

**WYCKOFF ZONING BOARD OF ADJUSTMENT
NOVEMBER 16, 2023
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 Chairman Fry:

"The November 16, 2023 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, Mark Borst, Erik Ruebenacker, Brian Tanis, Brian Hubert, Ed Kalpagian, Nekije Rizvani, and Doug Messineo.

Absent: Chris Joachim.

Staff in attendance: John Segreto, Acting Board Attorney; Tom Garlick, Acting Board Attorney; Mark DiGennaro, Township Engineer; Pete Ten Kate, Consulting Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the October 19, 2023 Work Session and Public Business Meeting minutes.

Mr. Kalpagian made a motion to approve the Work Session and Public Business Meeting minutes. Second, Mr. Ruebenacker. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Ruebenacker, Mr. Borst, and Chairman Fry. Abstained: Mr. Tanis, Ms. Rizvani, and Mr. Messineo.

PAYMENT RESOLUTION #23-11

Mr. Ruebenacker made a motion to approve Payment Resolution #23-11. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Hubert, Mr. Kalpagian, Mr. Ruebenacker, Mr. Borst, and Chairman Fry. Abstained: Ms. Rizvani and Mr. Messineo.

RESOLUTION FOR MEMORIALIZATION**Leggour - 339 Sicomac Ave. 436/7 Corner lot**

(The applicant proposes to construct an inground pool requiring variance relief for accessory lot coverage)

Mr. Hubert made a motion to approve the Resolution. Second, Mr. Borst. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Ruebenacker, Mr. Borst, and Chairman Fry. Abstained: Ms. Rizvani, and Mr. Messineo.

CARRIED APPLICATIONS**Eastern Christian School 518 Sicomac Ave. Block 400 Lot 11**

(The applicant is seeking approval for Deviation from Standard of Conditional Use to convert the existing natural grass athletic field to a synthetic turf field with additional related site improvements)

Mark Borst and Brian Tanis recused themselves and stepped down from the dais.

Pete Ten Kate, the Township's Consulting Engineer, provided the following updated information about the application:

The applicant has submitted a response letter to the Board's comments. They submitted a plan entitled Shifted Field and Supplemental Landscaping Exhibit dated 11/9/2023 which they should provide testimony to, and proposed conditions of approval. Since the last meeting they enhanced the landscaping. They have responded to our comments regarding stormwater. We had a conference call to discuss compliance with the interpretation of sections of the NJDEP Best Management Practices Manual. I know they can comply however I believe they should provide testimony that they will revise their SWM calculations to address our comments as a condition of approval. The Board should discuss all of the conditions of approval before bringing it to a vote.

Mr. Ruebenacker asked for clarification that the field was shifted 10' further away from the Timberline Drive properties. Mr. Ten Kate said that is correct.

Chairman Fry said there is a revised plan. They have identified the changes that were made and we will discuss the changes to the landscaping, fencing, and drainage. We had discussions about the hours of operation and the parking lot usage with the Church. We will try to get everything identified so we can memorialize it.

Mr. Ruebenacker mentioned the cooperation with the Township with regard to use of the field. He said he would like to discuss what is meant by favorable rates of compensation which is listed in the proposed conditions provided by the applicant.

Chairman Fry said he received a letter from Michael Racano who lives at 715 Kennedy Court. The Chairman said the letter outlines the items that the neighbors expressed concern about during the public comment period at the previous meetings such as the lighting, hours of

operation, landscaping, and sound system. The Chairman said these are all items that we have addressed, and we will get some more testimony this evening just to memorialize it.

Mr. Borst and Mr. Tanis returned to the dais.

Treible 120 Crescent Ave. 265/45 Corner lot

(The applicant proposes to construct a second story addition in the rear over the existing first floor and a wraparound porch requiring variance relief for lot area, depth, both front yard setbacks, rear yard setback, side yard setback, principal building lot coverage and combined lot coverage)

Mr. DiGennaro, the Township Engineer, said that at last month's meeting, the Board made comments about the size of the front porch wrapping around to the Saxonia Avenue side of the home. The applicant reduced the size of the porch on the Saxonia by 58 sf. The 2 small sheds on the property are to remain. They provided a new landscape plan. The proposed height of 25.4' is now noted on the plan. The section J and zoning table have been amended so they are consistent, and I believe they addressed the concerns of the Board.

Chairman Fry said this is a very undersized lot for the RA-25 zone. He added that the Board gave the applicant some direction with regard to revising the plans and it looks like they followed the Board's direction.

NEW APPLICATIONS FOR PUBLIC HEARING

Giudice 710 Highview Drive 732/6.01

(The applicant proposes to demolish the existing home and construct a new single-family home and swimming pool requiring variance relief for lot area and principal building height)

Chairman Fry said the application was not heard at the October 19th meeting due to time constraints however the application was reviewed during last month's work session meeting. The applicant had the benefit of hearing some of the Board's comments about the proposed height of 36' and submitted a revised plan with the proposed height reduced to 34.5' which eliminated a variance. The other variances being requested are for the pre-existing nonconforming lot area of 21,950 sf where 25,000 sf is the requirement, and lot depth of 130.5' where 150' is the requirement.

Grillo - 777 Frederick Ct. 430/18

(The applicant proposes to demolish the existing home and construct a new home requiring variance relief for lot area)

Ms. Rizvani and Mr. Borst recused themselves and stepped down from the dais.

Chairman Fry announced that this application was reviewed during the October 19, 2023 Work Session meeting however the application was not heard that evening due to time constraints.

The applicant is proposing to demolish the existing home and construct a new home which will be conforming. The only variance they are seeking is for an existing lot area of 24,063 sf where 25,000 sf is the requirement.

Board members Rizvani and Borst returned to the dais.

