

**WYCKOFF PLANNING BOARD
AUGUST 14, 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 August 14, 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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Pledge of Allegiance.

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

Board Members Absent: Kevin Hanly, Vice Chairman; Scott Fisher, George Alexandrou, Sarah Caprio and John An.

Staff Present: Thomas Garlick, Acting Planning Board Attorney; Pete Ten Kate, Boswell Engineering and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the July 10, 2019 Work Session and Regular Business Minutes
The July 10, 2019 Work Session and Business Meeting Minutes were approved during the Work Session.

RESOLUTIONS TO APPROVE VOUCHERS FOR PAYMENT

Resolution #19-08

The Resolution for Payments #19-08 was approved during the Work Session.

RESOLUTIONS TO BE MEMORIALIZED

VALENTA, MICHAEL BLK 308 LOT 7.01 (RA-25) 15 Lyons Place.

The applicant proposes to re-locate the existing side yard fence past the plane of the house. He is also proposing to extend the existing boulder wall along the side yard fence and fill in with 80 – 100 cubic yards of soil to level the side yard. Approved.

GRACE METHODIST CHURCH BLK 411 LOT 2 (RA-25) 555 Russell Avenue

Minor Subdivision approved.

It was announced during the Work Session that the two Resolutions have not been finalized and will be carried to the next meeting for approval pending completion.

FOR REVIEW AND RECOMMENDATION**ORDINANCE #1885**

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO ADD ONE NEW INCLUSIONARY RESIDENTIAL ZONE AND ONE NEW OVERLAY ZONE WITH RESPECT TO LOT 10.02 AND A PORTION OF LOT 11 IN THE BLLOCK 320 CONSISTENT WITH AND DESIGNED TO EFFECTUATE THE TOWNSHIP'S ADOPTED 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.

The Board Members reviewed and approved Ordinance#1885 during the Work Session.

APPLICATIONS CARRIED

GALASSO ENTERPRISES, LLC BLK 203 LOT 3.04 (L-2) 825 Windham Court North.

Amendment to Existing Site Plan. Applicant proposes to add 56 additional parking spaces to the site which currently has 50 parking spaces).

The applicant has requested an adjournment of the Public Hearing until the September 11, 2019 meeting. The Board Members voted during the Work Session to approve the request for an adjournment until the September 11, 2019 Planning Board meeting.

FOR PUBLIC HEARING

CHRIST, IAN 742 Birchwood Drive BLK 430 LOT 8 (RA-25)

The applicant proposes to build retaining walls and move soil in excess of 100 cubic yards to level the property. The application was deemed complete during the Work Session.

Board Member Sietsma recused himself at this time and stepped down from the dais.

Ian Christ, the homeowner, was sworn and presented the following summary of the application:

The proposal is to move approximately 449 cubic yards of soil, 99 of which will be imported to his property. A series of retaining walls will be installed as well as a seepage pit and a fence. There are existing drainage measures in place which include an open grate seepage pit, an underground seepage pit which is connected to a French drain and one new seepage pit will be added as per the recommendation of Township Engineer DiGennaro.

Mr. Christ went on to say that there is a large grade change of approximately 15' from the pool area to the back corner of the property. The plan is to cut into the existing fill on the higher end and push it towards the back corner. An additional 99 cubic yard of soil will be imported to level the yard.

Chairman Fortunato asked the Applicant if he knows where the soil is coming from. Mr. Christ replied that he has not bid the job yet as he wanted to wait for the Board's approval prior to proceeding. He added that if his application is approved he plans to bid the work to a series of different contractors who specialize in site work and soil movement. He said that he would certainly want the contractor to tell him where the soil is coming from and that the soil has been tested to assure that it is not contaminated. Engineer Ten Kate stated that the Board will want copies of the soil tests to show that the soil is certified clean, meeting residential standards. Chairman Fortunato said that this could be made a condition of any Resolution, adding that it would be in the home owner's best interest to do so. Mr. Christ agreed.

Paul Ercolano, the Applicant's Engineer, was sworn. He is a licensed Professional Engineer in good standing in the State of New Jersey and has appeared before Planning Boards in Wood Bridge and Ridgewood New Jersey. The Board accepted his credentials as an expert in engineering. Mr. Ercolano provided the following details of the proposed project:

The applicant proposes to level the rear yard with a series of retaining walls. The retaining wall along the property line will be reinforced as per the detail and the retaining wall along the pool will be a gravity wall. The tier wall along the property line will be 4' maximum height and will taper off to zero. The wall along the pool will be 2' maximum height. The site is sloped so a portion of the existing soil near the pool will be cut and moved towards the back corner to level it off which is shown on page 3 of the soil movement calculations. Chairman Fortunato inquired about the materials that will be used to construct the retaining walls. Mr. Ercolano stated that the 4' walls will consist of keystone block. The material for the 2' gravity wall has not yet been determined. An additional seepage pit will be installed to offset any drainage that may fall through weep holes in the walls.

Board Member Homyachak asked if any trees in the area will be affected. Mr. Ercolano replied that there is a row of arborvitaes in the yard that will have to be relocated to facilitate leveling the property. There is also one larger tree that will be removed.

Mr. Ten Kate mentioned that the plan details for the walls show a perforated drainage pipe and asked where that pipe will drain to. Mr. Ercolano stated that the pipe will drain to the seepage pits. There is an existing seepage pit that will have to be relocated to be lower in grade with the new seepage pit. That is where the wall footing drains will drain to along with the footing drain around the pool and one of the roof leaders. Mr. Ten Kate reminded Mr. Ercolano that the 4' walls as shown on the plan cannot go above 4' in height.

Chairman Fortunato asked Mr. Christ what materials he plans to use for the 2' wall along the pool. Mr. Christ said that he would like to have a more decorative wall such as a boulder or natural stone wall in that area.

Board Member Boonstra asked the Applicant if there is a reasonable expectation that the transplanted arborvitaes will survive. Mr. Christ affirmed that he has transplanted trees of that size in the past and he has good reason to believe they will survive the move. Mr. Boonstra declared that he would like assurance that if any of the transplanted arborvitaes do not survive they will be replaced. Mr. Christ agreed with the request. Chairman Fortunato stated that this condition may be added to the Resolution.

Mayor Madigan asked for clarification as to the seepage pits. Mr. Ercolano reiterated that there are 2 existing seepage pits. In the far corner there is an existing exposed grate pit which will have to be raised up to yard level as the soil is moved to that area of the yard, one will be relocated because we are lowering the grade in that area and a new additional 500 gallon tank will be added

bring the total number of seepage pits to 3. The leaders from the house will run into the seepage pits. Mr. Ten Kate stated that as per Township Engineer DiGennaro's report, LAN Engineering will provide drainage calculations for the proposed drywell sizing. Mr. Ercolano agreed to this request.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Chairman Fortunato summarized by saying that any Resolution will include the following 3 conditions:

1. Certification that the soil imported to this property is clean fill.
2. Storm water calculations are to be provided by a N.J. Licensed Engineer, LAN Associates, which will verify the plan details.
3. Any of the transplanted arborvitaes that do not survive will be replaced in perpetuity with newly planted arborvitaes of similar size.

Board Member Homaychak made a motion to approve the application for 742 Birchwood Drive with the 3 conditions as discussed. Second, Mr. Boonstra. Voting in favor: Mr. Purvin, Mr. Homaychak, Mr. Boonstra, Mayor Madigan and Chairman Fortunato.

Board Member Sietsma then returned to the dais for the next application hearing.

TEVLIN, BLK 269 LOT 4 (B-1) 314 Franklin Avenue.

The applicant proposes to install a parking lot ingress/egress apron and seepage tank to capture storm water from the parking lot. The application was deemed complete at the July 10, 2019 Work Session.

Julianne Tevlin of St. Johns Florida was sworn. Ms. Tevlin stated that she and her husband are the owners of the subject property at the corner of Franklin and Ward Avenues and gave the following general overview of the proposal:

There is a water drainage problem on the property which has become progressively worse over the years due to the pavement improvements on Ward Avenue. The current tenant, Wyckoff Thai Cuisine, leases the property and has been complaining about the drainage problem. The intent is to correct the contributing issues.

Robert Weissman, the Applicant's Engineer, was sworn. His office is located at 686 Godwin Avenue in Midland Park. His license is in good standing and he was accepted by the Board as an expert in engineering. Mr. Weissman explained that the intent of the proposal is to improve the deteriorating parking lot on the site. Drainage water from Ward Avenue runs into the parking lot and accumulates in the lower area of the lot. The plan is to improve the section of the lot along Ward Avenue with new curbing and direct water past the site down Ward Avenue. We are proposing to install a seepage pit to collect on site drainage water from the parking lot. The deteriorating wall and split rail fence on the west side of the parking lot will be replaced. In addition, the lot will be repaved and graded to drain to the proposed seepage pit, wheel stops will be installed in all parking spaces and the existing dumpster and drums will be relocated to an enclosed area closer to the building and away from the adjacent residential property. The sidewalks on the easterly side of the property are in disrepair and will be replaced. There is existing landscaping which will remain.

With regard to the dumpster and barrels, Mr. Ten Kate noted that the new location for the dumpster allows for more room and suggested that the space be enlarged from the proposed 10'

by 4' to 16' by 4', to better accommodate the dumpster and containers. He also recommended connecting the roof leaders in the rear of the building to the seepage pit. Mr. Weissman was in agreement with these 2 recommendations.

Mr. Weissman went on to say that 9 standard size parking spaces are proposed including 1 ADA compliant space which will be located close to the building for easier accessibility to the business. The question was raised about the number of required parking spaces for the restaurant which has 30 seats with 9 parking spaces where 10 spaces are required. Mr. Ten Kate recommended that the Board grant the parking variance which will continue to permit 30 seats with 9 parking spaces where 10 are required. He also pointed out that a variance was granted in 2001 which pertains to the landscape buffer between the subject property and the adjacent residential property. Mr. Ten Kate recommended that the Board allow the landscape buffer variance to continue and it be incorporated into any Resolution along with the one (1) parking space variance.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

Chairman Fortunato summarized by stating that any Resolution of approval would be subject to the following:

1. The Resolution will include a parking variance allowing 9 parking spaces for the 30 seat restaurant where 10 spaces are required.
2. The Resolution will include the continuance of the existing landscape buffer which is not to code.
3. All rear down spouts will be connected to the seepage pit.
4. The proposed enclosed area for the dumpster and waste containers will be expanded in length to 16'-18'.

Board Member Boonstra made a motion to approve the application for 314 Franklin Avenue subject to the items discussed by the Board and summarized by Chairman Fortunato. Second, Mr. Sietsma. Voting in favor: Mr. Purvin, Mr. Homaychak, Mr. Sietsma, Mr. Boonstra, Mayor Madigan and Chairman Fortunato.

403 GOFFLE PARTNERS 403 Goffle Road BLK 491 LOT 11 (B-2)

The applicant proposes to add a free standing sign 5' from the property line, add 2 ADA compliant parking spaces and 3 additional parking spaces totaling 5 new parking spaces.

Jeffrey Lehrer, Attorney for the applicant, presented photos of the site to the Board Members and proceeded to provide the details of the application as follows:

The subject property has a lot area of 36,419 square feet and is located in the B-2 zone. The applicant is proposing to modernize the 70 year old retail space for existing and future tenants. The plan is to add 5 additional parking spaces, 2 of which will be ADA compliant. The parking lot will be repaired, seal coated and parking space striped. The dumpsters will be relocated and a 25 square foot ground mounted sign will be installed along Goffle Road which will be set back 5' from the road where 20' is required. Installing the sign further back would intrude into some parking area which is very much in demand.

Chairman Fortunato asked Mr. Lehrer what he found with regard to protective covenants and deed restrictions. The Attorney stated that he has found no restrictive covenants or deed restrictions affecting his client's property. Mr. Ten Kate said that a certification to that affect should

be provided and placed in the applicant's file. Mr. Fortunato asked Mr. Lehrer to provide a letter certifying that he found no protective covenants or deed restrictions pertaining to the subject property.

Board Member Boonstra asked if there are any easements on the property. Mr. Lehrer stated that the matter of easements will be addressed and responded to by the applicant's Engineer. Kiersten Osterkorn was sworn. She is a licensed Professional Engineer, licensed Professional Planner and a licensed Professional Surveyor. The Board accepted Ms. Osterkorn's credentials. With regard to the easements, Ms. Osterkorn stated that the original deed does go to the center line of the road and the right of way which belongs to Goffle Road. She went on to discuss the applicant's proposals. The 2 dumpsters have been relocated to facilitate easier access for the garbage trucks. There is an existing buffer on the south and west sides of the site and additional landscaping will be placed around the proposed sign. Existing lights on the store fronts have been replaced with LED lights underneath the canopy and goose neck light fixtures have been installed above each tenant's store front sign. There are utility poles on Goffle Road and Wyckoff Avenue that have cobra head street lighting fixtures which also adequately illuminate the property. The drainage pattern that exists will continue as the roof leaders have not been disturbed or moved during the building enhancements. Currently the roof leaders drain to Wyckoff Avenue, Bergen County Road #87 and Goffle Road, Bergen County Road 84 where there are inlets.

Mr. Lehrer asked Ms. Osterkorn to explain why the applicant is proposing a sign 5' from Goffle Road where 20' is required. The Engineer stated that the intent of the application is to maximize the parking on the site as it currently does not meet the Township requirements. By placing the sign at 20', the code compliant requirement, they would lose additional parking spaces.

Mr. Lehrer asked Ms. Osterkorn to address the comments listed on page 6 number 14(a) of Mr. Ten Kate's Engineering report which states that dumpster areas are required to be enclosed as per Section 168-20D of the Township Code. Ms. Osterkorn explained that the applicant had no intention of enclosing the dumpsters since they were not previously enclosed. His intent was to move them to a better location away from the corner of the property and the adjacent residential property. Mayor Madigan questioned what is required by the Township Ordinance to which Mr. Ten Kate replied, as per the Site Plan Ordinance, it is our standard to enclose dumpsters therefore provisions should be made to enclose garbage and refuse. Mr. Lehrer commented that his client is working very hard to improve the existing site which has been operating for approximately 70 years. The applicant is anxious to make the improvements and begin renting to new tenants as soon as possible and get his business up and running. The Attorney requested waiver relief at this time. Board Member Boonstra said that the enclosure of the dumpsters is a matter for discussion and needs to be addressed.

Mr. Lehrer addressed the following additional comments from page 6 of the Engineer's report: The areas of the parking lot that are in disrepair will be repaired, patched, seal coated and striped for parking spaces. The sidewalk along Wyckoff Avenue will also be repaired as well as repairing some sections of the concrete curbing around the parking lot. An As-Built Survey will be provided upon completion of the site work.

A lengthy discussion then ensued regarding traffic flow and the drive aisle width between parking space #26 and the edge of the pavement. The site plan reflects a distance of 15' however, the edge of pavement is on the adjacent property and there is no cross access easement shown on the plan. The aisle width should be measured to the applicant's property line which is in actuality 7.5' not 15'. Mr. Ten Kate recommended that parking spaces #25 - #27 be eliminated to achieve a safe flow of traffic on the property.

Mr. Lehrer stated that the applicant will make a good faith attempt to secure an easement from the neighboring property. He added that if obtaining the easement is not possible, the applicant will remove spaces #25 - #27 to make the drive aisle conforming. Chairman Fortunato asserted that there is no easement shown on the plan at this time therefore the Board cannot assume one exists or will be granted to the applicant. If however the applicant is able to obtain an easement, he can come back before the Board with a simple application and he will not have to eliminate spaces #25 - #27.

Mr. Ten Kate pointed out that some of the existing spaces are under the required size while others are larger than is required. Since the lot is going to be seal coated and restriped, the spaces can be configured so that they are all conforming and the drive aisle will be sufficient in size for a one way flow of traffic around the building. The flow of traffic should flow clockwise from Wyckoff Avenue, west to north, and parking space #36 should be shifted further east. Mr. Ten Kate stated that the Goffle Road entrance to the parking lot is not wide enough to accommodate two way traffic and should be an exit or entrance only. The entrance on Wyckoff Avenue is sufficient for 2 way traffic and may serve as an entrance and exit.

Chairman Fortunato stated that the applicant will have to come back with revised plans based on this evening's discussion. Mr. Lehrer requested that the application be approved with conditions and the applicant will return with the revised plans for Engineer review. Mr. Fortunato said that there are too many revisions to approve the application without the Board reviewing the revised plans which should include the following:

37 parking spaces will be provided.

Proposed parking spaces #25, #26 and #27 will be eliminated.

Spaces #16-24 will be decreased in size to enlarge the drive aisle width to 12'.

There will be a one way traffic flow clockwise from the Wyckoff Avenue entrance to the Goffle Road side of the lot.

The two dumpsters are to be enclosed.

The southern exit will be one way traffic only.

Board Member Boonstra inquired about the need for the sign suggesting it may be difficult for people driving by to actually be able to read the sign. Ms. Osterkorn said that the tenants want signage to alert passersby of their location. She added that she looked around Town at different types of signs outside of local businesses and the one being proposed is similar to the sign on Franklin Avenue for the shopping center where Café Amici and Tons of Toys operate. Mr. Ten Kate asked Ms. Osterkorn to indicate the type of lighting to be used on the proposed sign when she revises the plans. Mr. Lehrer announced that he and his client will be back for the September 11, 2019 meeting.

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Steve Reinhardt of 416 Lincoln Avenue was sworn. His property abuts the left rear of the subject property. He said that his house is at a higher elevation and all of the windows in the rear of his home face the roof of the shopping center, located at 403 Goffle Road. He presented photos of the roof which he took from a rear window in his home. Mr. Reinhardt pointed out that all of the exhaust stacks and A/C units are situated on the side of the roof that is closest to the residential homes. He is concerned that his quality of life may be affected if a restaurant leases the space. Chairman Fortunato stated that the Board cannot control the types of businesses that move in to the shopping center however, as per the Township Code, there is insufficient parking to

accommodate a restaurant. Mr. Reinhardt stated that his other concerns were addressed during the meeting.

CLOSED TO THE PUBLIC

The application will be carried to the September 11, 2019 meeting.

At this time, Chairman Fortunato announced that the meeting will adjourn at 10:30 p.m.

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

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

Gary Kayal, the applicant, was sworn and presented a brief overview of the application. Mr. Kayal stated that he is a landscaper. He purchased the home approximately 1 year ago. The back yard was mostly wooded and his desire was to remove some of the trees and level the yard so his 4 children would have more room to play. There is a large buffer between the rear of his property and the Wyckoff Library property, at the Memorial Athletic Field Campus. After bringing in the soil to raise the grade, he feared that there would be runoff onto the library property if it rained, so he decided to build a retaining wall along the property to prevent that from happening. During the process, Township Engineer DiGennaro was notified of the work being done on the property and informed Mr. Kayal that he should have obtained permits before beginning the project. He told Mr. Kayal to stop all work on the soil movement and retaining wall and follow the proper protocol to obtain permits. Mr. Kayal subsequently completed a soil movement application which he submitted to the Planning Board Secretary on July 12, 2019.

Chairman Fortunato asked Mr. Kayal if the work is complete. Mr. Kayal stated that the work is approximately 90% complete. He still has to install the irrigation system, additional plantings and grass. Mr. Fortunato reminded the applicant that he is before the Board this evening for a soil movement and retaining wall application however all of the soil has already been imported and the retaining wall is complete. Mr. Kayal said that he still has to bring in top soil. Mr. Fortunato said that Mr. DiGennaro, who was unable to attend the meeting, indicated in his notes that a stop work order had been issued to the applicant. Mr. Kayal said that Mr. DiGennaro issued the stop work order a few months ago and told him that he must go before the Planning Board for soil movement in excess of 100 cubic yards.

Chairman Fortunato asked Mr. Kayal if all of the soil movement and construction of the retaining wall were complete at the time the stop work order was issued. Mr. Kayal said no. Mr. Fortunato asserted that the applicant continued to work on the project even after the stop work order was issued to which Mr. Kayal replied that he stopped working on the project for approximately a month or 6 weeks and then resumed because he wanted to prevent any soil runoff onto the Library property. He also stated that he resumed the work because it takes a long time for the Professional Engineer and Surveyor to prepare the plans and complete the application. He added that it also takes a long time to get on the schedule for a Planning Board meeting; however his application was submitted on July 12, 2019 and he was placed on the August 14, 2019 meeting. Chairman Fortunato said that while he understands that the applicant was anxious to complete the project, there are rules in place and we are all subject to the same Township code and laws.

Mr. Fortunato asked Mr. Kayal if Mr. DiGennaro issued him a summons for continuing to work on the property. Mr. Kayal said that he did receive a summons however it was unrelated to the soil movement. He explained the summons was issued because he took out the asphalt curbing that

the town installed along his street and began replacing it with a Belgium block curb. He was not aware that he needed a permit for that. After receiving the summons he applied for a road opening permit and is scheduled for a court appearance pertaining to the summons.

Board Member Boonstra asked Mr. Kayal if he, as a Landscaper, does work in other towns and if so does he obtain permits for the work he does in those towns. Mr. Kayal replied yes, he does. With that, Mr. Boonstra questioned Mr. Kayal as to why, if he obtains permits to do similar work in other towns, he didn't think he needed permits in Wyckoff. Mr. Kayal's response was that he did not initially plan on such a big project however as it grew he felt it was too late to apply for permits.

Angelo Onello, the applicant's Engineer, was sworn. He stated that the survey of the site, dated April 17, 2019 reflects the state of completion shortly after the stop work order was issued by Mr. DiGennaro. The majority of the retaining wall was already built and is all set within the property line at 4', 4.7' and 5' which is greater than its height so its location is permitted from a zoning stand point.

The amount of soil that was brought in continually over time is calculated to be approximately 774 cubic yards. There was an 8% grade change in the rear yard which was filled in, graded and supported by the retaining walls. The wall is at a maximum height of 4' in the corner and the construction of the wall had been continued along the rear property when the stop work order was imposed. Board Member Boonstra stated that he was at the property earlier in the day and there were 4 or 5 workers in the rear of the yard working on the retaining wall. Mr. Onello said they were probably wrapping up some drainage work where there was some piping installed. All of the roof leaders have been piped under the ground towards the rear where it will drain into the stone and slowly trickle into the wooded area behind the Library which is Township property.

Mr. Ten Kate commented that the applicant's Engineer must provide certification of the structural stability of the walls upon completion of the job adding that this should be a condition of any approvals. He also recommended that any approval by the Board should be with the condition that all work in the right of way, as discussed earlier, must be performed to the Township's standards and with the approval of the Township. Chairman Fortunato asked if there are any additional drainage calculations that are required of the Engineer. Mr. Ten Kate said that there is no new impervious coverage however the issue is to make sure the roof runoff is dissipated and does not discharge directly onto the Library/Township property which Mr. Onello has addressed.

Mr. Fortunato asked Mr. Kayal where the soil was imported from and if the soil has been environmentally tested. He replied that he obtained the soil from 2 residential properties where in ground pools were being installed and he did not have the soil tested. One of the properties was in Franklin Lakes and the other was in Wyckoff. Mr. Ten Kate recommended that as a condition of any approval, the applicant should provide the Board with a statement from the owners of any residential properties he obtained soil from and copies since he has testified that he knows where the soil came from.

Mayor Madigan stated that he was not clear as to how the 774 cubic yards of soil were obtained from just 2 residential pool installations since the applicant stated earlier that an in ground pool dig produces approximately 200 cubic yards of soil. Mr. Kayal explained that in addition to the soil excavation for an in ground pool, there is occasionally surrounding land in the yard that has to be cut in order to install the pool. Mr. Madigan theorized that if the 774 cubic yards of soil were obtained from 2 residential pool installations, they would have been 2 very large pools and 2 very large back yards requiring soil removal to facilitate the pool installations. Mr. Onello mentioned that he also worked on the pool installation at the Franklin Lakes property and it did involve a

substantial amount of soil movement. This prompted Mr. Boonstra to ask Mr. Onello why he didn't think permits were required for Mr. Kayal's project. Mr. Kayal quickly responded to that question by stating that Mr. Onello did not know about his project at that time adding that Mr. Onello was not at fault.

Board Member Boonstra asked Mr. Onello, who testified that he worked on the same soil excavation in Franklin Lakes as Mr. Kayal, if he could explain the permitting process for that particular job. Mr. Onello said the job required a zoning permit for the pool and patio areas and there was also a soil movement application. Mr. Boonstra asked Mr. Onello if he knew where the excavated soil was going to which Mr. Onello replied no, he did not know where the soil was going. Finally, Mr. Boonstra expressed strong concerns about the testimony presented during the meeting and stated that in his his opinion all of the work performed thus far without permits should be removed.

Chairman Fortunato stated that the Kayal application will be carried to the September 11, 2019 Planning Board meeting. He advised Mr. Kayal not to resume work on the soil movement or retaining wall until this matter is resolved.

OPEN TO THE PUBLIC
NO ONE APPEARED
CLOSED TO THE PUBLIC

There being no further business, a motion to adjourn the Public Business Meeting was made, seconded and passed unanimously. The meeting concluded at 10:34 p.m.

Respectfully submitted,
Maureen Mitchell, Secretary
Wyckoff Planning Board