

WYCKOFF PLANNING BOARD FEBRUARY 14, 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, February 14, 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 Wednesday, February 1, 2017. This notice establishes a special meeting 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 Wednesday, February 1, 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; Glenn Sietsma; Kevin Hanly; George Alexandrou; Kevin Purvin, Alt.

Board Member Absent: Drita McNamara; Scott Fisher

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"*

Roll call was taken.

The Planning Board meeting began with the Pledge of Allegiance.

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 single family 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. He suggested that the Board's Planner, Mr. Reiner, provide testimony as to his findings in his report.

Chair Bonsignore then asked Mr. Reiner to summarize his findings.

Francis Reiner, DMC Architects, the Board's Planner said he communication his findings in a

Memorandum dated January 25, 2017 and updated on February 9, 2017 based on the testimony of the applicant's planner, Mr. Michael Kauker. As testified to a C2 variance there are five (5) requirements that need to be met for the board to consider. They are as follows: the application must relate to a specific property; the variance can be granted by the Board without any substantial detriments to the public good; the benefits of the deviation would outweigh any detriment and the variance would not substantially impair the intent of the zone. He said the property is located in the RA-25 zone and the only deviation is the lot frontage to achieve a code compliant cul-de-sac. The applicant is seeking 2 variances of the 4 lots which are Lots 2 & 3 for a deviation of the lot frontage where on Lot 2 the frontage is 80.5' and Lot 3 the frontage is 68.1' where 125' frontage is required. He said the Kaufman case vs. the Warren County Planning Board was for a lot frontage deviation of 83.74' where 100' was required. He said the applicants request is for a substantial larger deviation. The real issue the board must determine is if granting the variance for a 4 lot subdivision would be more consistent with the scale and character of the existing neighborhood. The 4 lot subdivision would be consistent with the 25,000 square feet zoning requirement and the building footprints would be in line in keeping with the adjacent residential homes. He looked at the 12 adjacent lots and the average footprint of the houses was approximately 2,950 square foot for a single floor. This 4 lot subdivision would limit the size of the houses to 5,500 square foot which would be similar in size, scale & character with neighboring homes in the area. He said the remaining issue is the significance in deviation to the lot frontage requirement and whether or not the Board believes the requested variance provides a better development pattern for the community.

Chair Bonsignore asked what analogy would be used to consider the frontage. Mr. Reiner said there are other municipalities where the ordinance includes a different frontage for a cul-de-sac road which is written into the ordinance. In this particular case Wyckoff does not have this written into this ordinance. In terms of the setback of the houses the width of the lot at this point is 125'. Chair Bonsignore asked in terms of the variances would they have a negative impact on the surrounding neighborhood homes. Mr. Reiner said there will not be a negative impact on the neighboring property owners. He said there is one item that would be noticeable is the location of the 2 driveways next to each other on Lot 3 and Lot 4 which is not a hardship. The location of the homes on the property is a conceptual plan and the driveways can be relocated. Mayor Boonstra said that Mr. Reiner has referenced the Bressman v. Gash case as the site being a desirable visual environment. Mr. Reiner said the buffers and landscaping adjacent to the neighboring residents along with the scale, sizes and materials to be used on the proposed homes would be items for a desirable visual environment and positive criteria in granting this subdivision. He added that the Kaufmann case is directly related to lot frontage.

Board Attorney Becker asked that the following exhibits be marked for identification:

P-1 Reiner reports January 25, 2017

P-2 Reiner reports February 9, 2017

Attorney Cook said he agreed with Mr. Reiner except for the Kaufmann case, where there was a deficiency in lot frontage but it was not a cul-de-sac lot. He said in a cul-de-sac lot the geometrics of the cul-de-sac lot dictate the frontage. He asked Mr. Kauker to respond to this statement.

Mr. Kauker was reminded by Board Attorney Becker that he remains under oath. Mr. Kauker said that with regard to the evaluation that Mr. Reiner performed with connection in checking the scale and sizes of the surrounding homes, He said the applicant will construct homes limited at 5,500 livable square feet. He added that the size of a 3 car garage is 750 square foot which is a

total house size of 6,250 square feet which would be 15% lot coverage of a 25,000 square foot lot. Board Member Hanley asked if the space above the garage was considered livable space. Mr. Kauker said the area above the garage would be considered livable space. Mr. Reiner reiterated that regarding the average 2,950 square feet of the adjacent homes he said he measured the building footprints which included the garage and doubled that square footage for the total square footage of the house. Mr. Kauker said the Board's concerns was the extent of the deviation on the 2 lots seeking frontage. He said the average of a 4 lots subdivision would average 111.5' compared to the 125' standard. Attorney Cook said if the frontage of the lots was measured at the building setback a variance would not be required. Township Committee Representative Madigan said he would like to have the applicant clarify the size of the proposed homes. Attorney Cook said the applicant will be limited to 5,500 square feet of livable space. Attorney Becker said when the construction plans are processed in the building department they will be reviewed and any discrepancies will be found. Boswell Engineering Representative Kelly added that the house locations are conceptual. He said the applicant will submit a plot plan with their building permit application with architectural drawings which will be reviewed by the Township Engineer.

Attorney Cook asked that the applicant be sworn and testify at this time.

Raymond Springer, 299 Briarwood Drive, Wyckoff, NJ was sworn. He said he is the owner of RS Builders and Pro-Contractors. He said that he has been building custom homes in Wyckoff since 1986. He said he is seeking approval for four (4) homes on 25,000 square foot lots typical of an RA-25 zone. He said he will build the homes at: 1). 5,500 square feet of livable space, 20% less than what is allowable. He said currently builders can construct a 6,750 home on a 25,000 square foot lot; 2). A deed restriction will be drafted that the lots cannot be merged; 3). The homes will be aesthetically pleasing with real stone and hardiplank siding and will cooperate fully with the Township Engineer, Boswell Engineering and the building department; 4). 100 privacy trees will be planted to screen the perimeter of the subdivision. He thanked the Board for the many months of reviewing this application.

Board Member Hanly questioned the driveway locations on Lot 3 and Lot 4. Mr. Springer said the driveways can be changed and that these are only conceptual plans. Attorney Cook said the developer will make sure the 2 driveways are not side by side. Mr. Springer said the houses are shown on the conceptual plan as 35' x 70' but the 5,550 square foot conforming houses will fit in the building envelope without any variances. Chair Bonsignore said the homes will have the code compliant setback no matter what shape the homes are. Board Member Sietsma said this is a conceptual plan as per the tree removal. He suggested that the Shade Tree Commission look at each vacant lot prior to construction in order to save as many trees as possible. Mayor Boonstra suggested having different designs of the homes along with a possible attached and detached garage. Mr. Springer said no one wants a detached garage but he will keep an open mind and work with his architect.

OPEN TO THE PUBLIC for any questions of Mr. Springer

No one appeared

CLOSED TO THE PUBLIC

OPEN TO THE PUBLIC for any questions of the Planner

No one appeared.

CLOSED TO THE PUBLIC

Mayor Boonstra thanked the applicant for the presentation and testimony of the planners.

Attorney Cook summarized by saying the applicant will provide 4 homes with perimeter screening with trees, hardiplank and natural stone will be used on the exterior of the homes; the applicant agrees to non-merger provision; the livable area of the homes will be 5,500 square feet; driveways will not be located side by side, Shade Tree will review each plot plan in order to save as many trees as possible; and the applicant will make every effort to landscape the homes to the maximum. Boswell Engineering Representative Kelly said the utilities will be extended to the subdivision and connected with the existing manhole at the intersection of Frederick Court and Smith Place. He asked if the applicant would consider installing a manhole at the intersection of the new road and Smith Place and extend a dry sanitary line up to the property line. Mr. Cook said yes that would be a condition of approval. Mr. Kelly said the proposed lots are proposed to be on well water. He asked if the applicant would extend a dry water main into the subdivision. Mr. Springer said he will put in the water main, laterals, and stubs and above grade fire hydrant. He added that he will cooperate with the Shade Tree if they would like a reasonable amount of deciduous replacement trees.

Mayor Boonstra said a developer agreements will need to be recorded as to the 5,500 square foot homes that will run with the land. Attorney Becker said this language can be put in the resolution and a developer's agreement. Mayor Boonstra also said the municipality will need to name this street with assistance from the Police & Fire Departments.

OPEN TO THE PUBLIC for public comment

John Kiellar, 45 Shadyside Drive, Wyckoff, NJ said he would like to make a request that the Siss name be used for the street since Dr. Siss was a long time resident of Wyckoff and a D-Day veteran.

Randy Hoogerheyde, 359 Mulberry Court, Wyckoff, NJ was concerned that the neighbors driving down Smith Place will see the rear yard of the first house on the proposed subdivision. Attorney Cook said there will be privacy screening planted. Mr. Hoogerheyde said he has a problem with the frontages and creating 2 non-conforming lots and would like to see a 3 lot subdivision.

Terry Walker, 363 Mulberry Court, Wyckoff, NJ said the subdivision is proposing substandard lots and putting 4 lots in this area where she would like to see a 3 lot subdivision.

Miles Saunders, 351 Smith Place, Wyckoff, NJ said he lives adjacent to the development. He asked with regard to a sewer line will the road be ripped up and curbs installed. Boswell Engineering Representative Kelly said curbing will be installed for new cul-de-sac and Belgium block will be located on one side of Smith Place. Chair Bonsignore said that Mr. Springer will install dry sewer lines for future connection when possible.

CLOSED TO THE PUBLIC

Chair Bonsignore said that 3 lots will create larger homes and if 4 lots are approved there will be many restrictions. He said the Board does factor this into their thought process. He said both Planners have stipulated their opinions indicating a 4th lot will not be a detriment to the neighbors.

Board Member Hanly made a motion to approve this four (4) lot subdivision. He said the Board has heard testimony over that past few months with regards to the Engineers, Planners and the applicant. He said this is a C2 variance with lot sizes of 25,000 square feet and all the other

bulk variances are met except for the 2 variances for frontage. He said the property could be developed for a 3 lot subdivision with 10,000 square foot homes on them with no variances. He said the 4 lot subdivision is better than the 3 lot subdivision since the developer did buy additional land to reduce any additional variances. Dwellings will blend in with neighborhood with cedar shake siding and natural stone being used on the exterior of the homes; the homes will be Colonial in style. Driveways will not be located right next to each other but will be on opposite sides. At least 1 of the houses will have a detached garage. He said one home will be repositioned so the rear yard will not face Smith Place. The applicants engineer said seepage pits will be installed to alleviate flooding on adjacent lots. He said 5,500 square foot homes will be constructed and there will be no merger of lots. The Shade Tree Commission will review the plot plans before construction begins. He said the balancing test between the pros and cons for the community weigh in favor of the applicant. He added that the applicant will also be subject to the Affordable Housing development fee. Second, Board Member Sietsma. Voting in favor: Mr. Hanly, Mr. Alexandrou, Mr. Purvin, Mr. Sietsma, Mr. Madigan, Mayor Boonstra and Chairman Bonsignore.

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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 9:24 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Planning Board