Filiposki - 315 Sunset Blvd. 290/9

(The applicant proposes to expand the footprint of the home and construct a full second story and inground pool requiring variance relief for lot area, frontage, front yard setback, both side yard setbacks, principal building lot coverage, and combined lot coverage)

The application was reviewed during the October 19, 2023 Work Session however it was not heard during the Public Business meeting due to time constraints. Based on the Board's comments during the October Work Session, the applicant submitted revised plans. Mr. DiGennaro provided the details of his revised report dated 11/8/22:

The applicant made significant changes to the original plans. The existing single family dwelling is situated in the RA-25 zone and is non-conforming due to lot area, frontage, front yard setback, and side yard setback. The applicant is proposing to remove the existing structure except for the basement and build a new 2 story dwelling and swimming pool. The existing lot area is 18,241 sf in a zone that requires 25,000. Frontage is 100' in a zone that requires 125'. The existing front yard setback is 39.71' and proposed is 36.88' where 40' is required. Existing side yard setback #1 is 11.52' and proposed is 16.27 to the soffit overhang. Existing side yard setback #2 is 21.6' and proposed is 20.1' to the soffit overhang. The required setback needs to be verified by supporting data since the proposed gross building area is 3,699 sf which is 1 sf shy of the enhanced side yard setback trigger of 3,700 sf which requires 25' on each side.

Chairman Fry said there was a printed email in the packet from Roger Schlict, the applicant's Architect which shows a take-off in CAD, where he was able to trace the actual outline of the first and second floors to identify how he developed the 3,699 GBA but we will get some testimony on that.

Mr. DiGennaro continued:

The existing principal building lot coverage is 8.4% and proposed is 14% where 15% is the max allowed. Proposed accessory lot coverage for the pool is 3.4% where 5% is the max allowed. Proposed combined lot coverage is 17.4% where 20% is the max allowed. There is an existing shed on the property that is to be removed. The existing height is 18' and proposed is 32.78' where 35' is the max permitted.

Chairman Fry said this is a knock down. The side yard setbacks have been improved and we have a full landscape plan. He pointed out that at the October work session meeting, a couple of Board members had concerns about this house fitting into the neighborhood and it does not look like those concerns have been addressed in any of the changes so we will have to have a discussion about that.

Mr. Borst said that is his biggest struggle because he does not feel that the house as designed is not going to fit into the neighborhood.

Glanzberg 632 Wishing Well Rd. 245/11

(The applicant proposes to construct an addition to the existing home requiring variance relief for the enhanced side yard setback requirement)

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

I have reviewed the survey dated 8/23/23 prepared by Jeffrey S. Grunn PLS Lakeland Surveying; Architects plan prepared by Canzani Architects dated 9/7/23, sheets A1 – A4; Landscape Plan prepared by All County Landscaping stamped received 10/23/23, application and photos. The existing single family dwelling is situated in the RA-25 zone and is currently

conforming. The applicant is proposing an addition /renovation to the structure triggering the enhanced side yard setback requirement and variances for side yard setbacks. The lot is conforming in lot area, frontage, depth, front, rear, and side yard setbacks, and lot coverage. The existing principal building side yard setback #1 is 27.5' and proposed is 19.46' to the overhang where the enhanced 25' is required. Existing side yard #2 is 23.8' and proposed is 21.8' to the overhang where the enhanced 25' is required. The property has been approved for a 5 Bedroom septic design that has not yet been built. The proposal does not qualify for stormwater management requirements.

Chairman Fry asked what the bedroom count of the home is. Mr. DiGennaro said it is a 4 bedroom home.

The Chairman said this application is for a hardship variance. The lot is conforming which is not all that common. They are seeking relief for the enhanced side yard setbacks on both sides. It looks like the driveway goes around the left side of the house with the entrance to the garage in the rear. They are proposing to get rid of all that asphalt and make it so the driveway goes right up to the front of the house to the 2 car garage. They are also expanding on that side to gain some additional room for a mud room and a staircase to access space above the garage. Chairman Fry said his issue with this is that they are taking a conforming lot and creating nonconformities and he would like to hear testimony on the hardship which appears to be self-inflicted. We should also discuss the extent of construction. There is a landscape plan although it is very basic so we will need to get more details about the landscaping.

Mr. Borst pointed out that it looks like they are not expanding on the right side however a variance will still be required because of the setback to the soffit.

Mr. Ruebenacker said if it was a one-story structure for the two-car garage he would be more amenable to the proposal but adding the second story over the garage is a bit of a challenge especially since it is a conforming lot.

There being no further business, a motion was made to adjourn the Work Session, was seconded, and passed unanimously. The meeting concluded at 8:00 pm.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment

WYCKOFF BOARD OF ADJUSTMENT

NOVEMBER 16, 2023 PUBLIC BUSINESS MEETING MINUTES

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

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

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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."

The meeting began with the Pledge of Allegiance.

ROLL CALL

Board Members in attendance: Carl Fry, Mark Borst, Erik Ruebenacker, Brian Tanis, Brian Hubert, Ed Kalpagian, Nekije Rizvani, and Doug Messineo.

Absent: Chris Joachim.

Staff in attendance: John Segreto, Acting Board Attorney; Tom Garlick, Acting Board Attorney; Mark DiGennaro, Township Engineer; Pete Ten Kate, Consulting Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the October 19, 2023 Work Session and Public Business Meeting minutes.
The minutes were approved during the Work Session meeting.

PAYMENT RESOLUTION #23-11

The Payment Resolution was approved during the Work Session meeting.

CARRIED APPLICATIONS**Eastern Christian School 518 Sicomac Ave. Block 400 Lot 11**

(The applicant is seeking approval for Deviation from Standard of Conditional Use to convert the existing natural grass athletic field to a synthetic turf field with additional related site improvements)

Mr. Borst and Mr. Tanis recused themselves and stepped down from the dais.

Harold Cook, the applicant's Attorney came forward and placed his appearance on the record. Mr. Cook said he intends to finish this up with 2 witnesses; the Engineer who will address the revised plans, and the Director of Operations, Jeff Botbyl who will address the submitted list of proposed conditions.

