

WYCKOFF PLANNING BOARD
DECEMBER 13, 2023 PUBLIC WORK SESSION 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 Chairman Fortunato.

“The regular December 13, 2023 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”

“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.”

ROLL CALL

Board members in attendance: Rob Fortunato, Glenn Sietsma, Kelly Conlon, Frank Sedita, Joe Vander Plaat, Rudy Boonstra, and Mayor Tom Madigan.

Absent: Mike Homaychak, Mae Bogdansky, and Sarah Caprio.

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

OLD BUSINESS

Approval of the September 13, 2023 Work Session minutes.

Mr. Sietsma made a motion to approve the minutes. Second, Mr. Sedita. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mr. Sietsma, and Mayor Madigan. Chairman Fortunato abstained.

Approval of the September 13, 2023 Public Business Meeting minutes.

Mr. Sietsma made a motion to approve the minutes. Second, Mr. Boonstra. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mr. Sietsma, and Mayor Madigan. Chairman Fortunato abstained.

FOR REVIEW AND RECOMMENDATION TO THE TOWNSHIP COMMITTEE**ORDINANCE #1995**

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO MODIFY ZONING REGULATIONS TO ACCOMMODATE DIFFERENT TYPES OF RESIDENTIAL DEVELOPMENT AND TO ENCOURAGE THE CONSTRUCTION OF AFFORDABLE HOUSING

ORDINANCE #1996

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WYCKOFF CHAPTER 186 ZONING SCHEDULE I, SCHEDULE OF DIMENSIONAL REQUIREMENTS TO REFLECT PREVIOUSLY ADOPTED CHANGES TO THE ZONING CODE

Mr. Boonstra explained that this is a rezoning of two properties in Town which are unique. It would be better from a planning standpoint, and a perspective standpoint of what the possibilities could be for these properties, to rezone them in the model of the SF-AH (Single Family Affordable Housing) which has existed in Wyckoff for 30 years and has worked well. The zones were created in the 1990's by RCAs, and in effect, results in market rate homes on smaller lots. They do not overburden the school system, and they continue to sell at market rate prices of a million dollars or more. We looked at that model which has worked for 30 years and decided to apply that model to the sites in question on Franklin Avenue and Squawbrook Road. Mr. Boonstra stated that Brigette Bogart, the Township's Professional Planner, believes the rezoning of the properties is appropriate for the Township.

Chairman Fortunato said the Board would vote on the Ordinances during the Public Business meeting since there were members of the public present who wished to comment on the Ordinances during the open public comment period.

CONTINUATION OF A CAPITAL PROJECT REVIEW AND RECOMMENDATION**Ridgewood Water Cedar Hill Avenue, Block 392, Lot 24**

(The applicant proposes to construct a water treatment facility at the location. The Application is filed as a capital project mandated by the New Jersey Department of Environmental Protection to treat water within the Ridgewood system that exceeds the permitted maximum contaminant levels that have been established by the NJDEP)

Chairman Fortunato announced that the applicant has requested that the application be carried to the February 14, 2024 meeting.

Board Attorney Hanly said he spoke with Bruce Whitaker, the applicant's Attorney who said that the project is being delayed due to NJDEP issues and based on the recommendations of the DEP they are basically revising the entire application. Once they come to a final agreement with the DEP, Ridgewood Water will submit a new application to the Planning Board at which time the applicant will provide public notice to property owners within 200'.

NEW APPLICATION FOR COMPLETENESS REVIEW**Indian Bay, LLC (Hartgers Jewelers) 699 Wyckoff Ave. Block 202, lots 76.01**

(Amended site plan with variance application to construct an addition to the existing building)

Mark DiGennaro, the Township Engineer, provided the following technical details of the application:

I have reviewed the Site Plan prepared by Weissman Engineering, last revised 10/2/23, Architectural Plans prepared by William G. Brown, Architects last revised 10/6/23, sheets A1-4, Application, photos, and Site Plan Checklist 46-40 C. The property is located in the B-1 Central Business Zone. The properties are commonly owned and abutting lots, each containing a separate commercial principal building thereon. The parking areas appear to be common to both principal structures with an apparent access easement granted by the Township of Wyckoff for added parking and access to the parking lots. In total, both properties together with the access easement provide 32 existing parking spaces. However, both properties are non-conforming as to front yard setbacks and parking requirements individually. The applicant proposes improvements to the structure located at 699 Wyckoff Avenue only consisting of a second floor addition, a new gable roof above the existing first floor area located along Wyckoff Ave. frontage and ADA site access improvements requiring site plan approval. The second floor addition requires variance relief for side yard encroachment of 1.42 feet where 30 feet is required. The existing side yard setback is 1.2 feet. No improvements are being proposed to the 693 Wyckoff Avenue property. The existing lot area is 17,588 sf where 6,000 sf is required. The existing frontage is 140.23' where 60' is required. Lot depth is 123.2' where 100' is required. The existing front yard setback to the centerline of the roadway is 30.51' and will remain unchanged where 55' to centerline is required. The existing principal building side yard setback #1 is 1.2' with 1.42' to the overhang proposed where 30' is required as it abuts a residential property. Existing side yard setback #2 is 31' and will remain unchanged where 10' is required on that side. The existing rear yard setback is 52.9' and will remain unchanged where 20' is required. The existing principal building lot coverage is 26.6% and proposed is 28.4% where 80% is permitted. The existing and proposed building height is 32' where 35' is permitted. The following is a list of existing Non-Conformities and recommendations:

1. 186.23 H – requires a 10' planting buffer along the front of the building
2. 186.23 K – requires a 15' planting buffer strip along the abutting residential property zone, R-15.
3. 186.27 – requires a one loading space dimensioned at 12' x 35'
4. Parking lot lighting exists on the building and is proposed to be unchanged.
5. Parking for 699 Wyckoff Ave requires 28 spaces where 19 spaces are available within the property boundary, exclusive of access easement and adjacent property. Parking requirements for 693 Wyckoff Ave have not been provided and are required for review.
6. Existing dumpster eliminates 1 parking space and should be relocated to northerly corner of parking lot and screened from view with appropriate enclosure.
7. Plan must be revised and noted to require the Design Engineer to certify to the Township of Wyckoff that the completed site improvements comply with the latest ADA standards prior to receiving a certificate of completion from the Township.

The applicant is requesting administrative waivers, in whole or in part, from the following checklist 46-40C items:

- 8) Detailed existing landscaping plant materials.
- 10) Exterior lighting – no lighting changes are proposed.
- 13) Location of all site utilities
- 22) Traffic Study
- 23) Environmental Impact Study
- 24) Traffic signage and safety plan.

Based on my review and comments, I take no exception should the Board wish to deem this application complete and schedule it for public hearing as the applicant has agreed to address all the above administrative comments before the January public hearing date.

Chairman Fortunato asked if a parking variance will be required as a result of the expansion of the building. Mr. DiGennaro said that if you look at each building individually, the parking is nonconforming however when combined, the parking is sufficient. He said he will need to see the usable square footage of the second building to determine if a variance is required and that information has not been provided.

Mr. Sietsma asked about the required planting buffers. Mr. DiGennaro said the code calls for planting buffers however the existing building is encroaching in the right of way itself. As far as the buffer on the northerly residential side is concerned, there is no room to place a buffer due to the detention pond. Also, with regard to the parking, Mr. DiGennaro said he does not believe the parking spaces on the site are ever overpopulated.

Mr. Hanly said since this is a commercial property we will have to hear testimony from the applicant or his professional on the variance issues and how they believe they are entitled to the requested variances.

Mr. Sietsma made a motion to deem the application complete subject to the submission of the parking requirements for 693 Wyckoff Avenue, the relocation of the dumpster to the northerly corner, and certification from the design Engineer as to the ADA standards. Second, Mr. Boonstra. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mr. Sietsma, Mayor Madigan, and Chairman Fortunato.

There being no further business, a motion to adjourn the Work Session meeting was made, seconded, and passed unanimously. The Work Session concluded at 7:53 p.m.

Respectfully submitted,
Maureen Mitchell
Land Use Administrator

**WYCKOFF PLANNING BOARD
DECEMBER 13, 2023 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 Chairman Fortunato:

“The regular December 13, 2023 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.

“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.”

The meeting began with the Pledge of Allegiance.

ROLL CALL

Board members in attendance: Rob Fortunato, Glenn Sietsma, Kelly Conlon, Frank Sedita, Joe Vander Plaat, Rudy Boonstra, and Mayor Tom Madigan.

Absent: Mike Homaychak, Mae Bogdansky, and Sarah Caprio.

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

OLD BUSINESS

Approval of the September 13, 2023 Work Session and Business Meeting minutes.

The minutes were approved during the Work Session.

