

**WYCKOFF PLANNING BOARD  
OCTOBER 7, 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 October 7, 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](http://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 Member Attendance:** Robert Fortunato, Chairman; Kevin Hanly, Vice Chairman; Tom Madigan, Mayor; Rudy Boonstra, Township Committee Representative; Michael Homaychak, Kevin Purvin, Scott Fisher, Glen Sietsma, George Alexandrou, Sarah Caprio and John An.

**Staff Present:** Thomas Garlick, Acting Planning Board Attorney; Mark DiGennaro, Township Engineer and Maureen Mitchell, Board Secretary.

**OLD BUSINESS**

Approval of the September 11, 2019 Work Session and Regular Business Minutes  
The September 11, 2019 Work Session and Business Meeting Minutes were approved during the Work Session.

**RESOLUTIONS TO BE MEMORIALIZED**

**GRACE METHODIST CHURCH** BLK 411 LOT 2 (RA-25) 555 Russell Avenue  
Minor Subdivision approved. Amended Resolution.

**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.

The Resolutions were memorialized during the Work Session.

**FOR REVIEW AND RECOMMENDATION**

Ordinances 1889 – 1894 will be reviewed and voted on when the Work Session resumes following the Public meeting.

**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).

Bruce Whitaker, the applicant's Attorney, provided an update of the status of the application which has been carried at the request of the applicant since the May 8, 2019 meeting. Mr. Whitaker stated that issues were raised, at the last Public hearing of the application, which pertained to environmentally sensitive areas. His client retained an Environmentalist to look at that aspect of his application and how it may or may not affect those areas. He went on to say that his client will get a letter of interpretation in order with the Department of Environmental Protection (DEP). Mr. Whitaker stated that he believes it is best to get those delineations in order before coming back before the Board with a revised site plan. The current status is that his client is waiting for a response back from the DEP. Once the response from the DEP is received, the information will be provided to the Planning Board for review by the Township's Professionals prior to a Public hearing of the application. Mr. Whitaker requested that the application be carried until the information from the DEP is obtained at which time his client will submit a revised plan, will re-publish and re-notify neighbors. Finally, Mr. Whitaker said that he does not know how long it will take to get a report from the DEP. Chairman Fortunato asked Mr. Whitaker if he would be willing to come back before the Board in December with another update to which Mr. Whitaker agreed.

**OPEN TO THE PUBLIC**

Mitch Schoiock of 352 Crescent Avenue came forward and was sworn. He stated that at the last Public meeting, the applicant's Attorney said a berm would be restored, a buffer would be added and the property would be cleaned up. He said he is concerned that none of this has been done. Mr. Whitaker stated that the Environmentalist, that his client retained, viewed the property and advised that nothing should be planted or removed until the DEP responds. Mr. Schoiock said that he does not like having to see the 5 or 6 fluorescent trailers when he looks out his window and asked if the trailers could be moved. Chairman Fortunato stated that there is nothing the Board can do until the applicant comes back before the Board for a Public hearing adding, once there is a hearing, the Board will address his concerns.

Tim Brackett of 358 Crescent Avenue came forward and was sworn. He stated that the applicant and his Attorney were told at the last Public hearing that the berm which appeared on the original survey and was removed was to be replaced immediately and maintained as per Township Ordinance. Mr. Boonstra said that while the Township does have such an Ordinance, the fact that the DEP instructed the applicant not to plant anything at this time, supersedes the Ordinance.

**CLOSED TO THE PUBLIC**

Vice Chairman Hanly made a motion to carry the application for 825 Windham Court North until December 2019 at which point the applicant and his counsel will provide the Board with an update, either verbally or in writing, on the status of the matter. Should the applicant submit revised plans and return for a Public hearing, he will be required to re-publish and re-notify neighbors within a 200' radius prior to the meeting. Second, Mr. Purvin. Voting in favor: Mr. Alexandrou, Mr. Homaychak, Mr. Purvin, Mr. Fisher, Mr. Sietsma, Mr. Boonstra, Mr. Hanly, Mayor Madigan 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.

Board Member Sietsma was not in attendance at the September 19, 2019 Planning Board meeting. He submitted a signed Certification that he listened to the recording of said meeting from which he was absent and is therefore eligible to participate in a vote on this matter. A copy of the signed Certification is on file in the Planning Board Office in Memorial Town Hall.

Chairman Fortunato announced that Bruce Whitaker has been retained by Mr. Kayal to represent him in this matter. Mr. Fortunato asked Mr. Whitaker if he has listened to the transcripts and read the minutes from the two (2) previous hearings of the application. Mr. Whitaker stated that he has read the transcripts and the minutes and is ready to proceed.

Mr. Whitaker stated that before he proceeds with the application he has two procedural issues that he would like to address with the Board. First, he said that there is a section in the Municipal Land Use Ordinance which states that a Municipal Attorney cannot represent any Land Use Board. Mr. Garlick, who is presently the acting Planning Board Attorney, is affiliated with the law firm of Robert Landel, the Township Attorney. He added that he is not concerned and is waiving any objection however he would like this statement on the record. Chairman Fortunato stated that while Mr. Whitaker said that he is waiving his objection, Mr. Garlick has researched the statute and feels that it is in his best interest that he not participate further in this hearing. Mr. Fortunato recommended adjourning the hearing until the November 13, 2019 meeting when a substitute Attorney can take over for Mr. Garlick.

Mr. Sietsma made a motion to adjourn the hearing and carry the application to the November 13, 2019 meeting. Second, Mr. Fisher. Voting in favor: Mr. Alexandrou, Mr. Purvin, Mr. Homaychak, Mr. Fisher, Mr. Sietsma, Mr. Boonstra, Mr. Hanly, 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 8:52 p.m. The Work Session then resumed.

Respectfully submitted,  
Maureen Mitchell, Secretary  
Wyckoff Planning Board