

WYCKOFF PLANNING BOARD
MARCH 11, 2020 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 Fortunato.

“The regular March 11, 2020 Public Business 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.

Chairman Fortunato 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.”

The meeting began with the Pledge of Allegiance.

Board Members in Attendance: Robert Fortunato, Chairman; Tim Shanley, Mayor; Rudy Boonstra, Township Committee Representative; Kevin Purvin, Scott Fisher, Michael Homaychak, Sarah Caprio, Anthony Riotto, and John An.

Board Members Absent: Glenn Sietsma and George Alexandrou.

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

OLD BUSINESS

Approval of the February 11, 2020 Work Session and Regular Business Minutes

The February 11, 2020 Work Session and Business Meeting Minutes were approved during the Work Session.

FOR DISCUSSION/REQUEST FOR EXTENSION OF TIME

THE GRACE CHURCH 555 Russell Avenue BLK 411 LOT 2

(The applicant is requesting a 190-day extension of time to perfect the approved subdivision.

The time to perfect the subdivision expires on April 14, 2020.)

During the Work Session, the Board Members voted unanimously to grant a 190-day extension of time to perfect the subdivision.

COMPLETENESS REVIEW

VAN GROUW WELDING 430 West Main Street Blk 224 Lot 4

(The applicant proposes to construct an addition to the rear of the building which will encroach into the rear and side yard setbacks)

It was announced during the Work Session that the application has been withdrawn.

LONEGAN, STEVEN & LORRAINE 726 Wyckoff Ave. Blk 216 Lot 10.01

(The applicant proposes to construct an addition to the existing home into the rear yard setback)

The application was deemed complete during the Work Session and will be heard at the Public Hearing on April 14, 2020.

GALASSO ENTERPRISES, LLC BLK 203 LOT 3.04 (L-2) 825 Windham Court North.
(Amendment to Existing Site Plan. Applicant proposes to add 34 additional parking spaces to the site which currently has 50 parking spaces and 58 spaces are required)

The application was deemed complete during the Work Session and will be carried to the Public Hearing on May 13, 2020 at the request of the applicant's Attorney.

PUBLIC HEARING

AZZAWI 612 Lawlins Rd BLK 230 LOT 17

(The applicant proposes to install a 6' white vinyl privacy fence in the front yard)

The application was deemed complete during the Work Session.

At the February 12, 2020 meeting, the Azzawi application was deemed incomplete. The Board Members advised Mr. Azzawi, at that time, to amend the plans to reflect where the fence will be installed in relation to his property lines as well as identifying which existing plantings would remain and what new plantings would be added. Mr. Bitar, the applicant's Architect, was advised to contact the Township Engineer to find out exactly what needs to be reflected on the plans. It was also recommended that the applicant consider alternative fence options that are not 100% solid vinyl. Revised plans were submitted.

At this evening's meeting Waddah Azzawi, the applicant, came forward and was sworn. Rami Bitar, the applicant's Architect was also sworn. Mr. Bitar has a master's degree in Architecture from N.J.I.T. and he is a licensed Architect in the State of New Jersey. Board Attorney Hanly acknowledged Mr. Bitar as a qualified expert in the area of Architecture. Mr. Bitar stated that the property is located at the corner of Lawlins Road and Franklin Avenue. He said that the plans have been revised based on the comments made by the Board at the February meeting. The plans were marked exhibit A-1. Mr. Bitar said that the home is located on a busy street. His client has young children and would like to install a fence to keep his children safe. Mr. Bitar stated that comments were made by Board Members about the proposed fence creating a line of sight impairment for drivers. He pointed out that the plans show a distance of 41' from the corner of the property to the fence. In his opinion, the fence will not impede the view of drivers however there are a few existing shrubs on the property near the corner that were planted by the previous owner and they were planted in the right of way. As these plants grow, they may impede drivers' line of site. His client is willing to remove those shrubs.

