

**WYCKOFF PLANNING BOARD
OCTOBER 11, 2017 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 Richard Bonsignore, Chairman:

“The regular October 11, 2017 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.

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

Board Member(s) Absent: Drita McNamara; Justin Hoogerheyde, Alt.

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

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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”*

OLD BUSINESS

Approval of the September 13, 2017 Work Session and Regular Business Minutes
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #17-10

The Resolution for Payment #17-10 was approved at the work session meeting.

FOR REVIEW AND RECOMMENDATION

ORDINANCE #1841 – AN ORDINANCE TO AMEND CHAPTER 186, “ZONING,” OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SECTION 186-26, “OFF STREET PARKING,” TO AMEND PARKING REQUIREMENTS FOR PLACES OF ASSEMBLY, INCLUDING SCHOOLS AND HOUSES OF WORSHIP. For review & recommendation to the Township Committee.

Ordinance #1841 was recommended to the Township Committee at the work session meeting.

FOR COMPLETENESS REVIEW

MEER ESTATES, LLC BLK 346 LOT 8 & 9 (RA-25); 455 & 443 Wyckoff Avenue. Preliminary major subdivision/variance. *(The applicant proposes to subdivide 2 lots into 5 conforming lots).*

This application was deemed complete at the work session meeting and scheduled for the Wednesday, November 8, 2017 public hearing meeting.

FOR COMPLETENESS REVIEW/PUBLIC HEARING

IULIANO, FABIO & VERONICA BLK 352 LOT 11 (RA-25); 317 Newtown Road. Soil movement. *(The applicant proposes to realign the existing driveway and construct retaining rock walls).*

Drew Shepard, the applicant's landscaper, said the applicant is proposing to realign the driveway so the applicant can enter the garage at the centerline of the garage. He said the driveway is steep and this new design will be a more efficient for vehicles to traverse towards the garage. He added that the terraces will be softened with landscaping and boulder retaining walls. Township Engineer DiGennaro said the retaining walls have been designed by a structural engineer and will be certified by the Engineer of record that they are structural sound. Mr. Shepard said that fill will come from a local contractor. Mayor Boonstra said there are no zoning or impervious lot coverage issues. Board Member Hanly asked the applicant to review the additional landscaping with the Board. Mr. Shepherd said the tree in the front yard will be removed. He said the engineer determined which trees will be removed. Mr. Shepard said this driveway relocation will lessen the driveway slope towards the garage on centerline for a more safe and functional approach. . He said that five (5) October glory red maple salted to be installed in lieu of cutting down the existing tree. He said that additional shrubbery will also be planted in the planting beds between the boulder retaining walls.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member Sietsma made a motion to approve this application. Second, Board Member Fisher. Voting in favor: Mr. Purvin, Mr. Alexandrou, Mr. Hanly, Mr. Fisher, Mr. Sietsma, Mr. Madigan, Mr. Fortunato, Mayor Boonstra and Chairman Bonsignore.

PUBLIC HEARING – CARRIED

BANK OF AMERICA BLK 239 LOT 1 (B1); 339 Franklin Avenue. Amended site plan. *(The applicant proposes to replace an existing drive-through teller lane with a drive-through ATM along with related site improvements).*

This application has been carried to the November 8, 2017 public hearing meeting at the request of the applicant.

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 at the rear of the building and construct four (4) parking spaces).*

This application has been carried to the November 8, 2017 public hearing meeting at the request of the applicant.

DiSENZO, WILLIAM BLK 498 LOT 48.01 (R-15); 50 Ravine Avenue. *(The applicant proposes to subdivide an existing conforming lot into 2 non-conforming lots with deficiencies in lot frontage).*

Patrick DeMarco, 912 Belmont Avenue, North Haledon, NJ of behalf of the applicant.

Board Attorney Perconti asked that the following exhibit be marked as identification:

A-1 Application package

Robert Weissman, Weissman Engineering, 686 Godwin Avenue, Midland Park, NJ was sworn. He stated he is a licensed engineer and surveyor in the State of New Jersey and has testified before the Board on many occasions. The Board accepted his credentials. He said the last revision date on the subdivision plan is 9-1-17. The property is located at 50 Ravine Avenue in the R-15 zone. The area of the entire tract is 56,351 square feet where 15,000 square feet is required. The applicant is proposing to subdivide this lot into 2 lots with Lot A being 30,297 square feet and Lot B 26,054 square feet. The property gently slopes from the north to the south and there will be no construction in the riparian zone of the state open pond located on this property. He added that the variance request is for the lot frontage on Lot A which will be 79.96' and Lot B of 58.0' where 100' is required. Currently the total frontage is 138'. He said the applicant will seek a building permit to construct a new garage and driveway on proposed Lot A and remove the existing garage and construct a new dwelling on proposed Lot B. Lot B will be serviced by a new driveway with underground service utilities from Ravine Avenue. The proposed new home will be conforming with respect to setbacks and coverage. A road widening easement will be required along the north side of Ravine Avenue which will set the roadway easement line at 20' from the centerline and will be consistent with the neighboring property owners. He added that he will provide deed restrictions. Mr. DeMarco said the 2 proposed lots will exceed lot area but will be deficient in lot frontage. He said the submission waivers will be provided after approval. Mr. Weissman said each individual lot development will submit plans for grading, drainage and seepage pit installation and landscaping plan prior to the issuance of a building permit. Board Member Hanly noted that the proposed driveway for Lot A runs through the existing paver patio. Mr. Weissman said the patio will be removed in order to accommodate the new driveway and garage in the rear yard. Township Committeeman Madigan opined that this application is very disturbing to me. He said that because there is a large amount of land this application is very ambitious. Mayor Boonstra said the size of the proposed new dwelling will be located in the rear yards of the neighboring property owners. He said he will need proof as to justification of granting the variances. Chairman Bonsignore noted that enhanced side yard setbacks are showing that the proposed dwelling will exceed 2,700 square foot for a new house. Township Engineer DiGennaro said that the applicant is showing the Board a conceptual plan of the location of the new home at the enhanced side yard setback requirement. The proposed home could be 3,900 square feet. Board Member Alexandrou said the proposed home could exceed 8,000 square feet. Chairman Bonsignore said the square footage of the house could be limited in size. Mayor Boonstra said he has not heard any proofs as to the justification of granting a variance. He was further concerned with the potential size of the proposed house on 26,000 square foot lot. Board Attorney Perconti said the applicant will probably be requesting a C2 variance where the benefits outweigh the detriments.

OPEN TO THE PUBLIC for any questions of Mr. Weissman.

NO one appeared.

CLOSED TO THE PUBLIC

William DiSenso, 50 Ravine Avenue, Wyckoff, NJ was sworn. He stated that he is the owner of the property and intends to stay in his house and sell proposed Lot B to someone who will

construct a respectable house. He said he had asked the owner of the lot uphill from him to purchase adjoining property but they were not interested.

Kathryn Gregory, 96 Linwood Plaza, Fort Lee, NJ was sworn. He said she has been a licenses planner in the State of New Jersey for 17 years. The board accepted her credentials since Ms. Gregory has previously appeared before the board. She stated that she has reviewed the master plan and the applicant is seeking a flexible C1/C2 variance for the lot width. C1 has to do with cases of hardship due to exceptional narrowness and irregular shape of a specific piece of property and C2 is for the purpose of the zoning where the benefits outweigh the detriments. She said that 100' is required for lot frontage and proposed Lot A will be 79.96' and 58' for proposed Lot B. She said no property is available to make these lots conforming. She said that both lots far exceed the minimum square lot area where 15,000 sf is required and this would be the C1/C2 hardship variance request. Lot A is 30, 297 square feet which is 2 times the minimum lot area required and Lot B is 26,000 or 1.74 times the minimum lot area that is required. She added that the existing lot is irregularly shaped. She then introduced 2 exhibits which were marked as identification:

A-2 Aerial map

A-3 Copy of tax map

Ms. Gregory said the first exhibit is an aerial view of the existing lot showing its irregular shape, how underdeveloped this lot is compared to the volume of houses in the neighborhood. The second exhibit is a copy of the tax map showing a lot width analysis of the area. She said there is a total of 102 lots with less frontage than 100' and less lot area which proves the area has other lots that are consistent with the proposed subdivision which exceed lot area. The positive criteria is to promote the purpose of the Municipal Land Use Law. Purpose A talks about promoting the public health, safety, morals and general welfare. There is a legal case that says that if you promote a state policy then you are promoting public health, safety, morals and general welfare. The reason I say this is the state development & redevelopment plan where the intent is for development and redevelopment to happen in areas where there is an infrastructure. This means that by subdividing this lot you do not have to create a sewer system or another road. The applicant also promotes Purpose C which is which talks about providing adequate light, air and open space. The deficient lot width is not going to impact any adequate light, air and open space on this lot or any adjacent lots. In terms of the negative criteria there is no substantial detriment to the public good. She added that this property cannot be further subdivided. She said the master plan does designate this area for single family homes and will not violate the Wyckoff Master Plan. She said this is a flexible C1, C2 variance. She said that the C1 variance is mitigated due to the large lot area and the limited lot frontage.

Chair Bonsignore said the hardship is due to the lack of frontage. Ms. Gregory said the hardship is the lot frontage and the inability to purchase any property to increase the lot frontage. Chair Bonsignore said the existing garage in the aerial view is in the location of the future dwelling for Lot B. He said the home will be in the rear yard of the houses on Hill Ray Avenue and added there is a potential to construct a larger house. Ms. Gregory said the applicant can agree to limit the size of the proposed house on Lot B. Vice Chair Fortunato said this subdivision is a self-created hardship where the applicant is creating 2 non-forming lot frontages from a conforming lot. Board Member Hanly said the applicant created the C1 hardship variance by attempting to subdivide the property. He added that the C1 and C2 hardships cannot be mixed. He said Lot B is 42% deficient in lot frontage. He said this is a significant variance. Ms. Gregory said 102 homes are deficient in lot frontage. Board Member Hanly was concerned with how many deficient lots predate the zoning ordinance than the argument that the other properties are under sized and

therefore the Planning Board should grant an undersized building lot. Attorney DeMaria, the applicant's attorney, said this proposed subdivision will not be out of character with the neighborhood. He said 102 homes with deficient frontages is a lot in this area. Vice Chairman Fortunato said he did not see any desirable positive criteria to this subdivision. Mr. Weissman said the applicant had explored putting in a roadway with a cul-de-sac to service this home which would be a variance free application. Mayor Boonstra said a roadway does not justify this request for a subdivision. He then asked what the front yard setback will be on Lot B. Mr. Weissman said the front yard setback will be 180' where 40' is required. Mayor Boonstra said this would be a narrow driveway on a narrow lot. He was also concerned with getting emergency apparatus back to the house. Mr. Weissman said there are other lots in Wyckoff with overly extensive driveways. Mayor Boonstra said there are a few pre-existing non-conforming flag lots from the 1950's but the Board does not want to create another flag lot. The Board is to follow today's zoning code and not create any substandard lots. Board Member Fisher noted that the tax map used on exhibit A-3 is not the latest map.

OPEN TO THE PUBLIC for any questions of Ms. Gregory.

No one appeared.

CLOSED TO THE PUBLIC

Attorney DeMarco surmised by saying the applicant has an irregular lot which exceeds bulk requirements. If the applicant didn't need a variance for the frontage then the Board would have the duty to grant the subdivision. He added that restrictions can be put on the size of the house that can run with the land.

Mayor Boonstra said that based on the testimony and proofs for C1 and C2 variance he opined that the proofs are not sufficient. Chairman Bonsignore said he would be inclined to consider this application with restrictions on the size of the new structure. The new home would still be in positioned in the rear yard of the homes on Hill Ray Avenue.

OPEN TO THE PUBLIC

Kevin Post, 375 Hill Ray Avenue, Wyckoff, NJ was sworn. He said he did not have a problem with this proposed subdivision.

CLOSED TO THE PUBLIC

Vice Chairman Fortunato said the only consideration in granting this subdivision would be future concerns with limitation of coverage with any future land development. He said the applicant has not met the standard of proof to grant this variance. Mayor Boonstra said that we are dealing with a substandard lot. Board Member Hanly said it's the Board's job to handle the case before the board tonight. He said he does not see sufficient proof and the Board cannot grant a C1 variance where the applicant created their own hardship. Chairman Bonsignore asked for a motion. Board Member Hanly made a motion to deny the application since the applicant has not satisfied the criteria for a C1 variance since the applicant created its own hardship; the lot to be developed will be 42% deficient in lot frontage whether or not additional land to the west of the property was obtained; the C2 variance argument was that the applicant exceeded the minimum lot size and there are no other proofs to the detriment of the public good predicated on the fact that there were other lots that are on the tax map that did not meet the criteria but there is no testimony to the effect that those properties may have well predated the zoning ordinance; and the precedent set that the Board does not want to create substandard lots which is in conformance with the law and this would show a substantial impairment to the zoning code. Second, Board Member Madigan. Voting in favor of denial: Mr. Purvin, Mr. Alexandrou, Mr. Hanly, Mr. Fisher, Mr. Sietsma, Mr. Madigan, Mr. Fortunato, Mayor Boonstra and Chairman Bonsignore.

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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 9:26 p.m.

Susan McQuaid, Secretary
Wyckoff Planning Board