

**BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT**

July 1, 2020

7:30 P.M.

Zoom Meeting ID: 453 996 0939

Password: 4Qz3LR

Phone in Number: 1 646 558 8656

Meeting ID: 453 996 0939

Password: 785974

MINUTES

CALL THE MEETING TO ORDER

Chairman Amorosso called the meeting to order at 7:37 PM in the Planning Board/Board of Adjustment meeting room located on the second floor of the Municipal Building at 116 Paris Avenue, Northvale, New Jersey 07647. Meeting included Board Members, applicants and members of the public present using Zoom virtual platform.

STATEMENT

Chairman Amorosso read the "Sunshine Statement" into the record as follows:

"This is a regularly scheduled 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 Acting 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. Everyone is required to wear a mask, this a partial virtual and partial in person meeting."

ROLL CALL:

PRESENT: Chairman Amorosso, Mr. Devlin,
Mr. Giannotti, Mr. Guyt, Mr. Sillery,
Mr. Degen (Alternate #3) Mr. Briscoe (Alternate #4)

PRESENT VIRTUALLY: Mayor Marana, Mr. DeLaura, Mr. Moran, Mr. Hogan
(Alternate #1) Mr. Pothos (Alternate #2)

ALSO PRESENT: Gregg Paster, Board Attorney (in person), Chris Dour, Board Engineer (virtually)
Nicole Cowley, Board Secretary, Frances Weston, Shuaib Firozvi,

ABSENT: Mr. Vollmer

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

APPLICATION OF NORTHVALE GAS, INC.
264 LIVINGSTON STREET
BLOCK 301, LOT 1

APPLICATION FOR VARIANCE RELIEF

Atty. Jordan Yuelys located at 505 Main Street, Hackensack, New Jersey came forward to represent the applicant, Northvale Gas, Inc. In attendance with Atty. Yuelys was the principal owner of Northvale Gas, Francesca Cantillano. Atty. Yuelys started by explaining the whereabouts and location details of Northvale Gas. Atty. Yuelys then described the background history of this property that goes back to 1987. Ms. Cantillano applied to the town to replace the canopy but could not get a permit to do so as the canopy was not builder constructed in accordance with the way it was originally planned. This created the necessity to come before the Board.

The purpose of this application is to replace the canopy of this older station as it is becoming deteriorated. While applying the applicant decides she wanted to update other features of this property to make it more modern. The applicant would like to include two storage spaces to be located outside in order to accommodate more things that will be taking place. Atty. Yuelys also adds, the sign will comply with guidelines as the similarity to most other signage that you would see in 2020. Additionally, for record keeping, Atty. Yuelys confirms his completion of public notice as well as the affidavit of publication.

Atty. Yuelys called upon Oliver Young, a principal at GK+A Architects located at 36 Ames Avenue in Rutherford, NJ. Mr. Young is called as the expert this evening. Atty. Paster swears in Mr. Young. Mr. Young proceeded to explain his qualifications. Atty. Yuelys questioned and confirmed Mr. Young has prepared a set of plans and revisions dated February 28, 2020. The Board also confirms they have received said plans. This exhibit is marked A-1.

Mr. Young walks the Board through the intended plans. Mr. Young explains original plan began in March of 2018 when Ms. Cantillano originally applied and then resubmitted in November of 2018 for a formal denial of additional items she requested to do. During the meeting it was explained that the applicant is seeking the approval of four items in total. Item number 1 is the approval to reface the gas canopy. Item number 2 is the approval for new signs to replace the two existing signs on the canopy. Item number 3 is the approval of an addition to the rear of the convenient store building. Item number 4 is for a storage shed that would replace the side existing trash area. Mr. Young proceeds to go into detail explaining what each item would entail. As Mr. Young explains the first two items pertaining to signage, Atty. Yuelys confirms that the Board has been provided with all visual pictures showing each aspect. Chairman Amorosso asked for clarification in

regards to one of the visuals. Explanation is given by Mr. Young as to why the pictures portrays two different companies, in order to show how the sign will be illuminated at night. Mr. Young then continues to explain the remaining requested items. Atty. Yuelys clarified where the addition will be and Chairman Amorosso questioned what this property is surrounded by. Mr. Young explained what is in the vicinity. Additionally, Mr. Young explained the request for a new handicapped bathroom to be created. As well as discussed the rational for the seeking of relief pertaining to the shed.

Chairman Amorosso calls upon the Borough engineer, Chris Dour to provide his input. Mr. Dour confirmed Mr. Young covered each item, explaining it in detail. Mr. Dour continued to explain the revisions that were worked on between himself and the applicant. Mr. Dour expressed his satisfaction with what was being presented.

Chairman Amorosso opens up **question to the members of the Board**. Mr. Giannotti asked if the applicant is adding any gas pumps. Atty. Yuelys states the applicant is not. At this time, Mr. Moran stated for the record, he will be recusing himself as he use to work for Mr. Young and is personal friends with him. No other questions or comments were made by the Board. Chairman Amorosso proceeded to express his concerns regarding the amount of work being proposed including the idea of outside refrigeration and storage shed. He had no problem with the canopy but proposed the applicant take the existing bathroom and make it acceptable. Chairman Amorosso asked Atty. Paster if he has any additional comments to which Mr. Paster replied he did not.

Chairman Amorosso **opened the meeting** to the public for questions. Ensuring there was no comments from the virtual public, the meeting was then **closed to the public**.

At this time, Atty. Yuelys made his concluding statements reiterating the rational for the proposed variances and requested improvements to the property and asked for them to be granted.

Atty. Paster concluded with two existing non-conforming variances for the lot, depth and the front yard setback, and a new variance for the side yard set back and take the lot shape to be a hardship and have it be a C-1 variance. Atty. Paster questioned the exterior walk in refrigerator and if it would trigger any additional relief. Atty. Yuelys called upon Mr. Oliver to discuss. However, before that was discussed, Atty. Yuelys mentioned he had a chance to speak with his client, Ms. Cantillano and stated if it was acceptable to the Board, they would have the proposed shed (on the eastern side of the property) not included in the application but leave the refrigerator in the rear. He then requested an amendment to the application to remove this one particular item. Before a motion was proposed, Mr. Sillery asked to make a general comment. Mr. Sillery explained he went to the property site earlier that day and he found the site to be in need of outdoor maintenance. Including over grown grass, debris, and overall lacking of maintenance. From his observation of the property he suggested the site is a sign of an "absentee owner." Mr. Sillery admits it is mostly out of the site of the public, but is still concerned with the neglect. Atty. Yuelys added the applicant would be willing to agree to any stipulations in respect to continued property maintenance. The applicant began to explain this situation from the audience. At this time, Chairman Amorosso requested if Ms. Cantillano would like to provide her input, she must be sworn in. Atty. Yuelys asked the applicant to come to the microphone. Upon being sworn in, Ms. Cantillano provided her full name and address stating she resides in Bergenfield NJ. Confirming she is part owner

of this property. Atty. Paster continued to swear the applicant in. It is noted the other part owner is present virtually as well. Atty. Yuelys proceeded to reiterate the question as to why the property is currently lacking in maintenance. Ms. Cantillano explained the property manager of ten years had become ill since last November. She had been trying to find someone to take over. Chairman Amorosso expressed his frustration in regards to this matter and Ms. Cantillano explains they did have someone cleaning up some of the area, but they did not complete the entire clean up. Ms. Cantillano ensured the maintenance will be completed. Mr. Sillery adds to please do so as the Board and residents take pride in the town and noted the businesses along Livingston Street have improved quite a bit and thinks Ms. Cantillano should do the same. Ms. Cantillano apologized and agreed to take care of it. Mr. Giannotti adds he would like to see more landscaping to the property, Mr. Sillery agreed and asks the property owner to consider this to enhance the property. Atty. Paster requests a stipulation to include a planting/landscaping proposal. Atty. Yuelys confirms this will be permissible to include and the engineers both agree to the proposal. No other comments were made from the Board or applicant.

A motion to **approve** the application was made by Mr. Sillery, under the conditions stated on the record and seconded by Mr. Giannotti

ROLL CALL –

Mr. Sillery, Mr. Giannotti, Chairman Amorosso, Mayor Marana, Councilman Devlin, Mr. DeLaura, Mr. Guyt, Mr. Hogan, Mr. Pothos – **YES**

Mr. Moran- **ABSTAIN**

APPLICATION OF NEW CINGULAR WIRELESS PCS, LLC
37 INDUSTRIAL PARKWAY
BLOCK 608, LOTS 1 & 2

APPLICATION FOR VARIANCE RELIEF AND PRELIMINARY AND FINAL
SITE PLAN APPROVAL

Atty. Christopher Quinn of the Law Offices of PinilisHalpern, LLC located at 160 Morris Street in Morristown, New Jersey came forward to represent the applicant, New Cingular Wireless PCS, LLC. Also known as AT&T.

The applicant has proposed a variance application for the installation of a 12-antenna array below the existing antennas, a generator and equipment cabinet mounted on a proposed elevated steel platform, and related natural gas and wireless telecommunication appurtenances. Atty. Quinn explains what this application will entail and mentioned Verizon is already on the existing tower. The applicant would be below Verizon on the southern side of the tower and this would be on the northern side. The usage condition is

permitted in Northvale and antennas meet the requirements. The only condition not met in the ordinance is for the equipment height. There are wetlands located right next to this facility therefore the platform must be raised, because of this, that is why the height requirement cannot be met. The ordinance calls for 10 feet in height and this will come to 14.5 feet due to being on this raised platform. Mr. Giannotti asked if there was an existing generator already there and Atty. Quinn confirmed there was. In addition to the variance for the height of the equipment, the applicant also needs variances for setbacks. Atty. Quinn proceeded to explain the equipment placements and rational for where everything would be and why. Chairman Amorosso asked Atty. Quinn about plantings and would this be part of the plan. Atty. Quinn responded with the explanation of the layout and what was discussed with the borough engineer in regards to this. The gravel driveway then became a topic of discussion. Chairman Amorosso asked if this gravel driveway was actually considered a driveway, and if so explains it must be macadam per the ordinance. Discussion about installing landscaping continued and Atty. Quinn said they would be agreeable to this. Mr. Sillery asked about the current owner of this property and the business that is located there. It was stated this business was a wholesale flower place, currently the same business as when the original application came before the Board. Chairman Amorosso expressed concern in regards to the home address of the actual owner of this property. The application states "no address provided". Atty. Quinn proceeded to explain and Chairman Amorosso expressed his reasoning for finding this unacceptable. Atty. Quinn had no objection to requesting this information on behalf of the Board in order to satisfy any concerns. Atty. Quinn went on to explain there would be three witnesses coming before the Board to discuss why they are proposing a facility in Northvale. One of the purposes explained is the inadequate service in Northvale and the need for reliable service, especially for the First Responders.

Atty. Quinn called upon Daniel Penesso, an expert engineer, then sworn in by Atty. Paster. Mr. Penesso was asked to state his name, professional affiliation and credentials. Mr. Penesso stated he is located at 15 E. Midland Ave in Paramus, NJ. Mr. Penesso went over exhibit A-1, dated July 1, 2020 shows and explains AT&T's neighboring coverage from existing site to proposed site, this exhibit visually shows where coverage is lacking as well. Chairman Amorosso asked if those on the Zoom virtual platform are able to see this exhibit. Board members were provided with all plans prior to the meeting for review and Atty. Quinn reminds Chairman Amorosso the plans were also posted on the Borough website. Mr. Penesso continued to give his presentation of plans. Chairman Amorosso asked for clarification from Mr. Penesso of what areas will actually receive coverage. Mr. Penesso and Atty. Quinn explained in detail. Mr. Penesso also proceeded to explain in his testimony and state for the record that this equipment will also provide "First Net" to the community's First Responders. This is a spectrum allocated to AT&T that would allow for a nationwide build up that AT&T is currently doing for First Responders if there ever was an emergency that would allow for them to access a private network dedicated specifically for First Responders in case of an emergency. This would be through a special SIM card on their device within the network. Mr. Penesso continued to explain the positive features of this spectrum. Atty. Quinn began to question Mr. Penesso in regards to the maintenance that would need to happen and how often this would occur. In addition, he asked about any nuisance characteristics that potentially occur including noise, smoke glare, etc. Atty. Quinn also confirmed with the engineer emissions standards are being complied with as Mr. Penesso confirms it is and submitted reports supporting this. Councilman Devlin asked if it would be possible for the First Responders to be notified of this spectrum being provided. Atty. Quinn said they should

be aware as First Responders are typically notified. Councilman Devlin explained he is a volunteer fireman and he was not aware. Atty. Quinn replied he would ensure there was communication in the form of a letter sent. Chairman Amorosso asked the Board if there was any further questions to which there was not. At this time, Chairman Amorosso asked Chris Dour if he was satisfied with the testimony given by Mr. Penesso, Mr. Dour replied he was.

Chairman Amorosso **opened the meeting to the public** for questions. There was no questions. Meeting was then **closed to the public**.

At this time, Atty. Quinn called upon the design engineer Allan Cohen to come forward. Atty. Paster swore in Mr. Cohen. Mr. Cohen provided his professional affiliation and credentials for the record. Mr. Cohen is representing Cohen Enterprises LLC, his own company. Atty. Quinn confirmed the plans Mr. Cohen was about to present, as well as confirming they were not changed or altered. The exhibit was marked A-3 consisting of 10 pages. Atty. Quinn asked Mr. Cohen to briefly describe the plans pertaining to the design. AT&T is proposing a setback that Atty. Quinn proceeded to explain with the clarification of Mr. Cohen confirming the specifics of the setbacks. The utilities and the cable runs were then discussed including eventually being routed underground. The testing of the generator was discussed and how often this would take place. Mr. Cohen stated this would happen two times a month and would comply with the decibels allowed for the noise ordinance. Following this, there was discussion about the greenery and landscaping plan. Chairman Amorosso asked about the probability of both Verizon and AT&T running their test of their generators at the same time which would then go above the decibels allowed and would not comply with the noise ordinance. Atty. Quinn said he understood this concern and would certainly accept this as a condition of approval to ensure both generators would not run at the same time. Continued discussion took place, including Chairman Amorosso stating he was in contact with a resident who is in close proximity to this site. Unfortunately, the resident could not make the meeting. This resident was very much concerned about the level of potential noise. Mr. Cohen reiterated the noise level would comply with regulations. Atty. Quinn added there has been many measures that have taken place since the initial planning of this project in order to ensure regulations are adhered to. He explained them in depth to help assure the Board this will not be an issue. Chairman Amorosso opened up questions to the Board, Mr. Guyt commented on his thoughts regarding the noise level. Mr. Moran asked questions about his concerns of the unit and possible overheating. Mr. Cohen explained why that would not be a concern. Mr. Moran asked if this unit would be locked and secured from the public, Mr. Cohen said it would be. Mr. Delaura was asked if he had any questions, he requested an explanation of the Borough engineer's list. Atty. Quinn offered to explain this. This included the explanation of restricted parking in the gravel area to only be used for the tower itself for any maintenance or technical equipment to be used for the tower. While on this topic, Mr. Giannotti adds in accordance with the town's ordinance, all driveways must be paved and this driveway has been gravel since the tower was put in. Atty. Quinn agreed to work with the Borough's engineer regarding this. Chairman Amorosso requested this be included in the resolution in order to be part of the approval. Mr. Giannotti also added the owner of the property needs to maintain this property better, he noticed an excessive amount of debris on the grounds. Chairman Amorosso added he would like a list of all the tenants occupying this building. Mr. DeLaura asked a question about a trailer that was located on the property and Atty. Quinn replied this has since been removed. Atty. Quinn advises the Board he visited the

property before the meeting as well. Chris Dour commented and confirmed the applicants have adequately responded to the sound levels from the generator, and the additional items pertaining to the equipment shed and what this would entail. No other questions were asked from the Board.

Chairman Amorosso **opened the meeting** to the public for questions. Ensuring there was no comments from the virtual public, the meeting was then **closed to the public**.

At this time, Chairman Amorosso and Atty. Quinn agreed the report in regards to emissions was sufficient and there was no further need for the attending individual to further discuss this aspect of the application. Chris Dour agreed sufficient documentation provided in the report was reviewed and acceptable.

