WYCKOFF BOARD OF ADJUSTMENT
NOVEMBER 19, 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 November 19, 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; Tim Shanley; Ed Kalpagian; Brian Tanis, Alt.; Rich DeLeo, Alt.

Staff Present: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Secretary.

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

Chairman Ruebenacker stated that all phones, pagers and hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

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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
October 15, 2015 work session/public business meeting

The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #15-10- Approval of vouchers from various escrow accounts.

Resolution #15-10 was memorialized at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

DiSCOLA, EMILIO BLK 436 LOT 23.01 (RA-25); 688 Birchwood Drive*. (The applicant proposes to demolish the existing home and construct a new home that is conforming to all setback requirements).*

DEGELMAN, CRAIG BLK 259 LOT 7 (R-15); 11 Ward Avenue. *(The applicant proposes to construct a garage which will encroach into the side and rear yard setbacks, exceed combined lot coverage, exceed impervious coverage and exceed height requirements).*

MOORE, CHRISTOPHER BLK 224 LOT 15.01 (RA-25); 441 Clinton Avenue*. (The applicant seeks to amend a previous approval for purposes of relocating the driveway entrance to the property).*

BURLESON, JOSEPH & SUSAN BLK 352 LOT 30 (RA-25 CORNER); 377 Heights Road. *(The applicant proposes to construct a one story addition which will encroach into the front yard setback).*

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

APPLICATION(S) – WITHDRAWN

280 KMCM, LLC BLK 214 LOT 36 (RA-25); 280 Central Avenue. *(The applicant proposes to construct an addition to the rear of the existing single family home and expand the existing garage and an addition to the second floor which will encroach into the side yard setback).*

This application was withdrawn at the request of the applicant.

INTERPRETATION

OMLAND, ANDREW & KIERSTEN BLK 332 LOT 6 (R-15); 22 Madison Heights. Interpretation of a provision of the Wyckoff Zoning Ordinance.

Priscilla Triolo, Esq., on behalf of Andrew and Kiersten Omland, 22 Madison Heights, Wyckoff, NJ was present. She asked the Board to accept her letter as a confirmation of the request made to Board Attorney Becker to appear before the Board on a review of the Resolution of approval in concert with the Code of the Township of Wyckoff and the International Building Code for Residential Construction, adopted by the State of New Jersey. The above referenced house was approved for an addition on the side of the house with a family room in the rear and a second story with renovations to the existing home in March of this year and the memorializing Resolution was adopted on April 10, 2015. The variances requested and granted were to acknowledge the non-conformity of the property, the garage accessory structure and a front yard setback due to the proposed front porch encroaching into the front yard setback. The intention was to remove 2 walls and the roof to put on the second story and bump out the 2 sides. Permits were issued sometime in September and construction began in October. When the roof, rear and one side wall were being demolished, the contractor noticed that the front wall, side wall and floor deck scheduled to remain appeared to be unstable. He stopped the work of the mechanical removal and did an inspection. That inspection revealed that the floor boards had some rot and apparent animal access and the sill plate was rotted from water and/or

insect infestation. He immediately notified the owners to inspect the issue. For the safety of the ongoing construction and for the integrity of the house, the compromised members and lumber had to be removed and replaced. They were removed, the foundation wall leveled and currently the sill plate and girders have been installed specifically within the exact footprint of the original house with the approved addition. Dimensionally nothing has changed. The contractor will be replacing the original 2 walls (front & side) exactly as shown on the original plans with exact sized replacement materials. The doors and windows facing the street will be replaced in the same place as the original house and the addition will proceed as approved. The location of the stairs and rooms will also be replaced to original condition and as shown on the approved plans. Essentially that means that there will not be any deviation from the approved plans and the house will have both interior and exterior construction as approved. The only difference will be that the materials supporting the structure will have the integrity necessary to create a safe structure. The Wyckoff Code at Section 99 requires the removal of unsafe structures. This is in accordance with the State Code which adopted the International Building Code for Residential Structures. The contractor, with the consent of the owner, removed the unsafe structural members and is replacing them in kind with structurally sound replacement materials and will conform to all requirements of the approval.

Chair Ruebenacker said when all the walls were removed this could trigger an abandonment of the previous structure in which case it would become new construction. He said he is comfortable with the testimony and interpretation and asked that the applicant's architect provide a letter confirming this was a field condition and detailing the damage done to the sill be submitted to the Construction Official for the applicants construction file.

Board Attorney Becker added that in this case the applicant is not abandoning the structure but made a field decision based upon the safety and necessities that were found and new repairs were made to the rotted sill.

Vice Chair Fry asked if there will be any changes to the plans.

Ms. Triolo said there will be no other changes to the house and this will also be stated in the architect's letter.

Vice Chair Fry made a motion that based upon the Board's interpretation of the testimony this evening that the applicants change is not an abandonment of the approved site plan but a field decision to improve upon the construction as well as the safety of the home. Second, Board Member Yudin. Voting in favor: Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Fry and Chair Ruebenacker.

