

**WYCKOFF PLANNING BOARD
JUNE 8, 2022 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 Chairman Rob Fortunato.

"The regular June 8, 2022 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: Rudy Boonstra, Mayor; Rob Fortunato, Chairman; Kevin Purvin, Vice Chairman; Mike Homaychak, Glenn Sietsma, Kelly Conlon, Frank Sedita, Mae Bogdansky, and Sarah Caprio.

Absent: Pete Melchionne, Township Committeeman.

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

OLD BUSINESS

Approval of the May 11, 2022 Work Session and Regular Business Minutes

Mr. Sietsma made a motion to approve the May 11, 2022 Work Session and Regular Business Meeting minutes. Second, Mr. Homaychak. Voting in favor: Mr. Homaychak, Ms. Caprio, and Mr. Sietsma. Abstained: Ms. Conlon, Mr. Sedita, Ms. Bogdansky, Mr. Purvin, and Chairman Fortunato.

PAYMENT RESOLUTION #22-06

Ms. Caprio made a motion to approve payment Resolution #22-06. Second, Mr. Homaychak. Voting in favor: Ms. Conlon, Mr. Homaychak, Mr. Sedita, Mr. Sietsma, Ms. Bogdansky, Ms.

Caprio, Mr. Purvin, and Chairman Fortunato.

RESOLUTIONS FOR MEMORIALIZING

500 W. Main, LLC 500 West Main St. Block 222 Lot 1.01

(The applicant proposes to construct a loading dock and two overhead doors to the existing building. A parking variance relief is requested for minimum number of parking spaces whereby 278 spaces are required, 255 are existing and 244 spaces are proposed)

Chairman Fortunato announced that the Attorney for the applicant would like to make a statement prior to the memorializing of the Resolution. Jen Berardo came forward to address the Board. Ms. Berardo stated that her client obtained additional information from a prospective tenant regarding the needs of the width of the overhead door to be installed in their building space. The doors that were proposed and approved by the Board were 10' wide and the client is requesting a 12' wide door. Ms. Berardo said she thought this change could be agreed upon and approved as a site change by Mark DiGennaro, the Township Engineer, and the plans would be updated to reflect the 12' wide doors. No other changes are requested and the change in width does not affect any of the variances, parking or other aspects of the site plan approvals. In addition she said they will be increasing the number of proposed parking spaces thereby resulting in a parking deficiency of 35 spaces instead of the previously approved 36 spaces. Ms. Berardo stated that she believes the door width is simply a construction issue not a site plan issue.

Chairman Fortunato stated that when the Board approves a site plan, the entire plan is considered. He added that he is not comfortable having the Board vote on the Resolution if changes are being proposed to the site plan.

Board Attorney Hanly stated that he spoke with Mr. Becker, who served as the Planning Board Attorney for this application. Mr. Hanly said that Mr. Becker's legal opinion is that if the applicant wishes to make changes to the previously approved site plan, the Resolution should not be memorialized, and a revised plan should be submitted to the Planning Board Secretary. The applicant should be required to notice the public about the revised plan. In the alternative, the Board can memorialize the Resolution this evening and the applicant can come back to amend just that portion of the plan regarding the width of the doors. Mr. Hanly went on to say that Mr. Becker believes the matter should be handled in one of these two ways in fairness to the members of the public who were present at the hearing and expressed concerns about the number of doors proposed and the size of the doors.

Chairman Fortunato stated that it would make sense to approve the Resolution this evening which will allow the applicant to move forward with some of the proposed changes to the site and then come back at a future date with plans for the wider doors while providing notice to the public.

Ms. Berardo stated that she respectfully requests that the Resolution be approved adding that the applicant will figure out how to proceed with the modification to the door width.

Ms. Caprio asked if the applicant wants all of the proposed overhead doors increased to 12' wide or just one (1) of the doors. Ms. Berardo said she believes it is two (2) doors.