Atty. Quinn proceeded to explain the next part of the application reminding any public where these visuals could be found on the Borough Website marked exhibit 2. Atty. Paster began to swear in the next witness, Paul Ricci. Asking him to state his name, professional affiliation and qualifications. Paul Ricci stated he is a licensed professional planner and a member of the American Institute of Certified Planners and proceeded to explain his further qualifications. Mr. Ricci then began to describe and explain the evidence labeled A-4. This evidence included photographic simulation proposed by AT&T Wireless Telecommunications facility. These photographs are essentially a composite of what was submitted to the town. The purpose of this is to ensure all conditional use that is required is acceptable per the ordinances. Mr. Ricci went on to explain and testify to these visuals and reasoning for the zoning and variances needed for this property. Chairman Amorosso opened questions from the Board. Mr. Sillery asked about ownership of the pole and property and again expressed concerns about the maintenance. The Board will be following up with the Code Enforcement/Property Maintenance and Atty. Quinn agreed this was a good idea to have the town's Code Enforcement involved. There was no further questions from the Board. In conclusion, Chairman Amorosso wants to see the gravel driveway paved per the ordinance. This was not complied with per the ordinance. Second, he wanted the red lights that were also on the original plan to be completed before any construction may begin. The Chairman wants this included in the resolution. Atty. Paster stated he will add this and confirmed the original resolution is out of compliance. Everyone agreed in taking action needed to ensure this is taken care of and permits will not be issued until this is completed. Additionally, Chairman Amorosso requested he is given a list of all individuals occupying this property. The Chairman reiterated permits are contingent upon these items being addressed. Atty. Quinn asked for the Borough's Code Enforcement to aid in ensuring these items are addressed. Atty. Paster stated he will work with Atty. Quinn regarding this.

Chairman Amorosso **opened the meeting** to the public for questions. Ensuring there was no comments from the virtual public, the meeting was then **closed to the public**.

A motion to **approve** the application with the conditions set forth and stated in the record by Mr. Giannotti and seconded by Mr. Guyt.

ROLL CALL –

Mr. Giannotti, Mr. Guyt, Chairman Amorosso, Mayor Marana, Councilman Devlin, Mr. DeLaura, Mr. Moran, Mr. Sillery, Mr. Hogan – **YES**

APPROVAL OF MINUTES OF MARCH 4, 2020

A motion to **approve** the minutes of the March 4th meeting was made by Mr. Giannotti, seconded by Mr. Chairman Amorosso.

ROLL CALL: All in favor

APPROVAL OF MINUTES OF MARCH 18, 2020

A motion to **approve** the minutes of the March 18th meeting was made by Councilman Devlin, seconded by Mr. Giannotti.

ROLL CALL: All in favor

APPROVAL OF MINUTES OF JUNE 3, 2020

A motion to **approve** the minutes of the June 3rd meeting was made by Councilman Devlin, seconded by Mr. Giannotti.

ROLL CALL: All in favor

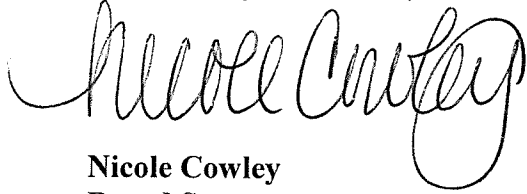
DISSCUSSION: POTENTIAL FENCE ORDINANCE REVISIONS

Mayor Marana wanted to discuss with the Board the potential for revision of the current fence ordinance due to the unclear nature that has been brought to his attention. The subject pertains to front yard fences restricted to three feet and/or a retaining wall. Mayor Marana explained a current situation to do with a resident. Mayor Marana would like to add this to the Mayor and Council agenda for the next meeting. Discussion and details were discussed amongst the Board. Mayor Marana would like to see the current ordinances be more conventional and more uniform with surrounding towns and has a

problem with residents having to pay fee for a variance when this could be dealt with in another way. Mayor Marana will go forward with this topic to the Council.

A motion to **adjourn** the meeting at 9:43 PM was made by Councilman Devlin seconded by Mr. Giannotti. All present in favor.

Respectfully Submitted,



Nicole Cowley
Board Secretary

Approved: July 15, 2020