Kevin O'Keeffe, the applicant's Engineer was reminded that he was previously sworn and is still under oath. He then provided the following information about the revised submission: Our office prepared an exhibit to address some of the concerns the Board identified at the previous hearing. Most notably we show additional landscaping along the sides of the field to provide an additional buffer for Timberline Drive and Kennedy Court, as was requested by the Board and the residents in the area. We also looked into what it would take to shift the field an additional 10' away from Timberline Drive. We looked at the grading, and while plan revisions will be required, it is doable from our perspective, and something we will do should the Board choose this option. With the shifting of the field, we also discussed the lighting impacts of shifting the field with the lighting vendor Musco and they expressed to us that the lighting candles can be modified ever so slightly so that the poles can be relocated along with the field, and still not pose any negative impact to the residents in the neighborhood. With respect to the Boswell letter dated November 13, 2023 we will revise our stormwater management calculations to comply with the NJDEP Best Management Practices Manual. Regarding Boswell comments about the proposed retaining walls, we will comply with all of the conditions, items a - f, listed on page 5 of the Boswell report. Our office is prepared to review our design plans and reports to be sure there is consistency throughout, and to address any concerns Mr. Ten Kate identified in his letter. We understand that there will be a 6 month assessment period after construction of the project is completed, and a certificate of occupancy is issued, so that the Township officials have the opportunity to determine what if any changes are necessary to lighting improvements. The applicant agrees to comply with any requested changes to the lighting plan and improvements. This is also an application for a soil movement permit for the removal of approximately 2,180 cubic yards of soil. We have provided a soil erosion and sediment control plan which will be filed with the Bergen County Soil Conservation District as soon as our plans are signed, sealed, and approved.

Chairman Fry said that in theory, by shifting the field and the light poles 10' further away from the adjacent properties, a photometric analysis would show that those same areas might even have lower light hitting them. Mr. O'Keeffe said yes, that is possible.

Mr. Ruebenacker said he is still concerned about runoff coming down hill from Ramapo High School and into the retaining system under the proposed field. He asked Mr. Ten Kate if he is comfortable with the plan that has been submitted. Mr. Ten Kate said yes, with the modifications that we suggested, the stormwater management on-site and off-site will meet the required conditions.

Jeff Botbyl, the school's Director of Operations, was reminded that he was previously sworn and is still under oath.

Mr. Cook stated that he submitted to the Board a list of proposed conditions for the installation of the artificial turf field and lighting. He said that he inadvertently left one item off the list which is that there shall be no public address system, and we will add that to the list of conditions. Mr. Cook cited each of the proposed conditions. Mr. Botbyl testified that the school would comply with all of the conditions which are as follows:

1. The applicant shall install a row of green giant arborvitaes, 9' tall using the same spacing of the existing trees along the north side of Timberline Drive to the end of the field (entire width of endline of the field). The applicant shall further install drip irrigation.
2. In the buffer along Kennedy Court, where the lantern flies destroyed the existing vegetation, the applicant shall strategically plant 15 shade trees, 2 to 2.5 inch caliper, to fill in the larger voids with coverage. The 15 shade trees shall consist of 5 red oaks, 7 October glory maples, and 3 pine oaks. The applicant shall further install slow-release watering bags which shall be kept in place until the trees acclimate to the area.
3. The applicant shall continue to make the site readily accessible for emergency vehicles.
4. The fence shown on the approved site plan shall be 8 feet in height and shall consist of black vinyl (PVC).
5. The days and hours of operation shall be Monday through Friday 8:30 am to 9:00 pm, Saturday 8:30 am to 6:30 pm, and will be closed on Sunday.
6. The applicant shall cooperate with the Township of Wyckoff and make the field available to them on agreed upon dates and times (based on availability) at favorable rates of compensation.
7. The existing temporary lighting on the current turf field shall be removed.
8. Shields shall be installed on the lighting affixed to the temporary classroom trailers to block spillage onto the surrounding properties.
9. There shall be no cellular towers installed other than for police, fire, and other emergency communications.
10. There shall be no public address system, sound system, or scoreboard installed.

With regard to item #6, Mr. Botbyl stated that Midland Park Recreation currently rents the gym at the Eastern Christian elementary school. They compensate the school at a rate that is favorable to both parties. There is a similar agreement with the Town of North Haledon rec teams using the gym at the EC High School campus. Mr. Botbyl said we work with the Wyckoff Rec Director Andy Wingfield for use of the EC middle school gym for rec basketball, and we will continue to speak with him about use of the turf field as far as availability and equitable compensation. Mr. Ruebenacker asked about the rate of compensation Wyckoff recreation currently pays for use of the middle school gym. Mr. Botbyl stated that he would have to refer to his documentation on his computer however he believes it is \$30 to \$40 per hour for the use of the gym. The fees are for maintenance and having a manger on site during the use of the gym. Mr. Ruebenacker asked if the usage fees would be the same for the use of the turf field, to which Mr. Botbyl replied yes. Ms. Rizvani suggested adding the word equitable to condition #6. Mr. Cook agreed to amending the condition to read favorable and equitable rates of compensation. Mr. Hubert asked if the fees differ depending on daytime and nighttime use, to which Mr. Botbyl replied yes.

With regard to condition #5, hours of operation, Mr. Kalpagian asked if the end time means lights out at that time, to which Mr. Botbyl replied yes.

Ms. Rizvani asked how the shutting down of the lights at the required times would be handled. Mr. Botbyl stated that it can be done with an App, or the time can be prescheduled. He added that at the North Haledon campus the shut down of the lights is prescheduled to shut them down at a specific time.

Chairman Fry brought up the parking agreement the school has with the Church stating that if the parking agreement should ever change or terminate, the applicant will come back to before the Board to discuss the changes and have a determination by the Board. Mr. Cook agreed.

The Chairman asked who the point of contact would be if the neighboring residents have any concerns; for instance if the lights stay on later than proposed. Mr. Botbyl stated that he will be that point of contact, subject to change, and that his phone number and email are on the Eastern Christian School's website.

Mr. Ruebenacker asked for something on the record about what fees the Township would be charged for use of the turf field perhaps not to exceed \$50 an hour. Mr. Cook said it is very hard to quantify it because it is a moving target. Circumstances 10 years from now could be different. Mr. Kalpagian asked when the last time was that the fees increased for the Wyckoff rec's use of the gym. Mr. Botbyl said he believes it has been the same rate for the last 5 years. Mr. Cook suggested a favorable and equitable rate and not for profit. Mr. Botbyl offered a rate not to exceed \$100 per hour. Mr. Ruebenacker said he can agree with that.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

In closing, Mr. Cook said this is a Conditional Use application because 10 acres are required, and we have 9.6 acres. Notwithstanding, the only new variance we are seeking is for the height of the light poles; all other nonconformities are pre-existing. We heard the expert testimony that the higher poles actually prevent the spillage of light onto surrounding properties. The aforementioned conditions we have agreed to address all of the concerns of the Board and the neighbors.

