

WYCKOFF PLANNING BOARD
JANUARY 10, 2024 PUBLIC WORK SESSION MEETING 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 Meeting Statement by Maureen Mitchell.

"The regular January 10, 2024 Public Work Session Meeting of the Wyckoff Planning Board is now in Session. In accordance with the Open Public Meeting Act, notice of this meeting appears on our Annual Schedule of Meetings. A copy of said Annual Schedule has been posted on the bulletin board in 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.

"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."

ORGANIZATIONAL BUSINESS

1. Oath of office to Board Members

Kevin Hanly administered the Oath of Office to Rob Fortunato, Rudy Boonstra, and Mayor Melchionne.

2. Roll call

Board Members in Attendance: Mayor Pete Melchionne, Joe Vander Plaat, Rudy Boonstra, Sarah Caprio, Robert Kaufman, and Rob Fortunato.

Absent: Kelly Conlon, Frank Sedita, Glenn Sietsma, Mike Homyachak, and Mae Bogdansk.

Staff Present: Kevin Hanly Esq., Mark DiGennaro, Township Engineer, and Maureen Mitchell, Board Secretary.

3. Election of Chairman and Vice Chairman

Ms. Caprio made a motion to nominate Robert Fortunato as Chairman of the Wyckoff Planning Board for the year 2024. Second, Mr. Vander Plaat. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Boonstra, Mr. Kaufman, Mayor Melchionne, and Mr. Fortunato.

Chairman Fortunato made a motion to nominate Glenn Sietsma as Vice Chairman of the Planning Board for the year 2024. Second, Ms. Caprio. Voting in favor: Mr. Vander Plaat,

Ms. Caprio, Mr. Boonstra, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato.

4. Resolution #24-001 for: Appointment of Planning Board Attorney

Chairman Fortunato made a motion to reappoint Kevin Hanly, Esq. as the Wyckoff Planning Board Attorney for the year 2024. Second, Mr. Vander Plaat. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Boonstra, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato.

5. Appointment of Board Secretary

Chairman Fortunato made a motion to reappoint Maureen Mitchell as the Board Secretary for the year 2024. Second, Mr. Boonstra. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Boonstra, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato.

6. Compliance with Open Public Meeting Act: Annual Notice of Meetings; Continuation of Current Rules and Regulations; Official Newspapers – The Record, the Ridgewood News and the North Jersey Herald and News Acceptance of Annual Report

Ms. Caprio made a motion to accept the Continuation of Current Rules and Regulations. Second, Mr. Boonstra. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Boonstra, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato.

Mr. Vander Plaat made a motion to accept the Official Newspapers – The Record, The Ridgewood News, and The North Jersey Herald and News for 2024. Second, Ms. Caprio. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Boonstra, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato.

Ms. Caprio made a motion to accept the 2023 Annual Report of the Planning Board. Second, Mr. Boonstra. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Boonstra, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato.

OLD BUSINESS

Approval of the December 13, 2023 Work Session Meeting Minutes

Mr. Boonstra made a motion to approve the Work Session minutes. Second, Mr. Vander Plaat. Voting in favor: Mr. Vander Plaat, Mr. Boonstra, and Chairman Fortunato. Abstained: Ms. Caprio, Mr. Kaufman, and Mayor Melchionne.

Mr. Vander Plaat made a motion to approve the Public Business meeting minutes. Second, Mr. Boonstra. Voting in favor: Mr. Vander Plaat, Mr. Boonstra, and Chairman Fortunato. Abstained: Ms. Caprio, Mr. Kaufman, and Mayor Melchionne.

FOR PUBLIC HEARING

Indian Bay, LLC (Hartgers Jewelers) 699 Wyckoff Ave. Block 202, lots 76.01

(Amended site plan with variance application to construct an addition to the existing building)

Chairman Fortunato said the application was deemed complete at the December meeting subject to a couple of items the Township Engineer had requested.

