

**WYCKOFF PLANNING BOARD
DECEMBER 14, 2022 PUBLIC WORK SESSION 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 Robert Fortunato.

"The regular December 14, 2022 Public Work Session 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.

Members of the public are welcome to be present at this meeting. However, in accordance with Section 7(A) of the Open Public Meetings Act, participation on the part of the public at this meeting will not be entertained.

"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."

ROLL CALL

Board Members in attendance: Rudy Boonstra, Mayor; Rob Fortunato, Chairman; Pete Melchionne, Township Committeeman; Kevin Purvin, Mike Homyachak, Kelly Conlon, Frank Sedita, and Sarah Caprio.

Absent: Mae Bogdansky, Glenn Sietsma, and Joe Vander Plaat.

Staff in attendance: Kevin Hanly, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the October 12, 2022 Work Session and Regular Business Minutes

Mr. Homyachak made a motion to approve the October 12, 2022 meeting minutes. Second, Ms. Caprio. Voting in favor: Ms. Conlon, Ms. Caprio, Mr. Homyachak, Mayor Boonstra, and Chairman Fortunato. Abstained: Mr. Melchionne and Mr. Purvin.

PAYMENT RESOLUTION #22-12

Mr. Homyachak made a motion to approve Payment Resolution #22-12. Second, Ms. Caprio. Voting in favor: Ms. Conlon, Mr. Homyachak, Ms. Caprio, Mayor Boonstra, and Chairman Fortunato.

RESOLUTION FOR MEMORIALIZATION

Abma & Sons Inc. 700 Lawlins Rd. Block 202 Lots 2 and 4

(The applicant proposes to construct a new 50' by 114' pole barn, a 135' by 175' greenhouse building, an addition to an existing cabana, and an addition to the store building requiring site plan and variance approval by the Planning Board)

Mr. Homyachak made a motion to approve the Resolution. Second, Ms. Caprio. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Homyachak, Ms. Caprio, Mr. Melchionne, Mr. Purvin, Mayor Boonstra, and Chairman Fortunato.

ADOPTION OF THE HISTORIC ELEMENT TO THE MASTER PLAN

In accordance with Municipal Land Use Law 40:55D-28(10), the Planning Board may take official action to amend the Master Plan by adopting an Historic Preservation Plan Element: (a) indicating the location and significance of historic sites and districts; (b) identifying the standards used to assess worthiness for historic site or district identification; (c) analyzing the impact of each component and element of the Master Plan on the preservation of historic sites and districts.

Chairman Fortunato announced that Brigitte Bogart, the Township's Professional Planner, will provide a presentation on this matter during the public business meeting.

CAPITAL PROJECT REVIEW AND RECOMMENDATION

Ridgewood Water Cedar Hill Avenue, Block 392, Lot 24

Ridgewood Water Hartung Drive, Block 245, Lot 83

(The applicant proposes to construct water treatment facilities at the two locations. The applications are filed as capital projects mandated by the New Jersey Department of Environmental Protection to treat water within the Ridgewood system that exceeds the permitted maximum contaminant levels that have been established by the NJDEP)

The Chairman announced that this matter is adjourned until the January 11, 2023 meeting at the request of the applicant.

FOR COMPLETENESS REVIEW**Zarzar 551 Overlook Dr. Block 245 Lot 42.02**

(The applicant proposes to construct a basketball court on the property involving soil movement in excess of 100 cubic yards requiring Planning Board approval)

Chairman Fortunato stated that the application was deemed incomplete at the October meeting and is back before the Board for completeness review.

Mr. DiGennaro provided the following details of his technical review revised on 12/7/2022: The applicant is seeking approval to re-grade the rear yard by constructing retaining walls to level the yard to facilitate the construction of a 60' by 40' basketball court resulting in soil movement in excess of 100 cubic yards requiring Planning Board approval. There were a couple of administratively incomplete items on the checklist however most of them have been resolved. There are some other checklist items that have not been addressed. The lighting detail was not provided on the plans however the applicant's Engineer emailed the lighting specs for the

basketball court to me two (2) days ago. I understand that the Engineer also submitted a transmittal letter to Bergen County Soil which I am told is pending. The NJDEP determination of the presence or absence of wetlands is still outstanding. The applicant engaged the services of an Environmental Scientist to prepare a report which suggests that there are no wetlands on the property with respect to the transitional buffers however the NJDEP is the ultimate authority in determining the presence or absence of wetlands. Although a letter of interpretation is not always required, it is in the best interest of the homeowner to obtain the verification from the State.

To clarify, Chairman Fortunato said that if the applicant proceeds with the project without the NJDEP determination letter, he will do so at his own risk however it does not preclude the Board from voting on the application.

Mr. DiGennaro agreed stating that he is comfortable with the Board deeming the application complete and proceeding to public hearing in January. At that time, if the NJDEP has not yet provided the letter of interpretation, it is my recommendation that the Resolution of approval state that the applicant will proceed at his own risk as it is advised that he receives the verification from the State before proceeding.

Chairman Fortunato asked Mr. DiGennaro if there are any other outstanding items that need to be submitted prior to the January hearing.

Mr. DiGennaro said the applicant should submit fourteen (14) copies of the complete application with signature pages and checklists as well as fourteen (14) copies of the lighting specs for the Board members. He added that the applicant also propose to replace the existing fence with a 6' board on board fence which is part of the application and is shown on the revised plans.

Board Attorney Hanly asked for clarification as to whether the applicant plans to proceed with the public hearing in January without the Letter of Interpretation.

Mr. DiGennaro said we will get their Professional Scientists testimony on the record and encourage the applicant to follow the advisement of the Professional and proceed at this own risk absent the NJDEP Letter of Interpretation.

Mr. Homyachak made a motion to deem the application complete. Second, Ms. Caprio. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Homyachak, Ms. Caprio, Mr. Purvin, Mr. Melchionne, Mayor Boonstra, and Chairman Fortunato.

APPLICATIONS CARRIED

T-Mobile Northeast, LLC Route 208 North Block 455 Lot 1

(The applicant proposes to install a 50 kw diesel emergency backup generator within the fenced equipment area on the site of the communications tower on 208 north at Cedar Hill Ave.)

Chairman Fortunato announced that this application will be carried to the February meeting at the request of the applicant.

Ms. Caprio asked if the applicant will have to re-notice since the application has been carried for quite a few months.

Board Attorney Hanly stated that the general rule is that once notice is given, as long as it is announced at the meeting that the application is carried, the applicant does not have to re-notice.

There being no further business, a motion to adjourn the Work Session meeting was made, seconded, and passed unanimously. The Work Session concluded at 7:53 p.m.

Respectfully submitted,

Maureen Mitchell
Land Use Administrator

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"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.

ROLL CALL

Board Members in attendance: Rudy Boonstra, Mayor; Rob Fortunato, Chairman; Pete Melchionne, Township Committeeman; Kevin Purvin, Mike Homyachak, Kelly Conlon, Frank Sedita, and Sarah Caprio.

Absent: Mae Bogdansk, Glenn Sietsma, and Joe Vander Plaat.

Staff in attendance: Kevin Hanly, Board Attorney; Mark DiGennaro, Township Engineer; and Maureen Mitchell, Board Secretary.

OLD BUSINESS

Approval of the October 12, 2022 Work Session and Regular Business Meeting minutes

The October 12, 2022 Work Session and Regular Business Meeting minutes were approved during the Work Session.

PAYMENT RESOLUTION #22-12

Payment Resolution #22-12 was approved during the Work Session.

MEMORIALIZING RESOLUTION

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FOR COMPLETENESS REVIEW

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The application was deemed complete during the Work Session meeting.

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ADOPTION OF THE HISTORIC ELEMENT TO THE MASTER PLAN

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Brigette Bogart, The Township of Wyckoff Professional Planner, was sworn in. Ms. Bogart provided the following information regarding the adoption of the Historic Preservation Element to the Master Plan:

In 2019, the Township adopted Ordinance #1875 to create a Historic Preservation Commission and Ordinance #1876 to create design guidelines. Unfortunately this was done out of order because Municipal Land Use Law (MLUL) requires that a Historic Preservation Element must be added to the Master Plan prior to the creation of the Commission and the adoption of the Ordinances. I have worked on creating the Historic Element to the Master Plan and recommend that after the Planning Board approves the adoption of the Element, the Ordinances be re-adopted by the Township Committee. The Historic Preservation Element consists of what the MLUL requires as well as the National and County Registries of Historic Sites in Wyckoff. The

MLUL requires that the Element locate the historic sites, identify the standards used to identify the sites, and an analysis of the impact on the preservation of the sites. The Historic Preservation Element is divided into four sections. The first section provides a brief history of the municipality and the inventory of historic structures or places. The second section details the State and National registrar information, the analysis of historic structures and identifies the standards which were utilized to assess their worthiness for historic sites. Section three addresses the plans consistency with the New Jersey State Development Plan and the Municipal Master Plan. The final section sets forth the goals and recommendations for the Township. Page three of the document lists the fourteen sites that have been identified for incorporation into the Master Plan. It's important to recognize these structures at the local level to ensure their preservation. It should be recognized that one notable structure, the Van Gelder House located at 347 Godwin Avenue, was on the National Register and was demolished. The purpose of adding these structures to the Master Plan is to ensure the future of these sites. The plan does not restrict the owners of these sites from upgrading their properties. It is intended to ensure the significant structures are kept intact.

Chairman Fortunato asked, if by adopting the Historic Preservation Element, the Township will have more enforcement powers as far as restricting what can be done with the properties.

Ms. Bogart stated that section four of the Preservation Element outlines the recommendations regarding what steps the Township can take to best preserve the recognized historic sites which includes adopting an ordinance which outlines criteria for land use applications affecting a designated site, developing guidelines for use by property owners and the HPC in reviewing land use applications, amending the zoning map to include the fourteen sites, re-adoption of Ordinance #1875 and #1876, and seeking to gain Certified Local Government (CLG) status. The CLG can slow the process of demolishing a historic site by six (6) months.

Ms. Caprio asked the question, if a property owner files an application to demolish one of the historic homes, even after review and recommendations by the HPC, the property owner could still demolish the home unless the CLG steps in?

Ms. Bogart said that is correct. The CLG could look into obtaining grants however it only allows six (6) months to obtain the funds and request that the property owner hold off on the demolition while the CLG tries to find the funds to preserve the site.

Mayor Boonstra said the Township Committee started looking into creating a Historic Preservation Commission a few years ago after hearing from the Mayor of Saddle River that a historic stone house in the town had been demolished. The entire town of Saddle River was upset that the house had been demolished. Mr. Boonstra said that by creating the HPC, and adding the Historic Preservation Element to the Master Plan, it gives us an opportunity to try to prevent something like that from happening in Wyckoff.

Mr. DiGennaro asked what the protocol should be if the owner of a historic home submits an application to the Building Department for a renovation or an addition.

Ms. Bogart said the application should immediately be referred to the Historic Preservation Commission for review. The Commission will meet with the homeowner to make recommendations on how to construct an addition without impacting the visual historic significance of the structure however the zoning ordinance will need to be amended to add that language.

Chairman Fortunato pointed out that a permit is not needed to put new siding on a house so a homeowner could change the exterior siding of one of the historic homes and the Town would not be aware until it was done.

Ms. Bogart said yes, that is the case, which is a problem.

Chairman Fortunato asked if potential buyers are notified that they are purchasing a historic home.

Mr. Sedita said there would have to be title search and a deed restriction.

Ms. Caprio said she believes realtors are notified of the historic home status when they apply for a real estate sign permit.

Mayor Boonstra mentioned that there is a collateral benefit to adopting the Historic Preservation Element of the Master Plan whereby the Township will receive Sustainable Jersey points.

Ms. Bogart pointed out that the local designation of the historic homes is also a benefit for the homeowners because they can receive a 20% tax rebate if they look to rehab their property.

Chairman Fortunato thanked Doug Swenson, the HPC Chairman, for his work with the HPC on this matter.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Chairman Fortunato asked for a motion to adopt the amendment to the Master Plan which includes the fourteen (14) historic sites currently listed on the State and National Registries of Historic Structures.

Mr. Homyachak made a motion to adopt the Historic Preservation Element amendment to the Master Plan. Second, Ms. Caprio. Voting in favor: Ms. Conlon, Mr. Sedita, Ms. Caprio, Mr. Homyachak, Mr. Melchionne, Mr. Purvin, Mayor Boonstra, 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 8:25 p.m.

Respectfully submitted,
Maureen Mitchell
Land Use Administrator