Mr. Kalpagian made a motion to approve the application subject to the list of conditions pertaining to the landscaping, emergency vehicle access, fencing, hours of operation, lighting, compliance with stormwater as per the Boswell report, no cell tower, and no public address system. Second, Mr. Hubert. Voting in favor: Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Messineo, and Chairman Fry.

Chairman Fry said that he was not tremendously in favor of the application at first however, the testimony that was provided about how the use of the field is going to be more for the students than for a firm that is paying to use it. He went on to say that was really what changed his mind on the application, and it was great to hear all of the voices from the members of the public. The Chairman said this will be an improvement. The existing lights are horrible, the field is in very poor shape, and the benefits will outweigh the detriments.

Board members Borst and Tanis returned to the dais.

Treible 120 Crescent Ave. 265/45 Corner lot

(The applicant proposes to construct a second story addition in the rear over the existing first floor and a wraparound porch requiring variance relief for lot area, depth, both front yard setbacks, rear yard setback, side yard setback, principal building lot coverage and combined lot coverage)

Vincent Graziano, the applicant's Architect, and Michael Treible, the homeowner were reminded that they were previously sworn and are still under oath. Mr. Graziano stated that they made revisions based on the feedback from the Board at the last meeting. The size of the porch has been reduced. The proposed front porch will wrap around to the Saxonia Avenue side of the house but will not continue beyond the existing porch on that side. This resulted in a reduction of principal building lot coverage. We also changed the proposed landscaping for the front of the house for a more uniform look, and we are proposing larger shrubs on the right side of the house to screen the A/C condenser units.

Chairman Fry said there are boxwoods across the front of the proposed porch and boxwoods around the A/C units. There is a proposed addition to the rear of the home which I don't believe any of the Board members had a problem with. There are also new plantings shown on the plan in the rear where the new addition will be constructed.

Mr. Borst said the applicant did exactly what the Board asked him to do.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

In closing, Mr. Graziano said we complied with the recommendations made by the Board. We believe we are proposing a reasonable addition to the home, and hope that the Board gives it favorable consideration.

Mr. Ruebenacker made a motion to approve the application as revised. Second, Mr. Tanis. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Messineo, and Mr. Borst. Not in favor, Chairman Fry.

The Chairman said this is a very small lot and the addition of the wrap around porch exacerbates the problem. The addition in the rear is useful, I understand it, and I am okay with it however my personal opinion is to vote no.

John Segreto, Esq. stepped down from the dais. Tom Garlick, Esq. joined the Board at the dais. Chairman Fry said that Mr. Segreto was kind enough to sit for the two applications that had been carried for continuity and so that he can draft the Resolutions. We have Tom Garlick who is here on behalf of the Board for the rest of the applications this evening. As you know, Mr. Becker stepped down as the Board Attorney as he is now the Township Attorney. We are in the process of interviewing some people

Giudice 710 Highview Terrace 732/6.01

(The applicant proposes to demolish the existing home and construct a new single-family home and swimming pool requiring variance relief for lot area and principal building height)

Bruce Whitaker, the applicant's Attorney placed his appearance on the record and introduced the application as follows:

The applicant is seeking to construct a new home on this property. This is a very interesting lot which was created by way of a subdivision that was approved by the Planning Board many years ago. There are two nonconformities on the lot. The lot area consists of 21,950 sf where 25,000 sf is required and lot depth of 130.5' where 150' is required. The applicant is proposing to construct a home here that does not require any new variances. They will meet all of the bulk requirements. We have removed the height variance by revising the plans. This is a classic hardship variance style application in that there is an existing home on the lot which is deficient in area as a result of the previously approved subdivision which created this lot.

Joseph Hogan of MAP Engineering was sworn in. Mr. Hogan stated that he is a licensed Engineer in the State of New Jersey, and his license is in good standing. He was accepted as an expert witness in his field. Mr. Hogan identified the submitted plan with a revision date of 10/25/2023 whereby the building height was reduced to 34.5' to eliminate the height variance. Mr. Hogan pointed out the existing nonconforming lot area and lot depth. He continued by stating that there is an existing house on the property which is to be demolished and a new fully conforming home will be constructed. A pool is also proposed as well as a new septic system and stormwater management system which will comply with all of the requirements of the Township of Wyckoff Code.

Mr. DiGennaro said the applicant proposes to install a new potable well in the front yard and abandon the existing well. He added that both wells will require NJDEP permit approval and the work must be performed by a NJ licensed well driller. Mr. Whitaker stated that it is all stipulated.

Mr. Tanis asked about the number of trees to be removed. Mr. Hogan stated that the majority of the trees to be removed are the evergreens along the eastern property line. He added that they will attempt to keep as many of those trees as possible. He stated that any of the trees along that line that have to be removed due to the regrading of the site will be replaced. Mr. Tanis asked how many deciduous trees are going to be removed to accommodate the pool and the septic system. Mr. Hogan replied only one will be removed.

Philip Finamore, the applicant's Architect was sworn in. He provided his professional credentials and was accepted as an expert witness in his field. Mr. Finamore then provided the following details of the plans: Drawings A3, A5, and A6 of the architectural plans were last revised on 10/26/2023. What we have is an existing bi-level slab on grade home. The proposed home is approximately 4,300 sf two-story colonial style home. The aesthetics of the home maintain the Wyckoff traditional style home with some modern flair. The style of the home will match the style of the other homes in the area. We are proposing a charcoal roof, white siding, some neutral natural stone accents, black shutters, black front door, and traditional carriage doors for the garage. The home will be equally attractive on all four sides. During the work session last month we heard the Board's comments about the 36' ridge height so we lowered the roof pitch and made some adjustments to the grade to reduce the ridge height to 34.5' from the highest peak to the lowest point. The landscaping plan was prepared by TLC Landscaping. The existing arborvitaes that run parallel to the driveway were installed by the current owner and they are now over 20' tall. The plan is to maintain those trees however we are proposing that if any of the existing arborvitaes are damaged, or compromised by the grade elevations, they will be replaced. Similarly, along the rear yard there are existing mature arborvitaes which we plan to maintain. We are also proposing a significant number of foundation plants around the house. We will also screen the generator and A/C units.

Mr. Borst pointed out that there are a few things on the landscape plan that are not labeled so we don't know what they are specifically three along the street, two on the front lawn, and one in front of the pool that are not labeled. Mr. Finamore stated that they are existing trees on the site to remain with the exception of the one in front of the pool which is to be removed.