Chairman Fortunato pointed out that the revised plans show two (2) different types of fence. There is an open fence proposed on the North side of the house and a solid vinyl fence proposed on the side of the property along Franklin Avenue. Mr. Azzawi stated that there is too much noise

coming from Franklin Avenue and he wishes to prevent hearing the noise from the traffic. The fence is also for the safety of his children. Mr. Fortunato asked Mr. Azzawi if he feels that the proposed open fence on the North side will be as safe as the proposed solid vinyl fence. Mr. Azzawi replied yes, the entire fence will be for safety. Mr. Bitar stated that the main purpose of installing the fence is safety and if his client can also reduce the noise from the traffic on Franklin Avenue with a solid fence that would be an added bonus. Ms. Caprio stated that installing a nice line of arborvitaes would provide a very good noise buffer on the Franklin Avenue side of the property.

Mayor Shanley expressed concerns about the existing plantings in the right of way on Franklin Avenue stating that if those must be removed there will be no screening for the proposed six (6) foot solid fence. He added that The Township does not allow for a six (6) foot solid fence in a front yard. Understandably, this is a corner lot with two (2) front yards however, Mr. Shanley said that he has a problem with a solid six (6) foot fence in a front yard. He suggested that the applicant install a six (6) foot open fence which would provide the safety for the children and plant arborvitaes to buffer the noise. Mr. Bitar discussed the fence options with his client, and he agreed to install a six (6) foot open black aluminum fence on the property instead of the solid vinyl fence.

There was a lengthy discussion about the existing plantings along Franklin Avenue which are in the public right of way. The plantings were on the property when the applicant purchased the home and he is proposing to utilize the row of plantings to screen the proposed fence. Mr. Bitar stated that his client, Mr. Azzawi, will agree to maintain the existing trees even though they are in the public right of way. Mr. Fisher suggested that Mr. Azzawi remove eight (8) or nine (9) of the trees closest to the corner of Lawlins and Franklin which may become overgrown and limit line of sight for drivers. Those few trees can be replanted in front of the proposed fence in the front yard of the home on Lawlins Road. Mr. Bitar said his client will agree to move those trees as suggested by Board Member Fisher.

Mr. Bitar stated that he will amend the plans to show the agreed upon six (6) foot open black aluminum fence along Franklin Avenue and the six (6) foot black chain link fence along the rear property line. Mr. DiGennaro advised that no chain link fence may be installed in the front yard.

OPEN TO THE PUBLIC

Ray Schwab of 555 Franklin Avenue came forward and was sworn. He wanted to place on the record that Mr. Azzawi's survey differs from the original survey that he (Mr. Schwab) has from when he purchased his home. Mr. Schwab said that he reached out to the surveyor who prepared Mr. Azzawi's survey and is waiting for a call back. Mr. Schwab believes that Mr. Azzawi's survey shows the proposed fence being installed five (5) feet over what he believes is his property line which means the Schwabs will have to rip out a corner of their driveway and all their landscaping that exists there.

Township Engineer DiGennaro stated that the Township will have to wait for clarification from the Surveyor and the title search prior to issuing permits to install the fence. This will have to be a condition of the approval. A permit can be issued to install the fence further back on the applicant's property until the dispute over the actual property line is resolved. Mr. Azzawi stated that he does not wish to install the fence further back because he believes that his survey is correct and this area in question is his land.

Mr. DiGennaro stated that this dispute is a civil matter. The two parties will need to resolve the matter and provide adequate proof that the matter has been resolved as to the correct property

lines and then the Township can issue the fence permit.

CLOSED TO THE PUBLIC

Chairman Fortunato summarized stating that the applicant may be granted an approval for a six (6) foot tall, open, black aluminum fence on both the north and south sides of the property. There will be a variance for the fence on the south as a portion of the fence will be installed in front of the plane of the house due to the topography of the land. Eight (8) or nine (9) of the existing shrubs near the corner will be removed and relocated to screen the fence on the Lawlins Road side of the property. The applicant will maintain the existing plantings in the public right of way on the Franklin Avenue side of the property. No fence permit will be issued to complete the fence installation until the property line dispute with the neighbor, Mr. Schwab, is resolved. If the applicant wishes to begin installation of the fence prior to the resolution of the dispute, he must submit a revised plan showing the section of the fence in the area of dispute will be left uninstalled. He may later apply for an additional permit to complete the installation once the property line dispute is resolved.

