

**BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT
MARCH 4, 2015**

MINUTES

CALL THE MEETING TO ORDER –

Chairman Peter Perretti calls the meeting to order.

STATEMENT –

This is a Regularly Scheduled Formal Meeting of the Planning Board/Board of Adjustment of the Borough of Northvale. The date, time and location of this meeting has been advertised in the official newspaper of the Borough, filed with the Borough Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.

ATTENDANCE –

PRESENT: MR. PERRETTI, MR. AMOROSSO, MAYOR PIEHLER, MR. DEVLIN,
MR. VOLLMER, MRS. WALKER (ALTERNATE #1)

ALSO PRESENT: GREGG PASTER, BOARD ATTORNEY AND MR. CRAIG HERMANN,
ENGINEER (TAKING THE PLACE OF BOARD ENGINEER, PAUL NIEHOFF)

ABSENT: MR. DELAURA, MR. GIANNOTTI, COUNCIILMAN SOKOLOSKI,
MR. TREBINO, MR. SILLERY (ALTERNATE #2), MR. BARGNA
(ALTERNATE #3), MR. MORAN (ALTERNATE #4)

REGULARLY SCHEDULED FORMAL MEETING

**APPLICATION OF NER FAMILY ASSOCIATES, LLC, 406 HOLLY PLACE
AND 401 ARGENTI PLACE, BLOCK 112, LOTS 3, 4, 5 AND 7 –
SITE SUBDIVISION**

At this time, Atty. Andy Del Vecchio, a member of the law firm of Beattie Padovano, LLC is here tonight on behalf of the applicant, NER Family Associates, LLC.

Mr. Perretti stated that he has listened to the tape of the last meeting and is qualified to vote on the application if there is a vote taken tonight.

Atty. Del Vecchio appeared at the last meeting and submitted the subdivision plan involving four separate tax lots. The proposal is to reconfigure the lots into three tax lots one of which will continue to be the existing home for the Perez family and then two new lots created upon which new homes are proposed to be constructed.

Mr. Perretti stated that in the tax role in the town it is lot 3, they have combined them and it is all one tax bill.

The proposed roadway was discussed. There were questions and suggestions of the Board. The original proposal had Holly Place being extended in an easterly direction with a turnaround provided roughly at the midpoint between the two proposed lots created at Holly Place.

Mr. Richard Eichenlaub of R.L. Engineering Inc. located at 24 Wampum Road, Park Ridge, New Jersey came forward. He marks **Exhibit A-6** which is a conceptual drawing labeled **alternate right of way shift 17 feet to the south** produced by RL Engineering dated 2/25/15, sheet 1 of 1. This drawing is described by Mr. Eichenlaub.

Exhibit A-5 was marked same dates and same author as **Exhibit A-6** only difference is that it is titled **alternate with cul-de-sac**. Mr. Eichenlaub described this exhibit to board members.

Mr. Eichenlaub said by taking the houses back it puts less impact to the homes on the other side of the right of way, it puts more impact to the homes that back up to lot 10, 9 and 7. From a good neighbor prospective, the private driveway produces the best result. They keep the driveway on the 16 ½ feet side of the 33 right of way which hopefully keeps the peace within the neighborhood and there will be fewer disturbances in the front area to minimize any impact to the residents across the street.

Mr. Eichenlaub said that there would be inlets and seepage pits at the end of existing Holly Place. From an engineering standpoint and meeting with the RSIS requirements, Mr. Eichenlaub said he thinks that the cul-de-sac situation is the better of the three options. Mr. Eichenlaub said that they both work; however, the cul-de-sac one meets the law of the requirements closer than the private driveway.

Atty. DelVecchio said that if a private driveway were to be done then the RSIS requirements for roadway standard would not apply because it is no longer a roadway, it's a private driveway.

At this time, the meeting was **opened to the public** for questions of the applicant's engineer.

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

Mr. Perretti commented that he likes the idea of the houses being back further off the right of way and he likes the fact that it is a private drive.

Mr. Amorosso commented that he takes the private driveway alternative. Mr. Vollmer said he is against the private driveway – he feels it would be setting a bad precedent. He prefers the cul-de-sac option.

Mayor Piehler stated that the only option he would consider is the private driveway. Mr. Devlin said that he would go with the private driveway. Mrs. Walker said that she understands why the private driveway is better for the town but as a resident who may be buying a house, she doesn't like the idea of dragging her trash down the street. She commented that she guesses she would go with the private driveway.

Atty. DelVecchio said that he will come back to the Board with an engineering drawing relating to the board members' comments.

This matter will be carried for continued hearings on April 15, 2015 without further notice.

Atty. Michael Kates, came forward. Atty. Kates said that he is Mr. Barry Hirschberg's Attorney. Barry Hirschberg is a resident in town and neighbor to the property in question.

Atty. Kates hands out a copy of the tax map to all members. He said that the property has a depth of 56 feet. Combined with the property to the rear, the total dimensions are 100 feet 156 feet in depth, according to the town's tax map.

Atty. Kates stated that the subdivision application shows a depth of 77.07 plus 99.14. - he said that there is obviously a discrepancy between the tax map and the applicant's identification of the property in question.

There is an issue as to the ownership and the rights relating to the private right of way. Atty. Kates commented that historically, the right of way was on the tax map as a public right of way. Therefore, it wasn't taxed. It wasn't part of the tax sale that Mr. Del Vecchio picked up. All Mr. Del Vecchio picked up were the three lots and his deal with the adjoining property owners, commented Atty. Kates.

Atty. Kates said that he has not seen the deed, he was told that the applicant ran a title to justify what he is presenting tonight. He has not seen a title report. He thinks it is important to get this clarified.

Atty. Del Vecchio said that there is no obligation on the applicant to demonstrate ownership of every piece of dirt that comprises the application. He indicated at the last meeting of a case law that was affirmed by the Appellate Division in a case called Hearts Mountain Industries vs. the Village of Ridgefield Park. Atty. Del Vecchio said that there is an obvious error in the tax map. The applicant has prepared and the maps are based upon the new surveyor – the surveyor has tied all the dimensions run off of the so-called right-of-way backwards. He said even if there is a so-called discrepancy, which there isn't, that discrepancy would fall between the Perez property and the NER property and since the Perez property is part of the application

anyway, he is not sure what they are talking about. If the objector wishes to bring forth a survey, signed and sealed by a surveyor that has a different dimension and contest it, the applicant would be happy to address it. The applicant produced a new survey, has done the field work and has tied the deeds and the filed maps together to make sure everything ties and they stand by the plans that have been submitted.

Atty. Paster commented that he doesn't think the Board can rely on the tax map to make decisions but only to rely on the evidence that is before the Board members. He also said that he would not rely on the tax map.

Once again, this matter will be heard without further notice on April 15, 2015.

APPROVAL OF MINUTES OF FEBRUARY 18, 2015

A motion to **approve** the minutes was made by Mr. Devlin, seconded by Mr. Amorosso.

ROLL CALL: Mr. Amorosso, Mayor Piehler, Mr. Devlin, Mr. Vollmer - YES
Mr. Perretti, Mrs. Walker - ABSTAINED

Correspondence was discussed.

A meeting is **adjourn** this meeting at 9:17 p.m. was made by Mr. Vollmer, seconded by Mr. Amorosso - YES

ALL IN FAVOR - "YES".

Meeting adjourned.

Respectfully submitted,

Laura Benvenuto, Board Secretary