

**WYCKOFF PLANNING BOARD
MARCH 8, 2017 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 Richard Bonsignore, Chairman:

“The regular April 10, 2017 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.

Board Member Attendance: Richard Bonsignore, Chairman; Robert Fortunato, Vice Chairman; Rudy Boonstra, Mayor; Drita McNamara; Glenn Sietsma; Kevin Hanly; George Alexandrou; Kevin Purvin, Alt.

Board Member(s) Absent: Tom Madigan, Township Committee Representative; Scott Fisher; Justin Hoogerheyde, Alt.

Staff Present: Joseph Perconti, Board Attorney; Mark DiGennaro, Township Engineer; Gary Ascolese, Boswell Engineering Representative; Susan McQuaid, Board Secretary.

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Chairman Bonsignore 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”*

OLD BUSINESS

Approval of the January 11, 2017 Work Session and Regular Business Minutes
Approval of the January 31, 2017 Special Meeting Minutes

The January 11, 2017 work session and regular business meeting minutes and January 31, 2017 special meeting minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #17-03

This resolution for payment was memorialized at the work session meeting.

RESOLUTION TO BE MEMORIALIZED

RS BUILDERS, LLC (Estate of Alfred A. Siss) BLK 436 LOT 20.01, 19.01 & 19.02 (RA-25); 363 Smith Place, 685 Mountain Avenue & 689 Mountain Avenue. Preliminary major subdivision/variance. *(The applicant proposes a preliminary major subdivision with a new cul-de-sac street to create 4 new building lots of which 2 lots require lot frontage variances).*

FOR COMPLETENESS REVIEW

RIDGEWOOD WATER - AMES WELL FIELD BLK 282 LOT 3.01 (RA-25); 482 Hartung Drive. Amended site plan. *(The applicant proposes to install emergency generators which will provide emergency power during power outages so Ridgewood Water can continue to provide drinking water to the area).*

RIDGEWOOD WATER – LAFAYETTE TRANSFER STATION BLK 483 LOT 33 (RA-25); 451 Lafayette Avenue. Amended site plan. *(The applicant proposes to install emergency generators which will provide emergency power during power outages so Ridgewood Water can continue to provide drinking water to the area).*

RIDGEWOOD WATER – LAKEVIEW TRANSFER STATION & WELL BLK 320 LOT 61.01 (RA-25); 394 Wyckoff Avenue. Amended site plan. *(The applicant proposes to install emergency generators which will provide emergency power during power outages so Ridgewood Water can continue to provide drinking water to the area).*

RIDGEWOOD WATER – SICOMAC TRANSFER STATION/MOUNTAIN WELL BLK 443 LOT 33 (RA-25); 342 Holly Drive. Amended site plan. *(The applicant proposes to install emergency generators which will provide emergency power during power outages so Ridgewood Water can continue to provide drinking water to the area).*

RIDGEWOOD WATER – VANCE TRANSFER STATION BLK 337 LOT 9 (RA-25); 488 Vance Avenue. Amended site plan. *(The applicant proposes to install emergency generators which will provide emergency power during power outages so Ridgewood Water can continue to provide drinking water to the area).*

RIDGEWOOD WATER – VAN HOUTEN TREATMENT FACILITY BLK 292 LOT 3 (RA-25); 2 Neelen Drive. Amended site plan. *(The applicant proposes to install emergency generators which will provide emergency power during power outages so Ridgewood Water can continue to provide drinking water to the area).*

RIDGEWOOD WATER - WEISCH WELL BLK 455 LOT 36 (RA-25); 457 Weisch Lane. Amended site plan. *(The applicant proposes to install emergency generators which will provide emergency power during power outages so Ridgewood Water can continue to provide drinking water to the area).*

The above referenced applications were deemed complete at the work session meeting and have been scheduled for a public hearing on Monday, April 10, 2017 at 8 p.m.

FOR PUBLIC HEARING – CARRIED

BATTAGLIA, JOSEPH & BRENDA BLK 498 LOT 47.02 (R-15); 60 Ravine Avenue. Amendment & modification to a previous subdivision approval and related terms and conditions. *(The applicant proposed to perform interior alterations and improvements to the accessory structure).*

Joe Battaglia, 60 Ravine Avenue, Wyckoff, NJ was reminded by Board Attorney Perconti that he was previously sworn and remains under oath.

Chair Bonsignore said that the Board appreciates the efforts the applicant has made in moving the bathroom to the first floor however they are still concerned with the renovations on the second floor. He asked that page 1 of the plans be revised showing that all items will be removed.