Board Member Homyachak made a motion to approve the fence application with the stipulations cited by Chairman Fortunato in his summary. Second, Mr. An. Voting in favor: Mr. An, Mr. Purvin, Mr. Homyachak, Mr. Fisher, Ms. Caprio, Mr. Riotto, Mr. Boonstra, Mayor Shanley and Chairman Fortunato.

KAYAL, GARY 225 Van Houten Avenue BLK 258 LOT 13 (RA-25).

The applicant imported approximately 774 cubic yards of soil to raise the level of the rear yard and constructed a 3'-4' boulder retaining wall to contain the soil.

Bruce Whitaker, the applicant's Attorney, came forward. He stated that this is the continuation of a hearing for a soil movement application. Mr. Whitaker said that there was a great deal of discussion at the previous meeting pertaining to the structural integrity of the retaining wall that was constructed, and the type of drainage that should occur as a result. He added, that in attempt to assure that the requirements of the Code of the Township of Wyckoff have been satisfied, he (Mr. Whitaker) suggested that a portion of what had been installed could be removed to allow the Township Engineer to inspect the drainage system and retaining wall which has already been constructed. Mr. Whitaker stated that if the Township Engineer finds that the construction of the retaining wall and the installation of the drainage system was not performed to the specifications of the Township of Wyckoff Code, his client will get it fixed to the specifications and requirements based on Mr. DiGennaro's findings. Regarding soil testing, Mr. Whitaker stated that his client has provided the Board with soil testing reports from Petro Science. Finally, Mr. Whitaker said that as per the request of the Board Members at a previous meeting, his client has submitted photos which show the sequence of events dating back to April 2019 during the construction of the wall and the installation of the drainage pipes which will be explained by his client's Engineer, Angelo Onello.

Mr. Onello was reminded that he was previously sworn and is still under oath. The photos, taken by Mr. Onello, were marked exhibit A-10. Mr. Onello referred to the photos pointing out the layers of clean crushed stone behind the retaining wall which allows stormwater to drain effectively. He stated that the clean aggregate behind the wall allows drainage from behind the wall to move laterally back and forth across the face of the wall instead of pushing the wall out. He pointed out another photo which shows workers encasing a perforated PVC manifold pipe with filter fabric to prevent any silt from seeping into the crushed stone and clogging the

manifold. The manifold acts as a drywell as it disperses stormwater into the crushed stone behind the wall which will then drain underneath the wall.

Ms. Caprio asked where the manifold in the photo is located. Mr. Onello said that the perforated pipe with manifold shown in the photo runs along the back of the wall on the rear of the property facing the library.

Mr. Riotto asked if there is a footing under the retaining wall. Mr. Onello stated that the large monolithic boulders are the base or footings of the wall. He went on to say that the existing topsoil was removed, and the boulders were placed slightly below the surface of the compacted dirt below. The monolithic boulders are what give the wall stability, he added.

Chairman Fortunato asked how many pipes capturing the stormwater runoff from the house are tied into the manifold in the rear of the yard. Mr. Onello stated that all roof leaders from the house are now tied to the underground pipe that drains into the wall. There is also a proposed drywell to be installed. The roof leaders from the three-car garage as well as the trench drain in the driveway will be tied to the proposed drywell.

Mr. Whitaker stated that the installation of the drywell will be stage two (2) subject to the Board's approval of the application. Mr. Boonstra took umbrage with Mr. Whitaker's statement which in his opinion sounded like a quid pro quo. Mr. Whitaker assured Mr. Boonstra that there is no quid pro quo. He clarified that the drywell will be installed only when the Board approves what has been proposed and when the Township Engineer approves of what has been proposed.

As mentioned in his opening remarks, Mr. Whitaker asked if Township Engineer DiGennaro could now provide testimony as to his findings with regard to the drainage system and the stability of the retaining wall upon inspecting the test holes that were dug at the subject property. Board Attorney Hanly stated that Mr. DiGennaro can testify as to facts and observations he made. Mr. Boonstra wanted clarity that Mr. DiGennaro's testimony will specifically be technical facts based on his observations and not an adjudication of this matter.

Mr. Whitaker asked Township Engineer DiGennaro to provide facts pertaining to his observations during the site inspection of the test holes at the subject property.

