

**WYCKOFF BOARD OF ADJUSTMENT
MAY 21, 2015 PUBLIC BUSINESS MEETING MINUTES**

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

The meeting commenced with the reading of the Open Public Meetings Statement by Erik Ruebenacker, Chairman:

"The May 21, 2015 Public Business 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: Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Brian Hubert; John Carolan; Ed Kalpagian, Alt.; Brian Tanis, Alt.

Staff Present: John A. Spizziri, Sr. Esq., Board Attorney; Robert E. Landel, Township Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Board Secretary.

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

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

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Chairman Ruebenacker 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"*

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OLD BUSINESS

APPROVAL OF MINUTES

April 16, 2015 work session/public business meeting
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #15-04- Approval of vouchers from various escrow accounts.

Board Member Carolan made a motion to approve Resolution #15-04 vouchers for payment as amended. Second, Board Member Hubert. Voting in favor: Mr. Tanis, Mr. Kalpagian, Mr. Hubert, Mr. Carolan, Ms. Yudin, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

RESOLUTION(S) TO BE MEMORIALIZED

SCHWARTZ, PETER & DINA BLK 217 LOT 7 (RA-25); 88 Logan Lane. *(The applicant proposes to construct an in-ground pool, patio, spa and pool equipment which will result in an impervious coverage of 34.85% where 28.5% is allowed).*

DeGREGORIO, JOSEPH & ELIZABETH BLK 352 LOT 14.01 (RA-25); 331 Newtown Road. *(The applicant proposes to construct a detached garage adjacent to the dwelling which triggers a variance due to the fact that the detached accessory structure will be located in front of the front plane of the principal structure facing the street).*

COLLADO, FRANK BLK 207 LOT 13 (RA-25); 288 Brookside Avenue. *(The applicant proposes to extend the overhang on the front of the house by 2 feet which will encroach into the front yard setback).*

PEKALA, KRZYSZTOF & EWA BLK 268 LOT 24 (R-15); 112 Linden Street. *(The applicant would like to demolish the existing home and construct a new home which will encroach into the front and rear yard setbacks and exceed principal building lot coverage).*

THORWARTH, CHRISTOPHER & CAITLIN BLK 215 LOT 8 (RA-25 CORNER); 750 Wyckoff Avenue. *(The applicant proposes to construct a detached garage adjacent to the dwelling which triggers a variance due to the fact that the detached accessory structure will be located in front yard on this corner lot).*

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

CHRISTIAN HEALTH CARE CENTER (CHCC) BLK 443 LOTS 49.03, 52.01 & 51; 301 Sicomac Avenue; Amended site plan/Variance/Use Variance. *(The applicant proposes to amend the previous variance and site plan resolution adopted by the Board of Adjustment on May 13, 2013. The application amends the prior approval to provide for a reduction of building coverage in; 1) Wyckoff from 126,587 sf to 118,132 sf for a net change of minus 8,455 sf; 2) a reduction of impervious surface in Wyckoff of 11,672 sf; 3) a reduction in building coverage in Hawthorne from 26,502 sf to 25,935 sf for a reduction of 567 sf, and 4) a total reduction of impervious surface in Hawthorne of 1,221 sf. The total reduction in both municipalities of building coverage is 9,023 sf and the reduction in impervious area is 10,452 sf. The total number of units previously approved at 199 remains unchanged with some redistribution of 1 & 2 bedroom units. The applicant is also seeking an adjustment of the construction materials required in the Wyckoff resolution of approval).*

This resolution will be memorialized at the June 18, 2015 regularly scheduled Board of Adjustment meeting.

APPLICATION(S) – CARRIED

PRO-CONTRACTOR, LLC BLK 425.01 LOT 53 (RA-25); 723 Terrace Heights. *(The applicant proposes to demolish the existing house and construct a new house which will trigger the enhanced side yard setback requirement of 25 feet requiring a variance application and also create a 3 story dwelling due to the topography of the land).*

Board Attorney Spizziri and Board Member Yudin recused themselves from discussion and removed themselves from the dais.

Harold P. Cook, the applicant's attorney, was present. He said that an overlay handout has been provided to the Board Members which depicts the difference between the 2 proposed footprints of the proposed dwelling.

Acting board Attorney Landel asked that the following exhibit be marked as identification:
A-7 Overlay of the 2 footprints of the proposed dwelling

Mr. Palus, the applicant's engineer was reminded by Acting Board Attorney Landel that he remains under oath. He said the original foundation footprint of the house were 3,400 square feet and now has been reduced to 3,271 square feet. He said the original home had 5,799 square feet of gross building area and now has been reduced to 5,675 gross building area. He added that the original landscaping plan remains the same and the building height remains at 38'.

William Brown, William G. Brown Architects, 241 Madison Avenue, Wyckoff, NJ, was sworn. He explained that the square footage of the first floor is 2,448 square feet and the second floor is 2,577 square feet which is on the revised plan dated May 7, 2015.

Board Member Borst said the study on the first floor could become another bedroom. He asked if the septic systems will be able to handle this amount of bedrooms.

Chairman Ruebenacker said the septic system has been sized for a 6 bedroom house.

Board Member Borst said the landscaping plan is good and suggests irrigation.

Mr. Cook said this requirement can be added to the resolution.

Township Engineer DiGennaro said this application is subject to Affordable Housing Developmental Fee requirement. He said the location of the air conditioning units and generator are shown in the rear yard and on the landscaping plan they are depicted in the side yard.

Mr. Palus said both side and rear locations are conforming and the location of choice will be depicted on the as-builts.

Township Engineer DiGennaro reminded the applicant that the landscape plan will need to be accurately followed in the field during construction.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Fry made a motion to approve subject to the following conditions: an irrigation system will be included on the landscape plan; a hardship variance for building height and a 3 story house has been granted as a result of the topography of the lot; and the Affordable Housing Developmental Fee. Second, Board Member Carolan. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Mr. Carolan, Mr. Borst, Mr. Fry and Chairman Ruebenacker.

PISA, ANTHONY BLK 265 LOT 50 (RA-25); 55 Saxonia Avenue. *(The applicant proposes to connect the garage to the existing house and add a level to the second floor which will encroach no further than the existing front and side yard encroachments).*

Board Attorney Spizziri and Board Member Yudin returned to the dais. Board Member Borst recused himself from discussion and removed himself from the dais since his landscaping company designed the landscape plans for the applicant.

Todd Lent, 170 Kinnelon Road, Kinnelon, NJ, the applicant's architect, was sworn. He stated that he is a licensed and registered architect in the State of New Jersey.

Mr. Pisa said he has revised his architectural plans to now include dog house dormers and the roof peak has been removed; 2 windows will be placed on the side of the house; rear slider doors off the kitchen and a door out the rear of the garage will be installed. He said a soffit overhang has been placed along the front of the house. He said he also went around the neighborhood and did a comparison with this house and other houses in the neighborhood. He said his house conforms to the houses in the neighborhood with regards to front yard setback.

Mr. Lent said the applicant's house will have an overhang over the front façade of the house in order to break up the 2 floors.

Township Engineer DiGennaro asked what the finished ceiling heights will be on the first and second floor.

Mr. Lent said the first and second floor ceiling heights will be at 8'.

Board Member Kalpagian said he is not concerned about the front yard setback but is concerned with breaking up the mass of the front facade of the house.

Chairman Ruebenacker said the Board had asked the applicant to step in the second floor by 2 feet. He said the applicant has architectural altered the house and did not do what the Board had requested.

Mr. Pisa and he is trying to keep his house consistent with the houses on the block.

Board Member Yudin asked what is the hardship concerning this application.

Mr. Lent said the house is setback 25' from the property line and the neighboring houses have expanded straight up above their existing house. He said the applicant is trying to work with what he has.

Board Attorney Spizziri asked the applicant to explain to the Board what his objection is in stepping back the second floor by 2'.

Mr. Pisa said if he stepped back the second floor by 2 the second floor bedrooms would be too small and one of the bedrooms would need to be removed.

Board Member Carolan said that currently 5 bedrooms are proposed. He said the applicant's proposed home could be reduced to a 4 bedroom home.

Mr. Pisa then handed out Exhibit B to the Board Members.