The Chairman asked for a motion on the Resolution. Ms. Caprio made a motion to approve the Resolution. Second, Mr. Hodaychak. Voting in favor: Mr. Hodaychak, Mr. Sietsma, and Ms. Caprio. Abstained: Ms. Conlon, Mr. Sedita, Ms. Bogdansky, Mr. Purvin, and Chairman Fortunato.

FOR COMPLETENESS REVIEW**400 Franklin Ave. Inc. 400 Franklin Ave. Block 249 Lot 2.01**

(The applicant is seeking amended site plan approval to construct a second story on the existing one-story building requiring variances for existing lot depth, front yard setback, lot coverage and deficient parking)

Peter Ten Kate, the Township's Consulting Engineer, provided the following details of the application as cited in his letter dated June 1, 2022: The site is a corner lot located at the intersection of Franklin Avenue and Wyckoff Avenue. The applicant is proposing to expand the existing one-story building footprint by approximately 272 sf and construct a second story addition for use as office space with modifications to the parking area. There are a number of waivers being requested. A waiver for filing for soil erosion and sediment control is requested as they are only proposing approximately 300 sf of disturbance therefore I feel the waiver is acceptable. The applicant is requesting a waiver from providing a landscaping plan as there is very little unpaved area on the site. There is a note on the site plan regarding plantings which I feel is adequate for this site. A waiver is requested from providing details of retaining walls over 2' in height and no retaining walls are proposed for the site. The applicant has not provided any information on existing and proposed lighting including size, height, area, direction of illumination, and lumen power. I think we should hear testimony regarding lighting for the parking lot and building exterior or the information should be added to the plan and presented to the Board. The Board should determine if a Traffic or Parking Study is needed as well as an Environmental Impact Study however since this is already a fully developed site, I do not see the need for it. I am recommending that the applicant present the architectural plans to the Design Review Advisory Board for review. The applicant should provide testimony regarding the proposed uses and the estimated number of employees. We have a requirement under the Checklist "E", Variance Plan Review, which states the applicant should provide distances from existing and proposed buildings on the property to buildings and structures on adjacent lots. The applicant should either provide this information or request a waiver.

Chairman Fortunato asked Mr. Ten Kate if he feels the Board could deem the application complete with the condition that the aforementioned items are addressed prior to or during the public hearing. Mr. Ten Kate stated that he does not see a problem with deeming the application complete with those conditions.

Mayor Boonstra said the architectural plan should be presented to the Design Review Advisory Board. He added that the existing building's design is Art Deco style therefore he recommends having representatives from the Historic Preservation Commission involved in the design review to assure that whatever the applicant is proposing is compatible with the existing building's design.

The Chairman summarized by stating that the conditions of any approval are that the existing and proposed lighting details should be shown on the plan, the applicant will present the architectural plan to the Design Review Advisory Board prior to the July meeting, and the applicant is to provide distances from the existing building on the property to buildings on adjacent lots.

Mr. Sietsma pointed out that the plan note regarding landscaping states that all pervious areas will be planted with low maintenance ground cover. The applicant should provide more specific information as to the species of the proposed plantings.

Mr. Sietsma made a motion to deem the application complete with the four (4) conditions

mentioned. Second, Mr. Homaychak. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Homaychak, Mr. Sietsma, Mr. Purvin, Ms. Bogdanskyy, Ms. Caprio, Mayor Boonstra, and Chairman Fortunato.

The Chairman announced that the two (2) applications scheduled for public hearing during the Public Business meeting this evening are T-Mobile Northeast LLC 340 Franklin Ave. Blk 258 Lot 1.01, and UB Wyckoff 1 LLC 525 Cedar Hill Ave. Block 391 Lot 42.01.

There being no further business, a motion to adjourn the Work Session meeting was made, seconded, and passed unanimously. The Work Session concluded at 7:55 p.m.