Mr. DiGennaro said that he witnessed three (3) test holes that were excavated and he confirmed that there was adequate stone placed behind the wall, he confirmed that there was silt fabric behind the wall, he confirmed that the drainage pipes that were previously draining out the back of the retaining wall and directed onto the adjacent Library property had been severed and reconnected into the manifold behind the wall. He stated that he is satisfied that the manifold system that was installed, as a result of his request, was properly installed. Mr. DiGennaro made this request upon his initial inspection of the drainage system to eliminate the previous overland flow of run off from the roof leader down onto the adjacent Library property. Mr. DiGennaro stated that based on the photos provided and his inspection of the test holes, he believes the drainage system meets general engineering and construction methods. He also believes that the wall is stable adding that Angelo Onello, the Engineer of record, has provided a signed and sealed certification of the stability of the retaining wall.

Chairman Fortunato pointed out that if this project had been done by the normal course, Mr. DiGennaro would have regularly and periodically inspected the entire manifold, drainage system and retaining wall during construction. As a result, Mr. DiGennaro was only able to see small portions of the work that was exposed by the digging of the three (3) test holes. Mr. Fortunato

asked Mr. DiGennaro approximately how much of the wall construction and drainage system he was able to inspect. Mr. DiGennaro replied that he inspected three (3) test holes or approximately a total of nine (9) feet of the seventy-five (75) foot length of drainage pipe along the rear retaining wall. Mr. Riotto commented that the test hole inspection would account for only 11% of the entire construction project.

Board Member Fisher, who accompanied Mr. DiGennaro during the inspection of the test holes, agreed with Mr. DiGennaro that it appears that the retaining wall has been constructed properly. He stated that from what little he was able to observe of the drainage system behind the wall, it appeared to have been properly installed. Mr. Fisher commented that Mr. DiGennaro's ability to inspect 100% of the construction was certainly hampered by the fact that the work was almost entirely completed without permits. Finally, he stated that while what he and the Township Engineer were able to inspect was quite limited, it appears that the work was performed according to general construction and engineering practices.

Board Member Caprio raised questions about the soil sample test reports that were submitted to the Board. She expressed concerns that the three (3) test samples were taken from a very small section in one corner of the subject property. Ms. Caprio added that the report prepared by Petro Science states that the 700 cubic yards of soil that were obtained from the Christian Healthcare Center were tested prior to leaving the site. She asked if there is a trucking company manifest which proves that the soil which was tested at the Christian Healthcare Center property is the soil that actually made it to Mr. Kayal's property. Mr. Whitaker said that he can provide the Wallace Trucking lading documents as a condition if that is something the Board needs to see. Ms. Caprio stated that she feels it is necessary to see the documents to affirm a connection between the analysis of the report and the soil that was delivered to the Kayal property.

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NO ONE APPEARED
CLOSED TO THE PUBLIC

After careful consideration of the application and the many hours of testimony, Chairman Fortunato asked the Board Members to offer their comments and opinions on the testimony provided over the course of time since the application was first presented at the August 14, 2019 Planning Board meeting.

Ms. Caprio stated that while the applicant did not follow the proper protocol one should take to import soil in excess of 100 cubic yards and to construct a retaining wall, she is satisfied based on the testimony that the work has been performed properly. Ms. Caprio added that she feels confident, based on Township Engineer DiGennaro's professional assessment of the construction of the drainage system and the retaining wall, that in the end the construction work itself was done properly.

Mr. Boonstra stated that the Township Committee populates the Boards and Commissions in the Township of Wyckoff with Members from various backgrounds and disciplines, and they along with our Professionals, serve the Township well. Our Administrator arranges for training in Municipal Land Use Laws as well as ethics training. Board members familiarize themselves with the applications, visit the subject properties and engage the applicants with the result being a better product for the applicant and the Township when the process is followed. Mr. Boonstra continued, this is a professional and thorough Board and the fact that Mr. Kayal ignored the Township land use ordinances, as well as the application and permitting process, has denied

