

WYCKOFF PLANNING BOARD
JULY 12, 2023 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 Acting Chairman Glenn Sietsma.

"The regular July 12, 2023 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."

ROLL CALL

Board members in attendance: Kelly Conlon, Frank Sedita, Mike Homyachak, Glenn Sietsma, Sarah Caprio, Joe Vander Plaat, Rudy Boonstra, and Mayor Tom Madigan.

Absent: Rob Fortunato, and Mae Bogdansk.

Staff in attendance: Kevin Hanly, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

Township Committeeman Boonstra announced that Board Member, and Vice Chairman, Kevin Purvin has resigned from the Planning Board because he received an appointment to the Superior Court bench in Bergen County and we congratulate him on his new assignment. With that, Mr. Boonstra made a motion to nominate Glenn Sietsma for Vice Chairman of the Planning Board. Second, Ms. Conlon. Voting in favor: Ms. Caprio, Ms. Conlon, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mayor Madigan, and Mr. Sietsma.

OLD BUSINESS

Approval of the June 14, 2023 Work Session and Public Business Meeting minutes.

Ms. Caprio made a motion to approve the Work Session and Business Meeting minutes. Second, Mr. Sedita. Voting in favor: Ms. Conlon, Ms. Caprio, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mayor Madigan, and Vice Chairman Sietsma. Mr. Homyachak arrived after the vote was taken.

PAYMENT RESOLUTION #22-07

Ms. Caprio made a motion to approve Payment Resolution #22-07. Second, Mr. Boonstra. Voting in favor: Ms. Conlon, Ms. Caprio, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mayor Madigan, and Vice Chairman Sietsma. Mr. Homyachak arrived after the vote was taken.

RESOLUTIONS FOR MEMORIALIZATION

Marino 147 Ridge Road Block 299 Lot 10

(The applicant proposes to install a 6' privacy fence in the front yard along Godwin Avenue)

Mr. Boonstra made a motion to approve the Resolution. Second, Ms. Caprio. Voting in favor: Ms. Conlon, Ms. Caprio, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mayor Madigan, and Vice Chairman Sietsma. Mr. Homyachak arrived after the vote was taken.

Barrister Home Development 364 Smith Place (TBD 701 Frederick Ct) Block 433 Lot 6

(The applicant proposes to construct a new conforming single-family dwelling on a cleared lot involving regrading, and soil movement in excess of 100 cubic yards)

Ms. Caprio made a motion to approve the Resolution. Second, Mr. Boonstra. Voting in favor: Ms. Conlon, Ms. Caprio, Mr. Homyachak, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mayor Madigan, and Vice Chairman Sietsma.

Silva 431 Lafayette Ave. Block 483 Lot 30.01

(The applicant proposes to demolish the existing fire damaged principal building and construct a new conforming single-family dwelling on the property involving regrading, and soil movement in excess of 100 cubic yards)

Ms. Caprio made a motion to approve the Resolution. Second, Mr. Homyachak. Voting in favor: Ms. Conlon, Ms. Caprio, Mr. Homyachak, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mayor Madigan, and Vice Chairman Sietsma.

2023 Master Plan Amendment

The Resolution will be memorialized at the August 9, 2023 meeting.

CONTINUATION OF A CAPITAL PROJECT REVIEW AND RECOMMENDATION

Ridgewood Water Cedar Hill Avenue, Block 392, Lot 24

(The applicant proposes to construct a water treatment facility at the location. The Application is filed as a capital project mandated by the New Jersey Department of Environmental Protection to treat water within the Ridgewood system that exceeds the permitted maximum contaminant levels that have been established by the NJDEP)

Mr. Sietsma announced that the application will be carried to the September 13, 2023 meeting at the request of the applicant.