APPLICATION(S) – CARRIED

FLORES, RADLEY BLK 376 LOT 3 (RA-25); 482 William Way. *(The applicant proposes to install solar panels on the front portion of the roof which is non-conforming according to Ordinance #1675).*
This application has been withdrawn at the request of the applicant.

GLEN BROOK INC. BLK 483 LOT 12 (RA-25); 130 Starr Place. (*The applicant proposes to renovate the existing structure and add to the first and second floors utilizing the existing foundation).*

Matthew DeMaria, Esq. the applicant's attorney and Xiomara Paredes, the applicant's architect, were present. Ms. Paredes was reminded by Board Attorney Becker that she was sworn at the last meeting and remains under oath.

Mr. DeMaria said that at the previous meeting the board was concerned with the increase in square footage of the house which triggered an increased side yard setback requirement due to the enhanced side yard ordinance. Ms. Paredes said she removed 75.8 square feet from the house so the gross building area would be under 3700 square feet and there would not be an increased side yard setback requirement. Board Member Borst said this is a beautiful home and the applicant has listened to the board's suggestions although Mr. Borst still struggles with granting a 10' side yard setback. Vice Chair Fry agreed that changes have been made to the plans and the hardship is the existing location of the house on this lot. Board Member Hubert also agreed with Mr. Borst and Mr. Fry. Board Member Yudin said she would like to see the utilities spaced underground. Chair Ruebenacker said this is a self-imposed hardship since the applicant knew there would be an issue with the existing side yard setback.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Township Engineer DiGennaro asked if the house was going to be demolished down to the foundation. Ms. Paredes said the applicant will remove all of the walls, replace the deck and maintain the foundation. Board Attorney Becker said this could be considered an empty lot once the applicant removes all the walls and goes down to the foundation. Board Member Yudin said an interpretation will need to be established in the future.

Mr. DeMaria said the applicant is requesting a C variance due to the hardship for lot size, lot frontage and existing side yard setback. He added that the applicant has addressed all of the Board's concerns and asked that the Board consider this application favorably.

Vice Chair Fry made a motion to approve this application subject to the following condition: the utilities will be placed underground. Second, Board Member Yudin. Voting in favor: Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Fry and Chair Ruebenacker.

ROTOLI, TANIA BLK 263 LOT 30 (R-15); 206 Franklin Avenue. *(The applicant proposes to demolish the existing structure and construct a new 5,056 sf single family home which will exceed the gross building area of 2,700 sf and will trigger the enhanced side yard setback requirement of 20 feet where 15 feet is proposed requiring a variance application).*

Bruce Whitaker, the applicant's attorney and Demetrios Kaltsis, the applicant's architect, were present. Mr. Kaltsis was reminded by Board Attorney Becker that he was sworn at the previous meeting and remains under oath. Mr. Whitaker said variance relief is being requested for the construction of a new home. He said the existing home will be demolished and a new home will be constructed which is requesting a variance of 17' for each side yard setback due to the deficiency in lot width. The previous application requested 15' where 20' is required due to the enhanced side yard setback requirement. The width of the house has been reduced from 52' to 48' and the house has been setback 61.42' from the front yard which is 20' over the 40' requirement. The landscaping has been improved and the door on the side of the house has been removed. The air conditioning units have been moved to the rear of the house and

windows were added to the side of the house and garage. He concluded that the overall lot coverage is well under the maximum required of 20%.

Demetrios Kaltsis said the style of the house has remained the same. He said the first change was setting the house back an additional 13' where the bulk of the house is setback 30' further due to the increase in the length of the garage in order to accommodate a foundation planting in the front of the house. The applicant has increased the side yard setback by 2' from 15' to 17' and have increased the landscape buffer on each side of the house. The basement access stairs and air conditioning units have all been removed and relocated to the rear yard. The door to the proposed front office has been eliminated and additional windows have been placed on the side of the garage and office. Mr. Whitaker said the neighboring homes are staggered at different setbacks which lends towards a C variance with sufficient light, air and space.

Chair Ruebenacker said the current gross floor area of the proposed house is 5,043 square feet. Board Member Kalpagian said this proposal is 23 square feet less than the previous design. Mr. Kaltsis said the house has become narrower and the depth of the garage has been extended to allow for landscaping along the front of the house and for a larger turning radius for the vehicles to enter the garage. Board Member Borst said the applicant is before the Board due to the lot frontage deficiency. Chair Ruebenacker said this is a 25,000 square foot lot in an R-15 zone which is a very large lot in this zone where 15,000 square feet is required. He liked that the house is being setback further from Franklin Avenue. Vice Chair Fry asked that the utilities be placed underground.

Township Engineer DiGennaro said that since the gross building area has been lowered, the driveway has been increased due to setting the house back an additional 10’ from Franklin Avenue and the patio area has been increased therefore the impervious coverage has increased and should be reflected on Section J of the application along with the storm water management plan calculations.

