

**WYCKOFF PLANNING BOARD  
NOVEMBER 14, 2018 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 Robert Fortunato, Chairman:

“The regular November 14, 2018 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.”*

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**Board Member Attendance** Robert Fortunato, Chairman; Kevin Hanly, Vice Chairman, Township Committee Representative, Rudy Boonstra, John An, George Alexandrou, Kevin Purvin and Michael Homaychak.

**Board Members Absent:** Brian Scanlan, Mayor, Scott Fisher; Drita Haznedari-McNamara, Alt.; Glenn Sietsma.

**Staff Present:** David Becker, Acting Planning Board Attorney; Mark DiGennaro, Township Engineer; ken Post, Boswell Engineering Representative; Susan McQuaid, Board Secretary; Maureen Mitchell, Board Secretary.

**OLD BUSINESS**

Approval of the October 10, 2018 Work Session and Regular Business Meeting Minutes.  
Approval of the October 15, 2018 Special Meeting Minutes.

The work session and public hearing minutes and Special Meeting Minutes were approved at the work session meeting.

**RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT**

**RESOLUTION #18-11**

Resolution #18-11 for payment of vouchers was approved at the Work Session meeting.

**RESOLUTION(S) TO BE MEMORIALIZED**

VOTE(S): 1). TO ADOPT THE 2018 MASTER PLAN LAND USE ELEMENT AMENDMENT; 2). TO ADOPT THE 2018 AMENDMENT TO THE JULY 14, 2010 PERIODIC REEXAMINATION REPORT; AND 3). TO ADOPT THE 2018 THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND RECOMMEND THAT THE TOWNSHIP COMMITTEE ENDORSE SAME FOR PURPOSES OF OBTAINING A FINAL JUDGMENT OF COMPLIANCE AND REPOSE FROM THE COURT.

**143 ELMWOOD PLACE, LLC** BLK 300 LOT 9.01 (R-15); 143 Elmwood Place. (The applicant is proposing to subdivide the property and to retain the existing single family home on one lot and to build a new single family home on the created lot).

The above referenced resolutions were memorialized at the Work Session meeting.

**FOR REVIEW AND RECOMMENDATION**

**ORDINANCE #1865** – AN ORDINANCE REPEALING ALL OF SECTIONS 186 - 51 THROUGH 186 - 59 OF CHAPTER 186, ZONING, OF THE CODE OF THE TOWNSHIP OF WYCKOFF, AMENDING PORTIONS OF SECTIONS 186 - 48 AND 186 - 49 AND DELETING ALL OF SECTION 186 - 60.1, CURRENTLY ENTITLED PRODUCTION OF AFFORDABLE HOUSING AS SHARE OF ALL NEW RESIDENTIAL DEVELOPMENT, AND REPLACING IT IN ITS ENTIRETY WITH A NEW SECTION 186 - 60.1, TO BE ENTITLED MANDATORY AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS. For review & recommendation to the Township Committee.

This ordinance was recommended to the Township Committee at the Work Session meeting.

**FOR DISCUSSION**

**RICHARD & SOOK McGRATH** 564 ROUTE 208, FRANKLIN LAKES, NJ – Minor Subdivision approval granted in Franklin Lakes.

This application was discussed at the Work Session Meeting.

**FOR COMPLETENESS REVIEW**

**LEE, JOONHEE AND HELEN** BLK 340 LOT 25 (RA-25 CORNER) 468 Vance Avenue. (The applicant proposes to install a privacy fence on this corner lot which will encroach into the front yard setback).

This application was deemed incomplete at the Work Session meeting.

**PUBLIC HEARING – CARRIED**

**ROBERT A. MILANESE** BLK 235 LOT 18.02 (B1); 406 Highland Avenue. Site plan. (The applicant proposes to remove the existing garage, construct an addition to the side of the building and construct four (4) parking spaces).

This application has been scheduled for a special meeting on Thursday, November 29, 2018 at 7:30 p.m.

### **PUBLIC HEARING – NEW**

**FOUR GEMS, LLC** BLK 237 LOT 8 (B1A CORNER); 244 Everett Avenue. (The applicant is proposing to expand the current building and to completely renovate the exterior and interior of the enlarged building for office use).

Bruce Whitaker, Esq. from the law firm of McDonnell Whitaker, stated the application was first submitted in May 2018. The plans for the commercial building in the B-1A Triangle District were presented to the Design Review Committee. The Committee Members were receptive of the design.

The board had previously granted an approval to the site plan for business on the first floor and an apartment on the second floor. The proposed new business space will be for professional offices. According to Mr. Whitaker, the renovation creates a true improvement to the area. He said the front yard setbacks are non-conforming. The proposed renovations on the corner lot will increase the building by 338 square feet. There are 10 parking spaces where 10 are required. There will be a 15.6' front yard setback on Everett Avenue and an 18.1' front yard setback on Highland Avenue. There are stipulations that the signage conform; porch will remain open; 10/1/18 Boswell report; streetscape; grading of parking; landscape will be irrigated; there will be zero increase in runoff. Utility lines which are currently overhead will go underground as part of the construction project. Lighting will be in compliance and no dumpster will be required. The plan is for one business to occupy the upstairs office and one downstairs. The variance is for two front yard setbacks. Mr. Whitaker stated that he would provide two expert witnesses at this time.

Sophy Sedaret Esq., attorney for Four Gems took over attorney duties as Mr. Whitaker had to leave the meeting.

Professional Engineer Mark Palus, of Kinnelon, NJ was sworn. He stated he received a BA and Masters in Engineering from Rutgers University, has been a Professional Engineer since 1997 and a Professional Planner since 1999. Mr. Palus stated that he would be testifying as an engineer this evening. The Board accepted Mr. Palus' credentials

Mr. Palus stated that the existing garage on the property will be removed. A new parking lot will be added. The property will be serviced by municipal services. The overhead utility wires will be moved underground. Mr. Palus proposed that a front porch will be added to the front of the house facing Everett Avenue. 10 parking spaces with 1 handicap space with an exterior ADA compliant ramp to the main entrance which is in the rear of the building will be added. Primary entrance/exit use will be at the rear of the building. They are proposing a curbed parking lot with access off of Highland Avenue. There will be a 15.6' setback on Everett Ave. due to the new front porch addition resulting in a 1.8' increase in the setback. Highland Avenue will have 18.1' front yard setback resulting in a 6" increase. The request for the C1 variance is a hardship.

Green giant arborvitae will be added for screening. Neighbors to the east went through a site plan approval 8 or 9 years ago and added arborvitae. Mr. Paulus said that the newly proposed arborvitae will be staggered with neighbors existing arborvitae which will provide an exceptional screen from the parking lot lights. Foundation planting will be added around the building. Six new shade trees will be added out in the Everett/Highland right of way (ROW). Pavers and street lights

will be consistent with the existing streetscape plan implemented by the Township of Wyckoff in that area.

Attorney Sedaret confirmed that the site will be adequately irrigated.

Mr. Palus stated that the proposed project will increase the impervious coverage by 1,224 square feet. The applicant will install new roof leaders and three, 1,000 gallon seepage pits will be placed underneath the parking lot. There will be an open grate on one of the pits to collect water from the roof. This will be a substantial upgrade which will exceed zero percent runoff requirements. Board Member Homyachak advised that AC units will need to be screened. Mr. Paulus said screening with a fence or arborvitaes will be provided.

Board Member Alexandrou asked for clarification of the front yard setbacks.

Mr. Palus responded that the front yard setback on Highland Avenue is currently 18.6' and is going to 18.1'. The Everett Avenue setback is currently 17.3' and will be going to 15.6' to the open porch where 20' is required.

Mr. Alexandrou inquired about signage. Mr. Paulus stated that there is nothing proposed at this time however any future signage will comply with code.

Township Engineer DiGennaro asked if the current building is going to be demolished. Mr. Paulus stated that it will not be demolished but it will undergo a major renovation.

#### OPEN TO THE PUBLIC

No one appeared

#### CLOSED TO THE PUBLIC

Committeeman Boonstra recommended removing the proposed front porch to alleviate the 1.6' encroachment. Mr. Palus recommended that the architect be brought forward at this time.

Architect Kevin Spink, Canzani Associates 80 East. Ridgewood, Paramus. He has a B.A. from NJIT. He is licensed in the State of N.J. The board accepted Mr. Spinks credentials.

Attorney Sedaret stated that there is a porch setback issue with the proposed building plans.

Mr. Spink stated that the front porch stairs are sliding forward by 1.8'. He believes that removing the porch, as suggested by Board Member Boonstra, will take away from the aesthetics of the building. The porch will make it look more residential which is in keeping with the other older building renovations in the business area. Mr. Spink noted that the proposed porch will be 5'10" in depth. He added, pulling it back a foot to reduce the setback will change the pitch of the roof.

Chairman Fortunato asked if the front porch entrance was decorative or if it would function as a usable porch and front entryway. The porch and entryway will be functional according to Mr. Spink.

Attorney Sedaret pointed out that the setbacks predate the ordinance and are de minimus in nature. She also stated that there can be stipulations that the front porch will never be enclosed. Board Member An asked if the porch could be reduced by 1 foot. Board Member Boonstra struggled with setting a precedent.

Township Engineer DiGennaro suggested eliminating one of the front porch steps. Mr. Palus added that they could raise the grade and eliminate one step. This will reduce the setback increase to only 8 inches. Mr. Palus agreed to the changes.

The discussion moved to the Shade Tree Committee recommendations for the trees and plantings. Township Engineer DiGennaro suggested that the shade trees on Everett should remain in the right of way in order to remain consistent with the rest of the trees on Everett. It will look more uniform.

OPEN TO THE PUBLIC

No one appeared

CLOSED TO THE PUBLIC

Mr. Palus and Mr. Spink accepted the Board's recommendation to reduce the porch size by 6" and raise the grade of the front property to facilitate eliminating one stair riser.

Attorney Sedaret said the changes will be made.

Chairman Fortunato stated that the revised plans will be reviewed at the next meeting. The Board unanimously agreed to carry the application to the December 12, 2018 meeting.

**RENAISSANCE SURGERY CENTER, LLC d/b/a INTERNATIONAL CENTER FOR MINIMALLY INVASIVE SURGERY** BLK 492 LOT 18.01 (B2); 461 Goffle Road. (The applicant proposes to erect an 8' x 20' storage shed in the rear yard within the setback line).

Sophy Sedaret, Esq. stated that the applicant is proposing to consolidate 2 existing sheds that are currently on the property. One of the existing sheds is currently being used for medical waste and the other for soiled linens. The Surgery Center needs storage for medical equipment such as wheel chairs and crutches. The proposed 8' x 20' shed will be divided into 3 compartments for the medical waste, linens and medical equipment. There is a 3.1' encroachment into the rear yard setback. There is a great need for storage and no room on the inside of the building. These are the stipulations: code compliant residential style lighting will be provided, the exterior will be clean, and the compliant shed will be constructed in a residential style. Ms. Sedaret added that the 2 existing sheds will be removed from the property. She then introduced Mr. Zaccone the Architect.

Robert Zaccone stated that he is a licensed Architect with a degree from Columbia, was sworn. He testified as an expert in Architecture. The Board accepted his credentials. Mr. Zaccone described the area for the proposed shed as a shrubbery filled rear yard with 2 existing sheds. The existing sheds will be removed and be replaced by one 8' x 20' structure. A concrete slab will support the proposed shed. There is an existing fence for screening. The new shed will be a framed wood structure with vinyl siding. The shed will be permanent. There is a 3.1' encroachment into the rear yard. The heavy shrubbery and fence will provide adequate screening.

Attorney Sedaret called Ms. Sitnikov, Director of Nursing at the Surgery Center, to testify as an expert witness. She was then sworn. She could only address the need for the structure. She is not the applicant or owner of the property. She could not provide any additional information regarding the application or the proposed construction.

Chairman Fortunato said that there should be an amended application backed up by someone who can identify exactly what will be done here. He added that the applicant should be brought in to provide the additional information that was not provided this evening. Vice Chairman Hanly expressed the need for The Board to hear expert witness testimony.

Ms. Sedaret stated she will bring back the applicant; fact witness, and amended application.

## OPEN TO THE PUBLIC

Robert Kiener of 458 Lincoln Avenue, Wyckoff, NJ was sworn. He stated he lives directly to the rear of the site where the proposed shed will be built. The fence mentioned by Mr. Zaccone as the privacy screen belongs to the home owner. He stated that he had the fence installed when he purchased the home. Mr. Kiener expressed concerns about an 8' x 20' shed being constructed to house medical waste in the small space in the rear yard. He is also concerned about the addition of lighting to the shed and how this will impact his privacy. Mr. Kiener suggested that the shed be moved to the parking lot which would not require a variance

Chairman Fortunato asked why they did not consider placing the shed in the parking lot. Attorney Sedaret said she is unaware of this option and will discuss with the applicant.

Mr. Kiener said that there is shrubbery as stated by Mr. Zaccone. He suggested that there should be a landscape plan. He added that they would need 7 giant arborvitaes to hide this shed.

Ms. Sedaret said that it best to advise her client to go back to the drawing board adding that the concerns should be handled in a more professional way. Chairman Fortunato stated that The Board will need a proposal with the dimensions including the height of the shed, height of the roof line from the contractor and these concerns will be addressed at the next meeting.

## CLOSED TO THE PUBLIC

The Board unanimously agreed to carry this application to the December 12, 2018 meeting.

**DAIRY QUEEN** BLK 219 LOT 14 (B1-CORNER); 299 Franklin Avenue. (The applicant proposes to install a generator in the second front yard along Godwin Avenue).

Kevin McBain, 299 Franklin Avenue, Wyckoff was sworn. The applicant would like to put a permanent gas operated generator in the front yard on the corner lot on the Godwin Avenue side of the property. It will be screened by a 6' vinyl fence and arborvitaes. It will be placed in between the existing Dairy Queen sign and the tree. Chairman Fortunato asked if any other locations had been considered for the placement of the generator. Mr. McBain said that the unit is too heavy for the roof and added that he does not think it would be a good idea to have a gas generator in the parking lot.

## OPEN TO THE PUBLIC

Charles McKearnin 299 Wiley Place, Wyckoff was sworn. Mr. McKearnin stated that he has concerns about the noise from the generator. He lives behind TD bank and said that when TD bank brought a portable generator on the site it was very loud.

Mr. McBain stated that this permanent unit will be much quieter than a portable unit.

Chairman Fortunato asked Mr. McBain if he had considered the dumpster area for the placement of the generator. Mr. McBain said that he would have to rip up his parking lot to run the gas and electrical lines to place the generator in that location. He added that it would also bring the generator closer to Mr. McKiernan's house.

Township Engineer DiGennaro stated that the decibels for the unit can be obtained from the unit spec sheet. He also added that there is a noise ordinance in town but during an emergency no noise ordinance is in effect. The generator will only run in the event of a power outage.

Boswell Engineering Representative Ken Post suggested putting the generator unit in the current handicapped parking space and moving the handicapped spot over one space.

CLOSED TO THE PUBLIC

Chairman Fortunato inquired about the number of parking spaces. Mr. Post stated that there are 29 spots where only 20 are required. Mr. McBain lamented that the 29 are not enough for his business and he cannot give up any more parking spots.

Mr. Fortunato added that the concern is having a big box in the middle of the only green area on the property right now.

At that point Chairman Fortunato stated that he was hesitant to move forward with this application without further review.

The Board unanimously agreed to carry this application to the December 12, 2018 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 10:43 p.m.

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Maureen Mitchell, Secretary  
Wyckoff Planning Board