

**WYCKOFF PLANNING BOARD
SEPTEMBER 9, 2020 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 was also streaming live on the Township of Wyckoff YouTube channel.

The meeting commenced with the reading of the Open Public Meeting Statement by Chairman Fortunato.

“The regular September 9, 2020 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.”

Pledge of Allegiance.

Board Members in Attendance: Robert Fortunato, Chairman; Tim Shanley, Mayor; Rudy Boonstra, Township Committeeman; Michael Homyachak, Glenn Sietsma, Anthony Riotto, Kelly Conlon, Scott Fisher, George Alexandrou and John An.

Absent: Kevin Purvin, Vice Chairman.

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

OLD BUSINESS

Approval of the August 12, 2020 Work Session and Public Business meeting minutes.

The August 12, 2020 Work Session and Public Business meeting minutes were approved during the Work Session.

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 34 additional parking spaces to the site which currently has 50 parking spaces and 58 spaces are required)

Bruce Whitaker, the applicant’s Attorney, came forward to present the application as follows:

He stated that a new plan has been submitted and all property owners within 200' as well as Utility Companies have been noticed for this meeting. A legal notice was also published in the Bergen Record at least 10 days prior to the meeting. The property is in the L-2 zone and is currently used for office, industrial, and warehouse which are permitted uses in this zone. No change in use or tenants is proposed. The application is solely for an expansion of parking on the site. The lot is 4 acres in area with existing nonconforming conditions which are not being exacerbated with this proposal. Mr. Whitaker said that the application meets all bulk standards as set forth in the Township of Wyckoff code.

He went on to say that there is a deficiency in parking on the property with 38 spaces existing where 58 are required. The applicant proposes to add 32 parking spaces, which include 4 ADA compliant parking spaces. An additional 13 spaces will be restriped, bringing the total number of parking spaces to 83. Currently, no ADA parking spaces exist on the property. The applicant is requesting variance relief for 4 parking spaces in the front yard at the cul-de-sac.

Mr. Whitaker stated that it is his opinion that the application shows good planning for the following reasons:

ADA parking will be added where none exist

Pedestrian access will be added

Drainage improvements will be made to the property

The dumpster will be enclosed

Code compliant lighting improvements will be made

There will be no change in use and all current tenants have already been approved by the Township

The applicant has performed work with the DEP as requested by the Board and has provided the LOI dated January 27, 2020 marked exhibit A-1

The applicant has also provided a letter from the DEP dated November 4, 2019 pertaining to wetlands areas marked exhibit A-2

Finally, Mr. Whitaker stated that the property owner is permitted to operate his business out of the building, he just wants to improve the parking capabilities.

Richard Wostbrock, the applicants Engineer, was sworn. He stated that he is a licensed Professional Engineer in New Jersey, Connecticut, and Pennsylvania. He has served as Board Engineer for many Boards since 1992 and has testified as a Professional Engineer before numerous Boards including Midland Park, Orange, Maywood, Totowa, and Haledon. The Chairman recognized Mr. Wostbrock as an expert witness in Civil Engineering.

Mr. Wostbrock stated that he prepared the site plan with a final revision date of 3/16/2020 marked exhibit A-3. The existing condition is a mixed use of industrial and office use. The property is located on a cul-de-sac on Windham Court North. It is an odd shaped 4-acre lot. The zoning chart on the site plan shows the 3 nonconformities which have existed on the lot for many years. There is no change in any of the bulk requirements and no change to the building or use proposed.

There was a discussion about the dilapidated bridge that was mentioned during the Work Session. Mr. Wostbrock stated that approximately half of the subject bridge is on the applicant's property and the other half is on the adjacent industrial property in Mahwah. Mr. Wostbrock said that he did not study the condition of the bridge during his site visit however he was able to walk across the bridge without issue. Mr. Fisher stated that the current, poor condition of the bridge is a detriment to the brook below and to the adjacent properties when it floods. He suggested that the applicant address the issue. Mr. Whitaker stated that he was unaware of the condition of the bridge and that he and his client will investigate the matter.

Mr. Wostbrock explained the proposal for the restriping of the existing parking spaces, the addition of the new parking spaces, the 4 new ADA compliant parking spaces. He stated that the drive aisle will be the code compliant width according to Township code. Four parking spaces are proposed for the front yard. All the parking spaces will conform in size at 10' x 20'. The existing dumpster on the site in the northeast corner of the parking field is not enclosed. The applicant is proposing to install a concrete pad and a fence enclosure for the dumpster. The enclosure will also be screened with 6 arborvitae. Additional screening is proposed along the south side of the existing drive aisle to create a natural buffer between the neighbors to the south and the developed area. The applicant is also proposing to infill the mature trees with arborvitae on the western side and the northwest corner of the property.

Mr. Boonstra asked why there is only a single row of arborvitae proposed in the area where the trailers are parked while there are double rows proposed elsewhere on the lot. Mr. Wostbrock stated that there are existing trees in that area, so the amount of space is limited for additional trees. Mr. Boonstra expressed concern that the area where the trailers are parked is the closest to neighboring residential properties. He asked if the trailers could be parked elsewhere; perhaps along the back side of the property which abuts the industrial park in Mahwah. Mr. Whitaker stated that the applicant is within the parameters of the Wyckoff zoning code, however, he will re-visit the options. Mr. Whitaker proposed installing fencing along that area as well as arborvitae. Mr. Riotto asked how close the gravel area is to the adjacent residential property. Mr. Wostbrock said that it is approximately 42' from the back of the gravel area to the property line.

Mr. Wostbrock then addressed the proposed lighting. He stated that the existing perimeter lighting dates back to the original construction of the site. The applicant is proposing new, Wyckoff code compliant lighting around the developed portion of the property. LED fixtures, with a 3000k maximum, with conforming foot candle levels will be installed. The lighting will be slightly brighter at the driveway entrance which is typically recommended to illuminate the stop signs.

Mr. Wostbrock said we are proposing stop signs, stop bars, center lines, and traffic arrows. One-way and two-way traffic signs will also be installed to provide direction. The applicant is proposing a free-standing directory sign at the entrance near the cul-de-sac which will meet the Township Code for size, shape, location, setback, and illumination requirements.

Chairman Fortunato inquired about the dimensions of the proposed directory sign. Mr. Wostbrock stated that when the plan was prepared, the applicant was not aware of the exact Township Code requirements so only the location of the sign is shown on the plan. Any proposed sign will comply with the Township Code. The applicant is aware that the sign must be 20' from the property line and the illumination must conform to the Township Code. Mr. Whitaker said that his client will provide details of a proposed sign.

Mr. Boonstra asked if the applicant would consider adding a second dumpster for cardboard. Mr. Wostbrock stated that there is currently one dumpster on the site however, the proposed 10' x 16' dumpster enclosure will be large enough to accommodate a second dumpster.

Mr. Homaychak raised the question of a berm which appeared on the original survey and no longer exists on the proposed plan. Mr. Boonstra stated that the Township has an ordinance which states that if a berm exists on a property, it must be maintained or restored if it deteriorates. Mr. Whitaker said that they will revisit the berm issue, will consider the fencing and screening in the gravel parking area as well as submit dimensions of the proposed directory sign.

OPEN TO THE PUBLIC

Chairman Fortunato announced that the time for public questions and comments is now open. If you wish to ask a question of the witness or make a comment regarding the witness's testimony, please dial 201-891-7000, extension #222. We will take calls in the order in which they are received. If the line is busy, please wait a moment and then try again. You will be able to easily observe when a call has been completed, as you are watching the meeting live on YouTube. Once you are on the line, we will ask that you mute the device on which you are watching the live stream, as to minimize any interference with the audio."

Timothy Brackett, who was present in the Court Room, came forward and was sworn. He stated that he resides at 358 Crescent Avenue in Wyckoff. Mr. Brackett stated that he would like to refer to testimony that was provided in April of 2019. Mr. Whitaker objected. Board Attorney Hanly reminded Mr. Brackett that at this time, he can ask questions of Mr. Wostbrock that pertain to the testimony he provided this evening. He added that Mr. Brackett would have an opportunity to present his own case after all of the applicant's witnesses have testified. Mr. Brackett stated that the gravel parking area that was discussed earlier by Mr. Wostbrock, did not exist prior to 2018 when the applicant purchased the property at 825 Windham Court North. He said that trees were removed, and the gravel was added to allow for parking. Chairman Fortunato advised Mr. Brackett that at this time, if he does not have any questions specifically for the Engineer regarding the testimony he provided, he should hold his comments until all of the witnesses have provided testimony. Mr. Brackett was assured that he would be given an opportunity to make statements. Mr. Brackett stated that he did not have any questions for Mr. Wostbrock pertaining to his testimony.

Mitch Shoiock, who was present in the Court Room came forward. He stated that he resides at 352 Crescent Avenue which is adjacent to the gravel parking area where the trailers are parked. Mr. Shoiock said that he disputes what Mr. Wostbrock stated about the distance being 42' from the gravel parking area to his property line. He added that he believes it is a much shorter distance. Chairman Fortunato advised Mr. Shoiock to take photos and measurements to back up this information at the next meeting. He assured Mr. Shoiock that he will be given an opportunity to make statements after all of the applicant's witnesses have provided testimony.

NO ONE FROM THE PUBLIC CALLED IN TO THE MEETING
CLOSED TO THE PUBLIC

Chris Koutouzakakis, the Environmental Engineer, was sworn. His professional affiliation is with ECOL Sciences located at 75 Fleetwood Drive in Rockaway New Jersey. Mr. Koutouzakakis stated that he has a bachelor's degree in Biology and a master's degree in Environmental Toxicology. He has been in the environmental field for 23 years primarily focused on wetlands delineation and is a wetlands scientist recognized by the Society of Wetland Scientists. He has appeared before numerous boards in other towns including Hillsboro, Montgomery, Bordentown, Branchburg and West Caldwell. Mr. Koutouzakakis stated that he is familiar with and works with the DEP regulations that pertain to wetlands, flood hazard areas, and flood plain areas. Chairman Fortunato recognized Mr. Koutouzakakis as an expert witness regarding wetlands.

Mr. Koutouzakakis stated that he did an analysis of the property to identify whether there were wetlands or state open waters present on the property. He identified that they were present on the property and was contracted to delineate the wetlands by examining vegetation, soil and hydrology at or near the surface at the site. Mr. Koutouzakakis stated that once he identified and marked the area, the plan was submitted to the DEP for review and they gave their approval with

the Freshwater Wetlands Letter of Interpretation that has been provided to the Board members as part of this application and is marked exhibit A-1. Exhibit A-2 is a letter from the NJ DEP dated January 27, 2020 which states that based upon the information submitted, and upon a site inspection conducted by DEP staff on October 24, 2019, the DEP has determined that wetlands and water boundary lines as shown on the plan map entitled "Wetlands and Water Survey, Block 203. Lot 3.04, 825 Windham Court North have been verified and are accurate as shown. The freshwater wetlands and boundary lines as determined in this letter, must be shown on any future site development plans".

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC APPEARED OR CALLED IN
CLOSED TO THE PUBLIC

Amato Galasso was sworn. He is the applicant and one of the owners of the property. Mr. Galasso is the property manager and he is involved in the lease negotiations with tenants in the building. Mr. Galasso stated that he has a law degree from Seton Hall University and is a licensed Attorney.

Mr. Whitaker asked Mr. Galasso to provide testimony as to what types of businesses currently occupy the building located at 825 Windham Court North.

Mr. Galasso said that he owns a mobile entertainment company named Entertainment on Wheels, which he operates out of the building on the subject property. The company consists of video game trailers and game busses that travel offsite to residential homes, schools, town functions and the like. He occupies office space in the building for scheduling offsite parties and he occupies warehouse space to store and maintain his equipment. No events take place on the property. One of Mr. Galasso's tenants is Interior Preservation Inc. (IPI), which is a floor restoration company. IPI occupies office and warehouse space. Another tenant is JCL Grocery which imports different types of coffees, repackages them, and sells the coffee to customers on eBay and Amazon. Karma Organics is another business that leases space from the applicant. They ship non-toxic nail polish and polish remover to their customers. Mr. Galasso stated that another tenant business is Flippity Flip which buys and resells personal goods such as DVDs and CDs on eBay and Amazon. He added that there is another business that makes and sells bath salts and bath balms. Lastly, Mr. Galasso said that Families for Families, a charitable organization 501 c3, leases space to store household goods and clothes which they deliver to families in need. They do not operate a business out of the location. They strictly lease space for storage purposes.

Mr. Whitaker asked Mr. Galasso what improvements he made to the site since he purchased the property in 2018. Mr. Galasso stated that when he purchased the property, there were fallen trees lying everywhere on the ground. There were also many large overhanging branches. The south side of the property had many dead trees and branches. Mr. Galasso said that he hired landscapers to trim overgrown and dead branches and to remove dead trees. His Tree expert pointed out certain trees that were unhealthy and stated that they were in danger of falling. Mr. Galasso said that he had those unhealthy trees removed.

At that point, Chairman Fortunato announced that the meeting would conclude, and the application would be carried to the October 14, 2020 meeting.

A motion to adjourn the Public Business Meeting was made, seconded, and passed unanimously. The meeting concluded at 10:30 p.m.

Respectfully submitted,
Maureen Mitchell, Secretary
Wyckoff Planning Board