Mark DiGennaro, the Township Engineer said he had requested more information on the gross building area of the building on lot 77 to determine the accurate parking count for the site. He said he had a conversation with the applicant's Engineer, who said he is prepared to provide testimony on the parking. We recommended that the dumpster be relocated to the northwesterly corner of the property and be screened with a 6' privacy fence and that is now reflected on the plans. We requested that the plan be modified to state that once the project is complete, the Design Engineer will certify that the site meets the current ADA standards for accessibility. A note regarding that item has been added to the plans. There are a couple of minor items we will touch on during the public hearing however it appears they have addressed all of the issues we asked them to address.

Chairman Fortunato said the application will be heard during the Public Business meeting at 8:00 pm.

There being no further business, a motion to adjourn the Work Session meeting was made, seconded, and passed unanimously. The Work Session concluded at 7:45 p.m.

Respectfully submitted,

Maureen Mitchell
Land Use Administrator

**WYCKOFF PLANNING BOARD
JANUARY 10, 2024 PUBLIC BUSINESS MEETING 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 Meeting Statement by Chairman Robert Fortunato.

“The regular January 10, 2024 Public Work Session Meeting of the Wyckoff Planning Board is now in Session. In accordance with the Open Public Meeting Act, notice of this meeting appears on our Annual Schedule of Meetings. A copy of said Annual Schedule has been posted on the bulletin board in 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.

“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: Mayor Pete Melchionne, Joe Vander Plaat, Rudy Boonstra, Sarah Caprio, Robert Kaufman, and Rob Fortunato.

Absent: Kelly Conlon, Frank Sedita, Glenn Sietsma, Mike Homyachak, and Mae Bogdanskyy.

Staff Present: Kevin Hanly Esq., Mark DiGennaro, Township Engineer, and Maureen Mitchell, Board Secretary.

ORGANIZATIONAL BUSINESS

1. Oath of office to Board Members
2. Election of Chairman and Vice Chairman
3. Resolution #24-001 for: Appointment of Planning Board Attorney
4. Appointment of Board Secretary
5. Compliance with Open Public Meeting Act: Annual Notice of Meetings; Continuation of Current Rules and Regulations; Official Newspapers – The Record, the Ridgewood News and the North Jersey Herald and News Acceptance of Annual Report

The organizational business items were voted on during the Work Session.

OLD BUSINESS

Approval of the December 13, 2023 Work Session and Regular Business Meeting minutes.

The meeting minutes were approved during the Work Session.

FOR PUBLIC HEARING

Indian Bay, LLC (Hartgers Jewelers) 699 Wyckoff Ave. Block 202, lots 76.01

(Amended site plan with variance application to construct an addition to the existing building)

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

This is an amended site plan application for 693 and 699 Wyckoff Avenue. This is actually a renovation resulting in a 250 sf reduction in the size of the building. We are here because we are adding a handicap ramp which triggers the amended site plan. I received a letter from Michael Varner, the Principal Planner for the Bergen County Department of Planning and Engineering, which states "Following up on your letter dated December 11th and the accompanying Site Plan prepared by Weissman Engineering, last revised 10/2/2023, our review of the plan indicates that it does not affect the previously issued approval (application #SP7068) granted by the Bergen County Planning Board on 7/13/2004." The County is not exerting any jurisdiction over this application, and we do not have to appear before them. Ms. Mitchell was unable to find the Resolution for the 2004 application. There were some existing non-conformities on the site at the time which I am sure were legitimized when that approval was granted. None the less, I have Kathryn Gregory here who will put the proofs on. The variances we are seeking are for a small amount of lot coverage and parking.

Kevin Hanly said we will mark the architectural drawings consisting of 4 sheets exhibits A-1, A-2, A-3, and A-4, the Engineering Site Plan prepared by Mr. Weissman exhibit A-5, and the letter from Mr. Varner exhibit A-6.