Respectfully submitted,

Maureen Mitchell, Secretary
Wyckoff Planning Board

**WYCKOFF PLANNING BOARD
JUNE 8, 2022 PUBLIC BUSINESS MEETING MINUTES**

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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: Rudy Boonstra, Mayor; Robert Fortunato, Chairman; Kevin Purvin, Vice Chairman; Glenn Sietsma, Mike Homaychak, Frank Sedita, Kelly Conlon, Mae Bogdansky, and Sarah Caprio.

Absent: Pete Melchionne, Township Committeeman.

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

OLD BUSINESS

Approval of the May 11, 2022 Work Session and Regular Business Meeting minutes

The May 11, 2022 Work Session and Regular Business Meeting minutes were approved during the Work Session.

PAYMENT RESOLUTION #22-06

Payment Resolution #22-06 was approved during the Work Session.

RESOLUTIONS FOR MEMORIALIZING

500 W. Main, LLC 500 West Main St. Block 222 Lot 1.01

(The applicant proposes to construct a loading dock and two overhead doors to the existing building. A parking variance relief is requested for minimum number of parking spaces whereby 278 spaces are required, 255 are existing and 244 spaces are proposed)

The Resolution was approved during the Work Session.

FOR COMPLETENESS REVIEW

400 Franklin Ave. Inc. 400 Franklin Ave. Block 249 Lot 2.01

(The applicant is seeking amended site plan approval to construct a second story on the existing one-story building requiring variances for existing lot depth, front yard setback, lot coverage and deficient parking)

The application was deemed complete during the Work Session.

PUBLIC HEARING

T-Mobile Northeast, LLC 340 Franklin Ave. Blk 258 Lot 1.01

(The applicant proposes to install a 50 kw natural gas emergency backup generator within the fenced in equipment area for the existing cell tower on the Wyckoff Town Hall campus)

Frank Ferraro, the applicant's Attorney came forward to introduce the application. He stated that this is an application to install a 50 kw, 4.6 liter natural gas powered emergency generator inside the leased area next to the cell tower located on the Town Hall campus. The applicant is requesting a site plan approval waiver citing 47 U.S.C.A Section 1455 known as the spectrum act and FCC Order 14-153 per the legal brief provided.

Edward Iamiceli, the applicant's Professional Engineer was sworn in. Mr. Iamiceli's professional address is 1279 Route 300 Newburgh New York. He stated that he has been a licensed professional Engineer in the State of New Jersey and his license is in good standing. He was recognized by the Board as an expert in his field.

The complete plan consisting of nine (9) sheets dated 4/13/2022 was marked exhibit A-1. Mr. Iamiceli provided the following details of the application:
The monopole on the Town Hall campus is located next to the Town Hall building. There is an area enclosed by a fence which houses T-Mobile equipment. We are proposing to relocate some of that equipment along the sidewalk against the building to make room for the natural gas generator which will be placed on a concrete slab. A natural gas pipe will be trenched from the generator to a proposed new gas meter on the east side of the building. The generator will only operate during power outages to maintain power to the T-Mobile communications tower. The generator will be housed within a proposed sound attenuating level 2 enclosure and the estimated average sound pressure levels will be approximately 64 decibels at 23' from the generator. The nearest residential property is 179' away from the generator therefore the decibel level, based on the Tectonic Noise Study report (marked exhibit A-2), will be well below the regulated allowable number of 46 decibels. The generator will be tested once a week for approximately 30 minutes.

Mr. DiGennaro recommended performing the testing on Saturdays late morning when the Town Hall employees are not present. Mr. Ferraro said the testing can be performed on Saturdays.

Mr. Iamiceli stated that the proposed exhaust vent will be right above the generator because there are no windows in that area of the building. We are trying to maintain a distance of 10' from any opening into the building to vent the exhaust. No outdoor lighting is proposed and there should be no changes in the path of stormwater runoff.