NEW APPLICATIONS FOR COMPLETENESS AND PUBLIC HEARING

Zamani 520 Eugene Way Block 370 Lot 10

(The applicant proposes to regrade his property requiring Planning Board approval for soil movement in excess of 100 cubic yards)

Mark DiGennaro, the Township Engineer, provided the following report of the project: I have reviewed the soil moving plot plan prepared by MAP Engineering, Inc. last revision date 4/26/23, application, photos, and boundary survey prepared by Richlan, Lupo & Associates, Inc. dated 3/20/2019. The applicant is seeking approval to re-grade the rear yard importing approximately 308 CY of soil requiring a soil moving permit and the approval of the Planning Board. Based on my review, I offer the following comments:

1. The property is served by municipal sewers.
2. Bergen County Soil Application may be required.
3. A landscape plan has been provided and no trees are proposed to be removed.
4. The site plan has been updated to show that a shed on the property has been removed.
5. They have added a general note to the plan that a soil manifest, certificate of origin shall be provided to the Township Engineer to ensure all imported material is free of debris and does not contain contaminants which exceed the Residential Direct Contact Soil Remediation Standards (NJRDCSRS).

Mr. DiGennaro stated that there has already been activity on the site which was brought to the attention of the Township's Construction Official by way of a neighborhood complaint. The Construction Official met with the applicant and issued a stop work order. The applicant complied and submitted the soil moving application that is now before the Board for consideration.

Mr. Sietsma asked if the shed has already been removed. Mr. DiGennaro said the soil moving plan prepared by MAP Engineering, last revised on June 9, 2023, shows that the shed has been removed.

Mr. Sietsma asked if the two trees shown on the plan in the rear yard are going to be welled and if a landscape plan has been submitted. Mr. DiGennaro stated the site plan shows a proposed tree well and as for the landscaping, an open lawn area is proposed in item #10 on the site plan. Mr. Sietsma asked if an irrigation system is proposed. Mr. DiGennaro said he is not aware if an irrigation system is proposed.

Mr. Boonstra pointed out that some soil has already been delivered to the site and asked if a manifest was provided for that soil. Mr. DiGennaro stated he has not seen it and it must be provided.

Mr. DiGennaro said provided the applicant addresses the above items, he takes no exception to the Planning Board deeming the application complete and moving to public hearing.

Mr. Homyachak made a motion to deem the application complete. Second, Ms. Caprio. Voting in favor: Ms. Conlon, Ms. Caprio, Mr. Homyachak, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mayor Madigan, and Vice Chairman Sietsma.

Lorenzo 729 Terrace Heights Block 425.01 Lots 55, 54, and 3.04

(The applicant proposes lot line realignments for the three involved lots)

Mr. DiGennaro provided the following report on the application: I have reviewed the Minor Subdivision Plan for Michael Lorenzo prepared by MAP Engineering, dated 7/25/22, last revised 1/19/23, property survey prepared by DAB Surveying, Inc. revised thru 1/5/23, application for subdivision, and zoning applications for three lots – 3.04, 54 and 55.

The subject properties are located in the RA-25 Zone and only lot 55 appears to be non-conforming as to side yard setback to the principal structure. This condition will remain unchanged as a result of the minor subdivision. The proposed subdivision contemplates transferring rear yard areas of approximately 5,753 SF to Lot 54 and 1,108 SF to Lot 55 from Lot 3.04.

1. <u>Existing Lot 3.04</u>		<u>Proposed Lot 3.04</u>	
a. Exist. Area	106,417 SF	Proposed Area	99,557 SF
b. Exist. Lot Cov.	3.31%	Prop. Lot Cov.	3.53 %
c. Ex. Rear Yard	308.1 FT	Prop. Rear Yard	301.1 FT
2. <u>Existing Lot 54</u>		<u>Proposed Lot 54</u>	
a. Exist. Area	29,710 SF	Proposed Area	35,463 SF
b. Exist. Lot Cov.	12.46%	Prop. Lot Cov.	10.44 %
c. Ex. Rear Yard	101.2 FT	Prop. Rear Yard	158.2 FT
3. <u>Existing Lot 55</u>		<u>Proposed Lot 55</u>	
a. Exist. Area	33,176 SF	Proposed Area	34,284 SF
b. Exist. Lot Cov.	8.6 %	Prop. Lot Cov.	8.32 %
c. Ex. Rear yard	195.3 FT	Prop. Rear Yard	195.3 FT

Mr. DiGennaro said the only suggestion he has for the Board is to inquire about the intent or purpose of the lot re-alignment. The applicant has indicated that he is going to perfect the subdivision by the filing of deeds, and we ask that the applicant submit the final deed and property survey for our review prior to the recording of the deeds. All costs associated with updating the Township Tax Maps must be paid for by the applicant which may include legal, engineering, and professional land surveying fees. Based on my review, the application is complete with respect to those items required for review by the Township Engineer and I take no exception to the application being deemed complete for review by the Planning Board. No public notice is required for a minor subdivision therefore none was given.

Mr. Sietsma asked for a motion. Mr. Homyachak made a motion to deem the application complete. Second, Ms. Caprio. Voting in favor: Ms. Conlon, Ms. Caprio, Mr. Homyachak, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mayor Madigan, and Vice Chairman Sietsma.

Mayor Madigan said he would like to congratulate Mr. Hanly on the recent birth of his grandson. Mr. Hanly said his grandson was born this past Friday evening, and mother and baby are healthy and well.

There being no further business, a motion to adjourn the Work Session meeting was made, seconded, and passed unanimously. The Work Session concluded at 7:50 p.m.

Respectfully submitted,
Maureen Mitchell
Land Use Administrator

WYCKOFF PLANNING BOARD
JULY 12, 2023 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 Acting Chairman Sietsma.

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“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: Kelly Conlon, Frank Sedita, Mike Homaychak, Glenn Sietsma, Sarah Caprio, Joe Vander Plaat, Rudy Boonstra, and Mayor Tom Madigan.

Absent: Rob Fortunato, and Mae Bogdanský.

Staff in attendance: Kevin Hanly, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the June 14, 2023 Work Session and Public Business Meeting minutes.

The meeting minutes were approved during the Work Session.

PAYMENT RESOLUTION #22-07

The Payment Resolution was approved during the Work Session.

RESOLUTIONS FOR MEMORIALIZATION

Marino 147 Ridge Road Block 299 Lot 10

(The applicant proposes to install a 6' privacy fence in the front yard along Godwin Avenue)

Barrister Home Development 364 Smith Place (TBD 701 Frederick Ct) Block 433 Lot 6

(The applicant proposes to construct a new conforming single-family dwelling on a cleared lot)

Silva 431 Lafayette Ave. Block 483 Lot 30.01

(The applicant proposes to demolish the existing fire damaged principal building and construct a new conforming single-family dwelling on the property involving regrading, and soil movement in excess of 100 cubic yards)

The three (3) Resolutions were approved during the Work Session.

CONTINUATION OF A CAPITAL PROJECT REVIEW AND RECOMMENDATION**Ridgewood Water Cedar Hill Avenue, Block 392, Lot 24**

(The applicant proposes to construct a water treatment facility at the location. The Application is filed as a capital project mandated by the New Jersey Department of Environmental Protection to treat water within the Ridgewood system that exceeds the permitted maximum contaminant levels that have been established by the NJDEP)

The application will be carried to the September 13, 2023 meeting at the request of the applicant.

NEW APPLICATIONS PUBLIC HEARING**Zamani 520 Eugene Way Block 370 Lot 10**

(The applicant proposes to regrade his property requiring Planning Board approval for soil movement in excess of 100 cubic yards)

Bennett Zamani, the applicant, was sworn in.

The survey dated March 20, 2019 was marked exhibit A-1, the area topography map dated December 8, 2022 was marked exhibit A-2, the soil moving plan last revised June 9, 2023 was marked A-3, and the photos were marked A-4. Mr. Zamani stated that exhibit A-1 is the survey of his property located at 520 Eugene Way. Exhibit A-2, the topography map, shows the existing home, stone patio, and existing trees on the property which are to remain. Mr. Zamani said the purpose of the soil moving application is to level off his backyard, and also add a fence and landscaping.

Mr. Sietsma asked how the water flow in the backyard will be controlled when the property is regraded. Mr. Zamani stated that the grading was adjusted on the last revised plan to factor where the water will fall off in a similar path that it currently follows where it grades off in the back left corner of the property. Ms. Caprio asked if the water will run onto the neighboring property to which Mr. Zamani replied no.

Mr. Sietsma asked if the two trees in the center of the yard will be welled and if so, how high the wells will be. Mr. Zamani said he is not aware of the exact height however it was determined by MAP Engineering to be an appropriate height for the existing trees. Mr. DiGennaro said it appears that the well around the 30" tree is approximately 1' to 1 ½' high and the 18' tree well will probably be about 1' high.

Mr. Sietsma asked about the drainage easement which is shown on the plan. Mr. DiGennaro said all of the water between the properties collects in the gully (easement) and heads down towards Route 208. He added that what is being proposed will not change the pattern of the water flow on this property.

Mr. Sietsma asked Mr. Zamani if he will be able to document where the soil came from as is the

requirement. Mr. Zamani stated that he believes he previously sent a copy of the manifest to Mr. Gensheimer, the Construction Official. Mr. DiGennaro said he has not seen it. Mr. Zamani stated that he will provide a copy to Mr. DiGennaro.

Mayor Madigan asked the applicant if he is doing the work himself or in conjunction with a landscaping company. Mr. Zamani stated that he plans to have a landscaping company do the work. The Mayor asked Mr. Zamani if the previously imported soil was brought in by the landscaping company that he plans to use adding that a landscaping company moving that much soil should have known that documentation was required. Mr. Zamani stated that it was his own mistake.

Mr. Homyachak asked where the gutters on the house drain to. Mr. Zamani stated there are gutters on each corner of the house adding that the gutters in the front drain off to the side and the gutters in the rear drain onto the ground in the back yard.

Ms. Caprio asked if all of the trees shown on the plan are going to remain and if any of the trees along the back will have tree wells. Mr. Zamani said the trees shown in the rear are not on his property and only the two trees in the center of his yard will have wells.

Ms. Caprio asked if an irrigation system will be installed. Mr. Zamani said he was not planning to install lawn sprinklers. He said he is going to seed the lawn to grow grass. Mr. Sietsma said the seeds will need to be watered.

Mr. Homyachak asked how no retaining wall is proposed if 3' of soil is being brought in which will be quite steep.

Mr. Boonstra said he is concerned about runoff onto the neighbor's property on the left side. In addition, he said that he visited the site earlier in the day and that he has concerns about the way the work is being done. He went on to say that it appears that someone operated some type of machinery that pushed the dirt up in a very erratic way and onto the neighbor's property to the left. He added that he feels this is a bad sign of greater issues because it was done so sloppily and erratically.

OPEN TO THE PUBLIC

Suzanna Bae, who resides at 514 Eugene Way, came forward and was sworn in. Ms. Bae stated that her home is to the immediate left of the subject property. She mentioned that many trees were taken down over the past two years and that she and her parents have concerns about water running onto their property.

Young Bae, who resides at 514 Eugene Way, came forward and was sworn in. Ms. Bae stated that when Mr. Zamani purchased the property, he removed many trees so there are no longer any trees or bushes between their properties. She also stated that since Mr. Zamani raised the front yard, there have been issues with runoff onto her property in the front yard, so she has concerns about him raising the back yard.

Mr. Zamani stated that his goal is to make his back yard level with his neighbor's property, not higher, and to install a decorative black aluminum fence with plantings.

Mr. DiGennaro suggested that Mr. Zamani consider installing the fence 4" inside his property line, building a 12"-18" soil berm, and planting green giant arborvitaes on top of the berm along the left

property line which should satisfy the runoff concerns. Mr. Zamani said he could definitely do that.

James O'Neill who resides at 536 Eugene Way came forward and was sworn in. Mr. O'Neill expressed concerns about the quality of the imported soil and the length of time the project is taking to complete.

Erik Ruebenacker, who resides at 539 Chestnut Street, came forward and was sworn in. He stated that he was present on behalf of a friend who lives in the neighborhood. Mr. Ruebenacker asked if the soil that has already been imported has been tested, will be tested, and who is responsible for certifying the soil. Mr. DiGennaro said the person who brings in the soil must provide a manifest certifying the origin of the soil. Mr. Ruebenacker also stated that there has been so much going on with this property for the last four or five years and he believes a full landscape plan and irrigation system should be required of the applicant as there is not a single shrub planted on the property.

Regarding the comments by the neighbors, Mr. Zamani stated that he wants to do all of these things. He went on to say that he wants to make the property as beautiful as he can, as quickly as possible, and as safely as possible with regard to the runoff.

CLOSED TO THE PUBLIC

Mayor Madigan asked how long the project has been going on, and said he was concerned about the fact that the neighbor, who has lived in her house for 20 years, is suddenly having issues with runoff from the applicant's driveway and property. Mr. Zamani stated that he did not touch or reconstruct his driveway which is on the opposite side of his house from where the runoff is occurring in his neighbor's front yard. Regarding the time frame of the project, Mr. Zamani stated that he purchased the home in 2019, construction began in 2020, and he moved into the house in 2022. The Mayor asked when the moving of soil began, and how much time has passed since work was stopped by the Township's Construction Official. Mr. Zamani stated he started the work in the back yard around November or December, he brought in a couple of truckloads of dirt, and then he was told to stop work until an application was filed with the Planning Board. He went on to say that it took time to obtain the topographical survey and the soil movement plan and ultimately to get to this meeting before the Board. Mayor Madigan said this has been going on for a long time and he believes that if the Board approves the application it should be with the condition that the work be completed in 90 days.

Mr. Sietsma said a full landscape plan with irrigation system is a good idea, adding that some trees should also be planted to replace some that have previously been removed. He also said he is in favor of the soil berm with arborvitaes on the left side of the property, and he would like to see all of that on a landscape plan submitted for next month's meeting.

Mr. DiGennaro said that in hearing the neighbors' concerns about how long the project is taking to complete, he believes delaying it further will drag out the process and the planting season will be upon us. He stated that it might be prudent for the Board to approve the application conditioned upon the submission of a full landscape plan with irrigation system, that way the applicant can move forward with bringing in the soil to finish the regrading of the property. Mr. Boonstra said he is uncomfortable with approving the application without the full plan therefore the applicant should have to come back next month. He added that he appreciates Mr. Zamani's good intentions however, the best way to enforce best intentions is with a good, well thought out plan. Mr. Hanly said it is important for all of us to see the final plan so that we are all on the same page about what is going to be done. Mr. Zamani said he understands.

Cory Vandervalk, the applicant's Engineer provided his educational and professional credentials, and was accepted as an expert in the field of Engineering. Mr. Vandervalk stated that the runoff is directed towards the eastern corner of the property. There is no increase in runoff as we are not increasing the impervious coverage on the site. We understand the request for the berm which will help direct any runoff to the back corner of the property as stated by Mr. DiGennaro, and we have no problem complying with that request. As far as the landscaping, we will prepare a landscaping plan. Mr. Vandervalk also stated that as soon as the stop work order was issued in December, Mr. Zamani contacted MAP Engineering to prepare the topography map and soil moving plan which were subsequently completed in January.

Mayor Madigan said the testimony is that the plans were drawn up in January and the application is just now before the Board six months later. He questioned why anyone would object to waiting one more month to get this cleaned up so the applicant, the Board members, the neighbors, and the Engineers are all on the same page, and everyone understands exactly what is going to be done. Mr. Zamani said he agreed with that.

To sum up, Mr. DiGennaro said the plan should include the fence, the soil berm with green giant arborvitae 5'-6' at planting 5' on center inside of the fence. A/C mechanicals should also be screened.

Mr. Sietsma said we will want to see full foundation plantings in the front as well as an irrigation system to keep the grass watered and stabilized. He also suggested planting one shade tree in the left front such as an October glory maple 1 1/2" – 2" caliper at minimum.

The application will be carried to the August 9, 2023 meeting pending the submission of a landscape plan.

Ms. Caprio excused herself and left the meeting.

Lorenzo 729 Terrace Heights Block 425.01 Lots 55, 54, and 3.04

(The applicant proposes lot line realignments for the three involved lots)

David York, the applicant's Attorney, came forward to present the minor subdivision application. He stated that the applicant, Michael Lorenzo, owns the two adjacent lots 729 and 735 Terrace Heights and there are single family homes on both lots. The third lot involved in the minor subdivision is located to the rear of the Terrace Heights lots at 455 Sicomac Avenue and is owned by Thomas Hayden. We are asking for the Board's consideration to adjust the lot lines. The applicant is seeking to add a small portion of land from Mr. Hayden's property onto both of the lots on Terrace Heights. There is an existing nonconforming side yard setback on lot 55, which is 735 Terrace Heights. This is an existing nonconformity and will remain unchanged and we are not seeking any variance relief with this application. We are simply looking to add a small portion of property onto the applicant's properties.

Cory Vandervalk, the applicant's Engineer was previously qualified and was sworn in. The property survey was marked exhibit A-1, minor subdivision map A-2, and photos A-3. Mr. Vandervalk stated that the purpose of the application is a lot line adjustment between the three properties. The owner of the property located at 455 Sicomac Avenue lot 3.04 will relinquish 6,861 square feet of land to distribute 5,753 square feet to lot 54, and 1,108 square feet to lot 55. There is no proposed site development or site grading. This is simply an application for lot line adjustment. There is an existing nonconforming side yard setback of 19.7' on lot 55 which will

remain unchanged.

Mr. Homyachak asked why the applicant is making the lot realignment if no variances are required on any of the lots. Mr. York stated the reason is that Mr. Hayden owns a tremendous piece of property and the applicant has the opportunity to acquire some additional property on both of his lots. Mr. York stated there is no plan to change anything on the properties at this time.

Mr. Sedita pointed out that there is an old stone rubble wall shown on the plan and asked if the applicant is proposing to move the wall to match up with the lot line adjustment. Mr. Vandervalk stated that there are no physical changes to the properties proposed at this time.

Mr. Homyachak asked if the existing chain link fence will be moved back to the new property line. Mr. York stated that he would expect that at some point the applicant will want to move the fence back to line up with the new property line however, at this time, there is no work contemplated.

Mr. Boonstra asked if the residence at 735 Terrace Heights is currently occupied. Mr. York stated that the applicant currently lives in the home at 729 Terrace Heights however he was unaware if anyone was living in the home at 735 Terrace Heights.

Mayor Madigan said he has no problem with the proposed lot line adjustment however he does not understand why the fence would not be moved to correctly reflect the new property lines. He added that if the property lines are changing, it makes sense to him that this would be the time to clean up the survey map and move the fence. Mr. Vandervalk stated that if at a future time the property owner wants to move the fence he would suggest he gets the property staked out to be sure he is placing the fence in the correct location however there is no plan to move anything right now.

Ms. Conlon said she believes there has to be a purpose for this acquisition of land and that she would have loved to hear from the applicant as to why he is going through this process. Mr. York stated that he has spoken with the property many times as they have been working on this application for years. He went on to say if you have an opportunity to acquire more land, and you have the means, you take the opportunity to do it, and that is the sole purpose of this application.

Mayor Madigan asked if a current survey will be provided and again pointed out that the fence should be located on the property line and shown properly on the survey when the lot lines change. Mr. Vandervalk stated that the survey is current, the fence is shown on the survey, and it will remain there.

Mr. DiGennaro said the subdivision will have to be perfected by filing a deed. At that point, you will need to provide an updated survey map that shows the metes and bounds of the new property lines. Mr. York said that Mr. DiGennaro's report states the applicant must submit a final deed and property survey for review and approval prior to recording and we will absolutely do that.

Mr. Homyachak made a motion to approve the application. Second, Ms. Conlon. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Homyachak, Mr. Vander Plaats, Mr. Boonstra, Mayor Madigan, and Vice Chairman Sietsma. Note: Mayor Madigan stated that he voted yes subject to the conditions listed in the Township Engineer's technical report.

Board Attorney Hanly marked Mr. DiGennaro's technical memorandum exhibit B-1 stating that the approval will be subject to the conditions set forth on page two of the memorandum which are as follows:

- The applicant must submit a final deed and property survey for review and approval prior to recording, electronically and hard copy.
- The applicant proposes to perfect the subdivision by the filing of deeds.
- All cost associated with updating the Township Tax Maps must be paid for by the applicant. This may include legal, engineering, and professional land surveying fees.

There being no further business, a motion to adjourn the Public Business meeting was made, seconded, and passed unanimously. The meeting concluded at 9:10 p.m.

Respectfully submitted,
Maureen Mitchell
Land Use Administrator