WYCKOFF BOARD OF ADJUSTMENT
MARCH 17, 2016 PUBLIC BUSINESS MEETING MINUTES

Work Session: 7:30 p.m. Second Floor, Memorial Town Hall
Public Meeting: 8:00 p.m. – Court Room, Second Floor, Memorial Town Hall

The meeting commenced with the reading of the Open Public Meetings Statement by Erik Ruebenacker, Chairman:

> "The March 17, 2016 Public Business Meeting 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.

Board Member Attendance: Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; Brian Hubert; Tim Shanley; Brian Tanis, Alt.; Rich DeLeo, Alt.

Board Member Absent: Ed Kalpagian

Staff Present: David Becker, Board Attorney; Mark DiGennaro, Township Engineer; Susan McQuaid, Secretary.

The Board of Adjustment Meeting began with the Pledge of Allegiance.

Chairman Ruebenacker stated that all phones, pagers and hand held electronic devices should be turned off or switched to silent mode in order to avoid interrupting the public session.

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Chairman Ruebenacker 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"*

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OLD BUSINESS

APPROVAL OF MINUTES
February 18, 2016 work session/public business meeting
The minutes were approved at the work session meeting.

RESOLUTION TO APPROVE VOUCHERS FOR PAYMENT

RESOLUTION #16-03- Approval of vouchers from various escrow accounts.
Resolution #16-03 was memorialized at the work session meeting.

RESOLUTION(S) TO BE MEMORIALIZED

DUCKMAN, STEWART & DEBRA BLK 393 LOT 17 (RA-25 CORNER); 254 Wyckoff Avenue. *(The applicant proposes to increase the footprint of the first floor area for a new kitchen and first floor master bedroom, add a second level over the existing first floor and construct an accessory 2 car detached garage where currently a garage does not exist).*

PUCHALIK, JOSEPH & SARAH BLK 352 LOT 4 (RA-25 CORNER); 269 Cedar Hill Avenue. *(The applicant proposes to enlarge the existing rear portion of the house for a family room).*

SQUARE ONE CONTRACTORS, INC. BLK 490 LOT 13 (R-15); 451 Louisa Avenue*. (The applicant proposes to increase the existing footprint of the first floor area and add a second level to the house).*

The above referenced resolutions were adopted at the work session meeting.

APPLICATION(S) – CARRIED

PIRRMANN, LAUREN BLK 269 LOT 14 (RA-15 CORNER); 91 Edison Street. *(The applicant proposes to increase the footprint of the first floor and add a second level addition which will trigger the enhanced side yard setback ordinance).*

Brian J. Callahan, the applicant's architect, 333 Fairview Avenue, Westwood, NJ, was reminded by Board Attorney Becker that he was sworn at last month's meeting and remains under oath. Mr. Becker than marked the revised set of plans as A-2. Mr. Callahan said the revised plans have a revision date of March 2, 2016. He said that the minimum rear yard setback has been increased to 15' where 10' was previously proposed and 30' is required. Also, the building and impervious coverage have been reduced resulting from the increase of the rear yard setback which reduced the size of the house. The gross building area was also reduced which reduced the side yard setback requirements. He added that the landscape plan has also been revised.

Vice Chair Fry said a variance has been removed because the gross building area has been reduced where the original application was at 2,756.3 sf and has been reduced to 2,643.9 sf which is under the 2,700 sf threshold. He said the applicant has also considered all the comments from the Board at the previous meeting.

Board Member Yudin asked where the air conditioning unit will be located. Mr. Callahan said it will be located in the rear yard. Board Member Shanley said the air conditioning units will need to be screened. Mr. Callahan said they will be screened with landscaping. Township Engineer DiGennaro asked what kind of siding will be used on the exterior of the home. Mr. Callahan said the siding will be hardiplank.

Board Member Borst recommended different sizes of plants on the proposed landscaping plan. He noted the Calvary pear trees cannot be planted in the township right of way and the air conditioning units will need to be screened. Township Engineer DiGennaro said the remaining trees will need to be protected with screening and will be staked with snow fence prior to the release of building permits. Board Member Borst said the large shade tree on the front left of the house is healthy. Chrisoula Pirrmann, representing the applicant, and who was previously

sworn at the last meeting, said the roots of the mature tree are completely exposed and have grown right against the house. Chair Ruebenacker said in essence there will be no change to the tree removal plan. The applicant accepted the revisions to the landscape plan made by Mr. Borst.