OPEN TO THE PUBLIC for any questions of Mr. Kaltsis.
No one appeared
CLOSED TO THE PUBLIC

Bradley Meumann, 88 Maple Avenue, Morristown, NJ was sworn. He said he is a licensed landscape architect in the State of New Jersey since 1986 and has designed many landscape design in the northern NJ area. The Board accepted Mr. Meumann's credentials. Mr. Meumann said he will reinforce the character of Franklin Avenue by planting shade trees along the street in addition to holly shrubs and lawn that will fill out and create a streetscape buffer along with a front foundation planting in the front of the house. He said there will be a buffering of 5’ to 6’ arborvitae along the property lines which will provide screening from the neighbors. Chair Ruebenacker asked that an opening be provided in the front of the garage so the neighbors view will not be obstructed. Board Member Borst suggested removing the first 8 arborvitae from the left hedge and put lawn in this area to provide openness. Mr. Meumann suggested planting a dogwood tree in this area once the arborvitae are removed. Mr. Whitaker said the applicant will remove the arborvitae in the front of the garage.

OPEN TO THE PUBLIC for any questions of Mr. Meumann and public comments.
No one appeared.
CLOSED TO THE PUBLIC

Board Member Hubert made a motion to approve this application as presented subject to the following conditions: Section J of the application will need to be amended and the first 8 arborvitae will be removed from the left hedge along the garage. Second, Board Member Kalpagian. Voting in favor: Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Fry and Chair Ruebenacker.

APPLICATION(S) – NEW

DELANEY, MARTIN & HEATHER BLK 501 LOT 6.01 (R-15 CORNER); 74 Girard Avenue. *(The applicant proposes to construct a covered porch over the front steps which will encroach into the front yard setback).*

Heather Suffin Delaney, 74 Girard Avenue, Wyckoff, NJ was sworn. She said she would like to construct a front porch portico with 2 columns over the existing front steps to shield the steps from the weather and for safety reasons. Vice Chair Fry said this request serves a purpose in protecting the front porch from the elements. The front yard setback will be setback 21.2' to the front porch structure.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Board Member Shanley made a motion to approve this application as presented. Second, Vice Chair Fry. Voting in favor: Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Fry and Chair Ruebenacker.

VELTEN, MARK & SUSAN BLK 262 LOT 17 (R-15); 11 Shadyside Drive. *(The applicant proposes to enclose the front porch and add an addition to the rear and side of the house which will exceed principal building lot coverage).*

Mark Velten & Susan Velten, the purchasers of 11 Shadyside Drive, Wyckoff, NJ were sworn. Mr. Velten said they have recently retired and purchase this 1952 ranch style house to retire in. He said that the house has not been upgraded since the 1970's and they would like to extend the rear of the garage so it will now enter into the existing kitchen, enlarge the kitchen area in order to bring the washer/dryer up from the basement, and extend the master bedroom to accommodate walk in closets and increase the size of the bathroom to include a stall shower. Mrs. Velten said their intent is to downsize and becoming long term residents of Wyckoff.

Frank Sabatini, 1000B Lake Street, Ramsey, NJ said he has been an architect and civil engineer since 1970. Mr. Sabatini stated his qualifications and the Board accepted his credentials. He stated the existing variances are for side yard setback where 7' is existing and 15' is required and also for frontage where 93.55' is existing and 100' is required. He said by increasing the square footage of the house by enclosing the front porch, extending the rear of the house and adding additional space to the bedroom side of the house it will increase the principal building lot coverage from 13.12% to 17% where 15% is the maximum. The combined principal building and total accessory structure will remain below the 20% maximum.

Chair Ruebenacker asked if the applicant will be replacing the existing siding or will the entire house be resided. Mr. Sabatini said the entire house will be resided. He added that the framed

shed will be removed and a deck will be installed. Vice Chair Fry said the applicant is working within the ranch style house to modernize the existing house and make the house meet their future needs.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Vice Chair Fry made a motion to approve this application as presented. Second, Board Member Shanley. Voting in favor: Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Fry and Chair Ruebenacker.

ARMANDO, FRANK & ARLENE BLK 466 LOT 23.01 (R-15 CORNER); 361 Auburn Street. *(The applicant proposes to construct a covered porch over the front steps which will encroach into the front yard setback and exceed principle building lot coverage).*

Frank Armando, 361 Auburn Street, Wyckoff, NJ was sworn. He said he purchased the house in 2008 and they are doing renovations to update the kitchen for an open layout inside. He said the porch has been enclosed to make it additional living space which is currently under construction and would like to add a portico to the front of the house for weather related conditions and safety. He said the variance request is for the front yard setback for the portico. He said the house will be resided with hardiplank. Chair Ruebenacker said the front yard setback is currently at 27.94' and will encroach an additional 2' at 29.94 to the overhang. He added that the roof line will also be renovated. Township Engineer DiGennaro said the porch and roof structure will be 5' x 9'. He added that the lot coverage will be increasing from 17.2% to 17.6% where 15% is maximum. Chair Ruebenacker asked if any landscaping will be installed. Mr. Armando said all vegetation was overgrown and removed and they will landscape in the near future. Vice Chair Fry said this front porch portico has a useful function and the gable peaks are aesthetically pleasing.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve this application as presented. Second, Board Member Kalpagian. Voting in favor: Mr. Shanley, Mr. Kalpagian, Mr. Hubert, Ms. Yudin, Mr. Borst, Mr. Fry and Chair Ruebenacker.

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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 10:13 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment