

**WYCKOFF PLANNING BOARD**  
**APRIL 14, 2021 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 April 14, 2021 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](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.”*

The meeting began with the Pledge of Allegiance.

**ROLL CALL**

Board Members present: Rudy Boonstra; Township Committeeman, Rob Fortunato; Chairman, Kevin Purvin; Vice Chairman, Kelly Conlon, Frank Sedita, Mike Homaychak, Glenn Sietsma, George Alexandrou, and Mae Bogdanský.

Board Members absent: Melissa Rubenstein, Mayor; and Scott Fisher.

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

**OLD BUSINESS**

Approval of the March 10, 2021 Work Session and Regular Business Minutes  
The Work Session and Business Meeting minutes were approved during the Work Session.

**RESOLUTIONS TO BE MEMORIALIZED**

**Township of Wyckoff Maple Lake Minor Subdivision Block 320, Lots 10.02 and 11**

The Resolution was approved during the work session.

### **COMPLETENESS REVIEW**

#### **DeLorenzo, Mark 359 Ruit Farm Rd. Blk 429 Lot 44**

(The applicant is seeking approval to move soil in excess of 100 cubic yards to install an inground pool)

The application was deemed complete during the work session.

#### **Mueller, Maggi 478 Ellis Pl. Blk 347 Lot 13**

(The applicant is seeking approval to install a 6' high, solid fence on a corner lot with two front yards)

The application was deemed complete during the work session.

#### **Kayal, Gary 225 Van Houten Avenue, Block 258 Lot 13**

(The applicant proposes soil movement in excess of 100 cubic yards requiring Planning Board approval)

The application was deemed incomplete during the work session. Bruce Whitaker, the applicant's Attorney, came forward and provided the following overview of the new application:

The concept of completeness is for the Board's Professionals to determine if the application meets the requirements for a checklist, engineering etc. The idea of res judicata, under case law, is required to be presented to the full Board to make a decision during a public hearing. That is the first hurdle an applicant has to get over when you are trying to determine if a new application is substantially different than a previous application. That is something that I have to prove to the Board during the course of a public hearing, and that is something that I am prepared to do.

Mr. Whitaker said he does not know why the applicant withdrew the pool application other than the fact that the applicant had some apprehension about whether the variance would be granted. The applicant is now proposing to remove all of the soil that was previously imported, dismantle the boulder wall, put in a new drainage system, restore the rock wall, and import certified clean soil back onto the site under the guidance of Mr. DiGennaro.

Chairman Fortunato stated that this application sounds very similar to the original application, which was denied. He added that the burden is on Mr. Whitaker to prove that this is a substantially different application. Mr. Whitaker stated that he will need to have the applicant's Professionals present to provide the technical details and calculations of the new application. The Chairman then asked Mr. Whitaker if he is in agreement that Mr. Kayal, the applicant, is in violation of the Resolution that was approved in July of 2020 to which Mr. Whitaker replied absolutely.

Chairman Fortunato announced that the application will be placed on the next Planning Board meeting agenda for completeness and public hearing. The applicant's Professionals will provide testimony, and the Board will decide whether or not this is a substantially different application.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC APPEARED OR CALLED IN

CLOSED TO THE PUBLIC

**PUBLIC HEARING****DeLorenzo, Mark 359 Ruit Farm Rd. Blk 429 Lot 44**

(The applicant is seeking approval to move soil in excess of 100 cubic yards to install an inground pool)

Mark DeLorenzo, the applicant, was sworn in. Kiersten Osterkorn, the Engineer was also sworn in. Ms. Osterkorn stated that she has a degree in Engineering from Rutgers University, she is licensed in the state of New Jersey and her license is in good standing. The Board recognized Ms. Osterkorn as an expert in the field of Engineering.

Mr. DeLorenzo stated that his backyard as it exists is sloped so it is hard for his children to play sports and kick a soccer ball around in the yard. He would like to regrade the property to install an inground swimming pool and also provide a level area for his children to play.

Ms. Osterkorn provided the following details of the application:

Two (2) trees are proposed to be removed. Retaining walls will be constructed in the rear yard to facilitate adding soil to level the property. The left side retaining walls are proposed at a maximum height of 4' and the tiered walls on the right side are proposed at 2'-3' in height. The goal is to level the yard. Retaining wall design calculations and stability calculations will be provided to Mr. DiGennaro. Landscaping is proposed for a buffer in the rear and for the pool equipment. A seepage pit is proposed in the rear yard to capture any runoff. An application will be filed with the Bergen County Soil Conservation Service. All setbacks are being met so no variances are being requested. There will be zero percent increase in runoff as a result of the project.

Mr. DiGennaro asked where the roof leaders currently discharge to and suggested possibly adding a drywell in the front yard. Ms. Osterkorn stated that they currently discharge to the front of the house. She added that she will look into the possibility of placing a drywell in the front.

OPEN TO THE PUBLIC

NO ONE FROM THE PUBLIC APPEARED OR CALLED IN TO COMMENT

CLOED TO THE PUBLIC

Chairman Fortunato asked for a motion on the application. Mr. Sietsma made a motion to approve the application. Second, Mr. Sedita. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Homaychak, Mr. Sietsma, Mr. Boonstra, Mr. Alexandrou, Ms. Bogdansky, Mr. Purvin, and Chairman Fortunato.

**Mueller, Maggi 478 Ellis Pl. Blk 347 Lot 13**

(The applicant is seeking approval to install a 6' high, solid fence on a corner lot with two front yards)

Maggi Mueller, the applicant, was sworn in. Ms. Mueller stated that she recently moved to Wyckoff and purchased this home on a corner lot. She said that she has two (2) small children ages 3 and 6 years and she wishes to fence in the back yard of her home for privacy and for the safety of her young children.

Chairman Fortunato mentioned the photos of the fence options that were submitted with the application stating that one is a solid white fence, and the other option has a lattice top.

Ms. Mueller said that she prefers the solid white fence because it will match the existing fence along the rear of her yard. She also said the lattice topped fence is harder to keep clean.

Mr. Boonstra said that a neighbor of Ms. Mueller's came before the Board a few years ago with a similar application for a fence along James Way. The Board approved an off-white color with the lattice top rather than the stark white.

Chairman Fortunato brought up the matter of landscaping which is required for a fence in the front yard, specifically evergreen screening. Ms. Mueller said that there are forsythia bushes existing and she does not plan to remove them however she will look into the pricing of evergreen shrubs if she can install a white fence to match the existing fence in the rear.

Ms. Conlon said that she understands why Ms. Mueller wishes to match the existing solid white fence across the rear because it will be uniform rather than two (2) different fence types around her property. She added that if the Board agreed, Ms. Mueller could add evergreen screening in front of the white fence.

Ms. Bogdanský suggested perhaps replacing the existing section of solid white fencing across the rear and installing the off-white or gray around the entire yard to make everything uniform,

Mr. Boonstra stated that typically, the Board does not approve solid fences in the front yard because they are not allowed as per the Township Code. He added that he is not as concerned about the solid fence in this case because the second front yard faces 208, not another residence, however he would recommend an off-white or gray color rather than stark white.

OPEN TO THE PUBLIC

NO ONE APPEARED OR CALLED IN TO COMMENT

CLOSED TO THE PUBLIC

Mr. Boonstra made a motion to approve the application for a 6' solid off-white or gray privacy fence with lattice topper in the front yard. Second, Mr. Homaychak. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Homaychak, Mr. Sietsma, Mr. Boonstra, Mr. Alexandrou, Ms. Bogdanský, Mr. Purvin, and Chairman Fortunato.

Mr. DiGennaro informed the members of the Planning Board about a matter regarding the property located at 244 Everett. He stated that the owner of the property, Four Gems LLC, received Planning Board approval in 2018 for a major renovation of the existing structure. A landscape plan was also approved as part of the application which showed seven (7) shade trees would be planted on the property with two (2) in the front on Everett, four (4) on the Highland Avenue side, and one (1) near the parking lot. Approximately fifteen (15) arborvitae were proposed as screening along the rear of the parking lot. Mr. DiGennaro stated that upon a recent inspection, he found that the landscaping had not been completed. Mr. Sietsma and Mr. DiGennaro walked the site, and both agree that adhering to the approved landscape plan will over crowd the site and the landscape plan should be altered.

Mr. Boonstra said that the applicant is considering an application to install a ground sign on the property.

Chairman Fortunato said that if the applicant is going to come back before the Board with a sign application, he can submit a revised landscape plan at the same time otherwise, it can be left to the discretion of Mr. DiGennaro to make a field change regarding the landscaping.

Mr. Sietsma stated that the Board always prefers to see trees planted however in this case, it just does not work; it will be too crowded. He added that there is a nice wide strip of lawn on Highland Avenue and the shade trees should be planted there however there is no room in the front for additional shade trees. There is a 3' strip in the back parking lot and there is no room for the arborvitaes that were on the approved landscape plan. There is ornamental grass planted there now which will grow to 4' in height.

Mr. Boonstra stated that after consultation with a member of the Shade Tree Commission (Mr. Sietsma), he would like to make a motion to authorize a field change in the previously approved landscape plan, based on need. Second, Mr. Alexandrou. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Homyachak, Mr. Sietsma, Mr. Boonstra, Mr. Alexandrou, Ms. Bogdanskyy, Mr. Purvin, 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 9:15 p.m.

Respectfully submitted,  
Maureen Mitchell, Secretary  
Wyckoff Planning Board