OPEN TO THE PUBLIC
No one appeared.
CLOSED TO THE PUBLIC

Board Member Borst made a motion to approve this application subject to the following conditions: different sizes of plants be installed at the locations on the proposed landscaping plan; landscape will be planted around the proposed air conditioning units and hardiplank will be used as the exterior siding of the primary structure. Second, Vice Chair Fry. Voting in favor: Mr. DeLeo, Mr. Tanis, Mr. Shanley, Mr. Hubert, Ms. Yudin, Mr. Borst, and Vice Chair Fry. Abstain: Chair Ruebenacker.

APPLICATION(S) – NEW

765 WYCKOFF AVENUE, LLC (STONE HOUSE NURSERY) BLK 204 LOT 11 (RA-25 CORNER); 765 Wyckoff Avenue. *(The applicant proposes to install a propane filling station and installation of shade structure over a portion of the area where nursery products are located).*

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

Mr. Whitaker, from the firm of McDonnell & Whitaker representing the applicant, 765 Wyckoff Avenue, LLC. The applicant is the owner of 765 Wyckoff Avenue, Wyckoff, NJ where this property is located in the RA-25 rural residential zone. The total area of this property is 3.8 acres and the applicant operates a garden center and nursery on the property. By virtue of a resolution dated October 17, 2013 confirms this business is a non-conforming use in this zone. The property consists of a 1 ½ story fieldstone building with a masonry garage, the greenhouse and concrete pads and mulch already exist and a parking lot area for the retail customers. As indicated on the plan much of this property is impervious already and there is no request to increase any of the impervious coverage on the site. He said that since this owner has taken over the property this applicant has vastly improved this site to accommodate the public and the neighbors which include the expansive landscaping that goes around the perimeter of the site. He said the applicant is requesting this evening is for the installation of a propane filling station on the sight for purposes of allowing customers to fill their propane tank for a weekend barbeque. The tank is proposed to be installed on the north side of the masonry garage approximately 118' from Woodbury Drive and will not be visible by the residential neighbors. The tank will be enclosed and the fencing will have slats in it for screening with safety bollards installed around it and an engineer proficient in these types of installation testify as to all of the safety aspects of the proposed tank. He said this 1,000 gallon propane tank could be installed outside a residential home that does not have the benefit of oil or natural gas for their heating or use and would meet residential standards. He said that vehicles will not be able to access this area by the tank just as vehicles are not allowed in this area now. He continued that the second aspect of this plan is to permit shade structures over areas where plants are sold. He said the material will be cloth, the height of the structure will be 13' and the cloth will be removed in the winter. He said the applicant is requesting a D variance since a non-conformity will be expanded upon for the shade structures. He added that a propane tank for heating can be

located on site but the nonconformity is that propane will be sold as part of the garden center but it will be sold safely. Board Attorney Becker conferred with Mr. Whitaker that this application is considered a D variance. He asked that the following exhibit will be marked as identification:
A-1 Revised site plan dated 3/16/16

Board Member Yudin asked if there is a permitted use in the Township of Wyckoff code to sell propane. Board Attorney Becker said the propane sale is an extension of the business which currently is allowed to exist at this location. Township Engineer DiGennaro said there are various retail uses that are allowed in town but the issue is the sale of propane in a residential zone which requires a use variance. Mr. Whitaker added that any retail sale in a residential zone is not permitted. Mr. Whitaker continued that a swimming pool could be installed in a residential zone and a propane tank could be used to heat the pool.

Brian Brisby, one of the principles of the limited liability, 765 Wyckoff Avenue, Wyckoff, NJ was sworn. He said the hours of operation will not change due to the installation of the propane tank or the shade covering. He added that customers have requested that this center have a propane filling station. This particular area was chosen due to the least impact it will have to the neighbors and that it will be located out of the line of sight of the neighboring property owners and out of the retail traffic flow. Existing arborvitae, along with solid fencing, screen the property from the neighbors. He said that no propane cylinders will be permitted inside the building. The empty tank will be taken from the customer and brought by an employee to the refilling area, refilled and put back in the customer's car. Single axel propane trucks will make deliveries to the rear of the property every 10 to 14 days. He said this propane filling station will supplement the nursery business. The 14 full time employees will have training once a year and in the case of a new hire Yankee propane will train them right away. He said this service will not be a detriment to the community. Mr. Whitaker asked Mr. Brisby to explain the shade structure aspect of the proposed application. Mr. Brisby said that during the summer months certain products need to be shaded and currently product is brought from the rear of the sight to the front of the site for the customers. They are proposing an 80' x 100' shade structure in the rear and a 40' x 60' customer shade structure in the front of the property. He said the shade cloth will be put on the structure poles in April and removed in November. The poles will remain since they are bolted to a concrete footing.

Chair Ruebenacker asked if other businesses in the area have filling stations and whether the businesses are located in a residential zone. Mr. Brisby listed the businesses and was unaware if they were located in a residential zone. Chair Ruebenacker also asked what the proposed height of fence to be installed around propane tank. Mr. Brisby said the proposed fence height will be a 6' vinyl slotted chain linked fence. Board Member Shanley asked if the applicant had considered a tank exchange. Mr. Brisby said he did explore this but it would be unsightly on site and the customers would rather refill their own tanks. Board Member Shanley asked if there would be an Increase in traffic with the addition of a propane refill station. Mr. Brisby said they have a growing customer base but he does not foresee an increase in traffic due to the additional service on site. Board Member Hubert asked if additional lighting will be installed under the shaded area. Mr. Brisby said no. Board Member Yudin asked if the applicant would be selling items that use propane. Mr. Brisby said they will not be selling barbeque grills. Mr. Whitaker said if the applicant was going to add any additional non-conformities on this site they would have to come back before the Board of Adjustment for the retail sale of barbeque grills, umbrella or tables.

Board Member Fry was concerned with the inlets in the rear of the property. Mr. Brisby said they recognized the flash flood issues and had installed 270' of curb along with precast storm basins on the property line which connect into the underground storm system and in the rear of the property water was bleeding out from underneath the retaining wall making this property wet so we put in 175' of a curtain drain on our property to eliminate the problem for the neighbor. Board Member Fry said his concern was the safeguards to protect this 1,000 gallon propane tank since it is located in a residential zone. He asked if the applicant considered building a structure around the proposed 1,000 gallon propane tank. Mr. Brisby said this property has been under agriculture use since the 1870's and we are always sensitive to the community and the neighbors. He said the proposed location of the propane tank satisfied the setback requirement and they will safely service the customer. Board Member Yudin asked where the employees park. Mr. Brisby said that during their busy season the employees park in the Lutheran Church parking lot. Board member Fry also noted that the existing sign is temporary and will be replaced with the new sign that was approved at the October 17, 2013 Board of Adjustment meeting.

Mr. Whitaker reiterated that the existing conditions on site are by court order dated January 11, 2013. By virtue of the installation of the shade structures and proposal to install the propane tank facility will not affect the condition and stipulations of this court order or the resolution of approved dated October 17, 2013 by the Wyckoff Board of Adjustment.

David Hals, 9 Post Road, Oakland, NJ was sworn. He said that he is a licensed professional engineer, land surveyor, planner in the State of New Jersey. The Board accepted Mr. Hal's credentials. He explained the site plan to the Board with respect to the buildings on site and product display along with 18 parking space in the front of the retail area and 12 parking spaces along the side of the building for a total of 30 onsite parking spaces. This existing is almost fully impervious which is 87.7% and with the shade structures and propane area there will not be any change in the impervious coverage. This site functions well as fashioned. The previous application for the garage in 2013 drainage improvements added drainage along the rear property line to intercept surface runoff that was bypassing the existing drainage system. He said that curbing and drainage has been installed in the rear of the site to intercept the sheet flow of water leaving the site. There also is a stone retaining wall along the property line along with a curtain drain to tie into the storm drain system. The masonry garage is screened form the neighbors. The applicant is proposing a 5 ½ ' high 1,000 gallon propane tank which will be 16' long and have 21" diameter. It will be enclosed with a 6' high chain link fence with green slats. The location of the tank will be out of sight of the neighbors, in a safe location and screened with the existing arborvitae which area a substantial barrier. The steel tube bollards protecting the propane tank will be 4' apart and filled with concrete and covered with a PVC tube. He continued that the shade structures will be 80' x 100' and 40' x 60' and covered with a cloth that will act as a sunscreen to diffuse the light to the plants to protect the plants. The shade covering will be placed over impervious area. The lot coverage will increase from 4.9% to 11.1% due to the shade coverings which is still within the requirements of the RA25 zone. The cloth will not be able to handle snow loads and will go up in April and be removed in October. Chair Ruebenacker asked if the shade structure will be safe during a summer thunderstorm. Mr. Hals said the rain will pass through the structure and also there will be wind load structural requirements so the shade cloth will be grounded.

Chair Ruebenacker asked if the propane tank will be grounded. Mr. Hals said the propane tank will be grounded. Board Member Shanley asked where the lowest point is on the property. Mr.

Hals said the rear of the property is the lowest elevation. Board Member Shanley asked if the tank leaked gas where would the gas collect. Mr. Hals said the gas would probably go into the storm drainage system. He said gas is just another type of utility. Mr. Hals continues that pavers were added in the front retail display area which lead towards the rear of the shade structure. He said seat walls and pergola have been added for different product displays. Board Member Tanis asked how the propane tank area will be secured. Mr. Hals said in the evening the fence will be padlocked. Vice Chair Fry asked if the applicant considered installing a safety wall to the exposure facing the neighbors rather than just a fence. Mr. Hals said generally propane tanks are placed in an open area. He said the next witness can detail further this question.

Christopher Mohler, PE, who he will be testifying for Yankee Propane as a professional engineer, was sworn. He said he graduated from Bucknell University in 1984 in chemical engineer and is employed by Chesmont Engineering who specialize in design and the installing service of propane use for the past 32 years both commercial and industrial. The Board accepted Mr. Mohler's credentials. Mr. Mohler said for this type of installation is required to be reviewed by the New Jersey Department of Community Affairs (DCA) because it is a commercial installation. This same tank, if installed at a residents, still would need to be registered with the State but does not have to go through the submittal engineer drawing process. Mr. Whitaker said that in connection with this type of installation it is governed by rules & regulations of the NJDCA. Mr. Mohler said yes and these rules & regulations are based on NFDA 58 which is the healthy gas standard. Mr. Whitaker asked Mr. Mohler to explain these safety standard plans to the Board Members.

Mr. Moher said the setback requirements for a single tank, 1200 gallons or less are: 10' from the property or 10' from a structure such as a shed; vehicular protection of bollards which are stipulation by DCA in size, depth and concrete which are stipulated and meet these requirements; a fence is required and provided for security and 2 gates are required which are required to be open during the filling process which is through a scale. Mr. Mohler continue that the employees will have Certified Employee Training Program (CETP) where they learn how to identify date code, use the scale for filling and take a test. He then read from a code which stated propane tanks are constructed robustly with relief valves on the storage tank mandated to be at 250 PSI; there is no requirement for grounding and no requirement for lightning protection. There is an emergency shut off at least 20' away which will be located on the side of the garage. The liquid withdrawal from the tank that fills the cylinders, known as an internal valve, has a thermal link which will shut off the tank automatically. As far as leaking gas during the filling process, propane is environmental friendly and does not contaminate anything; it is a clean energy fuel. He said that the DCA laws are more stringent and the applicant meets the laws with the installation of this 1000 gallon tank.

Board Member Shanley said if there is a catastrophic failure what the blast area would do. Mr. Mohler said that a tank less than 4000 gallons is not required to be evaluated. He said the last time there was a catastrophic failure of a propane tank in New Jersey was in 1960. He said this failure is extremely rare. Chair Ruebenacker said have you ever seen a house fire with a propane tank exploding. Mr. Mohler said no, he has not seen a tank explode. He added that the only requirement is to be 10' away from a structure. Board Member Shanley asked how many refills of cylinder a 1000 gallon tank will fill. Mr. Mohler said approximately 170 tanks can be filled. He added that a wall is not permitted to be placed around the tank. Fences are the only protection that is allowed. Vice Chair Fry said he was not thinking of an enclosure but

more of a single wall facing the neighbors could be constructed to place a barrier to protect the residential side of the property. Mr. Whitaker said that the applicant would have no problem installing this as long as it is New Jersey DCA approved.

Township Engineer DiGennaro asked what kind of failure has Mr. Mohler seen in 32 years. Mr. Mohler said he has seen liquid leaks and that's the primary reason the shut off valve is required because the tank will automatically shut off if there is a problem. Board Member Shanley asked if the liquid leaks is it a danger to the employees. Mr. Mohler said if the employee gets liquid on them it will give them frost bite. Board Member Hubert said the State of New Jersey DCA has jurisdiction over this after they are satisfied with the placement of the propane tank. Who does the annual inspection of the tank? Mr. Mohler said the DCA does make inspection of the systems but he does not know the frequency of the inspection. Chair Ruebenacker asked him to follow up on this question for the April meeting.

Chair Ruebenacker then opened the meeting to the public for any questions of Mr. Brisby, Mr. Hals and Mr. Mohler. He added that general comments of the public will be asked at the April 21, 2016 meeting.

OPEN TO THE PUBLIC for any questions of Mr. Mohler
Michael Ravensbergen, 415 Woodbury Drive, Wyckoff, NJ said he understands that propane is an odorless gas but when it has dripped on the ground it takes on a distinct odor. He asked what guarantee he has that he will not smell this gas odor.

Mr. Mohler said when the cylinder tanks are being filling there is a small volume of gas that is released. Chair Ruebenacker asked if the tank could have a drip pan under the valve. Mr. Mohler said there should not be drippings on the ground unless there is a leak. He said the gas will dissipate into the air and there should be no odor. Chair Ruebenacker said the neighbors will be 118' to 160' away from the refilling tank.

Mr. Ravensbergen said the initial variance is for a tank to refill portable propane cylinders. He asked what are the other commercial uses can use this facility.

Mr. Mohler said the style valve on this tank could also fill a fork lift cylinder tank or with a longer hose could fill an RV and the applicant would need further DCA compliance. Mr. Whitaker said this 1000 gallon tank will be stipulated only to fill portable propane barbeque cylinders.

Tom Mosca, 411 Woodbury Drive, Wyckoff, NJ asked how many scales would run off a 1000 tank. Mr. Mohler said one scale would be used.

Township Engineer DiGennaro asked what the safety requirement is for the setback of the existing well. Mr. Mohler said 15' is required from a general purpose electrical component and 15' is proposed. Board Member Yudin asked if there is an emergency shut off delineated on the site plan. Mr. Whitaker said it will be on the plan for the DCA and the applicant will provide a copy to the town. Chair Ruebenacker said it is located on the Chesmont engineering form.
CLOSED TO THE PUBLIC

OPEN TO THE PUBLC for any questions of Mr. Brisby and Mr. Hals.
Tom Mosca 411 Woodbury Drive, Wyckoff, NJ said his residence is the second house on the same side of Woodbury Drive. He asked when Mr. Brisby was last in the Church parking lot.

Mr. Brisby said he was there the last time it snowed since he plows the parking lot. Mr. Mosca said there is a large pile of mulch in the parking lot.

Lynn McCormack, 407 Woodbury drive, Wyckoff, NJ asked if there is a way to identify a percentage or a number of commercial establishment completely surrounded in a residential area with a 1000 gallon tank. Mr. Brisby said he said in south Jersey there are numerous homes surrounded by residential homes. Ms. McCormack said a blast wall would help her house. She asked the applicant if he can guarantee a zero percent risk of a catastrophic accident to the residential community with this installation. Mr. Whitaker said there is no guarantee on any type of a commercial facility.

Mr. Ravensbergen, 415 Woodbury Drive, Wyckoff, NJ asked how will the installation of this filling station increase your business and increase traffic on the site. Mr. Brisby said he does not see any increase in overall traffic on the site. He said the tank location was to cut down on vehicular traffic

Aaron Nowland, 404 Woodbury Drive, Wyckoff, NJ said he lives directly across the street from the applicant. He asked Mr. Hals about 2 safety gates around the tank and will they be locked when the filling station is not in use. Mr. Mohler said chain link fence enclosure will be locked when the tank is not being used and unlocked when it is being accessed and then relocked. He added that the DCA requires a sign on the enclosure stating anyone entering the enclosure must open both gates.
CLOSED TO THE PUBLIC

Chair Ruebenacker said the meeting is going to be adjourn for the evening and carry the application until the Thursday, April\l 21, 2016 public hearing meeting. Mr. Whitaker said the applicant would like to proceed with the swapping of the brick paver sidewalk on the plan since this aspect does not require any approval. Township Engineer DiGennaro said the applicant can begin this part of the project since a permit is not required. Chair Ruebenacker asked Mr. Brisby if he would consider reducing the size of the 40’ x 60’ shade structure, rotating it or pushing it back further onto the property off of Wyckoff Avenue. He said looking at the structure during the winter months could be detrimental to the neighbors. MR. Whitaker said the applicant will take this under advisement.

The Board unanimously agreed to carry this application to the Thursday, April 21, 2016 public hearing meeting. The applicant will not need to renotice the newspaper or the neighboring property owners within 200’.

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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 10:51 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment