

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
DECEMBER 3, 2014**

MINUTES

**Chairman, Peter Perretti is not in attendance tonight. Vice Chairman,
Charles Amorosso reads the Sunshine Statement into the record at 8:00 p.m.**

ATTENDANCE:

PRESENT: MR. AMOROSSO, MAYOR PIEHLER, MR. DELAURA, MR. DEVLIN,
MR. GIANNOTTI, COUNCILMAN SOKOLOSKI, MR. VOLLMER,
MR. SILLERY (ALTERNATE #2), MR. BARGNA (ALTERNATE #3),
MR. MORAN (ALTERNATE #4)

ALSO PRESENT: ATTY. JAMES DRONZEK, BOARD ATTORNEY, MR. PAUL NIEHOFF,
BOARD ENGINEER AND DARLENE GREEN, AN ASSOCIATE FROM MASER
CONSULTING

ABSENT: MR. PERRETTI, MR. TREBINO, MRS. WALKER (ALTERNATE #1)

REGULARLY SCHEDULED FORMAL MEETING

**APPLICATION OF LUKE DON BUILDERS LLC, 154 WALNUT STREET,
150-152 WALNUT STREET, 159 VETERANS DRIVE, BLOCK 1011, LOTS 6, 7 & 24**

Mr. Giannotti refers to the 200 foot property owner's list pertaining to the property in question. He said that he has four cousins that border the property and asks if this is considered a conflict. Atty. Watkins stated that he has no problem with Mr. Giannotti sitting in on this application.

Atty. David Watkins of 285 Closter Dock Road in Closter, New Jersey came forward to represent the applicant. The applicant proposes to reconstruct the existing residential structure on Veterans Drive and to obtain subdivision approval for five (5) single family residential structures on Walnut Street. The application meets all the requirements for front yard, rear yard, side yard and the lot area.

At this time, Mr. Robert Mueller came forward. Mr. Mueller was sworn in by Atty. Dronzek. Mr. Mueller is employed with Hubschman Engineering which is located at 263 S. Washington Street in Bergenfield, New Jersey. Atty. Watkins marks the color rendering as **Exhibit A-2, Preliminary Plat – Major Subdivision Site Plan – Lot 24 – Proposed Single Family Dwellings Exhibit A-1** is the proof of services.

Mr. Mueller noted that Lots 6, 7 and 24 are located in the LI (Light Industrial) zone. The applicant is proposing to subdivide existing Lot 6 (which is vacant) into three lots and to construct single family dwellings on each proposed lot. The applicant is also proposing to subdivide lot 7, which is improved with one (1) single family home, into two lots, demolish the existing house and to construct single family dwellings on each proposed lot.

The variance is needed for principal use, lot frontage and lot width. Mr. Muller goes into detail on each of the variances as stated in Mr. Niehoff's letter of October 9, 2014. Regarding the site, the applicant is showing improvements on Lot 24 whereas the applicant has indicated that lot 24 is not a part of the subdivision application. The site plan and survey show a 24" RCP drainage pipe traversing the site. Based on the tax map and lines provided on the plan, it appears that the pipe is located with a ten foot wide drainage easement. The applicant shall confirm and revise the plan accordingly.

Mr. Mueller stated that the applicant shall provide the borough engineer with a video inspection of the pipe. Should the pipe be damaged during construction, the applicant will be responsible to repair the damage at their expense.

Mr. Amorosso commented that there should be a parking space for every bedroom. Mr. Niehoff stated that the applicant should consider constructing a sidewalk along the frontage of the proposed lots on Walnut Street to provide a connection to the existing sidewalk. The applicant will work with the Board on this issue.

The applicant will provide sizing calculations for the seepage pits and will provide calculations and supporting documentation for the proposed sanitary sewer demands for the development. Atty. Watkins stated that he will evaluate, consider and work with the Borough Engineer on the issue of drainage.

Mr. Vollmer stated if one house was eliminated, the applicant would not need these variances. Why cramp the five houses in? Atty. Watkins feels that the five houses would work.

Mr. Giannotti talks about the flooding in the area. He is concerned about the water by adding all these houses – where will the water go? Mr. Mueller said that the seepage pits will take care of this matter and that the drainage report was submitted to the Board.

The meeting was **opened to the public** for questions of the engineer.

Mr. Gary Bauman (son of John Bauman) of Veterans Drive in Northvale came forward. He wants to know how the board could entertain this application since the property is located in the LI zone, which does not permit residential uses. The Vice Chairman stated that this is why the applicant is here tonight so that he can obtain the proper variances, should the application be approved. Mr. Bauman is also concerned for the safety of the residences to be constructed.

Atty. Watkins mentioned that if the board should approve the application, the applicant would agree to put up a 6 foot, board on board fence.

Since no one else from the public came forward, the meeting was **closed to the public**.

At this time, Mr. Roger DeNiscia of 347 Upper Mountain Avenue in Montclair, New Jersey came forward. Mr. DeNiscia is a licensed professional planner in the State of New Jersey and has testified before this board in the past.

Mr. DeNiscia reviewed the plan and noted that use variances are required for this application. He has reviewed and inspected the Master Plan. **Exhibit A-3 dated 12/3/14 was marked into evidence.** This exhibit is an existing conditions plan/key map of the property in question. Two of the lots, Lot 24 and Lot 7 are developed with single family residences, at present. These homes are built very small. Both homes are substantially undersized and judging from their age, they obviously were not built according to current standards. In addition to this, they are both in a state of disuse and in very poor condition.

The second characteristic is the flood hazard area and the effect of storm runoff. Lot 24 is partially within the flood hazard area and this is a very important consideration. At present, there is no mitigation at all for storm water runoff on that site.

Mr. DeNiscia said that the site is in an area with a mixed residential and industrial land use character. He refers to Exhibit A-2 and describes the residential and commercial areas. On Walnut Street to the east there are all residential homes.

Mr. DeNiscia's stated his opinion that this is a sustainable use in compliance with the recommendations of the Master Plan. The reasons for his opinion are because it represents a home ownership which is an important factor in stabilizing neighborhood in residential areas. It is also his opinion that the use variances that are being requested can be approved because approving the variance would represent both a reasonable expansion and alteration of an existing non-conforming use. The use variance for the new lot on Walnut Street meets the criteria for the Board to grant a variance as indicated in the board engineer's report. He feels that there is no detriment should this application be approved.

Mr. Watkins stated that if the Board's position is that the applicant put in four homes as opposed to five – he would accept that.

The meeting was now **opened to the public** for questions of the planner.

Mr. John Lee has a building at 151 Veterans Drive in Northvale, New Jersey. (most of Mr. Lee's comments were inaudible.)

Atty. Watkins rests and waives his summation.

Mr. Watkins said that the Board could give him preliminary approval subject to him coming back with a plan showing four lots as opposed to five lots. If he walks out with preliminary approval, he has no objection complying with that requirement.

Amended application and plans will be provided to the Board members and the professionals for the January meeting.

A motion to **approve** the application for a use variance for the lots mentioned in the application and that the applicant come back with the amended plan of all homes on Walnut Street and one on Veterans was made by Mr. Amorosso, seconded by Mr. Vollmer.

ROLL CALL: Mr. Amorosso, Mr. Vollmer, Mr. DeLaura, Mr. Devlin, Mr. Giannotti, Mr. Sillery, Mr. Bargna - YES

Atty. Watkins stated now that the Board approved the use variance, it is a planning board issue. When he comes back, it would be a Planning Board issue.

APPROVAL OF MINUTES OF SEPTEMBER 17, 2014

A motion to **approve** the minutes was made by Mr. Sillery, seconded by Mr. Giannotti.

All present were in favor.

APPROVAL OF MINUTES OF OCTOBER 1, 2014

A motion to **approve** the minutes was made by Mr. Sillery, seconded by Mr. Giannotti.

All present were in favor.

APPROVAL OF MINUTES OF OCTOBER 15, 2014

A motion to **approve** the minutes was made by Mr. Sillery, seconded by Mr. Giannotti.

All present were in favor.

**APPROVAL OF RESOLUTION – RIO VISTA HOMES AT NORTHVALE, LLC,
199 PARIS AVENUE, BLOCK 908, LOT 1**

Atty. Dronzek said that from research that he has done, there was never a transfer done. These five COAH units remain the obligation of the applicant, Rio Vista. The Resolution proposed is that the applicant would have to build the units on site. Atty. Dronzek will table this Resolution and will have a revised one for the meeting in January.

Correspondence was discussed.

Mrs. Darlene Green came before the Board and commented on COAH, a meeting she had attended. She has provided a COAH package to all Board members to describe what is happening now relating to COAH.

A motion to **adjourn** this meeting at 9:24 p.m. was made by Mr. Sillery, seconded by Mr. Giannotti.

All in Favor - "YES".

Meeting adjourned.

Respectfully submitted,

Laura Benvenuto, Board Secretary