

**WYCKOFF PLANNING BOARD
JUNE 12, 2019 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 June 12, 2019 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.”

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The Pledge of Allegiance was led by Aiden of Boy Scout Troop 89.

Board Member Attendance: Robert Fortunato, Chairman; Kevin Hanly, Vice Chairman; Tom Madigan, Mayor; Rudy Boonstra, Township Committee Representative; Michael Homaychak, Glenn Sietsma, Kevin Purvin and George Alexandrou.

Board Members Absent: Scott Fisher, Sarah Caprio and John An.

Staff Present: Joseph Perconti, Planning Board Attorney; Mark DiGennaro, Township Engineer; Pete Ten Kate, Boswell Engineering Representative and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the May 8, 2019 Work Session and Regular Business Minutes
The May 8, 2019 Work Session and Business Meeting Minutes were approved during the Public Meeting.

RESOLUTIONS TO APPROVE VOUCHERS FOR PAYMENT

Resolution #19-06

The Resolution for Payments #19-06 was approved during the Work Session.

RESOLUTIONS TO BE MEMORIALIZED**VAN ALSTYNE, ANITA & MICHAEL** BLK 214 LOT 95 (RA-25) 370 Harvey Court.

The applicant proposes to install a 37' length of 6' high solid fence from the end of the existing fence to the side of the home.

CARAFELLO, KELLY & WILLIAM BLK 455 LOT 34 (RA-25) 185 Fox Hollow Rd.

The applicant proposes to install a 6' white vinyl privacy fence on front yard #2 facing Fox Hollow Road and an address sign post on the corner of the property where the 2 front yards meet.

FOUR GEMS BLK 237 LOT 8 (B1A) 244 Everett Avenue.

Amended Site Plan. The applicant proposes to replace the existing brick foundation with masonry block.

The three Resolutions were memorialized during the Work Session.

APPLICATION WITHDRAWN**403 GOFFLE PARTNERS, LLC** BLK 491 LOT 11 (B-2) 403 – 411 Goffle Road

The applicant proposes to renovate the above referenced property by repairing and line striping the existing parking lot, renovating the façade including a new parapet and 2 monument signs when 1 is permitted.

Priscilla Triolo, the Attorney representing 403 Goffle Partners LLC, sent a letter dated May 22, 2019 to the Planning Board Secretary and the Township Engineer stating that the applicant is withdrawing the Site Plan application with requests for sign variance and fence permit for the property located at 403-411 Goffle Road. Copies of the letter were provided to each of the Board Members.

Board Member Boonstra made a motion to approve the withdrawal of the 403 Goffle Partners LLC application and the return of any fees due. Second, Mr. Sietsma. Voting in favor: Mr. Alexandrou, Mr. Purvin, Mr. Sietsma, Mr. Boonstra, Mr. Hanly, Mayor Madigan and Chairman Fortunato. Board Member Homyachak abstained.

FOR PUBLIC HEARING**726 WYCKOFF NORTH, LLC** BLK 216 LOT 10.01 (RA-25) 726 WYCKOFF AVE.

Minor Subdivision.

At this time Vice Chairman Hanly recused himself and stepped down from the dais.

William Monaghan, the Attorney for the applicant came forward. He stated that his client's application for a minor subdivision with no variances was deemed complete by The Board on May 8, 2019. He said will be calling on 2 witnesses; Lawrence Rota, one of the Principals of 726 Wyckoff North LLC and his Professional Engineer Robert Weissman. Mr. Monaghan stated that he received the report prepared by Boswell Engineer Pete Ten Kate as well as a copy of the Shade Tree Commission's memo which was read into the record during the Work Session by Chairman Fortunato. At that time Mr. Monaghan introduced Lawrence Rota.

Mr. Rota of North Haledon New Jersey was sworn. He is a member of 726 Wyckoff North LLC. Attorney Monaghan stated that the LLC has entered into a contract to purchase the property

located at 726 Wyckoff Avenue contingent upon the approval of this application for a minor subdivision.

Board Member Alexandrou asked Mr. Rota if he is a developer. Mr. Rota replied that he is a developer however he does not have any plans to develop the subject property at this time.

Chairman Fortunato asked Mr. Rota if he has any objections to the recommendations made by The Shade Tree Commission. Mr. Rota stated that he intends to preserve as many trees as possible while still clearing enough of the property to facilitate developing the 2 proposed residential lots. He does not plan to clear cut the property. Mr. Monaghan stated that nothing is proposed for the lot at this time. The applicant is before The Board for a minor subdivision only. He added that if and when a site plan is submitted his client's Engineer will mark out the trees as recommended by The Shade Tree Commission and that will be the appropriate time to address these particular issues.

Mayor Madigan pointed out that the submitted plan shows the existing house and garage will be demolished. He expressed concern asking, what would preclude the applicant from taking down some of the trees on the property at the same time? Mr. Rota said that he has no intention of doing so.

Township Engineer DiGennaro suggested that based on what the applicant has stated under oath with regard to the application, he has no intention of developing the parcels at this time other than demolishing the existing dwelling and garage. He recommended that The Board should stipulate that no trees would be cut down until a site plan for development is submitted and approved by his office.

At that time, the applicant will have to submit a plot plan, site plan, storm water management plan, grading plan, landscape plan and that is when he will indicate which trees on the lots will come down. At that time, The Shade Tree Commission can walk the site and see which trees are proposed to come down. Mr. DiGennaro advised the applicant that tree removal tied to any development must be reflected on submitted plans for review and approval or permits will be withheld. He also advised that the limits of disturbance should be clearly defined with orange construction fence and silt fence prior to any demolition permits being issued.

Chairman Fortunato inquired about the location of the driveways on the subdivided lots. Mr. Rota said that the existing driveway is on Wyckoff Avenue and it will presumably remain there. The second lot will have the driveway on Lawrence Court.

OPEN TO THE PUBLIC

Kevin Hanly was sworn. He stated that his property is directly to the east of the newly proposed lot on Lawrence Court. He said he is very concerned about the removal of potentially eighty (80) to ninety (90) trees on the two adjacent lots which are to be developed at some point in the future. Mr. Hanly asserted that the survey reflects the fact that the property on the two subject lots slope towards his property. His concern is that once the trees are removed and construction is under way there will be run-off issues which will greatly affect his property. He wants to be sure that the drainage issues will be addressed.

Chairman Fortunato asked Township Engineer DiGennaro if measures can be taken prior to tree removal and construction to pre-empt any drainage issues during construction.

Mr. DiGennaro stated that there is always a period of time during construction where the improvements are not complete and water will not be captured such as before rain gutters are installed and connected to the dry wells. Mr. Hanly asked if a berm could be built along the property line or a swale to direct water out to the sewer.

Chairman Fortunato asked the applicant to explain, as a builder, what steps will be taken to protect the neighboring property from water run-off.

Mr. Rota stated that there will be sediment controls in place and the process will be watched

carefully. They will not allow water to be dumped onto the adjacent property.

Engineer Pete Ten Kate affirmed that it is the job of the Engineer to protect the neighbors during the construction of all houses and buildings in the Township. It is the Engineers job to make sure there are adequate controls in place during construction and that the approved drainage plan is installed; adding that the Engineer will oversee the project until it is done. That is the process that is followed to protect the adjacent neighbors during every construction project.

Mr. Hanly cited from Statute 40-55D-38 which states that adequate drainage and sewerage must be addressed as part of a subdivision application.

Township Engineer DiGennaro responded to this by saying that they are addressing the sewer issue because the applicant is going to connect to the sanitary sewer lines which exist on Lawrence Court and Wyckoff Avenue. He also said that they are addressing the drainage issue preliminarily because the applicant is required to submit a storm water management plan as per the Township ordinance to meet the 10 year 2 inch per hour storm event. These requirements must be satisfied before any building permits are issued.

CLOSED TO THE PUBLIC

Robert Weissman, the applicant's Engineer was sworn. His office is located at 686 Godwin Avenue in Midland Park. Mr. Weissman prepared the subdivision plan for the applicant. He stated that the applicant is proposing to subdivide the property without variances into 2 conforming lots. The westerly proposed lot 10.01 will be 26,103 square feet and the easterly proposed lot 10.02 will be 25,082 square feet where 25,000 is the requirement in the RA-25 zone. Mr. Weissman stated that the existing dwelling, garage and driveway will be removed some time in the future to accommodate two new proposed residential dwellings. With regard to the requested waivers, Mr. Weissman stated that they are of a relatively minor nature most of which have already been addressed with the exception of the request to show the locations of existing wells and septic systems. The applicant proposes to connect to the Township's sanitary sewer system.

The Engineer stated that he will prepare a demolition plan that will clearly outline the limits of disturbance which will be delineated by orange construction fence or silt fence located on the downslope side of the proposed disturbance. Mr. Monaghan asked Mr. Weissman to comment on the concerns expressed by Mr. Hanly regarding storm water. Mr. Weissman stated that in the normal process of development of a piece of property, we are required to provide a storm water management plan as part of the plot plan showing a reduction in rate of runoff by virtue of the insulation of the pervious area. We will be proposing the installation of seepage pits as well as connection of roof drains, trench drains and inlets to capture the water that comes from the impervious areas and introduce it into the ground for ground water recharge. We are very cognizant of maintaining control of runoff both during and after construction to reduce as much as possible any potential for run-off or erosion on a neighbor's property. He added that it is always a primary concern of both the Township Engineers and the private developer's Engineer to keep the run-off on site. Mr. Weissman stated that it is a mild sloping lot and in his opinion it does not appear that there is any potential for substantial detriment to any neighbors. Finally, Mr. Weissman asserted that Mr. Hanly has voiced his concerns and they will certainly be taken into account.

OPEN TO THE PUBLIC

Mr. Hanly stated that he feels that his concerns have been addressed and he is sure the developer will do well in taking those concerns into consideration.

CLOSED TO THE PUBLIC

Board Member Homaychak made a motion to approve the Subdivision application for 726 Wyckoff Avenue BLK 261 LOT 10.01 with the conditions that the Shade Tree Commission's recommendations will be considered and that the site plan will go before the Shade Tree Commission for review before any trees on the property are removed. Second, Mr. Alexandrou. Voting in favor: Mr. Purvin, Mr. Sietsma, Mr. Boonstra, Mr. Alexandrou, Mr. Homaychak, Mayor Madigan and Chairman Fortunato.

FOR PUBLIC HEARING**PIANELLI, MARCO** BLK 201 LOT 2 (RA-25) 447 Lake Road

The applicant proposes to bring in approximately 565 cubic yards of soil.

The application was deemed complete during the Work Session.

Marco Pianelli, the owner of the property and Pasquale Pianelli, the builder were sworn. Pasquale Pianelli stated that the applicant proposes to import approximately 565 cubic yards of soil onto the site where the new home is currently being constructed. Due to the steep sloping grade of the lot on the right side, he is going to build a 3 ½' retaining wall and bring in the dirt to back fill. This will take place at the same time as construction of the home. Pasquale Pianelli stated that the left side of the property is level but the right side is sloped exposing a large amount of the new homes foundation. The reason for importing the soil to the site is to level the property creating a more usable space as well as to improve the home's aesthetics and the area abutting the neighboring property to the east side.

Mr. Alexandrou inquired about the steep slope of the rear yard and if the soil could be moved from the rear to the right side rather than importing the soil. Chairman Fortunato stated that there are a few large trees in the back and they would be affected by removing the soil from the rear slope.

Mr. Boonstra asked if the applicant is proposing to plant arborvitae in front of the retaining wall facing his neighbor. Mr. Sietsma stated that arborvitae would quickly outgrow the area and expand onto the neighbor's property. Mr. Boonstra suggested that since the retaining wall is approximately 140' long from front to back, it would be nice to place some screening in front of that wall. Pasquale Pianelli stated that the retaining wall the applicant is proposing is a beautiful decorative shale gray wall and he would hate to hide it with shrubs. Mr. Alexandrou agreed that the proposed type of retaining wall is going to look very nice. The applicant Marco Pianelli suggested that he could plant ornamental grass in front of the wall however he will have a conversation with his neighbor to see if he is in agreement.

Mayor Madigan asked what controls are in place to know what type of soil is being brought in and where is the soil coming from. Township Engineer stated that it is recommended that a manifest is obtained of where the soil is coming from and that it is certified clean fill. Mr. Madigan asked if this is a requirement of the Township. Mr. DiGennaro said it is not a requirement; it is a recommendation to protect the homeowner however they can be asked to provide the manifest to the building Department.

Pasquale Pianelli affirmed that he is aware that the soil is clean as he is a builder and has soil stock piled in another location. He knows it is good soil and he would never compromise his brother's property or any client's property if he was not confident that the soil was good.

Mr. DiGennaro requested that the applicant have a sample of the soil tested and certified as clean fill to which Mr. Pianelli agreed.

Board Member Alexandrou made a motion to approve the application for 447 Lake Road Blk.

201 Lot 2 with the conditions that a sample of the imported soil be tested and certified as clean fill and that plantings will be placed in front of the portion of the retaining wall which will be installed

3 ½' from the property line facing the easterly neighbor's property. Second, Mr. Sietsma.

Voting in favor: Mr. Purvin, Mr. Homaychak, Mr. Boonstra, Mr. Alexandrou, Mr. Hanly, Mr. Sietsma, Mayor Madigan and Chairman Fortunato.

There being no further business, a motion to adjourn the Public Business Meeting was made, seconded and passed unanimously. The meeting concluded at 9:30 p.m.

Respectfully submitted,

Maureen Mitchell, Secretary
Wyckoff Planning Board