Mr. Kalpagian asked for clarification on what materials will be used for the proposed white siding. Mr. Finamore stated it will be composite Hardie board siding.

Chairman Fry said this is a tear down and construction of a new home. The lot is pre-existing nonconforming in area and depth, and no new variances are being sought.

OPEN TO THE PUBLIC

John Brandes, who resides at 700 Highview Drive came forward and was sworn in. Mr. Brandes expressed concerns about rain water runoff during construction as his property sits topographically lower than 710 Highview Drive. He stated that there have been significant runoff issues in the past where the water runs along the rear of the 710 Highview property and cascades into his back yard during a moderate rain event. Mr. Brandes said he would like a hard barrier along the applicant's driveway and down into the back corner during construction to minimize the impact on his property specifically at the southeast corner.

Mr. Hogan, the applicant's Engineer, stated that what the applicant is proposing in lot coverage is less than the permitted combined lot coverage of 20%. The proposed impervious coverage is also below the allowed amount. Mr. Hogan explained that there is currently no substantial stormwater management system existing on the site. The proposed drainage system will consist of a full size inlet at the low corner of the driveway as well as several catch basins around the patio and pool to help catch any runoff created by those features. Roof leaders will be channeled underground to 4 new drywells. The new drainage system will reduce the amount of runoff that currently exists on the site and will overcompensate for what is required as we are proposing 4 seepage pits where 3.2 seepage pits is the requirement. Erosion controls of hay bales and silt fencing will be put in place so as to prevent the erosion of soil off of the property.

Mr. DiGennaro said the applicant will be required to submit an application and plan to the Bergen County Soil Conservation District for soil conservation approval which includes silt fence. In the event that we see a break through of soil migrating through, we would ask you to double it up with hay bales along the critical areas. Those erosion control measures must stay in place throughout the entire construction process until the lawn is established to stabilize the soil. Mr. DiGennaro said the proposed stormwater management system exceeds what is required. Inlets are proposed near the pool, patio and in the driveway, which will be curbed with Belgium block. The curbing along the driveway will contain all the water, channel it into an inlet, and direct it into the drywell beneath the driveway.

Chairman Fry said he would like to memorialize that there will be Belgium block as a border along the driveway which will prevent water from running onto the adjacent property. An inlet will be installed at the end of the driveway to capture the water and direct it to the catch basins. Mr. Hogan stated that the driveway is sloped. There will be Belgium block along the side and back of the driveway and all runoff from the driveway will be channeled to the proposed inlet where there is currently nothing collecting the driveway runoff.

Mr. DiGennaro advised that no filter fabric should be placed beneath the seepage pits. He also suggested adding trench drains along the southerly line and the northwesterly line of the pool and patio instead of the proposed inlets. He added that doing so will maximize the water collection and eliminate any runoff toward the septic field and ultimately down towards the neighbor's property. Mr. Whitaker said it is stipulated.

Mr. DiGennaro addressed Mr. Brandes by stating that while we understand that he wants assurances that there will be no runoff onto his property, we also understand that it is only practical to design to a certain standard. You will ultimately receive water from uphill during the excessive storms that come through because that is the natural flow of water. We can only design drainage systems to a certain standard, and the applicant's Engineer has exceeded our design minimum.

Mr. Brandes stated that over the years, during hurricanes and tropical storms, his yard is like a river, and he is only looking to minimize the impact of any additional runoff with the proposed construction. Mr. DiGennaro offered to meet with Mr. Brandes and the Engineers in the field during construction to see where the problems are and how they can best be addressed.

Mr. Borst asked if an inlet could be installed in the back southeast corner of the property. Mr. DiGennaro said it can be done however you would have to calculate how much more area is coming down to that basin and if the drywell is sized correctly. Mr. Messineo said there could also be an issue with the pitch. Mr. DiGennaro pointed out that it is challenging because you cannot have a drywell within 50' of the septic field so we will have to verify the location of the neighboring fields. Mr. Hogan said he believes the radius is on the submitted septic design plan.

Chairman Fry said these are very valid concerns. This applicant has designed a system that exceeds the Township's requirements, which is a plus, and they have added some other protections and safeguards that should generate some improvements on the site. They are proposing 4 seepage pits, an inlet in the driveway, and all of the roof leaders will be captured so it will definitely be an improvement.

Mr. DiGennaro reminded everyone that the house has to be built before the gutters can be installed so until that time, all of these calculations are frankly useless. However, other protective measures will be put in place with silt fencing and hay bales.

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In his final comments Mr. Whitaker stated that he believes they have shown that what has been proposed on this isolated lot, which was created by a prior subdivision, meets the C1 criteria. The lot is deficient in area and depth however the proposed house will be constructed to meet all of the other bulk requirements.

Mr. Borst made a motion to approve the application subject to the installation of trench drains in the pool and patio areas in lieu of inlets, and the placement of hay bales in addition to silt fence until the lawn has stabilized the soil. Second, Mr. Kalpagian. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Messineo, Mr. Borst, and Chairman Fry.

Grillo - 777 Frederick Ct. 430/18

(The applicant proposes to demolish the existing home and construct a new home requiring variance relief for lot area)

Ms. Rizvani and Mr. Borst recused themselves and stepped down from the dais.

Bruce Whitaker, the applicant's Attorney, placed his appearance on the record and introduced the application as follows:

The property is located in the RA-25 zone where 25,000 sf is the required lot size, and we have 24,063 sf. Other than that we will meet all of the other bulk requirements and based on the proposal by the applicant, no other variances are being requested. It is an isolated lot case which has been recognized as a buildable lot.

Cory Vandervalk, of MAP Engineering was sworn in, provided his professional credentials, and was accepted as an expert witness in his field. Mr. Vandervalk referred to the soil moving plan last revised on 8/30/2023 which was marked exhibit A-1. Mr. Vandervalk then explained the plan as follows:

There is an existing single-family home on the property which is to be demolished and a new single-family home and detached garage will be constructed. There is an existing nonconformity in the lot area of 24,063 sf where 25,000 sf is the requirement. All other bulk requirements are conforming. We are not requesting any new variances. We are proposing a stormwater management system to collect the entire roof area of the dwelling, the detached garage, and the driveway for a 3" rain storm which we are discharging into four, 1000 gallon seepage pits at the front of the property. There will be no increase in stormwater runoff. The stormwater runs to the west downhill. There is currently no drainage system on the site. There is a depression along the existing driveway which we will be filling in.

Chairman Fry said there will be no net increase in runoff as you will be capturing all of the water from the roof in a gutter system where the water currently just runs across and off the driveway. The Chairman asked if there will be Belgium block curbing along the driveway. Mr. Vandervalk stated there will be Belgium block cubing on all sides and a trench drain is proposed at the end of the driveway before the water runs out into the road.

Mr. DiGennaro asked if the applicant plans to utilize the existing well and if it has been inspected. Mr. Vandervalk stated the existing well will be utilized and that he does not know if it has been inspected. Mr. DiGennaro advised that the well be inspected to ensure that it is viable, and that the findings be reported to the Wyckoff Board of Health. He also recommended reaching out to Ridgewood Water to see if the homeowner can connect. Mr. Vandervalk stated that he did not see any signs of water lines in the street.

Mark Braithwaite, the applicant's Architect was sworn in, provided his professional credentials, and was accepted as an expert witness in his field. Mr. Braithwaite referred to the architectural drawings, sheets 1 – 8, which was marked exhibit A-2 and provided the following details: We are proposing a Dutch colonial style, 5 bedroom, 4 ½ bath home consisting of 4,877 sf. We are proposing a detached garage as well which adds a compound look to the property. The siding will be Hardie shake in tan and a warm brown roof. There will be some transom windows in front, some metal roofing, and it will be very tastefully done. With regard to the landscape plan (exhibit A-3) the proposed landscaping will complement the style of the home.

Chairman Fry asked if any plumbing is proposed for the detached garage. Mr. Braithwaite said

no plumbing or bathroom is proposed for the detached garage. The detached garage will be used for lawn equipment and possibly a motorcycle.

Mr. Ruebenacker asked if underground electric is proposed. Mr. Vandervalk said underground electric is identified on the plans.

The Chairman said this application is a rarity. The lot is under the required square footage by less than 1,000 sf. They managed not to exceed any of the other bulk requirements. The proposed height is 34.2' from the lowest point to the roof peak, and the height of the detached garage is 17'.

Mr. DiGennaro suggested adding a third shade tree in the front of the home. Mr. Whitaker said it is stipulated.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

In closing, Mr. Whitaker said it is nice to bring a rarity before the Board. There is an existing house on the deficient lot and the lot will remain deficient however no other variances are being sought or requested.

Mr. Tanis made a motion to approve the application subject to the addition of another shade tree in the front yard. Mr. Kalpagian added that the well is to be inspected. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Ruebenacker, Mr. Messineo, and Chairman Fry.

Board members Rizvani and Borst returned to the dais.

Filiposki - 315 Sunset Blvd. 290/9

(The applicant proposes to expand the footprint of the home and construct a full second story and inground pool requiring variance relief for lot area, frontage, front yard setback, and side yard setback)

Exhibits:

- A-1 Engineering Plan last rev. 10/31/2023
- A-2 Landscape Plan dated 11/6/2023
- A-3 Architectural Drawings last revised 11/2/2023
- A-4 AutoCAD Gross Building Area Calculation
- A-5 Photos

Bruce Whitaker, the applicant's Attorney, placed his appearance on the record and introduced the application as follows:

This is a request for the construction of a home on the existing lot in the RA-25 zone. The existing lot is deficient in area and width. We are requesting a de minimis front yard setback variance of 36.88' where 40' is required and a side yard setback of 16.27' where 20' is required. Regarding the comments made during the work session, the variances we are seeking pertain to bulk variances and measurements on the property as to where the building exists. Case law is very prevalent and very simple to state that aesthetic considerations in granting variance relief for bulk variances is not to be considered and cannot be used as a basis or foundation for your

consideration in granting variance relief. In the case of Soho Park Land, the Superior Court overturned a decision by a Board of Adjustment stating that the conditions were imposed for aesthetic purposes and were beyond the power of the Board to impose as well as being unreasonable. With that said, I respectfully request that you keep an open mind as to what we are proposing to do here with regard to the building and the building materials.

Thomas G. Stearns III, of GB Engineering, was sworn in, provided his professional credentials, and was accepted as an expert witness in the field of Surveying and Engineering. Mr. Stearns provided the following details of the site plan last revised 10/31/2023:

The existing lot is 18,241 sf where 25,000 sf is required in the zone and the lot frontage is 100.02' where 125' is required. The existing home has a detached garage with a side yard setback of 11.52'. We are proposing a side yard setback of 16.27' to the soffit of the new attached garage and a setback of 22.24' to the new second story addition on that side of the house. The existing side yard setback on the right side is 21.60' and we are proposing 20.10' to the soffit overhang. The existing front yard setback to the house is 39.71'. We are keeping that setback to the house proper however, the front yard setback to the first step will be 36.88'. The proposed principal building lot coverage is listed incorrectly on the zoning table on the plan and the section J as 14.0%. The correct calculation for principal building lot coverage is 14.8%. The proposed combined lot coverage is 17.4% which is conforming. We are planning to keep the existing walls on the east and north sides of the existing home as well as the existing basement. The existing shed on the property is to be removed. There is currently no drainage system on the site. We have submitted a stormwater management plan, and we will meet all of the Township's requirements. We are proposing two, 1,000 gallon seepage pits in the front yard which will capture runoff from all of the roof leaders. A new septic design plan was submitted and has been approved. Utilities will be placed underground. A comprehensive landscape plan prepared by Ditomaso Landscape Group dated 11/6/2023 has been submitted. We are proposing to remove 12 trees.

Mr. Whitaker stated we will stipulate to submit a modified plan and section J reflecting the correct principal building lot coverage calculation of 14.8%.

Mr. Borst asked why so many trees are going to be removed. Mr. Stearns stated the trees are being removed to accommodate the pool, septic system, and drywells.

Chairman Fry said that he walked the site and there are many mature trees in that area that have gotten hit pretty hard, and we've had some storms that took out power. He added that cleaning it up is a good thing however clear cutting a property is a whole different story. He pointed out that it looks like several of the trees will remain, which is good. Mr. Stearns said we did the best we could.

Mr. DiGennaro expressed concerns about compromising the root system of the trees in the front that are proposed to remain. He recommended adding a couple of new shade trees to the plan in case the existing trees have to come down. Mr. Whitaker stated that he will stipulate that if any trees in the front yard are compromised, and have to be removed, new trees will be planted. He suggested that it could be a field change decision and stated in the Resolution that if the existing trees in the front yard cannot be maintained, 2 or 3 new shade trees of 2.5" to 3.5" caliper will be planted.

Mr. DiGennaro asked if Belgium block curbing is proposed around the driveway. He also asked how runoff is proposed to be collected from the pool patio. Mr. Stearns stated the driveway will

be lined with Belgium block. The runoff from the pool patio will drain off to the sides. Mr. DiGennaro said that the runoff should be collected because the septic field will be in the back. He recommended adding a couple of inlets to collect the patio runoff and pipe it into the drywell. Mr. Stearns said they can install deck-o-drains on either side of the patio and connect them to the seepage pits.

Finally, Mr. Stearns stated that they will need to file a soil erosion and control application to the Bergen County Soil Conservation District.

Roger Schlict, the applicant's Architect, was sworn in. Mr. Schlict has appeared before the Board numerous times and was accepted as an expert witness in the field of Architecture. He then provided the following details of sheets V1, V2, and V3 last revised on 11/2/2023:

The existing basement will remain. There will be 2 open, covered porches in the rear and a center porch or court yard which will be covered by the second story addition. We will stipulate that the porches will remain open. There will be open front steps with no roof over the top over the steps. The first floor will consist of the livings areas. We are proposing 4 bedrooms, 2 bathrooms and a laundry room on the second floor. The second story on the left side will be stepped back 6' and will comply with the side yard setback requirement. The right side yard setback of the home will also be compliant at 20.10' to the soffit overhang. The way we determined the gross building area of 3,699 sf was using these drawings and the AutoCAD computer program. The computer calculated the square footage from the outside wall of the first and second floors including the garage. We will agree to submit an as built to confirm that this is what will be at the end of construction.

Mr. DiGennaro asked if they really want to be that tight with the gross building area being so close to the 3,700 sf threshold stating, if it goes over, it puts the whole application at risk. Mr. Schlict said they spoke about that, and they will work on adding a little bit of wiggle room.

Mr. DiGennaro pointed out that any future plans for any accessory structures will require a variance. Mr. Whitaker stated that the applicant is aware.

With regard to the architectural design, Mr. Schlict said the applicant's would like a transitional Mediterranean style house with a smooth cream colored, true masonry stucco finish and big open windows. The windows will have black metal mullions and stucco trim. High end materials will be used, and the home will have very clean symmetrical lines. He said it may not fit in with the cookie cutter style of the neighborhood however it will be done with finishes that are very elegant and pleasing.

Chairman Fry said he heard the case law cited, and he understands that the Board is not looking to make a determination on it, but we are looking at the fact that everyone on the block will ask how we allowed that home to be built. We can certainly ask the questions about why this particular style was chosen. The Chairman said that after seeing the photos presented this evening, it looks like what you are proposing will fit into the neighborhood rather than being the odd home out.

Mr. Hubert asked if any walls are going to remain. Mr. Schlict said the house will be taken down to the deck and the deck will remain.

Ms. Rizvani asked if the finish will be EIFS or plaster. Mr. Schlict stated that the finish will be true stucco plaster. Ms. Rizvani said she has seen this style sprinkled throughout Ridgewood and Glen Rock and although it is not a traditional Wyckoff style, she thinks it will be beautiful. She added

that she likes the black window trim however she thinks the style of the garage door contradicts the rest of the house.

Mr. Tanis pointed out that there are 2 covered porches proposed in the rear of the house in addition to the court yard which is covered by the second story. He voiced concerns about the fact that it would be too easy to enclose the covered court yard to enlarge the house. Mr. Schlict stated that the intent of the applicant's is to have the covered court yard as an outdoor space. He added that the Resolution can state that the court yard will not be enclosed.

Mr. Ruebenacker said he is still hung up on the 16.27' setback on the left side of the house. He asked if the proposed 14.6' wide garage on that side is a standard one-car garage. Mr. Schlict said the proposed garage is not just for a vehicle; it will also be used to store bicycles, garbage cans, and snowblowers since the existing shed is going to be removed. Mr. Borst said you could shrink the garage by 2' but then there would be absolutely no room to put anything in there besides a car, which is not desirable.

Mr. DiGennaro said he is still hung up on the 3,699 sf of gross building area. Chairman Fry said that what he heard in the testimony is that they are going to reduce it a little bit to allow for some wiggle room to keep it below 3,700 sf. Mr. Schlict stated that he and Mr. Stearns will work on that.

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Susan Valenta, who resides at 312 Martom Road, was sworn in. Ms. Valenta said that she lives directly behind the applicant's property. She went on to say that she is happy the applicant reduced the size of the proposed house and looks forward to seeing a nice new home on the property. Ms. Valenta expressed concerns about the possibility of trees on the rear property line being taken down and asked the applicant to contact her before removing any of those trees.

Aleksandra Toleva, the applicant, was sworn in. Ms. Toleva stated that she would like to keep all of the trees however some need to be removed to accommodate the septic system and the drainage system. Ms. Toleva also said that she loves trees and greenery and will not remove any trees that do not have to be removed. Mr. Schlict pointed out 6 trees along the property line which will not be touched. Mr. DiGennaro recommended that the applicant communicate with her neighbor, Ms. Valenta, before removing trees in the rear of the property.

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In closing, Mr. Whitaker stated that he believes the concerns the Board expressed during the October work session have been allayed, and what we are proposing fits in with the character of the lot. He added that he understands there were concerns about the aesthetics however we recognize that under case law, aesthetics don't work. We know Mr. Schlict does a wonderful job with architectural elements. We have been able to conform to a known factor that is not in the Ordinance book, and that is to try to create a side yard setback that respects it. Proportionately we have maintained that side yard setback on the first floor, where we only have 80% of what we need in lot width. The second story addition will conform with the setback requirement. The variance relief we are seeking for the front is very de minimis in nature. We have a substandard lot and I think what is being built here can easily be accommodated. It works from the C1 and C2 criteria, and the benefits will substantially outweigh the detriments.