Board Attorney Spizziri asked that the following exhibit be marked for identification:

A-2 Revised plans dated 5/21/15

Vice Chairman Fry, upon reviewing the Exhibit B, said the second floor on Exhibit B has been stepped in by 3 and the house has been reduced from 5 bedrooms to a 4 bedroom house. He said that by stepping the house back by 3' to be even with the garage setback is not aesthetically pleasing and he would rather see the house setback by 2'. He said he is in favor of this proposed plan. He said he would not want to see the principle lot coverage reduced to 15% by reducing the size of the garage.

Chairman Ruebenacker said the Board would be acceptable to this revised plan with the second floor setback by 2'.

Board Attorney Spizziri said that in order to move forward with the new plans you will need to have it reviewed by Township Engineer DiGennaro.

Township Engineer DiGennaro said Mr. Pisa can submit the revised plans, a resolution can be drafted for next month's meeting and he will review the plans that were submitted this evening. He asked that the second floor be stepped back by 2' so there is a break between the garage and the plane of the house and also show an 8' second floor ceiling.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Carolan made a motion to approve this revised plan that were received this evening as amended with a 2' setback on the second floor only and not the garage subject to the review and approval by Township Engineer DiGennaro. Second, Board Member Hubert. Voting in favor: Mr. Hubert, Mr. Kalpagian, Mr. Tanis, Mr. Carolan, Ms. Yudin, Mr. Fry and Chairman Ruebenacker.

APPLICATION(S) – NEW

AYDIN, EMIN BLK 231 LOT 4 (RA-25); 524 Clinton Avenue. *(The applicant proposes to add a level to the second floor which will encroach no further than the existing side yard encroachment but will trigger the enhanced side yard setback requirement of 25 feet).*

Sylvia Aydin and Emin Aydin, 524 Clinton Avenue, Wyckoff, NJ and Mr. Tyler VanderValk, Houser Engineering, LLC, the applicant's engineer, were sworn. Mr. VanderValk stated he received his bachelor degree in civil engineering from NJIT and is a professional licensed engineer in the State of New Jersey.

Mr. VanderValk said the applicant, who recently purchased 524 Clinton Avenue, would like to renovate this existing single story home as well as a second story addition to this home and also install an in ground pool, a new septic system in the front yard and widen the existing driveway. The applicant is over the 3,700 square foot threshold of gross floor area which increases the side yard setback requirements. The applicant would like to utilize the existing foundation and the variance request is for the existing side yard setbacks of 16.6' where 25' is required due to the enhanced side yard setback requirement and a side yard setback of 26.3' where 27' is required due to the side loading garage and enhanced side yard setback. He added that storm water runoff will be controlled by a seepage pit which will be installed in the driveway which is at basement level.

Board Member Borst was concerned with the large oak tree in the rear yard that is being removed.

Mr. VanderValk said the tree nearest the driveway is in poor condition and the removal of the rear yard tree would open up the yard beyond the pool area for the children use as a play area. According to the landscape plan a number of new trees will be planted along with foundation plantings.

Chairman Ruebenacker said the impervious coverage is at 28.4% where 28.5% is the maximum allowed.

Mr. VanderValk said the maximum coverage comes in with the widening of the driveway since the applicant has family and other relatives over and would like the to be able to park off the street and in the driveway. He said a shed will be removed from the rear yard.

Chairman Ruebenacker recommended that a 3' to 4' buffer be planted along the driveway side property line of the house in the garage area.

Mr. VanderValk said an issue would rise with the side loading garage and the rear backing out radius. He added that there are retaining walls along the property line in order to lower the driveway.

Chairman Ruebenacker asked with that height is of the retaining wall in front of the garage.

Mr. VanderValk said the retaining wall is around 3' since the front yard will slope towards the driveway.

Board Member Borst asked how many cars will be able to park in the driveway.

My Aydin said 6 to 8 cars will be able to park in the driveway.

Board Member Borst said the width of the driveway is at 25 and the length is 100'. He said at least 10 cars could fit in this driveway. He asked that the applicant reduce the width of the driveway at the entrance to 18' to the first 15' to reduce the massing of the driveway.

Mr. VanderValk said the applicant would be willing to reduce the width of the driveway to 22'. He said the retaining wall will remain next to the house.

Chairman Ruebenacker said the applicant would need to hire a landscape architect in order to draft a new landscaping plan. He suggested that an irrigation system be included in this plan.

Board Member Borst said that a home this size will require a larger type planting to help soften the look of the house.

Chairman Ruebenacker asked if the air conditioning units and pool equipment are in the proper location.

Township Engineer DiGennaro said the pool equipment and air conditioning units should be moved to the rear of the house.

Mr. VanderValk said there is an outdoor sitting area in the rear of the house and having the equipment adjacent to this area would be a concern to the applicant

Board Member Carolan said the applicant would have a lot of noise in the one area and possible the equipment can be placed in the rear yard.

Mr. VanderValk said the equipment could be placed in the rear yard off the 15' setback and provide some sort of screening for it. He asked that the air conditioning unit remain where it is prosed with fencing being placed around it. He conferred with the applicant and the space between the rear entrance to the house and the stairs coming off the end of the driveway is a location that the applicant is willing to consider for the air conditioning units.

Board Member Yudin asked if a generator will be installed.

Mr. Aydin said he did not know at this time.

Mr. VanderValk said that if a generator is installed it will be located next to the air conditioning units.

Chairman Ruebenacker asked Mr. VanderValk to explain the architectural drawings.

Mr. VanderValk said the house will be demolished and the old foundation will remain along with the 16.6' side yard setback for a cost savings.

Chairman Ruebenacker said the Board would like to see the second floor of this house setback in by 2' in order to break the plan of the house. He added the applicant triggers the enhanced side yard setback from 16.6' where 25' is allowed. This ordinance intent is to limit the size of house and to avoid a large massing of the home. He said he does not see the Board granting relief.

Mr. VanderValk said that if the gross square footage of the house was reduced to 3700 square feet than these side yard setbacks would not be triggered.

Board Member Yudin said that 2 closets on the second floor are 9' x 12'.

Vice Chairman Fry said some space within the house can be reduced.

Mr. VanderValk said this is a 3 bedroom house and the septic system has been sized for a 4 bedroom house.

Board Member Carolan said there is a challenge with the size of this structure by the Board.

Board Member Borst was concerned whether this style house will fit in this neighborhood.

Mr. Aydin said he would like a European style house. He said the house next to him is more Victorian in style. He said that all the houses on Clinton are elegant. He said the exterior of the house will be stucco

Chairman Ruebenacker said this house will sit high on this property. He recommended that the house be build gin stone with hardiplank and that the second floor dormers be setback by 2' to 5' on either side of the hose.

Township Engineer DiGennaro said the variance request can be minimized on the second floor on the right side. He suggest making the house deeper due to the depth of the property. He said the principal building coverage can go as high as 15% maximum.

Chairman Ruebenacker said the only hardship is the pre-existing lot width of 100' where 125' is required.

Mr. VanderValk summarize by saying the driveway width will need to be lessened; a landscape design will need to be created to include irrigation plan; the AC units will need to be moved to the rear of the hose or into the driveway area; the pool equipment will be moved to the rear yard; the second floor will need to be stepped in by 2' to 4' on the right side and the appearance of the construction materials of the house will need to be changed. He added that the wall on the property line will remain.

OPEN TO THE PUBLIC

Steve Dressler, 525 Clinton Avenue, Wyckoff, NJ said he has lived in Wyckoff for 23 years. He is concerned with the oak trees that are being removed and whether the new septic system to be installed in the front yard is compliant with the setback.

Township Engineer DiGennaro said the applicant has done his due diligence in contacting you.

Mr. Dressler said there will be a lot of cars in the driveway and the garage and the retaining wall is about 6' high. He said at least 14 houses in the area have been rebuilt in the past 20 years and this house will need to be nice.

Christopher Della Pietra, 534 Clinton Avenue, Wyckoff, NJ was concerned with the house fitting on the lot and with the house fitting into the neighborhood.

CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application until the June 18, 2015 regularly scheduled Board of Adjustment meeting. Revised plans will need to be submitted to the Board of Adjustment office no later than Monday, June 8, 2015.

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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 10:06 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment