

**WYCKOFF PLANNING BOARD
MAY 9, 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 May 9, 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”*

“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; Brian Scanlan, Mayor; Rudy Boonstra, Township Committee Representative; George Alexandrou; Michael Homaychak; Scott Fisher; Kevin Purvin.

Board Member(s) Absent: Glenn Sietsma; Drita McNamara, Alt.

Staff Present: Joseph Perconti, Planning Board Attorney; David Becker, Board of Adjustment Attorney; Mark DiGennaro, Township Engineer; Peter Ten Kate, Boswell Engineering Representative; Susan McQuaid, Board Secretary.

OLD BUSINESS

Approval of the April 11, 2108 Work Session and Regular Business Minutes
The April 11, 2018 minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #18-04

Resolution #18-04 was approved at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

KUIKEN, DOUGLAS & MIRIAM BLK 354 LOTS 4.01 & 49 (RA-25); 207 Hillside Avenue & 304 Paul Court. Major Subdivision. *(The applicant is proposing a major subdivision application, extending the existing sewer system and the demolition of the existing house on Lot 4.01 and construct a new home on property that is non-conforming in lot area and side yard setback).*

WERNER, MATTHEW & AMY BLK 354 LOT 29.01, 30 & 1.02 (RA-25); 322, 318 & 310 Newtown Road. *(The applicant proposes to realign property lines to be more conforming).*

The above referenced resolutions were memorialized at the work session meeting.

INFORMAL

GROENEWAL, HENRY BLK 239 LOT 1 (B1); 345 Franklin Avenue. Conceptual review

FOR COMPLETENESS REVIEW/PUBLIC HEARING

BOTTINO, WILLIAM & ALEXANDRA BLK 423 LOT 3 (RA-25); 715 Laurel Lane. *((The applicant proposes soil moving and grading in excess of 100 cubic yards).*

Bruce Whitaker, from the law firm of McDonnell & Whitaker, representing William & Alexandra Bottino in connection with a soil movement application without any variances for 715 Laurel Lane, Wyckoff, NJ was present. He said the applicant proposed to demolish the existing home and construct a new home.

Tibor Latincsics, Principle Engineer with the firm of Conklin Associates, 29 Church Street, Ramsey, NJ was sworn. The Board accepted Mr. Latincsics as a professional engineer since he has appeared before the Board on numerous occasions. Marked as identification were the following exhibits:

A-1 Survey of the property

A-2 Plot plan dated 3-1-18 revised 4-9-18

Mr. Latincsics said this is the only home in the neighborhood that has not been reconstructed or significantly modified. He said the new home will be 100% conforming with regards to bulk requirements, the soil movement will be 1,601 cubic yards of total movement of which 592 cubic yards will be exported. He said that currently there are no drainage measures on the property but with the construction of the new home a robust drainage system is proposed with 5 seepage pits, a driveway inlet, a French drain at the new driveway, on-site seepage pits and erosion control measures are provided according to Chapter 186-22H.

A-4 Landscape plan by Borst Landscaping

A-5 Certificate #18-1284 for soil erosion control

Mr. Latincsics said 19 trees will be removed and there will be an extensive landscaping plan. He said that 2 large oak trees and a red maple up front will remain along with a tulip tree. He added that a shrubbery hedge will also be removed. Board Member Fisher said according to the Shade Tree Commission there are a number of plants and trees identified on A-1 that are not shown on the landscape plan. He asked if they will also be removed. Mr. Latincsics said the site plan indicates the trees that will be removed. Board Member Fisher asked if the 2 oak trees in the rear of the property will remain. Mr. Latincsics said these trees will remain. Vice Chairman Hanly

noted that there are 2 driveways. Mr. Latincsics said there will be a 2 level garage with one on the basement or lower level and the second garage above it on the first floor or upper level with parking for 4 vehicles. Boswell Engineering Representative Ten Kate said there is a discrepancy with regard to the pool equipment location and there is an open grate seepage pit in the rear corner. He asked that this be maintained during construction with regard to grading. Mr. Latincsics said the pool equipment will be located near the pool. He said additional landscaping will be planted around the equipment for screening. Mayor Scanlan asked where the fencing will be located around the property. Mr. Latincsics said the fencing will be installed around the rear and side yard property lines with a green giant arborvitae buffer.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Mayor Boonstra made a motion to approve this application as presented with the comments regarding preservation of the trees at the rear of the property and location of the pool equipment as shown on the site plan. Second, Board Member Fisher. Voting in favor: Mr. Alexandrou, Mr. Purvin, Mr. Homaychak, Mr. Fisher, Mr. Boonstra, Mr. Hanly, Mayor Scanlan and Chairman Fortunato.

PUBLIC HEARING - CARRIED

JERSEY MIKE'S BLK 219 LOT 17.02 & 18 (B1 & RA-25); 300 & 302 Godwin Avenue. *(The applicant proposes to construct a 2,000 square foot retail store on this property which will require 27 parking spaces and 26 parking spaces are provided.*

Antimo DelVecchio, from the law firm of Beattie Padavano, representing the applicant Jersey Mike's. He said the property is owned by Decca Associates and is designated as Block 219 Lot 17.02 and Lot 18 with Lot 17.20 being located in the B1 and Lot 18 in the RA-25 residential zone. He said the applicant has made some revisions since the April 11, 2018 meeting. Marked as identification at this time were the following exhibit:

A-9 Revised site plan with a revision date of 4-17-18

A-10 Revised Architectural plan with a revision date of 4-23-18

Mr. DelVecchio said the architectural plans include a brick pier added to the TD Bank side of the building and the site plan has relocated the dumpster to the opposite side of the property which is in the B1 zone. This realignment increased the parking by 1 parking space and removed a parking variance. He add that a new fence will be installed across the rear property line. The only variance request is for the location of the monument sign within the front yard setback. The size of the monument sign has been reduced in size.

David Hals, 9 Post Road, Suite M11, Oakland, NJ, an expert witness in planning, was reminded by Board Attorney Perconti that he was sworn at the previous meeting and remains under oath. David Hals said that the dumpster has been moved from the northeast corner of the site to the southeast corner which is in the B1 zone. In doing so the parking spaces were reoriented and made perpendicular with a 24' wide drive aisle. The patio area was reoriented and made narrower. Other changes include 27 parking spaces now where 27 parking spaces are required which eliminated the parking variance for 1 space. The landscape buffer along northerly side of the property has been increased in height from 6' to 8' to 9' trees. The AC units are on the

southerly side of the building within a 4' high fenced enclosure. The landscaping along the southerly side of the building has been enhanced and a 6' high PVC fence along the easterly property line will replace the existing wood fence. The landscape buffer will be enhanced along the northeast corner of the property. The site lighting has been changed to soffit lighting around perimeter of the building which requires 3 pole mounted lights have been added around the perimeter of the building because the soffit lights are not bright enough and do not cast enough light for it to shine and cover the patio area and also the drive aisles. The other pole mounted lights remain the same at 12' in height. The soffit lighting will remain on at night as security lighting. The paver walk along Godwin Avenue has been extended the entire width of the property. The 7' monument sign has been lowered to 5' to the top of the sign and the width remains at 6 ½' and will not impede the sight line for TD Bank. This sign will remain a back lit or internally lit sign. Mr. Hals said the town can adjust any lighting issues within 6 months of installation. He said that 3 planters are in the patio area and the proposed shade tree has been moved to the east. Chairman Fortunato asked what the seating capacity will be in the patio area. Mr. Hals said the overall patio area was reduced by 2' and will accommodate 2 small tables for 8 to 12 people. Mayor Scanlan noted that pedestrian walkway to the front door traverses through the handicapped parking space. Mr. Hals said he will adjust the front walkway so it goes directly to the front door. Board Member Fisher said the Fire Report states that the site is not designed to accommodate emergency vehicles. Mr. Hals said a larger fire truck would have to enter the left exit driveway where the aisle is 24' in width. He said that all larger vehicles will have to back out of the site and he will widen the exit driveway with a 25' flare to maximize the northern part of the driveway. Board Member Fisher asked if a garbage truck will be able to enter the site. Mr. Hals said a garbage truck will be able to enter the site for garbage pickup after 8 a.m. The garbage will be contained within an 11' x 18' fenced in area. Chairman Fortunato referred to the Wyckoff Police Report. Boswell Engineering Representative Ten Kate said there are some striping changes that will need to be addressed to lessen any confusion with the driveways. He said the town will work with the county to come up with an acceptable plan. Mayor Scanlan asked the location of the front yard ground sign. Mr. Hals said it is in the center of the front yard. Mayor Scanlan said the sign is 2' off the property line. He asked if the sign could be moved back another 2'. Mr. Hals said if the sign is moved back the landscaping hedgerow would also need to be moved back and everything would be massed towards the building. Mayor Scanlan noticed that the grading and drainage review has not been completed. Boswell Engineering Representative Ten Kate said there are no major issues with regards to draining and he would recommend that the drainage calculations will be satisfied.

OPEN TO THE PUBLIC for questions of Mr. Hals

Charles McKiernan, 299 Wiley Place, Wyckoff, NJ asked what kind of fence will be installed in the dumpster area and whether it will be durable. Mr. Hals said the dumpster area will be surrounded with a 6' white PVC fence and metal posts will be installed to strengthen the fence enclosure.

CLOSED TO THE PUBLIC

Gregory Ralph, 1924 Route 22 East, Bound Brook, NJ was previously sworn and remains under oath. Marked for identification was the following exhibit:

A-11 Revised rendering

Mr. Ralph said he made one revision on the north side elevation with placing corner pieces in the center to break up the massing of the wall and the black framing around the windows. He also provided a rendering showing the brick, white trim, gray hardie shingle, building signage and the soffit lighting in the overhang.

OPEN TO THE PUBLIC for any questions of Gregory Ralph, Architect.

No one appeared

CLOSED TO THE PUBLIC

OPEN TO THE PUBLIC

Charles McKiernan, 299 Wiley Place, Wyckoff, NJ was sworn. He said he is concerned with the rear of the property. He provided the Board with a series of pictures of the rear of his yard. Marked as identification was the following exhibit:

O-1 a through g - pictures of garbage in the area

Mr. McKiernan asked that the applicant regrade the rear of the property so there will not be a gap for garbage to collect under the fence. Chairman Fortunato said the applicant may be able to fill in the gaps under the fence. Mr. DeVecchio said the applicant will agree to fill in the gaps under the fence but if the property is regraded the neighbor's water will now back up onto their property and cause a drainage issue. He said the applicant will place soil under the fence. Mr. McKiernan was also concerned with the fence around the dumpster area. He said he would like a masonry wall installed. Chairman Fortunato said the applicant has offered to reinforce the proposed PVC fence with steel poles. Township Engineer DiGennaro said if the dumpster area becomes unsightly it would fall under a property maintenance issue and would become a zoning enforcement problem.

Mina Kozma, 304 Godwin Avenue, Wyckoff, NJ was sworn. She said she has no objection to Jersey Mike's. However, the debris on the Jersey Mike's property is from the neighbors dumping their garbage on to the applicant's property. Chairman Fortunato said the applicant will maintain the property now. Ms. Kozma thanked the applicant for the enhanced buffer planting next to her residential property.

CLOSED TO THE PUBLIC

Vice Chairman Hanly is concerned that the striping in the road has not been resolved. Chairman Fortunato said the Board does not have any control over this but the county, town and applicant will further address this issue and come to an agreement. Township Committeeman Boonstra said once this property is developed it will be maintained by a landscape crew in cleaning up the site. Board Member Purvin said traffic will be addressed at the county level.

Board Member Alexandrou made a motion to approved this application as presented with the following conditions: garbage pickup will be after 8 a.m.; signs will be halo lite; a walkway will be installed to the front door; curb cut will be widened to 30' in width; the applicant would agree to perform restriping as per county recommendation; satisfy the engineers comment regarding drainage; willing to install a secure garbage enclosure with steel rods; a wire guard instead of soil will be installed under the rear fence to prevent debris from gathering under the fence; lights will go off at 10 p.m. Second, Board Member Homaychak. Voting in favor: Mr. Alexandrou, Mr. Purvin, Mr. Homaychak, Mr. Fisher, Mr. Boonstra, Mr. Hanly, Mayor Scanlan and Chairman Fortunato.

A FIVE (5) MINUTE RECESS WAS TAKEN AT THIS TIME

PUBLIC HEARING - NEW

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).*

Chairman Fortunato said the first issue that will be discussed is the completeness. The application was originally deemed complete several months ago. Boswell Engineering Representative Ten Kate said the application was revised since the first submittal and was accepted and reviewed with a checklist. He said the primary issue is the second floor plan was not submitted. He said the Board should determine if they need this item for this evening's meeting. Also he said that an ADA parking space has not been provided on the site plan. Chairman Fortunato said the Board will also need to determine if the Planning Board has jurisdiction over this application.

Steven Sinisi, from the law firm of Stephen P. Sinisi, Esq., LLC, Two Sears Drive, Paramus, NJ said he represents an objector, Henry J. McNamara, an adjoining property owner. He said several items are omitted from the application that will be heard as we prepare and incur expenses for our experts to evaluate the plan and determine and present our concerns to the Board. Chairman Fortunato said that the Board has read Mr. Sinisi's correspondence and have addressed 2 of the main issues. Mr. Sinisi said that one of the two completeness issues is not just a matter of fact issue but a significant issue which deals with the proposed use and plans for the second floor because this piece of property lies within 2 zones, the B1 and RA-25 zone. He said that under *Perlmart vs. Lacey Township* which is a notice case that is incumbent upon the applicant to provide adequate notice on what is being proposed. He said that a checklist has not been submitted with this revised application. Chairman Fortunato suggested in deeming this application complete this evening subject to the submittal of these 2 items before the next meeting. Acting Board Attorney Becker said that the applicant will want to respond to your objections of the use of the second floor which may change the jurisdictional aspect of the application. Mr. Sinisi said this applicant has not provided second floor plans, have no checklist, and we would like details on the handicapped parking. He said he has provided letters from his office to the Planning Board.

Acting Board Attorney Becker asked that the following exhibit be marked as identification:
O-1 Letters of May 7, 2018; December 14, 2108; August 14, 2107; August 9, 2017; March 9, 2018; March 13, 2018

Chairman Fortunato asked if there were any other issues besides completeness. He suggested that the Board deem this application complete subject to the receipt of the second floor plan, ADA parking and the checklist. Boswell Engineering Representative Ten Kate said he has reviewed the checklist with regards to the revised plans and feel comfortable with what he has provided to the Board. Mayor Scanlan said he would like the pending documents received in the Planning Board office 15 days before the next scheduled Planning Board meeting. Township Committee Representative Boonstra said that in light of the jurisdictional question which we are prepared to move forward with this evening, we can deem this application complete tonight.

Mayor Scanlan made a motion to deem this application complete subject to the receipt 15 days before the next Planning Board meeting of the documents for the plans of the second floor, specifications of the ADA parking space and the required checklist. Second, Vice Chairman Hanly. Voting in favor: Mr. Alexandrou, Mr. Purvin, Mr. Homaychak, Mr. Fisher, Mr. Boonstra, Mr. Hanly, Mayor Scanlan and Chairman Fortunato.

Chairman Fortunato said the next issue to discuss is the jurisdictional objection of the application. Mr. Sinisi said the objector had learned recently that this property is in a split zone. He said the uses then become critical. He said jurisdiction is not just about some deviation from the statute, it's the notice itself. He said the notice is defective due to a notice dated April 25, 2018 which says: "an addition to a structure that is already non-conforming in order to obtain a CO". He said an addition is an expansion and if the notice is defective the Planning Board has no jurisdiction. Mayor Scanlan said Mr. Sinisi's argument is that the notice is deficient due to the language in the notice. Mr. Sinisi said yes the content of the notice that relief can only be given by the Board of Adjustment. He then read part of the April 25, 2018 notice for a hearing before the Planning Board: "to consider the application by Robert A. Milanese for the approval of a site plan dated March 6, 2017 last revised April 16, 2018 which proposes the removal of the existing garage structure and an addition to the easterly side of the existing structure and to document existing non-conforming conditions in order to obtain a certificate of occupancy for property in the B1 and RA-25 zones to be used as general office space located at 406 Highland Avenue Block 235 Lot 18.02". Board Attorney Becker said the application before the Planning Board is an expansion of the existing structure which is a site plan. Mr. Sinisi said Chapter 68 reads non-conforming structures go before the Board of Adjustment. The applicant's attorney, Russell Huntington, from the law firm of Huntington Bailey representing Robert Milanese said Chapter 68 is inapplicable to this situation. Board Attorney Becker said this site plan application is for C variances which the Planning Board has the right to hear. Mr. Sinisi said the second objection is the proposed tandem parking which spills into the public street by 6 feet. He said objection #3 is for a parking variance for 4 spaces where 6 spaces are required. He said that tandem parking is also not listed in the notice. He said there is a catch all statement that the applicant reserves the right to seek such other variances, exceptions and/or design waivers as may be required upon an analysis of the plans and the testimony at the public hearing. Point #4 is the split zone where side yard and buffer variances have not been established. Mr. Sinisi said the applicant will need to re-notify the neighbors and the newspaper with property notice that is specific. Board Member Fisher suggested that the applicant renote with a sharper reference to the requested variances. Attorney Huntington said he does not think that the applicant should renote but he will renote. Township Committeeman Boonstra said that improper notice is being challenged tonight. Board Attorney Becker said it would behoove the applicant to list all the variances. Chairman Fortunato said the Board will carry this application and the applicant will need to renote and provide the documents for the plans of the second floor, specifications of the ADA parking space and the required checklist within 15 days of the next meeting. Mayor Scanlan said the Board will make a jurisdiction decision at the next meeting.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

The Board unanimously agreed to continue this application at the June 13, 2018 public hearing 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 10:45 p.m.

Susan McQuaid, Secretary
Wyckoff Planning Board