

**BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT
NOVEMBER 1, 2017**

MINUTES

Chairman, Peter Perretti calls the meeting to order at 8:00 p.m.

STATEMENT –

“This is a Regularly Scheduled Formal Meeting of the Combined 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 Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at the public meetings.”

ATTENDANCE:

PRESENT: MR. PERRETTI, MR. AMOROSSO, MR. DELAURA, MR. DEVLIN, POLICE CHIEF ESSMANN, MR. GIANNOTTI, MR. SILLERY (ALTERNATE #2)

ALSO PRESENT: BOARD ATTORNEY, GREGG PASTER AND BOARD ENGINEER, SUNNY MULLEN

ABSENT: MAYOR PIEHLER, COUNCILMAN SOKOLOSKI, MR. VOLLMER, MRS. WALKER (ALTERNATE #1), MR. MORAN (ALTERNATE #4)

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

**APPLICATION OF RONALD R. MAGNANI, 118 STUHR PLACE,
RIVER VALE, NJ 07675 PROPERTY LOCATION: 167 LIVINGSTON STREET,
BLOCK 1004, LOT 9 – USE VARIANCE**

Atty. Judith Reilly comes forward to represent the applicant, Ronald Magnani. The application is for an appeal of the decision of an administrative officer, the zoning officer. The property involved is 167 Livingston Street owned by Mr. Magnani. Mr. Magnani has been using the house as a two family home. It has been occupied by tenants.

Atty. Reilly doesn't think a use variance is necessary.

The house was built in 1948, built by Mr. Magnani, Sr. At that time, it was a one family and then he converted it to a two family. He had a legal permit to put on the addition in 1979 and has been used as a two family since. Mr. Giannotti asked how did he get a permit to build a two family when the Town didn't allow two family homes. This is the question.

Mr. Magnani came forward and was sworn in by Atty. Paster. Mr. Ronald Magnani lives at 118 Stuhr Place in River Vale, New Jersey. He is the owner of 167 Livingston Street. The house was built in 1948 by his father and mother. In 1979, his father applied to put an addition to the house to put in an apartment over the garages and a breezeway for himself and his mother to give him the house because he was getting married.

This arrangement lasted until he died in 2002. After he died, Mr. Magnani Jr. rented to a couple for two years – the units above the garage. Mr. Magnani, Jr. with his son rented the other unit. He then moved out and his son rented the units over the garage. There are two electric and two gas meters from day one.

Mr. Giannotti said that the town's ordinance expired in 1965 for two families. If the building inspector approved a two family against the ordinance, is it a legal two family? If they made a mistake, is it Mr. Magnani's fault? This is his problem.

Mr. Perretti said it appears to him that there was a building permit – a building permit was issued at that time for a father/son to the best of his knowledge. Atty. Paster said that the town has a very difficult time enforcing current ordinances if a permit was issued by the administrative officer thirty nine years ago.

Mr. Magnani said that he has been renting out the apartments about 10 or 15 years now. Mr. Amorosso said that he doesn't think Mr. Magnani should be penalized for mistakes made of other people in the past.

This hearing will be adjourned to December 6, 2017.

APPROVAL OF MINUTES OF OCTOBER 18, 2017

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

ROLL CALL: Mr. Giannotti, Mr. Devlin, Mr. Perretti, Mr. Amorosso, Mr. Sillery - YES

APPROVAL OF RESOLUTION – EDWARD AND DIANA WITKOWSKI, 172 DORATO PLACE, BLOCK 1006, LOT 9.01

A motion to **approve** the Resolution was made by Mr. Amorosso, seconded by Mr. Giannotti.

ROLL CALL: Mr. Amorosso, Mr. Giannotti, Mr. DeLaura, Mr. Devlin, Chief Essmann,
Mr. Sillery – YES

Mr. Perretti – ABSTAINED

Correspondence was discussed.

A motion to **adjourn** this meeting at 9:05 p.m. was made by Mr. Giannotti, seconded by Mr. Devlin. All present were in favor to adjourn.

Meeting adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Laura Benvenuto". The signature is written in black ink and is positioned above the typed name.

Laura Benvenuto, Board Secretary