated that the setback of the second story on the right is minimal at 1.2'. He added that the proposed master bedroom is approximately 400 sf and could certainly be reduced in size to allow the second story to be stepped in further.

Mr. Hubert inquired about the distance of the rear patio from the property line. Mr. Brown stated that the patio is approximately 7' from the right property line. Chairman Fry asked if there will be screening around the patio. Mr. Brown stated that he is proposing 6 green giant arborvitae with a height of 6-7' along the right rear property line. Mr. Hubert stated that the property is a bit overgrown and asked if any trees will be removed. Mr. Brown said that there are a few trees that are compromised and will be removed. Chairman Fry stated that the plan does not reflect which trees are to be removed and requested that a plan be submitted which identifies which trees will stay and which will be removed.

Vice Chairman Ruebenacker commented that he appreciates the design however he is against the 1.2' step in of the right side second story where a 9.3' setback exists. He added that he believes more could have been done in the right rear corner of the proposed house to alleviate the second floor encroachment into that side yard setback. Mr. Tanis suggested utilizing the space over the proposed 90 sf breakfast nook area to shift the second story addition in on the right side. Mr. Brown replied that he would be agreeable with making that revision to facilitate stepping the second story in an additional 2 or 3 feet on the right.

Chairman Fry summarized by stating that the landscape plan will need to be revised which identifies the trees to be removed. He suggested adding shade trees and a variety of plantings to the proposed landscape plan. The second story addition will be redesigned and stepped in on the right rear corner. He announced that the application will be carried to the October 17, 2019 meeting.

LEWIS, ROBERT 303 Crescent Avenue BLK 214 LOT 130

The applicant proposes to construct an addition to the rear of the home, expand the second story and construct a new front porch.

Fred Klenk, the applicant's Architect, was sworn. Mr. Klenk stated that the lot is conforming in all aspects however, when Landi Court was created, it caused a hardship by causing the existing house to result in a 13.6' front yard #2 setback on Landi Court. Mr. Klenk went on to describe the existing home as a typical split level with the 2 car garage on the right side, the living room, dining room and kitchen area are up one half level and the bedrooms are up another half level over the garage. What the applicant is proposing is to extend the rear of the home to enlarge the kitchen and family room. There will also be an addition on the upper level over the existing footprint to enlarge the bedroom area. There is also an addition of a front porch being proposed. All setback and percent coverage will be conforming with the exception of the pre-existing front yard #2 setback.

Chairman Fry inquired about the front porch addition. Mr. Klenk said that there will be steps

near the front entryway leading up to the porch. The steps will be hidden by the stone across the front. According to the plan, there is no access from the inside of the home to the proposed porch however Mr. Klenk stated that a French door may be added to allow access from the living room. At this point, the addition of the porch is mainly for aesthetics.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker made a motion to approve the application as submitted. Second, Mr. Tanis. Voting in favor: : Mr. Cicerchia, Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Ruebenacker and Chairman Fry.

MISISCHIA, FRANK & ERIN 283 Wyckoff Avenue BLK 392 LOT 3

The applicant proposes to expand the first and second stories of the home to enlarge the kitchen, family room, bedroom space and garage.

Kevin Spink, the applicant's Architect, Erin and Frank Misischia were sworn. Mr. Spink stated that The applicant is proposing to construct an addition to enlarge the kitchen and family room on the first floor and add additional bedroom space on the second floor. A third garage bay is also proposed. The renovated home will exceed 3700 sf which triggered the enhanced side yard setback of 25' where 18.1' exists and will remain unchanged. The proposed home will be conforming in all other setback and percentage requirements.

Chairman Fry stated that the variance request is due to the pre-existing side yard setback and the applicant is not further exacerbating that with the proposed design.

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The Board Members had a brief discussion with Mr. and Mrs. Mrs. Misischia regarding the submitted landscape plan which they found to be quite extensive. Mr. Fry advised them that they need to be aware that whatever plan is approved by the Board is the plan that must be followed. Mr. Ruebenacker stated that the extensive plantings on the submitted landscape plan is going to be extremely expensive. Mr. DiGennaro suggested that the applicants may wish to re-visit the plan and submit a revised, scaled back landscape plan. Mr. Misischia said that he would like to submit a revised landscape plan.

Board Member Kalpagian made a motion to approve the application with the submission of a revised landscape plan. Second, Mr. Hubert. Voting in favor: : Mr. Cicerchia, Ms. Conlon, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Ruebenacker and Chairman Fry.

There being no further business, a motion was made to adjourn the Public Session, seconded and passed unanimously. The Public Business Meeting was adjourned at 11:00 p.m.

09-19-19PM

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Board of Adjustment

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment