

**WYCKOFF BOARD OF ADJUSTMENT
APRIL 17, 2014 PUBLIC 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 Donkersloot:

"The April 17, 2014 Public Meeting 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.

Board Member Attendance: Jim Donkersloot, Chairman; Erik Ruebenacker, Vice Chairman; Carl Fry; Mark Borst; Susan Yudin; Brian Hubert, Alt.; Ed Kalpagian, Alt.

Staff Attendance: John A. Spizziri, Board Attorney; Mark DiGennaro, Township Engineer; Susan Schilstra, Board of Adjustment Secretary.

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

Chairman Donkersloot stated that all phones, pagers, PDAs, etc. should be turned off or switched to vibrate in order to avoid interrupting the public session.

OLD BUSINESS

APPROVAL OF MINUTES

The March 20, 2014 work session/public business meeting minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #14-04- Approval of vouchers from various escrow accounts.

Resolution #14-04 was memorialized at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

PUCCIO, PHILLIP BLK 436 LOT 7 (RA-25/CORNER); 339 Sicomac Avenue. *(The applicant proposes to construct a roofed deck which will encroach into the pre-existing non-conforming front yard setback).*

DEMING, BROOK BLK 254 LOT 4 (RA-25/CORNER); 269 Monroe Avenue. *(The applicant proposes to install an in-ground pool on this corner lot which will exceed total accessory structure and lot coverage on this pre-existing undersized lot).*

SMITH, CARA & VINCENT BLK 250 LOT 44 (RA-25); 375 Oakwood Drive. *(The applicant proposes to install an in-ground pool which will exceed principle building coverage limitation and total impervious coverage limitation).*

The above referenced resolutions were memorialized at the work session meeting.

APPLICATION(S) - CARRIED

MINIERI, DANIEL BLK287 LOT 7 (RA25); 309 Voorhis Avenue. *(The applicant proposes to construct a first and second floor addition which will encroach into the side yard setback and exceed the principle building lot coverage limitation).*

Board Member Yudin recused herself from discussion and removed herself from the dais.

Board Member Borst said he listened to the tape recording of the February 20, 2014 meeting at which he was absent and is eligible to vote on this application this evening.

Daniel Minieri, 309 Voorhis Avenue, was reminded by Board Attorney Spizziri that he remains under oath. Mr. Minieri said he has revised the original plans and has setback the second floor addition above the garage by 2'.

Township Engineer DiGennaro said the applicant has revised the site plan and schedule J of the application.

Chairman Donkersloot asked if the side yard setbacks is to the foundation wall or to the soffit overhang.

Mr. Minieri said the side yard setback is 17.8' to the foundation wall of the garage. He added that the rack overhang on the side of the garage is 6".

Board Member Fry said there are 3 variances due to the non-conforming lot in the RA-25 zone and that he views this application as a hardship.

Board Member Hubert said this house will be oversized on a small lot and other houses in the neighborhood are also oversized.

Board Member Ruebenacker noted that 19.8% of the property will be covered with the house.

Board Member Borst said the landscape plan is acceptable.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Fry made a motion to approve this application as amended. Second, Board Member Borst. Voting in favor: Mr. Fry, Mr. Borst and Vice Chairman Ruebenacker. Voting in denial: Mr. Hubert and Chairman Donkersloot.

DELORME, ROBERT & CHRISTINE BLK 476 LOT 6.01 (R-15/CORNER); 376 Dartmouth Street. *(The applicant proposes to add a one story family room and expand the existing kitchen which will encroach into the front yard setbacks on this corner lot and exceed principal building coverage).*

Board Member Borst and Board Member Huber said they listened to the tape recording of the March 20, 2014 meeting at which they were absent and are now eligible to vote on this application this evening.

Robert Delorme, 376 Dartmouth Street, was reminded by Board Attorney Spizziri that he remains under oath. Mr. Delorme said he followed the Board's suggestions and have reduced the front foyer from 6' to 4', and have eliminated 2' from the parameter of the entire project which removed a total of 226 square feet. These changes decreased the requested variance of the true front yard setback from 23.95' to 25.95', the variance requested on the other front yard was reduced from 25.33' to 27.33' and decreased the overall building coverage from 18.1% to 16.4%.

Chairman Donkersloot said the numbers in Section J do not match the numbers on the plan. He asked that Section J be revised and resubmitted.

Township Engineer DiGennaro said that 27.33' and the other should be 25.95'. He said Section J will be amended.

Board Member Hubert asked if the tree in the right front corner will remain.

Mr. Delorme said the evergreen tree is going to stay.

Board Member Borst said the landscape plan is acceptable. He added that if shrubs are damaged in the front of the house during construction they will be replaced with a like kind.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Hubert made a motion to approve this application as revised subject to the following condition that if the shrubs in the front yard are damage they will be replaced with the same kind. Second, Vice Chairman Ruebenacker. Voting in favor: Mr. Hubert, Ms. Yudin, Mr. Fry, Mr. Borst, Mr. Ruebenacker and Chairman Donkersloot.

APPLICATION(S) – NEW

GIAMPIETRO, JENNIFER & ANTHONY BLK 435 LOT 6 (RA-25); 675 Birchwood Drive. *(The applicant proposes to construct a first floor and second floor addition to the existing house with a 2 car garage. The garage will encroach into the side yard setback by 10' where 20' is required).*

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

Ben Cascio, the applicant's attorney, said the applicant is proposing to construct a 2 story addition to the existing premises and provide a two car garage on the west side of the property which will encroach into the side yard setback where 20' is required, 21.7' is existing and 9' is proposed. He said that the application will proceed under both the C1 and C2 hardship.

Anthony Giampietro, 675 Birchwood Drive, Wyckoff, NJ and Jennifer Giampietro, 675 Birchwood Drive, Wyckoff, NJ were sworn. JR Frank, the applicant's architect and planner, was sworn and provided the Board with his credentials. The Board accepted Mr. Frank's credentials.

Mr. Anthony Rogaski, 674 Birchwood Drive, Wyckoff, NJ, Walter Lonski, 679 Birchwood Drive and Maryanne Lonski, 679 Birchwood Drive, Wyckoff, NJ were sworn.

Mr. Cascio asked the Giampietro to explain the application. Mr. Giampietro said they purchased the home in 2005. The house is a 1 ½ story modified Cape Cod style home. The garage is very small and is used for storage and is over flowing.

Mrs. Giampietro said the garage was added to the house in 1960 and is not conducive to a single car garage.

Mr. Giampietro said they would like to construct an oversized garage for children's toys and 2 cars. He said he would like to put his construction vehicle in the garage. He said they looked at the option of placing the proposed garage in the rear yard but realized it would take away from the use of the rear yard for the children. He said the distance to the Lonski's home is between 50' to 60'

Chairman Donkersloot felt the hardship variance is self-imposed.

Mr. Cascio said the hardships are the size, shape and location of the lot.

Board Member Borst said the impervious coverage is at 28.92% where 30.5% is the maximum.

Mrs. Giampietro said if the home was centered on the lot then they would not be before the Board requesting a side yard variance.

Board Member Borst said if they made a side loading garage then the driveway would be tripled in length and it would increase the impervious coverage.

Mr. JR Frank then handed out a rendering which was marked as:
A-1 Existing and proposed conditions on site.

Mr. Frank said the home was built in the 1930's and a garage in the 1950's. Currently you step down into the garage. In the 1970's another addition was made to the back of the house. The applicant would like to work with the existing house and improve the flow of the house as well as minimize the massing of the house.

Another exhibit was marked as identification at this time by Mr. Cascio:
A-2 Colored rendering of the proposed house

Board Member Yudin asked if the garage could be reduced by 1'.

Mr. Frank said the interior of the garage is recommended to be 24'

Board Member Borst said it would be foolish to build this house and not have 2 car garage to put the cars in it.

Chairman Donkersloot was not in agreement of granting a side yard setback variance for 9'.

Mr. Frank said the Giampietro's spoke with their neighbors and the neighbors did not want to see a massive garage in their rear yard. The neighbors also wanted the landscaping to be next to the foundation of the house instead of just planting a row of hedges as a buffer.

Board Member Fry said he likes the design of the house on the property but is also struggling with the 9' setback.

Board Member Borst said the landscape plan is acceptable. He added that a landscape plan with irrigation will be required for the front of the house.

Board Attorney Spizziri marked the following exhibit for identification:
A-3 A letter from the Lonski's

OPEN TO THE PUBLIC

Mr. Lonski said they will be most affected by this addition. He said he reviewed the details of the plan with the Giampietro's. He added that they paid a lot of attention as to how it would look to the neighbors which is an enhancement to us. He said they will put the cars in a garage along with the children's toys. He said he would like to look at the side of their house and not at a detached garage.

Mrs. Lonski agreed that she would rather see the side of the Giampietro's house and not another large building.

Mr. Rogaski said he lives across the street from the Giampietro's. He said this addition will benefit the neighborhood and the cars will now be in the garage.

CLOSED TO THE PUBLIC

Mr. Cascio said this case falls squarely within the Municipal Land Use Law guideline for a C1 hardship variance due to the unique shape and size of the property and the C2 variance with the benefits outweighing the detriments. He said the applicant is trying to comply with town ordinance since they cannot use the existing garage. He said one variance is being sought. He added that the lot is long and narrow where 97' existing and 125' is required and the house is not centered on the property.

Board Member Borst said if the garage was detached it would need to be 15' off the side yard setback.

**THE BOARD TOOK A FIVE MINUTE RECESS
SO THE APPLICANT COULD SPEAK WITH THEIR ATTORNEY**

Mr. Cascio said he has conferred with his clients and discussed all of the suggestions the board made this evening. In fact the applicant has already looked at all of the suggestions before they fired an application for a variance and came before the Board. He said there is a park like setting in the rear yard so to add a garage behind the house is not a good option and will negatively impact the neighbors and the use of the Giampietro's to utilize their back yard. This proposed addition is a great aesthetically improvement to the existing condition both architecturally, practically and functionally. The applicant is willing to reduce the side yard setback by one (1) foot which would then keep the garage usable.

Board Member Borst said he is going to make a motion to approve this application and said that if we are going to move the garage to the rear yard it will be an eyesore to the neighbors and it will take up more usable rear yard space. He then made the motion to approve this application subject to the following condition: the garage on the left side of the house be set in one (1) foot from the property line, a landscape plan and irrigation plan be submitted before the permits are issued and the plan be reviewed by the Township Engineer or myself and a storm water management plan also be submitted. Second, Board Member Yudin. Board Member Yudin agreed it was an improvement to the neighborhood and that the applicant had looked into all other options before coming before the Board. Voting in favor: Mr. Hubert who agreed with the merits of this application, Ms. Yudin and Mr. Borst. Voting in denial: Mr. Fry who said not enough effort went into the placement of the garage and Chairman Donkersloot who said this application is a self-imposed hardship. Abstain: Mr. Ruebenacker and Mr. Kalpagian.

FRY, CARL BLK 331 LOT 7.02 (RA-25); 139 Godwin Avenue. *(The applicant proposes to construct a first and second floor addition to the existing dwelling and construct a detached 3 car garage in the rear yard).*

Board Member Fry recused himself from discussion, removed himself from the dais and left the Court Room. Board Member Yudin recused herself from discussion and removed herself from the dais.

Jessica Fry, 139 Godwin Avenue, Wyckoff, NJ was sworn. She said the house is located in an R-15 zone and she is requesting 2 variances. The first variance requested is due to insufficient lot frontage where 60.31' is existing and 100' is required and a variance for the principle building side yard setback of 13.5' where 15' is required. The purpose of the variance is to reconstruct the existing residence into a 4 bedroom home with a 3 car detached garage in the rear of the property. She said that the application before the Board this evening is revised from what was initially submitted to the Board. Before the revisions there was an additional variance which was to have a 3 car side load detached garage 5' from the property line instead of the required 10'. Prior to this evening our neighbors expressed a concern as to the size and location of the garage. They suggested that the garage be made a front load garage. We took their suggestion and addressed their concerns by reconfiguring the garage to be a front load garage which eliminated the need for another variance and stay below the maximum impervious coverage requirement.

Township Engineer DiGennaro said there is one new variance being sought for the side yard setback of 13.5'. The proposed detached garage is conforming at 11.01' and 11.31' where 10'

is required and the pre-existing non-conformity is the lot width.

Chairman Donkersloot asked the applicant to explain the side yard variance request. Mrs. Fry said the bumped out window on the side of the house is called an oriel window which allows for extra space to make the rooms a comfortable width.

Chairman Donkersloot asked if there is going to be a basement under the new construction.

Mrs. Fry said there will be an unfinished basement under the existing house for storage and there will not be a basement under the current garage. She added the existing sheds will be removed.

Board Member Ruebenacker asked where the utilities will be located.

Mrs. Fry said the furnace and hot water tank will be moved to the basement. She added that the utilities are underground.

Chairman Donkersloot said a 3 car detached garage is proposed with a loft area for storage.

Mrs. Fry said yes the loft will be used for storage.

Board Member Borst requested that more sufficient plantings be planted around the generator and possibly a lattice since the driveway will be next to the generator.

Board Member Hubert asked if the second story of the garage will be heated and what material will be used on the outside of the house and the garage.

Mrs. Fry said the second story of the garage will not be heated and wide plank vinyl siding or hardy-plank will be used on the exterior of the garage and the house.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker made a motion to approve the April 9, 2014 revised site plan with the revision to the placement of the garage subject to lattice being installed around the generator or evergreen shrubbery being planted around the generator. Second, Board Member Borst. Voting in favor: Mr. Hubert, Mr. Borst, Mr. Ruebenacker and Chairman Donkersloot. Abstain: Mr. Fry, Ms. Yudin and Mr. Kalpagian.

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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 10:54 p.m.

Respectfully Submitted,

Susan Schilstra, Secretary
Wyckoff Board of Adjustment