this Board the ability to perform its due diligence with this property in a timely manner. Now we are making an attempt to perform our due diligence after the fact. In an attempt to do so, we have identified certain deficiencies which we have answers for. There was no assurance given that the answers to the deficiencies would lead to an approval. As a Township Committee Member, he has responsibility to protect the integrity of the Board and the Township ordinances and procedures however, he does not know how to do that in this case. In addition, the sworn statements of Mr. Kayal and Mr. Onello are suspect. Upon reviewing the minutes of the August 14, 2019 meeting, when Mr. Onello was asked why he did not think permits were required for the movement of approximately 200 cubic yards of soil from a pool dig in Franklin Lakes to Mr. Kayal's property, Mr. Kayal provided the response by stating that Mr. Onello did not know anything about his project and where the soil was being transported to. Mr. Onello also stated under oath that he knew nothing about Mr. Kayal's project at that time. Mr. Boonstra stated that he found that assertion hard to believe. Mr. Boonstra went on to say that the testing, with respect to the origins of the soil, is suspect. He added that he does not take great comfort in the comments about the wall and the drainage system. What would the threat be to the Library and the occupants there of if the wall fails? We have very limited test samples of the soil that was imported. Finally, Mr. Boonstra stated that in good conscience, he cannot support this because it troubles him to cast a vote in favor of something that was so poorly done.

Mayor Shanley stated that he reviewed the minutes and listened to the recordings of the testimony of the previous meetings. He said he was troubled by much of it. The Mayor went on to explain that the one thing that stood out to him the most was the way Mr. Kayal, the applicant, responded to a very valid question posed by Ms. Caprio. Mr. Kayal was very curt in his response to Ms. Caprio who volunteers her time to serve this Board and the Township of Wyckoff. Mr. Shanley stated that he feels confident that the soil is clean because Mr. Kayal and his children reside at the property. He added that he is confident based on the testimony of the applicant's Engineering Professional and that of the Township's Engineering Professional as to the certification of the construction of the wall. Finally, Mr. Shanley said that while he does not favor supporting a project that should have come before the Board before any work commenced, he feels it would be a detriment to the neighborhood and the adjacent properties to have to undo what has been done and start the project over again.

Mr. Riotto stated that he reviewed the minutes and listened to the recordings of the previous meetings and was shocked that all the work had occurred without permits. Fifty (50) truckloads of dirt, 5000 sf of dirt imported without permits and no permit to construct a retaining wall. After being advised by Township Engineer to stop working until an application was submitted to the Planning Board, Mr. Kayal continued to work on the project anyway. Mr. Riotto stated that upon listening to the recordings, the Chairman in closing one of the meetings, advised Mr. Kayal not to perform any additional work at his property however the work continued. He went on to say that the varying testimony that he heard from the applicant and his Engineer made him doubtful of the credibility of the testimony. In addition, Mr. Riotto said that he has a major issue with the flooding of the Library and the denial of the ability of the Township Engineer to perform rough inspections and final inspections of the work that was done without permits. In the end, the inspections of three (3) test holes or approximately 11% of a job like this is not enough in my opinion. Finally, Mr. Riotto stated that he has a real issue with the origins of the soil and is not confident that the soil is clean because only a very small percentage of the soil was selected for testing.

Vice Chairman Purvin said that it is obvious that the application and sequence of events was troubling, Mr. Kayal's testimony was troubling and the work being done without permits was

troubling. Mr. Purvin said that in his opinion, Mr. Whitaker did a good job of repairing things. He added that in the end he feels that Mr. Onello's testimony this evening and the testimony of Mr. DiGennaro alleviated any concerns he has regarding the project.

Mr. An stated that Mr. Kayal is a Landscaping Professional in the Township of Wyckoff and other surrounding towns in the area. Mr. An went on to say that Mr. Kayal's credibility in testifying that he did not know permits were required to import the soil, build the retaining wall, install a fence and any of the work he performed leads him to believe that Mr. Kayal cannot be trusted in the way he has represented himself. In addition, Mr. Kayal changed his testimony as to where he obtained the 774 cubic yards of soil which is another credibility issue. The fact that the Township Engineer was only able to inspect 11% of the completed project, after the fact, is of concern because we really do not know what is actually under the soil which is the bottom line.