FOR REVIEW AND RECOMMENDATION TO THE TOWNSHIP COMMITTEE

ORDINANCE #1995

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF WYCKOFF TO AMEND CHAPTER 186, ZONING, TO MODIFY ZONING REGULATIONS TO ACCOMMODATE DIFFERENT TYPES OF RESIDENTIAL DEVELOPMENT AND TO ENCOURAGE THE CONSTRUCTION OF AFFORDABLE HOUSING

ORDINANCE #1996

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WYCKOFF CHAPTER 186 ZONING

SCHEDULE I, SCHEDULE OF DIMENSIONAL REQUIREMENTS TO REFLECT PREVIOUSLY ADOPTED CHANGES TO THE ZONING CODE

OPEN TO THE PUBLIC
NO ONE FROM THE PUBLIC COMMENTED
CLOSED TO THE PUBLIC

Dave Goetschius, who resides at 790 Mountain Avenue, was sworn in. Mr. Goetschius stated that he has great concerns about the implications of downsizing the lot area requirements, the higher demand on resources such as water, sewer, electricity, and drainage issues which already exist in the Sicomac area.

Chairman Fortunato said that those specific issues would be addressed if and when an application is submitted to develop the property.

Mayor Madigan said that currently, anything can happen with the properties in question including the construction of multi-unit housing such as what is happening in Franklin Lakes. He went on to say the rezoning is consistent with our Master Plan in that it keeps the tradition of single family homes in Wyckoff. This means minimal impact on the neighborhood and the schools. We already have areas like this in Town with this type of zoning for single family, market value homes on smaller lots with the overriding appeal of the potential for the installation of sewer lines in the area. This appeals to many of the residents I have spoken with in the neighborhood.

Mr. Boonstra explained that we have 3 zones in Town where this type of zoning has worked well. One is Alex Court, which is across from the Reformed Church Cemetery on Wyckoff Avenue. Another is part of the Barrister Development off of Grandview Avenue, and the third is Wiltsie Court which is off of Ravine Avenue. These zones have worked well for 30 years. They haven't overburdened the utilities, schools, or emergency services. Had we not had a history of this working well for 30 years, I am not sure we would be looking at doing this however, the initial scheme for this was for the construction of 45 town homes which is really overutilizing a piece of land. This will be less than half of that, and it will be single family homes. Any land use professional knows that the best use for any piece of land, in any community, is single family homes. Mr. Boonstra went on to say that the Township owns a sewer pumping station right in the middle of the Squawbrook property. There will have to be an upgrade to that, so that will improve the sewer service in that whole area. There is a tremendous amount of wetlands in that area which will be left as a passive recreation type of site in perpetuity. Finally, Mr. Boonstra said that our exemption or protection from Builders Remedy lawsuits which really overburdens a piece of property, expires in 2025 which is right around the corner. We are trying to stay ahead of the curve with this, so we don't wind up with the type of mess that Franklin Lakes is dealing with right now. We would prefer to keep the lot sizes at 25,000 sf but that is not the world we are living in right now unfortunately.

Mr. Goetschius reiterated that he is concerned with runoff and drainage issues in the area once the property is developed. Chairman Fortunato said there are regulations in place that require a zero net increase in runoff with any land development. Mr. DiGennaro said that whenever there is more than an acre of disturbance, or an increase of one quarter acre of impervious coverage, there are more stringent guidelines from the NJDEP regarding water quality as well.

Dave Stern, who resides at 312 Camelot Court, was sworn in. Mr. Stern had questions and concerns about the number of affordable housing units, runoff and drainage, impact on the schools, and traffic. Chairman Fortunato said 15% will be set aside for affordable housing if the units are rented, and 20% if the units are for sale. With regard to the traffic impacts, Chairman

Fortunato said that when a development application comes before the Board, if there are concerns about traffic, the Board can request a traffic study which we have done in the past. Mr. Boonstra agreed saying that it may be absolutely appropriate here for the Board to require a traffic study.

Nick Damiani, who resides at 768 Hickory Hill Road, was sworn in. Mr. Damiani asked how the number of proposed homes is being discussed if no development plan has been submitted. Mr. Boonstra said there is a hypothetical schematic for the establishment of the lots.

Mr. DiGennaro asked the Board to elaborate on the "builders remedy" aspect to help clarify that for the members of the public.

Mayor Madigan explained: It's tough to comprehend the punch line. The bottom line is that it is better to have a plan which would prevent any builders remedies from coming in. We saw what happened in Franklin Lakes. They had no plan and now they are stuck. A builder will take you to court and say that the Town has nothing in the Master Plan or it's Ordinances to prevent certain types of development, and you will be forced to build apartments or townhomes or whatever they want to build. Having a plan is critical in trying to preserve as much of the Town's charm as we can by restricting the development to single family homes.

Mr. Damiani questioned why the rezoning is for maximum density instead of what is currently existing in the neighborhood.

Mr. Boonstra said the entire Town has a zoning scheme which calls for 15,00 and 25,000 square foot lots which is challengeable. If taken to court, we are vulnerable because it does not address the affordable component and it does not address the reality of the market, which is smaller lots. We could fight it, but it would be difficult to prevail. This puts a plan in place which is reasonable because it is still for single family homes with an affordable component, which puts us in a more defensible position if it should ever go to the Supreme Court.

Mr. DiGennaro said this plan lessens the likelihood that the Township will be challenged. You may have a developer who is satisfied with the availability of those numbers and will be happy to develop it in that style.

Chairman Fortunato said if the zoning doesn't withstand a challenge, then basically a developer could build anything there. This is an effort by the Town to have some control over what gets built there as opposed to it being like the wild west where a developer can say he wants to put 100 units there. It is proactive on the part of the Town which is commendable.

Mr. Goetschius lamented that the rezoning is creating lot sizes that are just too small and should be increased from 5,000 sf to 10,000 sf. He said the Town should come up with reasons why the maximum density will not work for the Town if it is challenged by the court.

Mayor Madigan said as a member of the Governing Body, we do not want to be in a position where we have to go to court. You are looking at hundreds of thousands of your tax dollars going to attorney fees on behalf of the Township of Wyckoff. The key is we need to have a plan in place that works if there is law suit. This is the State of New Jersey. We are constantly fighting against the County and the State with more regulations, more taxes, and more burdens. We are trying to protect and maintain this beautiful Town.

Mr. Stern mentioned the large new homes on Wyckoff Avenue near the Community Park. He questioned why that developer didn't wind up with smaller lots there similar to what is proposed for the Squawbrook property.

Mayor Madigan said that was a private sale. They were all 30,000 sf lots and the builder constructed 2 million dollar homes on those lots. Mr. Boonstra said this particular developer does not do high density projects, he builds large luxury homes and not everyone does that. He could have built a row of townhouses there but he didn't. We worked with the developer to get a sewer line up there to service those homes.

Mr. DiGennaro said we got lucky with that project. There could have been another developer with an interest in that property who wanted to challenge us on the housing density, and it would have brought us a down a road we do not want to go down. Certain deadlines are expiring and the Township wants to be in a position where we are making an effort to identify areas which can accommodate the demands that the State is imposing on all of these communities to have fair share housing. By doing nothing we open ourselves up to having something shoved down our throats. By doing something we show that we planned for it, we've identified comparable areas where the rezoning has worked, and we are making an effort to be compliant with the demands that are imposed upon us.

CLOSED TO THE PUBLIC

Chairman Fortunato said the two Ordinances are before this Board for review and recommendation to the Township Committee. Based on the testimony provided by the Township Engineer, the Mayor and Committeeman Boonstra, they are advising us that this is probably the best way for the town to navigate the fair share housing requirements while still preserving the general nature of the neighborhood.

Vice Chairman Sietsma made a motion to recommend Ordinance #1995 and #1996 to the Township Committee for adoption. Second, Mr. Vander Plaat. Voting in favor: Ms. Conlon, Mr. Sedita, Mr. Vander Plaat, Mr. Boonstra, Mr. Sietsma, Mayor Madigan, and Chairman Fortunato.

Mr. Boonstra thanked the members of the public for their comments. He said we learned a difficult lesson with the Maple Lake property, which this Board also looked at. What we will have someday at Maple Lake, I would not want to see happening on the Squawbrook property. It was a difficult decision at the time, but fair share housing was involved in that matter. Fortunately we preserved 21 acres for open space which was great, but it was a difficult negotiation.

NEW APPLICATION FOR COMPLETENESS REVIEW

Indian Bay, LLC (Hartgers Jewelers) 699 Wyckoff Ave. Block 202, lots 76.01
(Amended site plan with variance application to construct an addition to the existing building)

The application was deemed complete during the Work Session and is scheduled for public hearing during the February 14, 2024 Public Business meeting.

CONTINUATION OF A CAPITAL PROJECT REVIEW AND RECOMMENDATION

Ridgewood Water Cedar Hill Avenue, Block 392, Lot 24

(The applicant proposes to construct a water treatment facility at the location. The Application is filed as a capital project mandated by the New Jersey Department of Environmental Protection to treat water within the Ridgewood system that exceeds the permitted maximum contaminant levels that have been established by the NJDEP)

The application will be carried to the February 14, 2024 meeting.

There being no further business, a motion to adjourn the Public Business meeting was made, seconded, and passed unanimously. The meeting concluded at 8:50 p.m.

Respectfully submitted,
Maureen Mitchell
Land Use Administrator