

## **WYCKOFF PLANNING BOARD JANUARY 31, 2017 SPECIAL MEETING MINUTES**

Public Meeting: 7:30 p.m. Second Floor, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meeting Statement by Richard Bonsignore, Chairman:

This special meeting of the Wyckoff Planning Board dated Tuesday, January 31, 2017 is now in session. In accordance with Section 8 of the Open Public Meeting Act, I wish to advise that notice of this meeting has been posted on 2 bulletin boards in the main level of Memorial Town Hall and posted on the Wyckoff Township website since Friday, January 13, 2017. This notice establishes a special meeting to adopt a resolution appointing a professional planner to assist the Planning Board with Land Use applications and for the review of the RS Builder, LLC application. A copy of the notice has been filed with the Township Clerk and copies were mailed to the Ridgewood News, Bergen Record and the North Jersey Herald and News on Friday, January 13, 2017, all papers with general circulation throughout the Township of Wyckoff.

**Board Member Attendance:** Richard Bonsignore, Chairman; Rudy Boonstra, Mayor; Tom Madigan, Township Committee Representative; Scott Fisher; Glenn Sietsma; Kevin Hanly; Kevin Purvin, Alt.

**Board Member Absent:** Drita McNamara, George Alexandrou

**Board Member(s) Abstain:** Robert Fortunato, Vice Chairman; Justin Hoogerheyde

**Staff Attendance:** David Becker, Acting Board Attorney; Mark DiGennaro, Township Engineer; Mike Kelly, Boswell Engineering Representative; Susan McQuaid, Board Secretary.

Chairman Bonsignore 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)"*

Roll call was taken.

The Planning Board meeting began with the Pledge of Allegiance.

### **DISCUSSION, APPOINTMENT OF PROFESSIONAL**

**RESOLUTION #17-002** for: Professional Service Appointment of Francis Reiner as a consultant for professional planning services to review site plans of the RS Builders, LLC at the expense of the applicant and future applications.

Board Member Sietsma made a motion to appoint Francis Reiner as a consultant for professional planning services. Second, Board Member Fisher. Voting in favor: Mr. Purvin, Mr. Hanly, Mr. Fisher, Mr. Sietsma, Mr. Madigan, Mayor Boonstra and Chairman Bonsignore.

### **PUBLIC HEARING**

**RS BUILDERS, LLC (Estate of Alfred A. Siss)** BLK 436 LOT 20.01, 19.01 & 19.02 (RA-25); 363 Smith Place, 685 Mountain Avenue & 689 Mountain Avenue. Preliminary major subdivision/ variance. *(The applicant proposes a preliminary major subdivision with a new cul-de-sac street to create 4 new building lots of which 2 lots require lot frontage variances).*

Harold P. Cook, III, 886 Belmont Avenue, North Haledon, NJ on behalf of R.S. Builder. Mr. Cook said the applicant is in receipt of Mr. Reiner's report and it addresses some of Mr. Medici's testimony and there is one inconsistency in the report that the applicant would like to clear up. He then called Mr. Medici to testify on this error.

Mr. Joseph Medici, real estate broker & licensed appraiser, was reminded by Board Attorney Becker that he was sworn at the previous meeting and remains under oath. Mr. Cook said that Mr. Medici had testified to the size of the existing homes in the neighborhood as well as the size of the homes that the applicant proposes to build. Mr. Reiner's report of 1/25/17 states on page 4 item 3 that "the testimony from the applicant indicates the developable are would limit the size of the homes to 2,400 sf to 4,000 sf (as testified by Mr. Medici) which would be consistent with the character and size of the existing homes in the surrounding neighborhood". He asked Mr. Medici to clarify and correct this statement. Mr. Medici said his testimony was that the applicant would limit the size of the homes if granted the 4 lot subdivision to 5500 sf. Mr. Medici said that some of the existing homes in the neighborhood are 2,400 sf. He then took the site plan and listed the lots in the neighborhood that are non-conforming. Board Member Hanly asked how many of these non-conforming lots were pre-existing. Mr. Medici said that many of the lots were pre-existing prior to the zoning laws. He said that whether or not the lot is deficient because it is a pre-existing non-conforming has no bearing on the makeup of the neighborhood.

OPEN TO THE PUBLIC any questions of Mr. Medici

No one appeared

CLOSED TO THE PUBLIC

Michael F. Kauker, 356 Franklin Avenue, Wyckoff, NJ, a professional planner, was sworn. The Board accepted his credentials since he has testified before the Board before.

Mr. Cook asked Mr. Kauker to address the criteria in granting the variances that the applicant is seeking in conjunction with this subdivision. Mr. Kauker said that he has read Mr. Reiner's report and is in agreement with the elements Mr. Reiner has presented to the Board. He said this application is requesting 2 deviations from the RA-25 zoning requirements which are 2 of the 4 proposed lots are deficient in lot frontage which is 125' in this zone. He said that due to the unique nature of this application, which a cul-de-sac is being proposed, make the lots trapezoid in shape and increased the width of the lots in the rear of the property. He added that all the other dimensional requirement criteria are conforming. He said that one of the reasonable tests is: 1). Whether or not this application can create lots that are consistent with and compatible with the surrounding neighborhood and 2). That the lots essentially enable almost complete adherence to the zoning ordinance requirements. He said in this particular test the width of the lot at the building setback should be taken into consideration. He also said that the 12 surrounding pre-existing non-conforming lots have an average lot area of 23,396 square feet which is slightly less than the 25,000 square foot requirement. He said the applicant's average lot size is 25,205 square feet slightly larger than the minimum requirement and consistent with the neighborhood development pattern. He said key test to a C2 variances is dealt with in the Kaufman court case. In this particular instance it was determined that a good planning practice would be a major consideration in the consideration of a C2 variance when

you have to show the benefits of the deviation substantially outweigh any detriments which is the core test of this application. He said the benefits generated would be for the immediate surrounding neighborhood in this municipality. He added that the conceptual 3 lot sizes provided would be 1.3 times larger than the lot sizes in the existing neighborhood which would create an anomaly in the neighborhood. He said that one lot of the four lot subdivision would be 16' less in lot frontage but over the required square footage for lot area of 25,000 sf.

Mr. Cook interjected that the applicant has agreed to 3 conditions if the subdivision is granted with 4 lots: 1). Providing a perimeter screening along the rear property lines of the entire subdivision; 2). The applicant would agree to a minimum dwelling area of 5,500 sf and 3). The lots could not be merged to create larger lots for McMansion type of dwelling.

Mr. Kauker said these 3 conditions would be benefits to granting the variances. He said if the Board would grant approval to this application the benefits are that the homes will be more compatible with the existing neighborhood. He said the applicant purchased 15' from 2 neighboring property owners in order to make the lots more conforming in square footage. He said the negative criteria would be the deviation from the ordinance for lot frontage on the 2 lots on the cul-de-sac but do not have a negative impact on the surrounding neighbors. He said the applicant is not asking for side yard or rear yard setbacks. He said the application is in compliance with 4 purposes of the Municipal Land Use Law (MLUL) 40:55D-2a 1). To encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals, and general welfare; 2b. 2). To secure safety from fire, flood, panic and other natural and man-made disasters; 2c 3). To provide adequate light, air and open space; 2i 4). To promote a desirable visual environment through creative development techniques and good civic design and arrangement. Mr. Kauker then showed the Board an exhibit that shows the 4 lot subdivision and 2 driveway entrances are very close to each other. He said this would be a negative criteria and could be changed to a safe and efficient manner. He said that one other aspect of the application is that Mr. Reiner raised in his report was another court case, Pullen v. South Plainfield which set forth the premise that the benefits of permitting the deviation can be considered in the light of benefits resulting from the entire development proposed. He said the natural geometrics and design of the lots are present when you are dealing with cul-de-sac lots. He said the lot pattern is consistent with surrounding neighborhood. He said this subdivision as proposed essentially represents good planning practice which is one of the cornerstones of the Kaufman case.

Mayor Boonstra noted that Mr. Kauker indicated that the lot with smallest frontage is the largest lot in square footage. Mr. Kauker said the width of Lot 3 is 68.1' which is substantially deficient in lot frontage. However, this is a buildable lot width and can essentially withstand good planning practices. Mayor Boonstra opined that a deficient lot is a deficient lot. Board Member Hanly said in his 10/27/16 testimony notes it was stated that the homes will be up to 5,500 sf and there will be a restriction on the architectural exterior of the house. Mr. Cook said that the dwelling design will be colonial style with hardiplank siding and shakes. There will be no stucco used as an exterior element.

OPEN TO THE PUBLIC of Mr. Kauker

Terry Walker, 363 Mulberry Court, Wyckoff, NJ was sworn. He said the average lot sizes were given of the neighboring property owners. She asked if Mr. Kauker knew what the average house sizes were. Mr. Kauker said he did not know. Ms. Walker asked if a smaller house on a larger lot would be inconsistent with the neighborhood. Mr. Kauker said logic of land use equates the size of the home as to the size of the property. Mr. Cook said that Mr. Medici had

addressed this questions and said that the developers build to max out the land because the land is so expensive. He added that a 3 lot subdivision is marketable.

Mr. Robert Saunders, 351 Smith Place, Wyckoff, NJ was sworn. He said that he abuts this proposed subdivision. He had a question about the proposed sewer line. Chair Bonsignore said this question will need to be asked when the application is opened to the public at the end of the meeting.

Stanley Goodman, 691 Birchwood Drive, Wyckoff, NJ was sworn. He asked if the footprint of the homes are to scale on the site plan. Mr. Cook said this is a concept plan for which the homes would be 5,500 sf.

Township Engineer DiGennaro said the size of the house would affect the gross building area (GBA) which would affect and increase the side yard setbacks. He said the GBA would include finished floor area and the garage which is typical of the homes represented. Mayor Boonstra asked what maximum size house could be constructed on the 4 lot subdivision. Mr. Cook said the homes would be 5,500 square feet. Township Committee Representative Madigan asked that the applicant clarify to the Board as to what sizes the homes could be on a 25,000 sf lot.

Mayor Boonstra asked Mr. Kauker if he agreed with Mr. Medici's statement as to whether the surrounding lots were created pre or post zoning ordinance. Mr. Medici said technically it doesn't make a difference when the lots were created because the neighborhood today is what is relevant. Mr. Kauker said he agrees with the statement that it would not matter when the existing lots were created due to the fact that the test of the neighborhood development pattern are 90% in compliance with today's zoning standards.

**CLOSED TO THE PUBLIC**

Chair Bonsignore said he would like feedback from the Board's Planner, Mr. Reiner, and have his response at the next meeting. He would also like the answer to the square footage of the proposed homes.

Township Engineer DiGennaro said he had some engineering related items to discuss. He said if the application was approved the road dedication and street name would need to be approved by the police and fire department. He said there is a street name available in honor of a fallen firefighter in 911. Also, the board will need guidance from Ridgewood Water as to whether or not they will service this subdivision and whether the moratorium for Ridgewood Water connections has been lifted. If they will not serve then the applicant will need to install a dry main, hydrant and stubs to the homes. Mr. DiGennaro said he will reach out to Ridgewood Water.

The Board unanimously agreed to carry this application to the Tuesday, February 14, 2017 special meeting at 7:30 p.m. The applicant will not need to renotice the public.

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There being no other business permitted to be considered, a motion to adjourn the meeting was made and seconded and passed unanimously. The meeting concluded at 8:44 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary  
Wyckoff Planning Board