Mr. DiGennaro stated that there are existing drainage problems on the site, and we are looking to improve upon that. Currently the runoff flows through from the north side of the parking area into the fenced storage area housing the cell tower equipment. The location of the proposed concrete slab and generator is going to impede the natural flow of water from the north to the southeast. We would like the entire concrete slab, which runs along the side wall of the building, replaced. Mr. DiGennaro also recommended that a drainage inlet be installed in the middle of the asphalt of the equipment area to capture the runoff and send it into the pipe that runs underneath the ground there.

Mr. Iamiceli said he is willing to work with Mr. DiGennaro on the best drainage options.

Chairman Fortunato said any approval will be subject to working with Mr. DiGennaro on a drainage plan. He then voiced concerns about exhaust from the generator.

Mr. DiGennaro stated that we have had problems in the past with exhaust fumes from another carrier's generator getting trapped in the courtyard and fumes seeping into open windows in the building during the weekly generator testing. He suggested possibly running the exhaust pipe straight up to vent above the peak of the building and adding an elbow to direct the exhaust away from Town Hall.

Mr. Ferraro stated that the applicant will work with Mr. DiGennaro on the desired exhaust piping for the generator.

There was a discussion about the need for a 50 kw versus a 25 kw generator. Mr. Ferraro stated that the 50 kw is a T-Mobile requirement. Mr. Sedita said it would be beneficial to have the 50 kw versus the 25 kw in the event of a disaster.

Mr. DiGennaro asked why multiple carriers can't share a generator. He pointed out that based on the number of carriers using the cell tower there could potentially be six (6) generators on the site. He suggested that it would make more sense to have a single generator power all the carriers. The noise from all of these generators running would exceed the allowed decibel levels.

Mr. Ferraro stated that not everyone uses the same equipment and not all equipment is compatible with every generator. Each carrier has specific needs and requirements to run it's equipment so it is very difficult to coordinate.

Ms. Caprio asked what the decibel level would be if multiple generators were running at the same time during an emergency situation. Mr. Homaychak asked if the decibel level would be doubled if two (2) generators were running at the same time.

Mr. Iamiceli stated that the louder sound of one will consume the sound of the other; it does not double the noise level.

Mr. Ferraro stated that sound regulation requirements for generators are exempted by the NJDEP during times of emergency.

Mr. Homaychak said that the natural gas powered emergency generator is a much better option than the diesel as it is cleaner, you don't have to worry about any fuel spills, and you don't have to install a heater for the diesel fuel.

Finally Mr. Ferraro said we are requesting a site plan waiver under the Federal laws however in the alternative we are asking for site plan approval.

Chairman Fortunato stated that the Board is viewing this application as a site plan approval and that is how the Board will vote on it. Any approval will be subject to the conditions that the generator will be tested on Saturdays in the late morning, the concrete along the side of the building will be replaced, drainage improvements will be added, and the exhaust pipe will be extended above the building peak and directed away from the building.

Mayor Boonstra mentioned that there have been discussions between the Township Attorney, Rob Landel, and T-Mobile regarding an increase in the monthly leasing fees and he would like any approval to be subject to the finalization of the negotiations.

The Chairman said it should be noted in the Resolution that the approval will be subject to the amended lease agreement between the Township of Wyckoff and T-Mobile.

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

Mr. Homaychak made a motion to approve the application subject to the aforementioned conditions. Second, Mr. Sedita. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Homaychak, Mr. Sietsma. Mr. Purvin, Ms. Bogdanský, Ms. Caprio, Mayor Boonstra, and Chairman Fortunato.

UB Wyckoff 1, LLC 525 Cedar Hill Ave. Block 391 Lot 42.01

(The applicant is seeking amended site plan approval for the purposes of modifying and making improvements to the parking lot and for the installation of four vehicle charging stations)

Bruce Whitaker, the applicant's Attorney, came forward to introduce the application.

Chairman Fortunato pointed out that Mr. Whitaker provided the Board with a revised site plan this evening with substantial changes to the plan which neither the Township Engineer nor the Board members have had time to review. He advised Mr. Whitaker that the Board can hear the application tonight as was originally submitted or the applicant can put off the hearing until a later date to allow the submission of full sets of the amended plan for the Board and the Engineer to review.

