

**WYCKOFF PLANNING BOARD
DECEMBER 10, 2014 PUBLIC BUSINESS 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 December 10, 2014 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 Kane, Vice Chairman; Doug Christie, Mayor; Township Committee Representative Boonstra; Jaime McGuire, Scott Fisher; Glenn Sietsma; Doug Macke; Tom Madigan, Alternate; John Haboob, Alternate.

Board Members Absent: Drita McNamara

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

The meeting began with the Pledge of Allegiance led by Chairman Bonsignore.

OLD BUSINESS

Approval of the November 12, 2014 Work Session and Regular Business Minutes

The minutes were approved at the public work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #14-12

Resolution #14-12 was approved at the public work session meeting.

MINOR SUBDIVISION/PUBLIC HEARING

TOWNSHIP OF WYCKOFF BLOCK 377 LOT 1 (RA-25); 592 Russell Avenue. Minor subdivision. *(The Township proposes to subdivide property from a portion of Lot 1 from Mark & Denise Cole as a donation).*

Robert Landel, attorney representing the Township of Wyckoff, said Steve Eid, the Township Land Surveyor, had prepared a minor subdivision plan. He said Mark & Denise Cole, owners of Block 377 Lot 1, would like to donate a small portion of their property which is 28,447 square feet. He said the 3,447 square feet of property will be donated to the Township to use in

conjunction with the Russell Farms Community Park that exists and will become Lot 1.02. This property is deficient in width, depth and lot area and will be an unbuildable piece of property.

Board Attorney Perconti said this substandard portion of property, which has many variances, will not be a buildable lot. He asked that the application be marked as identification:

A-1 Site plan application package

Mr. Landel said this is correct. He said this minor subdivision promotes the purposes of the Municipal Land Use Law by promoting the public welfare by providing open space for passive recreational activity. The Cole's home on proposed Lot 1.01 will continue to be conforming in lot size and the creek will no longer be on their property, which will eliminate any liabilities. He added that this subdivision will be perfected by deeds within the next 90 days.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Board Member McGuire made a motion to approve this minor subdivision as presented. Second, Board Member Kane. Voting in favor: Mr. Madigan, Mr. Macke, Ms. McGuire, Mr. Fisher, Mr. Sietsma, Mr. Boonstra, Mr. Kane, Mayor Christie and Chairman Bonsignore.

APPLICANT'S MOTION FOR RECONSIDERATION OF PREVIOUS DECISION

CAPITAL ONE BANK BLK 216.01 LOT 20 (B1); 690 Wyckoff Avenue. Preliminary/final major site plan/variance. *(The applicant proposes to demolish the existing 4,675 square foot building and construct a new conforming 4,370 square foot Capital One bank building with one pre-existing non-conforming rear yard setback variance).*

Board Member Madigan recused himself from discussion and removed himself from the dais.

James L. Lott, Jr. the attorney representing the applicant said he is seeking reconsideration of the previous application where there was some confusion as to the screening of the roof mechanicals as well as some of the architectural details. He said that notice was given to the newspaper and adjoining property owners in accordance with the Municipal Land Use Law. He said that he would like to recall Emad Bouless, the applicant's architect.

Emad Bouless, Senior Associate from Gensler Architect, Morristown, NJ was sworn. He said he had testified on the original application. He said he reassessed the roof mechanicals on the roof will be screened.

Marked as identification were the following exhibits:

A-1 Site plan package dated December 10, 2014

A-2 Brick color sample

A-3 Limestone sample

Mr. Bouless said this drawing depicts the roof plan, which will have 2 mechanical units instead of 4 condensing units. The roof area has been lowered to 14' in height. The 2 new units will be

40" in height and sit on an 8" curb for a total of 4' in height. The highest point of the roof top units will be below the parapet height and roof top screening will not be required. He added that the roof hatch is at 14' and a guardrail will not need to be provided by code. He added that the Architectural elevation depicts the rooftop units, which will be below the parapet. He said building will be brick with limestone material around the base of the building and cast stone cornices around the 4 sides of the building. He said that quoins, which are 9 ¾" x 4 ¾", will be added to the corners of the building and the brick columns have been removed at the drive through. The blue fabric awnings will remain.

Mayor Christie recommended that the quoins (exterior angle of a wall or building) be larger which will enhance the building and the base material. He also noted that the west elevation of the building looks like there is a flush steel door.

Township Engineer DiGennaro recommended alternately stepping in the quoins on the building.

Chairman Bonsignore said this can be agreed upon with the Township Engineer during construction.

Mr. Lott said a conforming drawing will be submitted.

Mr. Bouless said the steel door is a means of egress by the snack room. He said this area could be landscaped to buffer the door.

Board Member Haboob suggested adding a canopy that extend the existing roof forward on the same plane of the existing roof. And a column to match the decorative corners on the opposite side of the building underneath the extended overhang.

Mr. Lott said he can take this suggestion to Capital One.

A-4 Part of A-1 Photograph of existing building where 3 trees will be removed

A-5 Part of A-1 Depicts where 3 trees that will be planted

Jeff Martel, who was qualified and sworn at the previous meeting stated that the landscape in exhibit A-4 depict mature trees. The trees that will be planted are 2 ½" in caliber. He continued that the wall mounted signage will be back lit and the monument signs will have spot lights. There will be no internal illumination. He said the ATM lighting will be compliant to safety code.

OPEN TO THE PUBLIC

No one appeared.

CLOSED TO THE PUBLIC

Chairman Bonsignore asked for a motion to rescind the Board's prior decision. Township Committee Representative Boonstra made a motion to rescind the Board's September 10, 2014 denial of this application so the Board can consider a motion for reconsideration of this application. Second, Mayor Christie. Voting in favor: Mr. Haboob, Mr. Macke, Mr. Fisher, Mr. Boonstra, Mr. Kane, Mayor Christie and Chairman Bonsignore. Mayor Christie made a motion to approve to approve this application with items from the previous application with additional massing of the quoins on the corners of the building and extending the roof on the same plane over the egress door and adding a decorative column. Second, Township Committee Representative Boonstra. Voting in favor: Mr. Haboob, Mr. Macke, Mr. Fisher, Mr. Boonstra,

Mr. Kane, Mayor Christie and Chairman Bonsignore.

FOR CONSIDERATION/PUBLIC HEARING

ALDO'S ITALIAN RESTAURANT, INC./ALDO & LEO, LLC BLK 236 LOTS 5 & 6 (B1 & B1A); 640 Wyckoff Avenue & 241 Everett Avenue. Amended site plan. *(The applicant is before the Board for a remand hearing pertaining to this applicant to be made in accordance with the opinion rendered on July 14, 2014 by the Appellate Division of the Superior Court of New Jersey as it pertains to a jurisdictional issue. The applicant is also seeking amended site plan approval to allow for a modification to the prior approval of the Board dated May 9, 2012 to permit a section of the fence to be removed between Lots 5 & 6 and to allow additional parking for Aldo's Restaurant to be located on Lot 5).*

Bruce Whitaker, the applicant's attorney, said this is a 2 part application with the first issue for purposes of fulfilling the requirement of the Superior Court of New Jersey Appellate Division ruling which required that the application be remanded to the Planning Board for purposes of determining whether the board had jurisdiction to consider this application and the second part of the application is for a minor amendment to the site plan aspect pertaining to the property next to the original lot that the Board previously approved. He asked that the following items be marked at this time as identification:

- A-1 Application package which includes the November 19, 2014 letter from Mr. Whitaker
- A-2 Affidavit of service/proof of publication

Mr. Whitaker said the requirement by the Appellate Division was for a remand back to the Planning Board to determine the jurisdictional aspect pertaining to the ability for the applicant to operate this restaurant at this location serving food, serving drink, selling food and also selling liquor on a retail basis and whether this constitutes one use or two uses. The specific language to be considerate is the retail sale of alcohol as incidental to the operation of the restaurant and to determine if it is customary to the Township. He said it is customary for the following reasons since the Township of Wyckoff issued a Broad C License which allows the customer to have a drink in the facility and also to buy liquor and take it off premises. He said the restaurant and retail use is permitted in this zone and the retail sale of liquor is incidental. He added that the Township of Wyckoff has adopted a new Ordinance, Ordinance 1751, states that more than one use is now permitted in this zone which makes the issue of jurisdiction moot.

Aldo Cascio, 640 Wyckoff Avenue, Wyckoff, NJ was sworn. He said that he is the operator and principle of Aldo's restaurant. He said the restaurant has been open and in operation since July 26, 2013 and contains a bar and a restaurant. He said he can sell liquor to take off premises since he has a Broad C License. He said that his business is a restaurant with about 3 to 4% of his business in the sale of alcohol.

Mr. Whitaker said that the Planning Board always had jurisdiction because the sale of the packaged goods is incidental and customary to the business and based upon the passing of Ordinance 1751 the issue now remains moot.

OPEN TO THE PUBLIC to ask any questions of Mr. Cascio.

No one appeared.

CLOSED TO THE PUBLIC

Board Member Fisher made a motion that the Planning Board would maintain jurisdiction in hearing this matter remanded back by the Appellate Division based on the testimony of the applicant and Ordinance 1751. Second, Board Member Sietsma. Voting in favor: Mr. Haboob, Mr. Madigan, Mr. Macke, Ms. McGuire, Mr. Fisher, Mr. Sietsma and Chairman Bonsignore.

Mr. Whitaker said the second aspect of this application is amended site plan. He said that Mr. Cascio, as the principal of another company, would like to purchase 241 Everett Avenue also known as Block 236 Lot 5. He said the purpose of purchasing this lot is not to merge the lots together but to use it for parking for the restaurant. In the previous approval it was required of Mr. Cascio to have a fence installed along this property line. The applicant is now asking to remove a part of the fence to allow access to this lot. He said this new lot will be striped and 4 parking spaces will be designated for residential tenant parking. He added that the neighbor at 642 Wyckoff Avenue, has approached the applicant and has requested the installation of a portion of the fence to extend along the rear property line for privacy. Mr. Cascio has agreed to install this portion of the fence.

Mr. Peter Kirch, a licensed land surveyor and professional planner, was sworn. He said that he has been licensed in the State of New Jersey since 1976 and has testified before this Board in the past.

The Board accepted Mr. Kirch's credentials.

Mr. Kirch said he has created a survey that was submitted with the amended site plan which depicts Lots 6 & 5 and shows the proposed access between the 2 properties as well as the proposed striping of the parking lot.

Boswell Engineering Representative Ten Kate said by having a fence opening the applicant will lose a total of 6 parking spaces.

Mr. Whitaker said the access could be gated and used as needed since there is valet parking.

Chairman Bonsignore suggested that the valet parking attendants use the curb cut to Lot 5 instead of the interior access between both lots.

Mr. Whitaker said the concept of having the parking lot gated that on an evening when the valet is present they could use the cars in and out of the area without using the roadway. And then when there is no valet available for lunch customers these customers would be able to overflow into the Lot 5 parking lot.

Board Member Fisher said there is only 50' between the 2 curb cuts on Everett Avenue verses losing 6 parking stalls.

Mr. Whitaker said that when the valet is present the 6 parking spaces would not be lost. He said that the through arrows can be removed and the 6 parking spaces striped. During lunch the gate would be closed and the customers can park in front of it and during dinner the valet will be able to open the sliding gate. He added that an interior block parking agreement will be entered in to by the applicant.

Board Member Fisher asked that directional signage be placed on site as well as the 4

residential parking spaces on Lot 5 as a courtesy to the residents.

Boswell Engineering Representative Ten Kate said it would be proper to grant a variance for parking stall size of 9' x 18'. He added that this 2 family house on Lot 5 becomes commercial and residential then the parking will need to be reviewed and the applicant will need to return before the Planning Board.

- A-1 Application package
- A-2 Affidavit of proof of publication and proof of service
- A-3 Title certification for Block 236 Lot 5.
- A-4 Title certification for 640 Wyckoff Associate, LLC
- A-5 Certification of taxes paid

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

No one appeared.

CLOSED TO THE PUBLIC

Board Member Fisher made a motion to accept Aldo Italian Restaurant, Inc./Aldo & Leo, LLC for an amended site plan for parking approval, the variance relief will be granted for a parking stall size of 9' x 18', interior block parking agreement be entered into, striping of the parking lot and separate parking stalls be identified for the residential tenant parking and a sliding gate fence be installed between the properties and a permit is required for an extension of an existing fence on the rear property line for the Wyckoff Avenue neighbor. Second, Board Member McGuire. Voting in favor: Mr. Haboob, Mr. Madigan, Mr. Macke, Ms. McGuire, Mr. Fisher, Mr. Sietsma 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 9:18 p.m.

Susan Schilstra, Secretary
Wyckoff Planning Board