Mr. Ruebenacker asked that the applicants place on the record if it is their intent to build the house, move into the house, live in this house, and not flip the house. Mr. Whitaker asked Ms. Toleva if it is her dream to build this house and live in this house. Ms. Toleva stated that is correct. Mr. Ruebenacker asked if there is any intent to sell the house once it is constructed. Ms. Tolva replied absolutely not. She added that she has a 6 ½ year old child who she wants to build this house for, and she wants to give her child the world and she believes this is part of it.

Chairman Fry asked for a motion with the conditions that the covered patios and court yard will not be enclosed, 2 – 3 shade trees are to be planted in the front yard if any existing trees have to come down, small trench drains will be installed on either side of the patio in the rear yard to capture runoff, and the gross building area will be field verified.

Mr. Borst made a motion to approve the application as proposed with the stipulated conditions as stated by the Chairman. Second, Mr. Messineo. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Ms. Rizvani, Mr. Ruebenacker, Mr. Borst, Mr. Messineo, and Chairman Fry.

Glanzberg 632 Wishing Well Rd. 245/11

(The applicant proposes to enlarge the existing attached garage and convert it from a rear loading to a front loading garage requiring variance relief for the enhanced side yard setback requirement)

Acting Board Attorney Tom Garlick stated that the applicant properly provided public notice. The architectural plan was marked exhibit A-1

Kevin Spink, the applicant's Architect, was sworn in. Mr. Spink stated that there was a clerical error made on the section J with regard to impervious coverage. The existing impervious coverage is 23.07% and the correct proposed coverage is 21.84%. We are looking to update and modernize the existing house and give it more of a Dutch colonial look. We are trying to maintain as much of the character of the existing house as possible. We are going to eliminate the 3 existing shed dormers on the second floor and create a new gambrel on the front. We are creating new shed dormers on the sides with new windows. Mr. Spink said the existing garage is a rear loading garage with a single lane driveway that comes up along the side of the house, along the property line, and wraps around to the rear of the house. The 2 existing garage doors are each 9' wide and 6'6" tall so there is no way to fit the homeowners Tahoe in the garage. In addition, the existing garage is only 20' wide. We are looking to expand the mudroom and the garage. We are proposing a 24' wide, 2 car garage as well as an area to store trash and recycling cans inside the garage. With that we are creating an encroachment into the side yard setback, but we believe the benefits of removing all of the asphalt from the property outweighs the detriment of the encroachment. We are also adding a covered porch in the rear which will not further encroach in to the existing setback of 23.8' to the building with an additional 1'11" overhang.

Mr. Messineo asked about the setback to the fireplace. Mr. Spink said it is 1" beyond the roof overhang so the setback will be 21.8' to the fireplace.

Mr. Borst asked for clarification of the setback from the property line to the wall of the proposed garage. Mr. Spink stated the proposed setback is 20.96' to the building and 19.96' to the roof overhang.

Mr. Kalpagian pointed out that the height of the home is only 27' and a lot of asphalt is going to be removed from the property, which he views as a positive. He added that he feels the encroachment is de minimis.

Chairman Fry said he believes the applicant can achieve a conforming garage by eliminating the proposed space between the garage and the house. The major challenge for the Board is accepting something that creates a variance situation where the garage could actually be built in line with what is existing now. He went on to say that the applicant is also proposing to construct a second story living space above the garage with no access from the rest of the house. The Chairman asked if it would be possible to achieve the 2 car garage outside of the 25' setback by shifting the mudroom to the rear and pushing the garage further to the right. Mr. Spink said it would be possible to do that however he believes the roof overhang would still be in the setback. We would have to pull the garage forward about 8' to move the mudroom to the back.

Mr. Borst said the proposed setback of 19' is a nonstarter in his opinion. He added that it would be very easy to lose 3 or 4 feet on the left side by pushing the back of the garage further into the back yard to make room for the trash and recycling cans. Mr. Spink said we could do that.

Mr. Messino pointed out that it looks like they are putting in new foundation in the front of the garage anyway so you can just pull it further forward because you are already digging. He added that it is doable. Mr. Spink said he agrees.

Gary Glanzberg, the applicant, was sworn in. He stated that he believes pulling the garage forward will be more intrusive to his neighbor. With the proposed location, his neighbor will be looking at arborvitaes when he looks out his window however if the garage is pulled forward, his neighbor will be looking at the side of the garage.

Mr. Borst said when we look at this we have to ask what the hardship is. The right side is already nonconforming, which we totally understand. However, you are now creating a new nonconformity by enlarging the garage, which is a self-inflicted hardship.

Chairman Fry said the challenge is whether or not you can accomplish what you want on the lot by modifying what you have. He added that he believes there is a way to get to the 25' setback because the lot frontage is oversized, and there is an opportunity to shift things around to make it work.

Mr. Ruebenacker said the existing setback on the left side is 27.5' and proposed is 19.8' and he would be fine with splitting the difference by shifting the garage over 4'.

Mr. Tanis voiced agreement with Mr. Ruebenacker stating that the 25' wide garage makes sense, and it is a beautiful aesthetic, however it needs to be shifted over a few feet and there is definitely a way to accomplish that.

Chairman Fry clarified that in going back to the drawing board, the goal should be to get to the 25' setback. Then the backup plan can be that you tried everything and can only get to 23' or 24' and it sounds like some of the Board members would be okay with that.

Mr. Borst said he thinks the applicant needs to come back with a professional landscape plan. The entire front of the house is going to be renovated and the existing plants are going to get destroyed.

Ms. Rizvani mentioned the A/C units and generator shown on the side of the garage. The Chairman said they are outside of the accessory setback, but they should be screened.

Mr. Kalpagian said he does not have a problem with what has been proposed because the height is only 27'.

Mr. Borst said he does not recall this Board ever granting a side yard setback variance for a lot with frontage of 142'.

Mr. Hubert said that typically when we are granting side yard variances the lot area and frontage are undersized but that is not the case here because the lot is 25,000 sf and the frontage is 142'.

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NO ONE FROM THE PUBLIC COMMENTED

CLOSED TO THE PUBLIC

Mr. Glanzberg asked if the Board would be okay with a 21' setback. Mr. Borst said what he heard from the Board is to split the difference and get to it to at least 23'. Chairman Fry said he cannot agree to the hardship, so he is out if the setback to the building is not 25' on the left side.

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 11:35 p.m.

Respectfully Submitted,
Maureen Mitchell, Secretary
Wyckoff Board of Adjustment