Mr. Homyachak stated that he is basing everything on the testimony that he heard. He said that the Board was told multiple times that all the soil came from two (2) pool digs in Franklin Lakes. It was sworn testimony. We were told by Mr. Kayal that he did not obtain permits because he never intended for this project to become so large. Mr. Kayal testified that while working on projects for other clients he would bring a little leftover dirt and a few rocks to his property and then the project suddenly began to grow and it was too late to apply for the permits or submit an application to the Planning Board. In reality, the amount of soil imported amounted to approximately fifty (50) dump trucks full. Until Mr. Whitaker became involved, we never heard about soil being imported from the Christian Healthcare Center; it was always two (2) pools in Franklin Lakes. Mr. Homyachak wondered how many trees were taken down. We don't know because we are working backwards. From the inspection performed by Mr. DiGennaro on the three (3) test holes, it appears that the retaining wall was built well however only 11% of the project has been inspected. Fortunately, the Library has not flooded again since the pipes exiting the rear of the wall were removed, under the advisement of Mr. DiGennaro. The proposed dry well will provide extra capacity to collect additional runoff. The testimony has been very inconsistent about where the soil came from. In the end Mr. Homyachak said that he does not know what information he can trust based on the testimony provided by the applicant.

Chairman Fortunato stated that Mr. Whitaker has done an admirable job of trying to correct this application for his client, Mr. Kayal. The problem is that some of the information that Mr. Whitaker has had to rely on was provided by Mr. Kayal; particularly regarding where the soil came from. Mr. Fortunato stated that in his opinion Mr. Kayal's credibility before this Board is lacking, to say the least. Mr. Fortunato stated that from the very start Mr. Kayal was very cavalier with this Board and that his credibility is certainly not strong based on his testimony. In addition, very limited samples of soil were tested. Mr. Kayal initially testified that all of the 774 cubic yards of dirt imported to his property came from two (2) pools. Suddenly at the third hearing, it was announced that 700 cubic yards of soil came from the Christian Healthcare Center. This Board has no way to determine where the soil actually came from other than Mr. Kayal's testimony and I cannot trust his testimony. Mr. Fortunato went on to say that the fact that Mr. Kayal repeatedly testified that he did not know he needed permits for the work he was doing is, in my opinion, an outright lie. Mr. Kayal does this for a living and should be aware of the laws. He knew from the beginning what he needed to do and ignored all of it. In addition, upon learning of the work being done, Mr. Kayal was advised by the Township Engineer to stop all work until an application was submitted to the Planning Board for a hearing however he continued the work because in his own words the application process would take too long which I believe is his most egregious offense. Finally, Mr. Fortunato stated that he is not satisfied with the small amount of the wall and drainage system that was able to be inspected after the work

was completed. Had the process been followed correctly, full inspections would have been performed as the work was underway and ongoing.

Mr. Fisher stated that he heard comments and grumbling from the audience that this process has been going on for 8 months. Mr. Fisher said we can all assume that that this process probably would have been finalized in two (2) meetings if the proper protocol had been followed by the applicant. In this case, Mr. Fisher added, the cart was placed before the horse. Mr. Fisher went on to say that it is unfair to put the Board Members in this position where we must back track the sequence of events and the work that was done at the site. He stated that we do not want to set a precedent going forward for another applicant who does the same thing, expecting to get an approval. Mr. Fisher stated that based on what he has seen, he does believe the job was done properly, he does not question the integrity of the wall or the drainage system however the whole process was done backwards. Finally, Mr. Fisher said that he was taken back by the fact that Mr. Kayal installed the drainage pipes through the wall draining to the library property. He believed that Mr. Kayal had a good reputation as a Landscape Professional, and this is not what he would expect from a reputable Landscape Construction Professional. Most importantly he added that he is not comfortable with setting a precedent going forward.

After having heard the comments from each of the Board Members, Chairman Fortunato asked for a motion for or against the application.

Board Member Boonstra stated that based on the testimony provided and comments given, he will make a motion to deny the Kayal application for 225 Van Houten Avenue Block 258 Lot 13. Second, Mr. An. Voting in favor of denying the application: Mr. Riotto, Mr. Homaychak, Mr. Fisher, Mr. An (alt.), Mr. Boonstra and Chairman Fortunato. Voting against denying the application: Ms. Caprio, Vice Chairman Purvin and Mayor Shanley.

There being no further business, a motion to adjourn the Public Business Meeting was made, seconded and passed unanimously. The meeting concluded at 11:15 p.m.

Respectfully submitted,
Maureen Mitchell, Secretary
Wyckoff Planning Board