

**WYCKOFF ZONING BOARD OF ADJUSTMENT
SEPTEMBER 20, 2018 PUBLIC WORK SESSION MINUTES**

Public Work Session: 7:30 p.m. Second Floor Court Room, Memorial Town Hall
Public Business Meeting: 8:00 p.m. Second Floor Court Room, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meetings Statement by Carl Fry, Chairman:

"The September 20, 2018 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."

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 time."

Roll Call was taken

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Board Member Attendance: Robert Ebel, Rich De Leo, Brian Tanis, Ed Kalpagian, Brian Hubert, Mark Borst, Chairman Carl Fry

Board Member Absent: Susan Yudin, Vice Chairman Ruebenacker

Staff Present: David Becker, Board Attorney, Mark DiGennaro, Township Engineer; Susan McQuaid, Board Secretary, Denise Capparelli, Administrative Support Assistant.

OLD BUSINESS

APPROVAL OF MINUTES

August 16, 2018 work session/public business meeting

Board Member Hubert made a motion to approve August 16, 2018 work session/public business meeting minutes. Second, Board Member Mr. Kalpagian. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Borst and Chairman Fry.

May 22, 2018 special meeting minutes
May 30, 2018 special meeting minutes
June 12, 2018 special meeting minutes
July 10, 2018 special meeting minutes
July 24, 2018 special meeting minutes

Board Member Kalpagian made a motion to approve the above referenced special meeting minutes. Second, Board Member Mr. DeLeo. Voting in favor: Mr. Ebel, Mr. DeLeo, Mr. Kalpagian, Mr. Hubert, and Chairman Fry.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #18-09 Approval of vouchers from various escrow accounts.

Board Member Borst made a motion to approve Resolution #18-09 for payment of vouchers. Second, Board Member Hubert. Voting in favor: Mr. Ebel, Mr. DeLeo, Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Borst and Chairman Fry.

RESOLUTION(S) TO BE MEMORIALIZED

CHRISTIAN HEALTH CARE CENTER BLK 443 LOTS 49.03, 52.01 & 51 (RA-25); 301 Sicomac Avenue. *(The applicant proposes to amend the Vista's previously approved variance and site plan to comply with the Bergen County Planning Board approval, dated January 18, 2018.) , for dedication of property to increase the width and improve Sicomac Avenue along the frontage of the CHCC with a revised driveway at the intersection of Sicomac Avenue and Cedar Hill Avenue. The improvements to Sicomac Avenue and Cedar Hill Avenue intersection include road widening, dedicated turning lanes and signalization. The applicant also proposes to include additions to the lower campus Building No. 1 and Southgate Building).*

Board Member Hubert made a motion to approve Resolution for Christian Health Care Center. Second, Board Member Kalpagian. Voting in favor: Mr. Ebel, Mr. DeLeo, Mr. Kalpagian, Mr. Hubert and Chairman Fry.

WALTHER, DANIEL & KRISTY BLK 466 LOT 5 (R-15); 71 Mary Ann Lane. *(The applicant proposes to construct a cover over the front steps which will encroach into the front yard setback).*

Board Member Borst made a motion to approve Resolution for Walther. Second, Board Member Tanis. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Borst and Chairman Fry.

EXTENSION OF TIME

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)Mr. Becker confirmed they were memorialized a year ago but have not commenced any activity. The Board requires them to file a new application to notice and apply for a variance.

APPLICATION(S) – CARRIED

KOCHER, DAN & LAURIE BLK 352 LOT 25 (RA-25); 274 Merlin Place. *(The applicant proposes to add an addition to the rear of the homes for a kitchen, great room and porch on the first floor and master bedroom on the second floor which will trigger the enhanced side yard setback requirement). BOA requested revised site plan as it relates to septic system setbacks and location of AC units on the site plan but need to address underground electric.*

Engineer inquired about the orange fence around the trees not shown on the plan and the protection of the Maple Tree on site. Township Engineer made a note that the slab adjacent to AC unit is a gate and not a generator, to confirm with applicant.

PERFORMANCE INVESTOR SERVICES (ALLEN STILES) BLK 461 LOT 17 (RA-25); 434 Caldwell Drive. *(The applicant proposes to demolish the existing structure to construct a new conforming home which will meet all the bulk requirements) Township*
Board members discussed a revised landscape plan to include planting more shade and foundation trees. Confirmation for new height of the structure at 34 feet identification and landscaping should be noted on the plans.

Planning Board Attorney Becker explained a letter received from neighbors opposing the new construction. Mr. Becker stated a Definitive Case: 121 NJ 196, 1990 Supreme Court case – a restrictive covenant law that spells out guidelines for Planning Boards. Neighbors can try to enforce the covenant in court but the existence of the covenant is not the basis for denial or no bearing on the Board's determination of application. BOA looks only at zoning ordinance and Municipal Land Use Law.

CLEAVER, MARC & TINA BLK 454 LOT 4 (RA-25); 221 Wyckoff Avenue. *(The applicant proposes to enlarge the existing family room and add a new mud room addition which will encroach into the rear yard setback and exceed impervious coverage).*

This application will be carried to the October 18, 2018 meeting at the request of the applicant.

APPLICATION(S) – NEW

MUSTO, ROBERT & MARY ANN BLK 498 LOT 91 (R-15); 390 Hil-Ray Avenue. *(The applicant proposes to rebuild the existing deck and add a covering over the deck which will exceed total accessory structure coverage).*

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

The applicant is proposing a covered open porch off the rear of the home which requires variances. The property is non-conforming due to lot area, frontage, front yard and side yard setbacks and accessory structure setbacks. The deck is the principal building structure. Easements or agreements which may exist are needed to address the existing encroachments onto neighbor's property. The proposed covered porch height will need to be addressed. Chairman Fry stated a Resolution in 1996 approved the lot size and set back but applicant requires current approval to account for reduction in accessory structure. Existing rear yard setup for the existing garage overlaps neighbor's property line. Applicant needs an easement and updated survey before they can get approval to cover the deck.

Board Member Tanis rejoined the Board

TSAPATSARIS, JENNIFER BLK 366 LOT 5 (RA-25); 543 Eder Avenue. *(The applicant proposes to expand the existing house to include a laundry room, living room and a second floor addition for a bathroom and bonus room over the garage which will encroach into the enhanced side yard setback).*

This application will not be heard this evening due to a deficiency in notice. The applicant will need to renote the newspaper and the neighboring property owners.

KAVANAGH, MARK & LAUREN BLK 510 LOT 8 (R-15); 501 Spencer Drive. *(The applicant proposes to construct a portico over the front door where the roof overhang will encroach into the front yard setback).*

The existing single family dwelling is situated in the R-15 zone and is non-conforming due to a front yard setback. The applicant has been issued a construction permit to expand the dwelling as shown on the plans with the exception of the front porch. The applicant is therefore applying to obtain a variance to allow the construction of the front porch with a front yard setback of 36' where 40' is required. The applicant proposes to construct a porch from 39.5 to 36' feet which will require a variance due to a front yard setback.

BARRETT, NICHOLAS & LINDSAY BLK 269 LOT 8 (R-15) 107 Edison Street (The applicant proposed to construct a portico over the front door where the roof overhang will encroach into the front yard setback. The existing single family dwelling is located in the R-15 zone and is non-conforming due to deficiencies in lot size, frontage, depth, front and side yard setbacks and lot coverage. The applicant is proposing to construct an enclosed front entrance portico requiring variances.

Chairman Fry would like to clarify this is not an easement issue. Board Member Borst inquired if this is a hardship issue. Will need to confirm front yard setback of property line at 10-12 ft.

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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 8:09 p.m.

Respectfully Submitted,

Denise Capparelli
Administrative Support Assistant
Wyckoff Board of Adjustment