Robert Weissman, the applicant's Engineer, was sworn in, provided his professional credentials, and was accepted as an expert witness in Engineering. Mr. Weissman provided the following details of the site plan:

The existing building is proposed to remain. There is a portion of the building which projects into the right of way on Wyckoff Avenue which has been pre-existing for quite some time. The two lots are independent however they do share parking. We are proposing the construction of a handicap ramp that traverses from the northwest corner of the building across the rear towards Wyckoff Avenue and up to the main entrance in the rear of the building. We did some minor parking space rearrangements to accommodate the ramp, and the slopes will be in compliance with the ADA regulations. Most of the other modifications will be to the interior of the building which Bill Brown, the Architect, will testify to. We are proposing to relocate the dumpster to the northwest corner of the lot, and it will be screened by a 6' stockade fence. According to the Township's Ordinance, a 10' planting buffer is required along the front of the building. However, this is impractical in this case because a portion of the property projects into the right of way on Wyckoff Avenue. The existing attractive landscaping is proposed to remain. There is also a requirement for buffering along the side facing the residential property to the north however, the building is approximately 1.2' off the property line in that location and there is an existing pond next to that side of the building so there is no room for additional landscaping. The Ordinance also requires a 12' by 35' loading space however no tractor trailers make deliveries to this site. All deliveries are made by UPS, FedEx, and small delivery trucks. No changes are proposed to the lighting at the site. With regard to the parking, we are required to provide 34.3 spaces where 32 spaces are provided so a variance is requested for the parking deficiency. In addition, we are seeking a variance for a slight increase in lot coverage due to the construction of the handicap ramp.

Mr. Boonstra asked for clarification on the side of the building facing the pond and what is beyond the pond. Mr. Weissman said that beyond the pond is the road leading into the Spring Meadow Condominium complex. Mr. Boonstra asked for an estimation of the distance from the subject building to the nearest residence in Spring Meadow since there is a pond and roadway in between the two. Mr. Weissman said the distance is over 200'.

William Brown, the applicant's Architect, was sworn in, provided his professional credentials, and was accepted as an expert witness in the field of Architecture. Mr. Brown provided the following details of the Architectural plans:

The footprint of the building will remain the same. We are proposing some window changes. We are proposing to remove the existing staircase up to the second floor mezzanine. This will create an atrium because Rolex is coming up with a new design for their room and they want more space and a certain style all within the existing footprint. We are taking away approximately 700 sf by removing the stairway to the second story mezzanine area and we are adding approximately 400 sf on the right side of the building facing the pond. The new space will be utilized exclusively for jewelry and watch repairs. We are proposing new windows with shutters for the newly constructed repair room facing the pond. It is a simple addition which will not be seen from the front of the building. The rear elevation of the building will remain the same.

Chairman Fortunato asked about the height of the building. Mr. Brown said the maximum height of the whole building is 30' however the proposed height of the new addition is 23.6'.

Mr. Hanly asked if the existing color scheme of the building is to remain to which Mr. Brown replied yes.

Kathryn Gregory, the applicant's Professional Municipal Planner was sworn in, provided her credentials and was accepted as an expert witness as a Professional Planner. She provided a photo exhibit to the Board members which was marked exhibit A-7. Ms. Gregory then provided the following information about the application from a planning aspect:

What we have here is a series of 3 streetscapes and one aerial photograph. The first photograph is looking at the neighboring building at 693 Wyckoff Avenue which we are not touching. The second photograph is of the Hartgers Jewelers building. The photo shows all of the existing landscaping which is to remain. The next photo shows the side of the building where the second story addition is proposed. There are existing large trees along that side of the building which provide screening although they are not evergreens. The aerial photo shows the site and the surrounding areas. Obviously the site is kept in extremely good condition. We are seeking a couple of "C" variances. The C1 variance pertains to cases of hardship having to do with unique or unusual pieces of property or lawfully existing structures on a property. In terms of some of our existing nonconforming conditions, such as the front yard setback and the encroachment into the right of way, we presented the letter from Mr. Varner which stated that a site plan had been approved back in 2004. These conditions have existed for almost 20 years. The existing side yard setback is pre-existing nonconforming, and we are following the existing building line. In light of the fact that there are existing trees on that side of the building in addition to the pond and the distance of over 200' to the nearest residence, I do not believe there will be any adverse impacts from this addition. We do need a new variance for the lot coverage. The permitted lot coverage is 80%, 83.5% is existing, and 84.9% is proposed which is a direct result of the proposed ADA ramp which obviously is a public benefit. In terms of the parking, we have a shared parking arrangement. While we might need a variance for parking, we have operating hours for 2 different types of uses, with different peak hours, so the shared

parking helps to alleviate the parking variance. In terms of the criteria, we are promoting the public health, safety, and general welfare with the proposed ADA ramp and parking space. I believe we provide adequate light, air, and open space and the project will not impact those in any way. The building provides a desirable visual element as it is a high quality architecture which is very well maintained, and the proposed addition will follow suit. In terms of the negative criteria, I do not believe there is any substantial detriment to the public good by granting the variances. Most of the nonconforming conditions have existed for almost 20 years. I do not think that the slight increase in lot coverage will affect the public good. I reviewed the Township's 2020 Master Plan Re-examination. Under the objectives for the Central Business District it lists "explore and encourage alternative methods to create shared parking" which is what we have here on this site. With all of that being said, I believe that we meet both the positive and negative criteria for granting the requested variances.

Mr. Hanly asked Ms. Gregory if she would classify these as C1 or C2 variances to which Ms. Gregory replied C2.

Dave Hartgers, a Principal of Indian Bay LLC, was sworn in. Mr. Hartgers said the hours of operation of the store are 9 am to 5 pm and he is on site every day. With regard to the parking, Mr. Hartgers said the month of December is the business's busiest season of the year and with 8 to 10 employees parking on the site, in addition to the customers, the parking lot is never overfull even on the busiest shopping days of the year. He went on to say that the rest of the year the lot is never more than 30% full.

Chairman Fortunato asked about the other building on the site which shares the parking lot. Mr. Hartgers stated that he owns that building and rents the space to someone who operates a woman's clothing boutique. He added that the boutique has been there for 5 or 6 years and they have very light traffic there.

The Chairman asked how long the shared parking arrangement has been in place. Mr. Hartgers said it has been a shared parking lot since 2004 and there have never been any issues with parking on the site.

Ms. Caprio asked what the procedure is for snow removal on the site, specifically if the snow is piled into a parking space or if it is removed from the site. Mr. Hartgers said snow is completely cleared from the lot; it is not piled up like you see at some of the big shopping centers.

Chairman Fortunato summarized by saying the parking is staying the same and although it is a pre-existing condition, a variance is required. The size of the usable building space is actually decreasing so there will certainly be no increase in the number of people in the building and the handicap ramp is a benefit although it will slightly increase the lot coverage.

Ms. Caprio said everything on the site architecturally and with landscaping is very well done and well maintained. She added that she is not concerned with the landscaping buffer on the right side because the adjacent residences are far away, and it is a well thought out plan which is a positive.

Chairman Fortunato said the he feels the proposed addition will have no negative affect on the look of the building which is a very nice looking building.

The Chairman said in order to frame a Resolution, it would be a site plan approval with a variance for 2.4 parking spaces, which is pre-existing nonconforming, and a slight increase in lot coverage.

Mr. DiGennaro said there is no variance required for lot coverage due to the ADA ramp because pavement is not considered part of the principal building lot coverage. Mr. Hanly said the submitted application, and the applicant's professionals, requested a variance for lot coverage during testimony. Mr. DiGennaro said his technical report states that a variance is not required for lot coverage.

Chairman Fortunato clarified for the record that only a parking variance is required.

Mr. Vander Plaat made a motion to approve the application as submitted. Second, Ms. Caprio. Voting in favor: Mr. Vander Plaat, Ms. Caprio, Mr. Boonstra, Mr. Kaufman, Mayor Melchionne, and Chairman Fortunato.

There being no further business, a motion to adjourn the Public Business Meeting was made, seconded, and passed unanimously. The meeting concluded at 8:45 p.m.

Respectfully submitted,
Maureen Mitchell
Land Use Administrator