Mr. Whitaker stated that he spoke with his client, and they wish to proceed with the hearing this evening.

Board Attorney Hanly stated that the applicant noticed for the original site plan submission and what has been provided to the Board members this evening is substantially different.

Mr. Whitaker asked the Board to disregard the plan provided this evening stating that he would proceed with presenting the application as was originally submitted and noticed for. He then provided the following introduction of the application: this is an application for the expansion of the existing parking lot. There are 197 spaces existing and we are proposing to bring the

number of parking spaces to 252 where 257 spaces are required for the site. There are no variances being sought. We are seeking an amended site plan approval and the installation of four (4) electric vehicle charging stations. In September of 2021 a statewide ordinance pertaining to electric vehicle charging stations was adopted which supersedes local ordinances. The statewide ordinance essentially states that electric vehicle charging stations are to be permitted in any retail parking lot without site plan approval. On the basis of that, the applicant has the ability to place the EV charging stations anywhere on the site as long as there is no variance required. The application we are presenting is for expansion of the parking lot. The submitted plan shows proposed EV charging stations. Based on conversations with Mr. Ten Kate, and the concerns of the neighbors, we are proposing to place the EV stations in a different location away from the neighboring properties. I can introduce the revised plan which shows the new location of the EV charging stations however I do not have to do that because site plan approval is no longer required for EV charging stations in an existing parking lot; only a construction permit from the building department is required.

Chairman Fortunato stated that he is not comfortable moving forward with the application until the Board's legal counsel reviews the statute on EV charging stations.

Mr. Hanly said that irrespective of the statute, the Boswell report states that two (2) variances are required for the fence and the number of parking spaces provided. Previously, the number of parking spaces may have been a pre-existing nonconforming condition however even though you are increasing the number of spaces, you are still deficient in parking which requires a variance. The statute indicates that charging station are permitted in any retail parking lot if no variances are required however this plan requires variances. Under the circumstances, the Board should review what you are proposing to do with regard to the charging stations.

Chairman Fortunato stated that he does not appreciate the take it or leave approach to the installation and location of the proposed EV charging stations that has been presented this evening.

Mr. Whitaker said he is presenting the application based on the statewide ordinance which states that an application for the installation of electric vehicle supply equipment at an existing retail establishment shall not be subject to site plan or other Land Use Board review. He went on to say that the applicant is agreeable to installing the charging stations in an alternate location in the parking lot thereby eliminating the need for the fence variance.

Chairman Fortunato stated that the EV charging stations are on the plan and the Board will consider everything that is presented on the plan, not just the parking modifications. He asked Mr. Whitaker if he would accept the opinion of the Board members if they were to grant approval subject to the relocation of the EV charging stations as presented on the original plan.

Mr. Whitaker requested a few minutes to speak with his client. Upon his return, he stated that he wants the Board to feel comfortable that they understand the statewide ordinance pertaining to EV charging stations. He said he is going to adjourn this matter at this time and his client will submit a revised plan prior to the August meeting. He requested that the Chairman announce that the application will be carried to the August meeting without further notice. He also stated that he is extending the time requirement for a hearing.

Mayor Boonstra asked if the lighting for the EV charging stations falls within the purview of the Board as it applies to any Ordinance the Township may have governing that aspect.

Mr. Whitaker stated that the State has taken over jurisdiction of EV charging stations adding that if it is a standard EV facility, the Municipality must allow them.

The Chairman announced that the applicant will submit an amended plan prior to the August 10, 2022 meeting and further notice will not be required.

There being no further business, a motion to adjourn the Public Business Meeting was made, seconded, and passed unanimously. The meeting concluded at 9:20 p.m.

Respectfully submitted,
Maureen Mitchell, Secretary
Wyckoff Planning Board