Mr. Battaglia said he has revised the plans to show a bathroom on the first floor with a toilet and a sink. Mayor Boonstra said the renovation will be limited to the first floor with a half bath which will be convenient for the pool. He said it is the board's intention to limit the renovations to the first floor only of the barn/garage. Township Engineer DiGennaro said insulation, sheetrock, new walls, replace the existing counter and sink and all renovation notes will need to be removed from the first page of the plans. Mr. DiGennaro asked that the applicant's architect, Mr. Fred Klenk, contact him for clarity. Mayor Boonstra said the Board Attorney can have the resolution prepared for next month's meeting after the revised plans are submitted to the Board for the April meeting. The accessory structure cannot be used or converted to a second housekeeping unit in this single family zone.

The Board unanimously agreed to carry this application to the Monday, April 10, 2017 regularly scheduled meeting. The applicant will not need to re-notice the neighbors or the newspaper.

FOR PUBLIC HEARING - NEW

GEERING, EMIL BLK 201 LOT 2 & 20 (Wyckoff)/BLK 2707 LOTS 3 & 4 (Franklin Lakes) (RA-25); 2 Nydam Lane. Minor subdivision. *(The applicant proposes to create a lot line along the municipal boundary in order to property separate Lot 2 from Lot 3).*

Andrew Kohut, from the law firm of Wells, Jaworksi & Liebman, 12 Route 17 North, Paramus, NJ is present on behalf of Emil Geering with property on Lake Road. He said his client owns a parcel of land that intersects the Wyckoff Franklin Lakes border. He said Block 201 Lot 2 is in Wyckoff and Block 2707 Lot 3 is in Franklin Lakes for tax assessment purposes. He said the applicant would like to subdivide Lot 2 from the Franklin Lakes portion of Lot 3 so that each lot can be contained separately. The existing dwelling on land in Wyckoff is on Lot 2. The separating of these lots will not result in any new variances. Lot 3 will then be consolidated with Lot 4 in Franklin Lakes. Mr. Kohut then called his first witness.

Dawson Bloom, a civil engineer with Bertin Engineering, 66 Glen Avenue, Glen Rock, NJ was sworn. He said he has 25 years of experience and have a bachelors and master's degree in civil engineering from NJIT and has testified before several boards in the State of NJ. He said he also served as the Planning Board Engineer and the Municipal Engineer for the Washington Borough in New Jersey. The Board accepted Mr. Bloom's credentials.

Submitted at this time was the following exhibit marked as identification:

A-1 application package

Mr. Kohut said a minor site plan with the last revision date of February 1, 2017 was submitted. Mr. Bloom said he prepared the plan and is familiar with the application. He said the tract known as Block 201 Lot 2 in Wyckoff and Block 2707 Lot 3 in Franklin Lakes is described under the same deed. He said this tract is bordered by the boundary line between the Township of Wyckoff and the Borough of Franklin Lakes. He said the applicant is seeking to subdivide this tract along the municipal boundary. In the Township of Wyckoff there exists a 1 ½ story

dwelling with and accessory 2 car garage. The Lot is located in the RA-25 zone and currently meets all the bulk requirements except for the front yard setback to the existing dwelling. He said there will be no proposed improvements to this lot. He said that Lot 3 in Franklin Lakes will be consolidated with Lot 4 in Franklin Lakes to create a new Lot 3.01. He added that he has received confirmation from the Franklin Lakes Assessor that Lot 3.01 will not change. He said there will be no changes to existing Lot 20 with any consolidations. He continued that the newly created lot with a requirement for a monument at the intersection with Nydam Lane and the right of way line. He said that due to the presence of wetlands at this location with Nydam Lane. Due to wetlands at that location it was suggested that the monument be relocated 30' along the right of way (ROW) line on Nydam Lane and this will be put on the final site plan. Mr. Kohut said that the Franklin Lakes application has been administratively approved by the Township Engineer. Chair Bonsignore asked if the applicant had heard the comments from Boswell Engineering Representative Ascolese regarding the monument. Boswell Engineering Representative Ascolese said there presently is an iron pin with a cap on the southern end of Lots 3 & 4 and he recommends that the pin be reset at the new corner of Lot 2 next to Lot 20. He said he would not want the lot lines to be misinterpreted in the future. Mr. Bloom said the pin will be relocated on the final site plan.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Alexandrou made a motion to approve this application as presented with the following condition that the iron pin be moved between Lots 2 & 20. Second, Board Member Hanly. Voting in favor: Mr. Purvin, Mr. Alexandrou, Mr. Hanly, Ms. McNamara, Mr. Sietsma, Mr. Fortunato, Mayor Boonstra and Chairman Bonsignore.

WYCKOFF PROPERTIES, LLC (The Brick House) BLK 293 LOT 6.01 (B2); 179 Godwin Avenue. Amended site plan. *(The applicant is seeking approval for the construction of an 867 square foot patio in front of the existing restaurant building with access to the patio from the restaurant itself on Godwin Avenue).*

Bruce Whitaker, from the law firm McDonnell & Whitaker, said he is representing Wyckoff Properties, LP, 179 Godwin Avenue. He said the applicant is seeking amended site plan approval for purposes of permitting the installation of a patio of 867 square feet to be in the front of the existing restaurant building with access to the patio from the restaurant itself. The patio would be used on a limited basis for outdoor dining when weather permits. He added that there is no requirement for any additional parking for outdoor dining because it is recognized as seasonal. The proposed planters in front of the tables and chairs will be to soften the look of the area and will be removed along with the tables and chairs when the season is over. He added that the historic canon will not be moved, there will not be any additional lighting but modest lighting will be used in a residential zone and the existing retaining wall will be maintained with seasonal plantings. He said the applicants focus is: 1). the front yard setback of 15.33' where 20' is required and; 2). for a modest increase in impervious coverage.

Aldo Cascio, 179 Godwin Avenue, Wyckoff, NJ was sworn. He said he has been in the restaurant business since 1971 and has been the operational manager at the Brick House Restaurant since 1997. He said he currently has outdoor dining at his other restaurant, Aldo's Restaurant. He said that a hostess will seat the customers and provide menus. He said by 11:30 p.m. the tables and chairs will be covered and then removed at the end of the season. Board Member Fortunato asked if there will be a bar outside. Mr. Cascio said there will not be a bar, TV or music outside but just a service area for the waitresses. He said he will use this

outdoor dining area from May through October. Boswell Engineering Representative Ascolese said the applicant will need to apply to the Bergen County Planning Board for site plan approval also.

OPEN TO THE PUBLIC questions of Mr. Cascio

No one appeared.

CLOSED TO THE PUBLIC

Wayne Johnson, Blue Line Architecture, LLC, 397 Franklin Avenue, Wyckoff, NJ was sworn. The Board accepted his credentials as a qualified expert in architecture since he has appeared before the Board on numerous occasions. Mr. Johnson said he created a plan for this outdoor dining patio in the front yard of the Brick House Restaurant.

Board Attorney Perconti asked that the following exhibits be marked as identification:

A-1 Original date 12/1/16 and revised on 2/17/17

A-2 Photograph taken of the area last year during the summer

A-3 Enlarged photo of the patio area

Mr. Johnson said the picture depicts the seasonally planting on retaining wall which was taken by the exit driveway off of Godwin Avenue which also depicts the location of the historic canon. He said the colonial style of the building will extend out onto the patio. Currently there is a 24" high stone retaining wall which will remain along with an 8' sidewalk. He said the patio would be placed next to the building with patio access doors being installed. A new stacked stone retaining wall will be constructed near the exit lane due to the topography of the ground in this area where it will taper from 24" to zero as the patio extends along the front of the building. He added that there will be a new stacked stone seating wall near the retaining wall. Forty-two seats (42) seats will be provide which will be 30' from the curb along with decorative planters for tropical seasonal plants which will add height to the area and mask the tables from the street. Mr. Whitaker asked about outdoor lighting. Mr. Johnson said there will be 50 watt shielded lighting pointed downward on top of the 2 – 2' stacked stone piers. Mr. Whitaker asked about drainage. Mr. Johnson said the rain water will bleed off into the shrubbery.

Board Member Alexandrou asked if there would be any outdoor heaters. Mr. Johnson said there will not be any heaters on the patio area. Board Member Hanly asked what standards you are using to create a safe environment. Mr. Johnson said the tables will be well protected with 24" high retaining wall and patio planters plus an existing 2' high retaining wall next to the 8' sidewalk along Godwin Avenue. He said the tables will be out of the right of way (ROW) and there have been no traffic incidents at this intersection. Mr. Whitaker asked that the Wyckoff Police Report be marked as an exhibit. The report states that there are no records of any significant crash history at the intersection of Godwin Avenue and Crescent Avenue and that the Wyckoff Police Department had no further comments or issues with this proposed application from a traffic safety standpoint.

The following exhibit was marked as identification:

B-1 Police report dated 2/16/17

Board Member McNamara asked how the customers would gain access to this area. Mr. Johnson said access to the patio would be from inside the building only and landscape, retaining walls and planters would circumvent patrons from walking right onto the patio from the street or vice versa. Mayor Boonstra said the front yard setback variance is created due to the curvature of the proposed patio. Mr. Johnson said the patio is curved for aesthetics and the 250

lb. planters will serve as a bollard or ground level structure for safety along with the existing 2' retaining wall.

OPEN TO THE PUBLIC of Mr. Johnson

Douglas Feick, 82 Heather Lane, Wyckoff, NJ, was sworn. He said the Brick House a first class restaurant and the proposed patio will be tasteful and handled in a professional manner.

CLOSED TO THE PUBLIC

Chair Bonsignore asked if there is a lease agreement for parking with the neighboring property owner. Mr. Whitaker said there is a lease in effect along with additional parking in the shopping center across the street during off hours. Board Member Hanly asked if there will be any testimony as to the C2 criteria. Mr. Whitaker said he will present this in his statement of facts. He said the C1 criteria is a lawfully existing structure in its current location and a front patio would be placed in front of this structure as to where it is currently located; and the C2 criteria is basically aesthetics and safety as to what is being proposed. The infringement of the patio due to the 2 curvatures of is basically aesthetics and for the large planters that serve as a large bollard. The patio will not be intrusive in the front yard but rather is at ground level.

OPEN TO THE PUBLIC

Michael Caprio, 161 Godwin Avenue, Wyckoff, NJ was sworn. He said he is concerned with outdoor seating for 40 people and the noise it will create since there are not a lot of noise barriers provided and the largest table is closest to the residential area. This outdoor seating will close at 11:00 p.m. and Mr. Caprio asked that a noise condition be placed on this application. He suggested a restriction time of no later than a 9 p.m. closing time since this is a residential area and it will interfere with the peace and quietude of nearby residences. Chairman Bonsignore said this is a business zone with residential neighboring property just like there are schools in a residential area where there is noise and disruption. He added that there is much more traffic in this area since Godwin Avenue is a county road.

Al Parisi, 167 Godwin Avenue, Wyckoff, NJ was sworn. He said he is the neighbor adjacent to the Brick House Restaurant and said that the restaurant are not good neighbors. He said the neighborhood is routinely subjected to loud and after hours noise from both patrons and employees exiting the restaurant and bar area late into the night and after closing. He said he has voiced many complaints to the owner and operational manager and they have gone unheeded. He added that where the Brick House site meets residential property is constantly filled with litter crating an eye sore and a health hazard. He said that during warmer weather and during breaks workers regularly camp out in the buffer zone between my property and the parking lot sprawled out on cardboard mats, talking loudly on cell phones and leaving trash behind. He said this outdoor seating will increase the amount of noise. He asked that the site plan be significantly modified in terms of hours of operation and restrictions to ensure neighbors quality of life concerns are addressed and respected. Mr. Whitaker said there could be noise conditions placed in the resolution.

Sarah Caprio, 161 Godwin Avenue, Wyckoff, NJ was sworn. She was concerned with the location of this patio in the front yard since there had recently been an accident at this intersection. Mayor Boonstra said the Police Report said there has been no significant crash history in this area. Board Attorney Perconti read the Police report dated 2/16/17 into the record. Ms. Caprio said she is also concerned with the bar entrance where patrons typical leave at 1 a.m. Mr. Whitaker said the outdoor dining ordinance requires that outdoor dining closes at 11 p.m. and the doors are locked by 11:30 p.m. and that the applicant will comply with the ordinance. Ms. Caprio said she is also concerned that there are no sound barriers to control the noise from the patrons on the patio area. She said the landscaping is below the height of the retaining wall. She said her concern is what is to prevent this area from being used as a

cocktail hour area if the planters are moved. She recommended an alternate area behind the building that would be better suited for an outdoor patio area.

Board Attorney Perconti asked that the following exhibits be marked as identification:

O-1 Posters of the property in question

O-2 Posters of the property in question

Mr. Whitaker said that in connection with this submission being made the photographs have nothing to do with area in question as part of this proposal for amended site plan. In connection with the issues raise regarding the planters and the ability for someone to move these 250 lb. planters there will be a condition of approval where no one will be allowed to remove them when there is outdoor dining. In connection with the noise issue that was raised there is a provision in Chapter 186 paragraph e. "Noise should be kept at such a level as is required with all provisions of the Township ordinances relating to noise as well as all applicable state statutes. No outdoor music, public address system, loud speakers or any other type of exterior sound systems shall be permitted". He said we are not hear this evening to debate the issue pertaining to outdoor dining which was settled when the ordinance was passed in 2010. He said the applicant will comply with the ordinance and then will need to obtain a license for outdoor dining as well as building permits. Board Attorney Perconti said this outdoor dining will be limited to outdoor dining only and no happy hour. Mr. Whitaker said that alcohol beverage service and consumption shall only be permitted with food service to the customer. The outdoor dining code permits 7 a.m. to 11 p.m. with the tables being made unusable by 11:30 p.m. Mr. Cascio said 11:30 a.m. to 12 noon would be the earliest for lunch.

Wendy Aftab, 303 Paul Court, Wyckoff, NJ was sworn. She said this application for outdoor dining is proposing 40 people sitting outside every single night. She said there will be noise that will interfere with the peace and quietude of the neighborhood along with outdoor smoking. Mr. Whitaker said this property is located in the B2 zone and there are provisions of enforcement. Board Attorney Perconti said smoking is prohibited within 25' from any doorway.

David Ballou, 162 Godwin Avenue, Wyckoff, NJ was sworn. He said there is noise every day at this restaurant. He also asked the Board what impervious coverage is and why we would let someone exceed it. Chairman Bonsignore said impervious coverage is a variance request. Mr. Ballou said this outdoor seating proposal will affect our quality of life. He said he is also objecting to the impervious coverage variance. The applicant should not exceed any further than the allowable 75%.

Chairman Bonsignore said that a lot of the comments such as noise pertain to an enforcement issue. Boswell Engineering Representative Ascolese said the ordinance is clear as to outdoor dining to ensure the peace and quietude of the neighborhood. Board Attorney Perconti said the outdoor sleeping on the restaurant property and the trash is an enforcement issue. Chairman Bonsignore said this is a maintenance issue and not based on land use issues.

Sarah Caprio asked if the number of tables and chairs can be reduced and remain outside the front yard setback which may lower the impervious lot coverage. Boswell Engineering Representative Ascolese asked if the potted planters are included as impervious coverage. He said it was agreed that the plants and retaining walls are deminimus and not included in this calculation.

CLOSED TO THE PUBLIC

Mr. Whitaker recalled Mr. Johnson about the curvature of the patio. Mr. Johnson said the patio was curved for a design feature and the planters were added to soften the look and provide

privacy to the patrons. He said if the patio was straightened and the screening and planters removed would there still be the same numbers of chairs within the 30' setback. Mr. Whitaker said the front yard setback would not be required but there would still be an impervious coverage variance request for 1%. Chair Bonsignore said the number of tables and chairs can be reduced and placed closer to the building.

Mayor Boonstra said the applicant would like to enhance his property which is in a B2 zone where outdoor dining is allowed. He said this property is located adjacent to the RA-25 residential zone. He asked if a noise barrier could be created. Mr. Johnson said a winged wall could be provided off the main building but it would be unattractive and would be higher than the proposed landscaping on this side of the building.

A 5 MINUTE RECESS WAS TAKEN AT THIS TIME

Mr. Johnson said he is opposed to a true wall in the front yard but could possible create a wall behind the seat and also add heavier landscaping in this area. He added that the patio can be shifted further to the north. Mayor Boonstra asked that a noise resister/barrier be created on the residential side of the building and that no-smoking signs be posted since it is a statute.

OPEN TO THE PUBLIC

Elaine Mahnken, 86 Heather Lane, Wyckoff, NJ was sworn. She asked if the patio can be positioned in the front and center of the building. David Ballou, 162 Godwin Avenue asked if the outdoor dining could be closed at 10 p.m. instead of 11 p.m. Chair Bonsignore said the restaurant was in existence long before the neighboring property owners purchased their homes. He said the noise issues have nothing to do with land use law.

CLOSED TO THE PUBLIC

Mr. Whitaker said the applicant will heighten the barrier as a noise element or barrier to the neighbors. Township Engineer DiGennaro said diminimus will be conforming to setback with seating. Mr. Whitaker said the 2 curved areas of the patio infringe at ground level and planters will remain there when the license is in effect which will also buffer the seating and chairs. He said that outdoor dining is allowed and on behalf of Mr. Cascio he requests that the variance be granted.

Board Member Hanly said no testimony has been provided as to why the variances should be granted. He said there needs to be a standard of proof that has to be met and requested the applicant provide a planner report. Mayor Boonstra agreed that no proof has been provided except for aesthetics and safety and land use proofs will need to be provided. Chair Bonsignore asked that the applicant come back next month with a revised plan and a planner. The board unanimously agreed to carry this application to a special meeting on Monday, April 3, 2017 at 7:30 p.m. The application will not need to renotece the neighbors or the newspapers.

Mr. Whitaker said a revised plan will be submitted 10 days prior to the next Planning Board meeting.

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There being no further business, a motion to adjourn the meeting was made and seconded and passed unanimously. The meeting concluded at 10:56 p.m.

Susan McQuaid, Secretary
Wyckoff Planning Board