

**BOROUGH OF NORTHVALE
PLANNING BOARD**

**IN RE APPLICATION OF JOHN FINAN BUILDERS, LLC,
412 Tappan Road
Block 806, Lot 8**

RESOLUTION 20-17

WHEREAS, application has been made by John Finan Builders, LLC, (hereinafter, the "Applicant") to the Northvale Planning Board (hereinafter, "the Board") for Major Subdivision Site Plan approval with a Bulk variance for minimum lot width, on the premises commonly known as 412 Tappan Road (Block 806, Lot 8), Northvale, New Jersey (hereinafter, the "Property"); and

WHEREAS, after compliance with all requirements of the Zoning Ordinances of the Borough of Northvale and State Statute in such cases made and provided, a public hearing was held by the Planning Board in Council Chambers and via Zoom® video conferencing, Borough Hall, Northvale, New Jersey on Wednesday, November 4, 2020, at 7:30 p.m.; and

WHEREAS, the Board considered the reports and comments of Carl P. O'Brien, P.E., P.P., C.M.E., C.P.W.M, of Maser Consulting, P.A., the Board consulting engineer and his associates; and

WHEREAS, the applicant was represented by Constantine Stamos, Esq., of Ferraro & Stamos, LLP, PO Box 158, Rockleigh, New Jersey; and

WHEREAS, notices were sent to all property owners within 200 feet and others as required; in accordance with all permanent laws; and

WHEREAS, the applicant has applied to the Planning Board of the Borough of Northvale, County of Bergen and State of New Jersey for a Major Site Plan Subdivision with variances pursuant to N.J.S.A. 40:55D-70(c); and

WHEREAS, at said public hearing, the Northvale Planning Board heard sworn testimony from Mark S. Martins, P.E. of Mark Martins Engineering, LLC, and received the following documents into evidence:

A-1: Subdivision plat, prepared by Mark Martins Engineering, LLC, Engineers & Land Surveyors, 55 Walnut Street, Suite 201, Norwood, New Jersey 07648, dated August 3, 2020, consisting of one (1) sheet; and

A-2 –Tax Map of the Borough of Northvale of Blocks 806, with the subject property highlighted.

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and of the adjoining property owners and general public, has made the following factual findings:

1. The Applicant, John Finan Builders, LLC, located at 55 MacArthur Avenue, Closter, New Jersey 07624, is owner of 412 Tappan Road, Northvale, New Jersey.

2. The Board acquired jurisdiction for a hearing upon the filing of the application and that the Applicant has properly published the notification of said hearing and notified the property owners which proof of publication and notification are on file with the Board.

3. The Applicant submitted plans and other information and presented the testimony of its engineering professionals.

4. There was a public hearing conducted on November 4, 2020 , where, as the testimony of the witnesses was heard under oath, the reports examined, the witnesses questioned by the Board, the exhibits described, the public testimony heard and the application prosecuted.

5. Mark S. Martins, PE, of Mark Martins Engineering, LLC, was sworn in and qualified as an Engineering expert. Mr. McClellan testified, and the Board so found as follows: The 20,641-square foot (0.47-acre) property is located approximately one hundred twenty (120') feet north of the intersection of Tappan Road and Paris Avenue. The property is located in the R7.5 Residential Zone. Properties to the north, east and west are also located in the R7.5 Zone, while the properties to the south are on the C-1 (Commercial) Zone. The property directly north of the subject site, while in the R7.5 Zone is Madeleines Petit Paris Restaurant. The property to the south is the Northwoods Family Dentistry.

The property has 141.70-feet of frontage along Tappan Road, and average depth of 148-feet and a length of 140-foot along the rear property line. No easements are noted on the Subdivision Plat or Borough Tax Maps. The property is relatively flat and is currently improved with a one-story, single family dwelling including an asphalt driveway, wooden shed, concrete walkways and related site improvements.

The Applicant is proposing to demolish the existing dwelling and all related site improvements and subdivide the property into two (2) lots. The Applicant intends to construct two (2) new Colonial style homes for sale on the subdivided lots, with two (2) car garage and driveway, with improved storm water management. The proposed lots will require variances for Lot Width as described below. The Applicant has proposed to

subdivide the lots with proposed Lot 8.01 to have an area of 10,114-square feet and proposed Lot 8.02 to have an area of 10,527-square feet where the Zone minimum is 7,500-square feet.

The property does not appear to be located in a Flood Hazard Area.

6. Harry Tuvel, PP, was sworn in and qualified as an expert Planner, and testified as to A-2, Borough of Northvale Tax Map. After review of site plan and review letter from the Borough Engineer, the lot width is deficient by 6% and exceeds depth and area requirements. The Tax Map indicates that several of the lots within a 200 ft. radius are less than 7,500 sq. ft. and that the requested subdivision will not significantly impair the master plan or zoning ordinances and will be consistent with the public good as the site improvements will be consistent with the neighboring properties and will improve aesthetics and drainage. The positive criteria justifying the c1 variance is the shape of the property; and the c2 justification is the hardship to the owner and the flexibility afforded by granting the subdivision and lot width variance. All setbacks will be complied with and the variance for lot width will have no negative criteria impact on the zoning plan or

WHEREAS, the Board has determined that the relief requested by the Applicant can be granted without substantially impacting on the public good and without substantially impairing the intent and purpose of the Zone Plan and Master Plan of the Borough for the following reasons:

1. The proposed subdivision and variance would be in the public interest without any detrimental effects to the community.
2. There were minimal negative criteria associated with the project.

3. The variance can be granted without conflict with the character of the neighborhood or with the master plan of the Borough.

4. There was no public opposition to the project.

5. The Board recognized that there is an existing single family dwelling on the premises. The only variance being sought is for lot width as required by the ordinance to wit, Section 200-6D, Seventy Five (75') feet lot width required v. Seventy and 75/100 (70.75') feet proposed, and the proposed lots will be especially deep and oversized for the zone. The area is residential in, thus, the Board is of the opinion that the approval would not aggravate the impact to the surrounding neighborhood.

6. The applicant responded affirmatively to all comments of the Board's engineer, and agreed to comply with all requests of the board. The Applicant himself testified that he intends to build two (2) colonial style four bedroom homes with compliant parking, two car garages and the homes will require no further variances.

WHEREAS, the Planning Board has determined that special reasons do exist for the relief requested by the applicant, to wit, the large size of the current lot and the topography being on a steep slope; and

WHEREAS, a motion was heard from Mr. Sillery to approve the application, with the one requested variance, to wit, lot width of 70.75 feet for each of the two (2) proposed subdivided lots of where a minimum of 75 feet is required, and a second was heard from Mr. Pothos, after all deliberation and discussion, on the question nine votes in the affirmative were recorded;

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Northvale on this 2nd day of December, 2020, that the application of John Finan

Builders, LLC be and is hereby approved for the reasons set forth above with the following conditions attached hereto:

1. Applicant to pay all required professional fees and escrows pursuant to borough ordinance;
2. Applicant to comply with all Board/Borough engineer recommendations as set forth in the September 23, 2020 review letter;
3. Applicant to obtain all other agency approvals as required by local, county and state agencies;
4. Seepage pits to be installed consistent with Board/Borough Engineer supervision and requirements;

DATED:

CHARLES AMOROSSO, CHAIRMAN
NORTHVALE PLANNING BOARD

ROLL CALL VOTE

MOVED BY: Mr. Sillery
SECOND BY: Mr. Pothos
THOSE IN FAVOR: 9
THOSE OPPOSED: 0
ABSENT: 1

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Northvale at its meeting as copied from the minutes of said meeting.

DATE:

NICOLE COWLEY
BOARD SECRETARY