

**WYCKOFF PLANNING BOARD
NOVEMBER 9, 2020 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 was also streaming live on the Township of Wyckoff YouTube channel.

The meeting commenced with the reading of the Open Public Meeting Statement by Vice Chairman Purvin.

“The regular November 9, 2020 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.

Mr. Purvin 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”*

“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.”

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Board Members in Attendance: Kevin Purvin, Vice Chairman; Tim Shanley, Mayor; Rudy Boonstra, Township Committeeman; Michael Homaychak, Glenn Sietsma, Anthony Riotto, Kelly Conlon, and John An.

Absent: Robert Fortunato, Chairman; Scott Fisher, and George Alexandrou.

Staff Present: Kevin Hanly, Board Attorney; Mark DiGennaro, Township Engineer; Pete Ten Kate, Boswell Engineering; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the October 14, 2020 Work Session meeting minutes.

Board Member Riotto made a motion to approve the October 14, 2020 Work Session meeting minutes. Second, Mr. Homaychak. Voting in favor: Ms. Conlon, Mr. Sietsma, Mr. Riotto, Mr. Homaychak, Mr. An, Mr. Boonstra, Mayor Shanley and Vice Chairman Purvin.

Approval of the October 14, 2020 Business meeting minutes.

Board Member Boonstra made a motion to approve the October 14, 2020 Business meeting minutes. Second, Mr. Homaychak. Voting in favor: Ms. Conlon, Mr. Riotto, Mr. An, Mr. Sietsma, Mr. Homaychak, Mr. Boonstra, Mayor Shanley and Vice Chairman Purvin.

Approval of Payment Resolution #20-11

Board Member Riotto made a motion to approve Payment Resolution #20-11. Second, Mr. Homaychak. Voting in favor: Ms. Conlon, Mr. Riotto, Mr. Homaychak, Mr. An, Mr. Sietsma, Mr. Boonstra, Mayor Shanley and Vice Chairman Purvin.

RESOLUTIONS TO BE MEMORIALIZED**Merse, Ryan 209 Zachary Court Block 428 Lot 3.05**

(Minor subdivision. The applicant proposes to acquire 21,098 sf of land from an adjacent property owner)

Mr. Boonstra made a motion to approve the resolution. Second, Mr. Sietsma. Voting in favor: Ms. Conlon, Mr. Riotto, Mr. Homaychak, Mr. An, Mr. Sietsma, Mr. Boonstra, Mayor Shanley and Vice Chairman Purvin.

Galasso Enterprises, LLC Block 203 Lot 3.04 (L-2) 825 Windham Court North.

(Amendment to Existing Site Plan. The applicant proposes to add 32 new parking spaces to the site which currently has 38 parking spaces, and 13 additional parking spaces will be achieved by restriping the existing parking lot)

Mayor Shanley made a motion to approve the resolution for 825 Windham Court North. Second, Mr. Homaychak. Voting in favor: Ms. Conlon, Mr. Riotto, Mr. An, Mr. Sietsma, Mr. Homaychak, Mr. Boonstra, Mayor Shanley and Vice Chairman Purvin.

REQUEST FOR EXTENSION OF TIME**Township of Wyckoff/Timothy Brackett Land Swap Block 203 Lots 1.02 and 1.03**

(The applicant is requesting a ninety (90) day extension of time to record the perfected deeds)

Board Member Riotto made a motion to approve a ninety (90) day extension of time to record the perfected deeds. Second, Mr. Homaychak. Voting in favor: Ms. Conlon, Mr. Riotto, Mr. An, Mr. Sietsma, Mr. Homaychak, Mr. Boonstra, Mayor Shanley and Vice Chairman Purvin.

FOR REVIEW AND CONSIDERATION**Lukoil Gas Station 322 Franklin Avenue Block 259 Lot 2**

(Lukoil N.A., LLC on behalf of the franchisor of the gas station, is requesting permission to extend the hours of operation from 5 am to 12 midnight, seven days a week, citing Ordinance #1803 which was amended in June 2016)

Board Attorney Hanly stated that the only document we have received regarding this matter is a letter from General Counsel for Lukoil. There was an application before this Board back in 2013 and the Board Members have been provided copies of the memorialized Resolution. The Resolution does not specify the approved hours of operation for the Lukoil gas station. Mr. Hanly went on to say that in his opinion, this request is an amendment to the prior site plan approval and should therefore be accompanied by a new application.

Mr. Boonstra pointed out that the letter is from Lukoil however, the 2013 site plan application was submitted by Wyckoff Car Wash and he questioned why the subject request came from Lukoil General Counsel. Mr. Boonstra stated that he would like to ask the Township Counsel for guidance on how to handle this request. He recommended that the matter be carried to the next meeting so additional information may be obtained.

Vice Chairman Purvin announced that the matter would be carried to the next Planning Board meeting pending additional information.

Mr. Hanly stated that he will send a letter to Ms. Gonzalez, General Counsel for Lukoil North America.

FOR COMPLETENESS REVIEW

Robert Sokoly 370 Sicomac Avenue Block 379 Lot 25.01
(The applicant proposes to subdivide existing lot 25.01 into two lots)

Mr. Ten Kate, Boswell Engineering Representative, provided the following technical summary of the application:

The applicant, Robert Sokoly, proposes to subdivide the property located at 370 Sicomac Avenue, block 379, lot 25.01 into two (2) lots conforming in size. The existing lot area is 94,765 sf. Proposed lot 25.01 will be 59,964.5 sf and proposed lot A will contain 34,791.5 sf. The existing lot 25.01 contains an existing 2-1/2 story frame dwelling, stone driveway, four (4) sheds, two (2) greenhouses, and a barn. One (1) greenhouse is located on the existing northerly lot line with a portion on the adjacent lot identified as lot 25.02 block 379. The applicant should provide testimony regarding the plans for that structure. The applicant is proposing no changes to the existing single-family dwelling and structures located on lot 25.01 of block 379. Documents have been submitted to show that there are no protective covenants or deed restrictions affecting the property in question. The applicant is not seeking any new variances with this application. There are pre-existing nonconforming conditions for existing lot 25.01. The existing front yard setback is 39.5' and will remain where 40' is required. Existing side yard setbacks are 18.3' and will remain where 20' is the requirement. A pre-existing, nonconforming habitable floor area of the dwelling is 904 sf and will remain where 1,200 sf per dwelling unit is the requirement. Finally, Mr. Ten Kate stated that he sees no reason why this application for minor subdivision should not be deemed complete.

Mr. Boonstra stated that the applicant should be aware that there is a possibility that a sewer main may be installed in Terhune Terrace in the near future that may require the applicant's participation.

Vice Chairman Purvin asked for a motion. Board Member Sietsma made a motion to deem the application complete. Second, Mayor Shanley. Voting in favor: Ms. Conlon, Mr. Riotto, Mr. Homyachak, Mr. An, Mr. Sietsma, Mr. Boonstra, Mayor Shanley and Vice Chairman Purvin.

Electrify America, LLC 525 Cedar Hill Avenue Block 391 Lot 42.01

(The applicant proposes to convert six existing parking spaces on the property into a four station electric vehicle charging facility requiring variance relief for front and rear yard setbacks, maximum fence height, required number of off-street parking spaces and to permit an accessory structure in a front yard)

Mr. Ten Kate provided the following technical summary of the application:

The applicant is proposing to convert six (6) existing parking spaces into a four (4) electric vehicle charging station in the northwest corner of the Cedar Hill Shopping Center parking lot. The applicant is requesting variances for front yard setback, rear yard setback, number of required parking spaces and fence height. The Board previously granted a variance for 232 parking spaces on the site where 286 is required. The applicant is proposing 230 parking spaces. Mr. Ten Kate stated that the applicant is proposing to install one (1) twenty (20) foot tall parking lot luminaire in the area of the charging station adding that the applicant should provide a point by point computerized illumination analysis due to the proximity to the adjacent residential zone. He went on to say that the detail of the luminaire shown on Detail Sheet D-3 of the submitted plan appears to have a color temperature of 5,000K and Township of Wyckoff Code permits a maximum color temperature of 3,000K. The applicant should provide testimony as to whether the luminaire will be compliant with the Township Code.

Mr. Hanly stated that he does not see this as a permitted use or an accessory use to a shopping center adding that if the application is for a Use Variance, it should go before the Zoning Board of Adjustment. Mr. Hanly said that he believes the application should be carried to allow time for discussion with Township Counsel to determine which Land Use Board should handle this application. He went on to say that he has concerns about the noise levels of the proposed transformer and the possibility that this may require DEP involvement and if so, that should be taken care of before a hearing by the Planning or Zoning Board. Finally, Mr. Hanly stated that Detail Sheet D-4 was not included in the set of plans he received. All the Board Members agreed that Detail Sheet D-4 was indeed missing from the plans they received although D-4 was referenced on the cover sheet.

Mr. Ten Kate stated that the applicant will have to provide affirmative proof to the Board in advance that the noise level will meet the Township of Wyckoff Code requirements.

Mr. DiGennaro pointed out that this application presents an opportunity to bring the ADA parking at the Cedar Hill Shopping Center up to code.

Vice Chairman Purvin announced that the application will be carried until we get clarity on the issues that were discussed this evening.

Mr. Hanly stated that he will contact Rob Landel, the Township Attorney, and David Becker, the Zoning Board Attorney to discuss how to proceed with this application. He also stated that he will notify the applicant's Attorney of the Board's concerns.

Board Member Boonstra made a motion to deem the application incomplete pending a decision regarding which Board should hear the application, pending a noise study, pending clarification on the Kelvin temperature of the proposed pole light and the absence of detail sheet D-4. Second, Mr. Sietsma. Voting in favor: Ms. Conlon, Mr. Riotto, Mr. Homaychak, Mr. An, Mr. Sietsma, Mr. Boonstra, Mayor Shanley and Vice Chairman Purvin.

There being no further business, a motion to adjourn the Work Session meeting was made,

seconded, and passed unanimously. The Work Session concluded at 8:00 p.m.

Respectfully submitted,

Maureen Mitchell, Secretary
Wyckoff Planning Board