

WYCKOFF BOARD OF ADJUSTMENT

MARCH 18, 2021 PUBLIC BUSINESS MEETING MINUTES

Work Session: 7:30 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube account

Public Meeting: 8:00 p.m. Via Zoom Video Conferencing and streaming live on the Township's YouTube account

The meeting commenced with the reading of the Open Public Meetings Statement by Chairman Fry:

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act NJSA 10:4-6 et seq., and in consideration of Executive Order #103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency in the State of New Jersey, the Zoning Board of the Township of Wyckoff does hereby notify the public that to protect the health, safety and welfare of our citizens, the meeting of the Zoning Board of the Township of Wyckoff scheduled for Thursday March 18, 2021 will be conducted virtually through Zoom technology and it will be live-streamed on the Township of Wyckoff's YouTube channel. The Work Session is scheduled for 7:30 and the Public Business meeting will begin at 8:00 pm.

These measures are implemented to allow members of the public to observe the meeting via live streaming and to provide the ability to comment during the periods for public comment during the meeting through Zoom telephone call in technology. Joining the meeting by telephone will be utilized as security against the sharing of inappropriate video content.

General instructions regarding access to the meeting is posted on the Wyckoff web site's home page at www.wyckoff-nj.com as a "News" item.

"The March 18, 2021 Public Work Session of the Wyckoff Board of Adjustment is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our annual Schedule of Meetings. A copy of our Annual Schedule has been posted on the bulletin board of 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."

Mr. Fry read the following 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 time."

Pledge of Allegiance**OLD BUSINESS**

Approval of the February 25, 2021 Work Session and Public Business meeting minutes. The minutes were approved during the Work Session.

RESOLUTION FOR PAYMENTS #21-03

Payment Resolution #21-03 was approved during the Work Session.

MEMORIALIZING RESOLUTIONS**Quiroga, Walter 469 Cedar Hill Ave Blk 349 lot 70**

(The applicant proposes to construct an addition to the existing home requiring variance relief for a side yard setback of 16.2')

Urban, Lauren & Richard 239 Cottage Place Blk. 461 Lot 13

(The applicant proposes to demolish the existing home and construct a new conforming single-family residential dwelling on the existing lot requiring variance relief for a nonconforming lot frontage of 119.8')

Messina, Charles 191 Hillside Avenue Blk 354 Lot 15

(The applicant proposes to construct an addition in the rear of the existing home requiring variance relief for the rear yard setback of 31.92 and principal building lot coverage of 17.15%)

The three (3) Resolutions were approved during the work session.

NEW APPLICATIONS**Serkes, Matt 110 Ravine Ave. Blk 483 Lot 44**

(The applicant proposes to construct a two-story addition to the existing home with a pre-existing nonconforming side yard setback)

Matt Serkes, the applicant, was sworn in. Scott Bella, the applicant's Architect, was also sworn in. Mr. Bella's professional address is 65 Glen Avenue in Glen Rock New Jersey. Mr. Bella stated that he is a licensed Architect with a degree from Pratt Institute, he has been working as an Architect in Bergen County for 28 years, has appeared before many Boards in Bergen County, and his license is in good standing. The Board recognized Mr. Bella as an expert in architecture.

Mr. Bella provided the following details of the application: the applicant is proposing to add a second story to the existing one-story home. A two-story addition is proposed for the rear of the home. A small foyer addition in the front is also proposed with a front porch. The existing driveway cuts the property in half, with the existing home sitting to the right side of the driveway in the right side yard setback at 16.86' which creates the hardship. The 16.86' side yard setback will be maintained in the front corner and will increase to 18' at the rear corner of the structure, requiring variance relief. A/C units are proposed for the right side of the home and will be screened with 6' tall arborvitaes. A seepage pit is proposed in the rear yard to collect runoff.

Chairman Fry asked if the 16.86' setback will be to the structure or to the overhang. Mr. Bella stated that the 16.86' is to the structure and there will be a 1' overhang.

Mr. Fry inquired how much of the existing home is going to be demolished. Mr. Bella stated that the entire first floor will remain and will be built upon.

Mr. Hubert asked what type of siding is proposed. Mr. Serkes said vinyl shingles or hardy board will be used.

Mr. Borst stated that no landscape plan was submitted. He recommended that the Resolution state that any landscaping damaged during construction will be replaced with like kind and size plantings. Chairman Fry mentioned that the plan shows one (1) tree to be removed in the rear of the home. Mr. Serkes stated that only one (1) tree is slated for removal.

Mr. Tanis asked about the height to the gutter line and the roof pitch. Mr. Bella stated that the height to the gutter line will be 18' and the roof pitch will be 8:12. Chairman Fry added that the proposed roof height is 32.3' which is below the maximum allowed 35'.

Chairman Fry asked Mr. Serkes if he intends to live in the home after the remodel is completed. Mr. Serkes said it is his intention to remain in the home after the remodel.

Mr. Tanis suggested placing utilities underground if the utility pole is on the same side of Ravine as the Serkes home.

OPEN TO THE PUBLIC
NO ONE COMMENTED
CLOSED TO THE PUBLIC

Mr. Borst made a motion to approve the application with the stipulations that any landscaping damaged during construction will be replaced like kind and size plantings, siding will be horizontal hardy board or vinyl shingles, and electric will be placed underground if feasible. Second, Ms. Riotto. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Christ, Mr. Ruebenacker, Mr. Borst, and Chairman Fry.

Electrify America, LLC 525 Cedar Hill Ave. Blk 391 Lot 42.01

(The applicant is requesting a Use variance so as to permit the conversion of six (6) parking spaces on the property into a four (4) parking space electric vehicle charging station. The applicant is also seeking bulk variance relief with respect to the required front and rear yard setbacks, maximum fence height, required number of parking spaces, and accessory structure in a front yard)

Michael Lavigne, Attorney for the applicant, stated that he will be presenting the application and that he is anticipating offering four (4) witnesses to provide testimony. Mr. Lavigne provided the following overview of the application: the property is located at 525 Cedar Hill Avenue in the B-2 zone. There is an existing shopping center at the location which is a permitted use in the zone.

Chairman Fry said he would like to address the requested waivers prior to hearing testimony. He stated that as recommended by Mr. Ten Kate during the work session, the Board will request certification of zero-net increase in runoff on the site as a result of the project. The Board will also require a landscape plan to screen the proposed units, transformers, and fencing. In addition, if the application is approved, the Board will require language in the Resolution to ensure that if the proposed equipment becomes obsolete or is no longer viable for any reason, it will be removed

by the applicant/owner.

Mr. Lavigne stated that the applicant will provide the Board with an Engineer's certification of zero-net runoff from the site as a result of the project and a landscape plan. He added that he does not have a problem with the Resolution stating that the applicant or owner will remove the equipment if at any time it is no longer in use.

Board Attorney Becker stated that the Board should vote on granting the requested waivers with the exception of the engineer's certification of zero-net runoff requirement, and the landscape plan requirement

Mr. Hubert made a motion to grant approval for the requested waivers with the exception of the submission of a landscape plan and certification of net-zero runoff from the project. Second, Mr. Ruebenacker. Voting in favor: Mr. Tanis, Mr. Hubert, Ms. Riotto, Mr. Ruebenacker, Mr. Christ, Mr. Borst, and Chairman Fry.

Mr. Lavigne continued with his presentation of the application as follows: the applicant is proposing to install four (4) electric vehicle charging stations in the existing parking lot of the Cedar Hill Shopping Center. That particular use is not explicitly addressed in the Township's Zoning Ordinance as a prohibited or permitted use therefore, since it is not expressly listed as a permitted use, it defaults to being a nonpermitted use. As a result, the applicant is before the Board seeking a D1 Use variance as well as an amended preliminary and final site plan approval and bulk variances including number of parking spaces, accessory structure in a front yard, front yard setback, rear yard setback, and fence height.

Devon Vlasin was sworn in. His professional address is 2003 Edmund Halley Drive in Reston Virginia. Mr. Vlasin stated that he is a project development manager for Electrify America, the applicant. He explained that Electrify America is the result of the Volkswagen "dieselgate" scandal which resulted in Volkswagen having to dedicate two (2) billion dollars to electric vehicle infrastructure however Volkswagen cannot allocate the funds themselves so Electrify America was created to take on that mission. They are currently in the second phase of a four (4) cycle program where the goal is to have 800 stations operational nationwide with anywhere from (four) 4 to twelve (12) dispensers per location. Four (4) dispensers are proposed for the Cedar Hill Shopping Center. Mr. Vlasin gave a general explanation of how the electric vehicle charging process unfolds. He stated that a driver would locate a charging station on an app, pull into one of the electric vehicle charging stations, exit the vehicle, view the instructions on the LED screen on the dispenser, plug the dispenser charging connector into the vehicle, swipe a credit card on the unit to pay for the charge and wait the 20 to 30 minutes it takes to charge the average electric vehicle.

Mr. Ten Kate asked if the dispensers are operational 24 hours a day. Mr. Vlasin said they are operational 24 hours a day.

Ms. Riotto inquired about the amount of noise that is produced by the charging stations. Mr. Vlasin stated that the noise is minimal adding that at times the cooling fans will turn on to cool the internal components of the unit.

Ms. Rizvani asked what electric vehicle drivers do if they have a problem with the unit while they are attempting to charge their vehicle and who maintains the station. Mr. Vlasin said that there is

a service number on the dispensers and the user can call in to a 24/7 service center.

Mr. Tanis asked if Electrify America has accounts with commercial companies and delivery services, such as Amazon, with trucks stopping by throughout the day to use the charging station. Mr. Vlasin stated that this station is designed to serve passenger vehicles and that he would not expect fleet services to be using the station. He added that he would expect that the majority of vehicles using the site will be passenger vehicles. Mr. Tanis said he would like to be sure that there would not be a constant flow of commercial vehicles pulling into the shopping center parking lot to use the charging station.

Chairman Fry asked if there is any audio emitted from the charging dispensers such as advertisements, commercials, music, or any form of audible communication. Mr. Vlasin stated that the units are completely silent. Mr. Fry asked what would prevent delivery trucks such as Amazon fleet vans from using the station. Mr. Vlasin said that he believes most fleet vehicles charge at their own vehicle service sites however it would be possible for a commercial or fleet vehicle to accept a charge at the proposed Cedar Hill Avenue station.

Tony Diggan was sworn in. He stated that he is an Engineer with Kimley Horn located at 902 Carnegie Center Boulevard in Princeton New Jersey. He has a degree in environmental engineering and has been a land developer and professional engineer for Kimley Horn for 20 years. Mr. Diggan affirmed that he is licensed in the state of New Jersey and his license is in good standing. The Board recognized Mr. Diggan as an expert in engineering. He went on to present the plans prepared by Kimley Horn including an aerial view of the Cedar Hill Shopping Center marked exhibit A-1, a photo dated 3/18/2021 of the existing conditions of the area of the parking lot where they are proposing to install the chargers marked exhibit A-2, a photo of the app screen that electric vehicle drivers would see when they are looking for a site to charge marked exhibit A-3, and a photo showing an example of the proposed electric vehicle chargers and the proposed board on board fence which was marked exhibit A-4. The entire set of plans was marked exhibit A-5. A photo of the one (1) tree to be removed was marked exhibit A-6.

Mr. Diggan provided the following information: Exhibit A-1 shows where the proposed charges will be installed in the north west corner of the property. Exhibit A-2 shows the existing curb line in the location for the proposed units as well as a 6' tall wood fence along the property line to the rear of the proposed station location. There is one (1) evergreen tree that is in poor condition which we are proposing to remove. Page six (6) of exhibit A-5 shows the proposed electric vehicle charging parking spaces and dispensers. Six (6) existing parking spaces will be converted into four (4) electric vehicle charging stations. At the head of each charging stall there will be sign which states parking for electric vehicle charging only. A 15' tall pole with light fixture is proposed to light the area of the charging stations. The area to the right of the parking lot and the charging units is where the equipment pad with transformers will be placed as well as power cabinets and switches. The equipment will be enclosed by an 8' tall Trex board on board fence. The charging units will be 8' tall with a white housing and dark gray border. The photo of the units was marked exhibit A-7.

Mr. Diggan then explained the findings of the Noise Analysis Report prepared by Kimley Horn (exhibit A-8) as follows: the noise study looked at the individual noise generated by the charging units, power cabinets, and transformer and then calculated a cumulative noise level at the northern property line. To be conservative, all equipment was assumed to be operating simultaneously when calculating the cumulative noise level. The nighttime noise standard established by the New Jersey Department of Environmental Protection is 50 decibels between

the hours of 10 p.m. and 7 a.m. and 65 decibels between the daytime hours. The Kimley Horn noise analysis determined that the charging stations are at 49.3 decibels continuously.

Chairman Fry stated that 49.3 is right at the acceptable nighttime noise standard of 50 decibels. Mr. Diggan reiterated that the 49.3 decibels was determined with the assumption that all four (4) units would be in use at the same time which, in his opinion, is unlikely.

Mr. Hubert and Ms. Riotto inquired about the proposed lighting for the charging area and if the light will be on 24 hours. They expressed concerns with the effect the lighting will have on the nearby residence and asked if the light could have a motion sensor.

Chairman Fry asked if the charging stations will be operational 24/7. Mr. Hubert said Wyckoff has an ordinance pertaining to businesses being open 24/7 and it is not allowed. Board Attorney Becker affirmed that Wyckoff does not have any businesses open 24/7. Mr. Ruebenacker suggested programming the units to only be in operation during the daytime. Mr. Vlasin stated that Electrify America is bound to keep the charging stations available 24/7 as part of a decent decree. Part of the "dieselpgate" lawsuit against Volkswagen had stipulations around providing electric vehicle infrastructure that is available to the public 24/7 for all of its charging locations.

Mr. Lavigne stated that he has not read the consent order so he could not comment on the 24/7 requirement and that he would investigate to see if there is some flexibility there.

Chairman Fry expressed doubt that the benefits of this proposal outweighs the detriment. He stated the charging station will bring people off a highway (Route 208) in the middle of the night to a dark corner in the back of a parking lot of a shopping center that is not open 24/7. There are no 24/7 businesses there to support or benefit from this. He questioned where people would be going to the bathroom and dumping their trash adding that there is a residence right behind that fence where the charging stations are proposed. Finally, Mr. Fry said that he is not in favor of this location due to the proximity of the residential neighborhood behind the fence in the back corner of the parking lot adding it could become a burden for the Police Department.

Mr. Hubert concurred stating the location does not work. There are no 24/7 businesses at this location or in the Township of Wyckoff for that matter. There is no place to grab food, dump garbage, or use a bathroom during the overnight hours.

Ms. Riotto stated that her biggest concern are the residents who live in the cul de sac behind the area where the chargers will be installed specifically the light from the proposed lighting pole, the car headlights and the noise. She asked what would prohibit commercial vehicles from utilizing the station to charge trucks.

Mr. Lavigne asked how the impacts would be more severe or significantly different if a commercial vehicle or a fleet truck stopped in to use the charging station verses a passenger vehicle.

Mr. Tanis stated that commercial vehicles are generally required to have back-up beepers which is his concern about commercial fleet vehicles having access to this site so close to the residential homes.

Mr. Christ stated that the other challenge with fleet vehicles and delivery vans across the country right now is that they are loading, unloading, and resorting between trucks in parking lots and on residential street. If those vehicles could get a charge at the same time, we could see that

happening at this location. He added that he is also concerned about the prospect of having that be a 24/7 operation due to the safety concerns.

Mr. Borst said that Route 208 is not a major thoroughfare for people traveling on vacation or traveling north to south and asked why this location was chosen for the charging station. He added that he does not understand this location as being a good choice.

Mr. Vlasin stated when determining sites for the stations they follow certain traffic patterns and try to find high density areas to get from one place to another. Since 208 connects 287 and 80 as a side road to get from one place to another, it seems like an optimal location.

Chairman Fry asked where the closest Electrify America charging station location is to this one. Mr. Vlasin stated that there is one in Fairfield and one in Pompton Plains. Mr. Hubert asked if they are in similar locations, in the back corner of a small strip mall parking lot, or if they are located in large shopping centers or near hotels. Mr. Vlasin stated that the one in Pompton Plains is off of Route 23 and the one in Wayne is off of Rout 46.

Mr. Tanis asked Mr. Vlasin if he could provide a list of all other charging stations in this area including competitors. Mr. Vlasin said they do not keep track of that information. Chairman Fry said that if there are other charging stations relatively close by, it will affect whether this is a viable option. Mr. Vlasin stated that most competitors, aside from Tesla, do not have the charging capabilities that Electrify America has.

Mr. Ruebenacker said that he would like to see data pertaining to the percentage of overnight charging compared to overall charging during business hours as well as the crime statistics for all of Electrify America's electric vehicle charging station locations. He said that patrons of the site are going to pull into the parking lot in the middle of the night and sit there for 30 minutes charging the vehicle and they could be targets for crimes such as carjacking or muggings. This operation could attract that element into Wyckoff who want to target people during the nighttime hours in the back corner of a parking lot. Mr. Ruebenacker stated that he would like to see the hardcore statics not just general testimony.

Chairman Fry said that this information should also be provided to the Wyckoff Police Department because they will be impacted by this potentially.

Mr. Lavigne suggested having security cameras installed at the site as part of the proposal. Mr. Fry said that in the time it would take someone to react to what is seen on a security camera, a perpetrator would be back on the highway and gone. Mr. Becker stated that it also creates a liability for the Town. Mr. Ruebenacker questioned who would be monitoring the security cameras.

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Michael Decataldo, who resides at 300 William Way, was sworn in. Mr. Decataldo said that he is very concerned about the charging stations being installed in the proposed location, which is very close to his home. He said that he visited the Electrify America charging station in Pompton Plains on Route 23 and it is in a much larger parking lot, on a much busier highway and there are no private residences anywhere near the site. Mr. Decataldo said he also visited the charging station in Fairfield which is on Route 46. It too is in a much larger parking lot and there are no private residences to be seen in any direction. He went on to say that he is very concerned about safety adding that he feels this is a horrible location in the back of the parking lot, next to a

residential home with no restroom facilities available. Mr. Decataldo said that the proposed charging station will not benefit anyone who lives in Wyckoff because town residents charge their cars at home. He went on to say that the units, we are told, are 8' tall and my fence is 6' tall so I will have a perfect view of them from ground level, my deck, my kitchen, and my living room and the 15' light will be right outside my bedroom window. Finally, Mr. Decataldo thanked the Board members for voicing concerns about the potential impact on the residents.

CLOSED TO THE PUBLIC

Patrick Gillespie was sworn in. He stated that he is a senior property manager for USB located at 321 Railroad Avenue in Greenwich Connecticut. Mr. Gillespie said that the reduction of two (2) parking spaces will not impact the shopping center and that he has not had any complaints about a lack of parking in the lot from any tenants.

Chairman Fry asked if the units could be located in the front of the parking lot closer to the Dunkin Donuts.

Mr. Lavigne stated that he understands the Boards concerns and would prefer to have the property owner and the applicant review the comments made by the Board to see if there is another location for the charging station.

Mr. Becker, stated that if the applicant comes back with a revised plan, a landscape plan should also be submitted.

Mr. Christ asked if parking is prohibited during non-business hours at the Cedar Hill Shopping Center. Mr. Gillespie said there is no signage at the site which states parking is prohibited when the shopping center is closed.

There being no further business, a motion was made to adjourn the Public Session, seconded and passed unanimously. The Public Business Meeting was adjourned at 10:55 p.m.

Respectfully Submitted,

Maureen Mitchell, Secretary
Wyckoff Board of Adjustment