

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

September 16, 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 7:30 PM in the Borough Hall Office located at 116 Paris Avenue, Northvale, New Jersey 07647. Meeting included Board Members, and was open to members of the public using the 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.

ROLL CALL:

PRESENT: Chairman Amorosso, Mayor Marana, Mr. Sillery,
Mr. Vollmer, Mr. Pothos (Alternate #2)
Mr. Degen (Alternate #3) Mr. Briscoe (Alternate #4)

PRESENT VIRTUALLY: Councilman Devlin, (arrived at 8:40) Mr. DeLaura, Mr. Guyt,
Mr. Moran, Mr. Hogan (Alternate #1)

ALSO PRESENT: Gregg Paster, Board Attorney, Chris Dour, Borough Engineer (Present Virtually)
Nicole Cowley, Board Secretary

ABSENT: Mr. Giannotti

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

APPLICATION OF 411 CLINTON ASSOCIATION LLC
BLOCK 501 LOTS 18.01, 18.02, 18.03, 18.04

Chairman Amorosso introduced this application by explaining it as a variance relief and called upon a representative to come forward for the application. Harold Cook III, Attorney representing the applicant came forward. Attorney Cook proceeded to explain the plan being proposed. The plan being proposed is to build a duplex on each of the four lots. Chairman Amorosso asked if he could interrupt Attorney Cook at this time in order for him to state for the record, Mayor Marana and Councilman Devlin would only be interjecting as residents for this application. John M. Hogan (Alt#1) would also only be commenting as a resident. Mr. Hogan resides within 200 feet of the property. Attorney Cook proceeded to continue to provide testimony explaining the four existing, divided lots are conforming to all respects, as far as the bulk requirements. This is an application for a use variance, pursuant to N.J.S.A 40:55D-70 to permit construction of one duplex on each of the four lots. Attorney Cook explains he will be calling upon the applicant's Engineer to go over the site plan. As well as, the Applicant's Planner to address the criteria for the use variance and a landscape architect who is present too.

Attorney Cook called upon Sean McClellan, the applicant's engineer affiliated with Lantelme and Kurens located in Hillsdale, NJ. Mr. McClellan began by stating his qualifications and experience as an Engineer. Chairman Amorosso accepted the qualifications and experience and asked Mr. McClellan to raise his right hand for Attorney Paster to swear him in. Following this, Attorney Cook asked Mr. McClellan to confirm his role in the application process and discuss what currently exists at the site of 411 Clinton Ave, and to go through the site plan now. Mr. McClellan began to describe the vacant lot and the duplexes in detail including three that will front Frances Lane and one to front Clinton Ave. He described how the driveways would be divided between each duplex with two front loaded garages. The applicant is also proposing a seepage pit for each unit. Mr. McClellan included the application proposes installing sidewalks along Frances Lane from where Northvale Public School currently is, to Clinton Avenue. Attorney Cook asked if a road has to be installed or improved as part of this application. Mr. McClellan replied, roadway realignment was done of Frances Lane. Attorney Cook and Mr. McClellan confirmed it will be the obligation of the applicant to improve and realign the road. Attorney Cook asked if all the lots would be pursuant to the bulk requirements of the Borough and with respect to the duplexes. Mr. McClellan responded the duplexes are conforming to rear, side, and front yards, building height, building coverage and green area. Attorney Cook confirmed with Mr. McClellan the applicant would not be seeking any new bulk variances and the only variance sought is a use variance to permit the duplexes. Mr. McClellan then proceeded to further explain the plan for run off and drainage. Chairman Amorosso added this aspect must be approved by the Borough Engineer and Attorney Cook confirmed the applicant has every intention of complying with all Borough Engineer requirements and accommodate all the runoff pursuant to the regulations of the seepage pits. Mr. McClellan further spoke about the surrounding area of proposed building and noted he was at the site during the time students of the school were walking and discussed the benefits of having a sidewalk on Frances Lane.

Attorney Cook had no further comments for Mr. McClellan and at this time, Chairman Amorosso called on the Borough Engineer, Chris Dour, for his input. Mr. Dour explained there were a couple of items that should be included in the conditions for approval and he has asked they be included by the Board Attorney. The applicant has been advised of these conditions as well, via email correspondence. Attorney Cook asked the record reflect, all conditions from the Borough Engineer will be complied with by the applicant. Chairman Amorosso asked the record reflect this statement as well. Chairman Amorosso then asked for questions or comments from the Board. Mr. Briscoe commented on the train tracks and how noisy it can be, although stating living in nearby proximity, you get used to it. Mr. Briscoe followed this comment by inquiring about the possibility of sound barriers being explored. Attorney Cook noted this is being taken into consideration when the insulation and windows are being installed this can be addressed. Mr. Sillery commented he did not think the railroad would make the homes less desirable.

Chairman Amorosso **opened the meeting** to the public for questions for the Engineer

With no questions for the Engineer, Chairman Amorosso **closed the meeting** to the public.

Next, Attorney Cook called upon John McDonough, the applicant's Planner. The Planner was asked to state his qualifications in order for the Board to qualify him. Mr. McDonough stated his qualifications and was accepted by Chairman Amorosso. Following this, Attorney Paster swore in Mr. McDonough. Attorney Cook confirmed Mr. McDonough had the opportunity to review the plans submitted. The plans include the site, architectural and landscape plans. Mr. McDonough confirmed he did. Mr. McDonough was also asked if he had reviewed the requirements and criteria to grant the use variance and Mr. McDonough confirmed he had. Mr. McDonough proceeded to direct the Board to the 11 side exhibit/photos the applicant provided. These consist of maps and photos of the subject property. Mr. McDonough went through the slides to explain them in more detail, including lot sizes and the special quality, preexisting site condition and surrounding description of the area including the school, the park and the rail line. Mr. McDonough spoke on the plan for this land use having a particularly good fit for this certain area for reasons to be explained. Mr. McDonough describes visiting the site on August 22, 2020. He described the cleared, flat, land that is ideally suited to accommodate this, or any development. This unconstrained lot has no wetlands to impede development, no steep slopes, and no need for any trees to come down for development. Mr. McDonough described the landscape plan that will improve the visual aesthetics of this dormant area and described how the new investment in this property will allow for value and quality for the site, neighborhood and community at large. Mr. McDonough spoke of the Land Use Laws and described the purposes of how these are all being met within this plan. Mr. McDonough proceeded to explain other positive attributes that are part of this application.

At this time, Mr. McDonough refers to Chairman Amorosso and the Board for any questions. Mr. Vollmer asked about parking and Mr. McDonough discussed the standards and compliance and how this will be met without the need for further relief being requested. Chairman Amorosso asked about the roadway. Mr. McDonough described this as being a positive piece as a road already exists that can accommodate the plan. Mr. Dour interjected stating the upgrades to the

road will be the responsibility of the applicant as agreed upon during the original subdivision application of this property. This also includes the sidewalks as being the responsibility of the applicant as well. Attorney Cook confirmed this again. Mr. Degen asked how the approval of this application will not open up further duplexes to be built. Mr. McDonough responded that the Board can potentially craft a resolution around the fact that the attributes of this particular property make it different than homes that are in the middle of a residential area. This is an underdeveloped site that was previously developed for nonresidential uses. It can also be seen as the edge of a neighborhood, and can be seen as its own neighborhood which is different from the average home sites within the community. Mr. McDonough continued to explain the differences in this site, as opposed to others. Mr. Sillery asked as a Board, how they can protect the neighborhood from more duplex homes being built. Mr. McDonough explained the distinct, triangle type boundary with the rail line etc. and once you permeate outside of this boundary that would create an intrusion into neighborhoods that are already established. Mr. Sillery continued to express his concern regarding protection. Mr. McDonough stated he is not saying there is not merit for additional duplexes to be built in other neighborhoods and something the Board would have to consider in a lot by lot basis. Mr. Guyt had a question about drainage. He asked if the driveways crossed the drainage pipes. The question was deferred back to Mr. McClellan and he explained the design has enough cover to handle the drainage without an easement being necessary. Mr. DeLaura asked for confirmation of the sidewalk. Mr. Amorosso wanted clarification as to exactly how the sidewalks would be created. Mr. Amorosso expressed his concern about the safety of students walking to and from school. Mr. DeLaura also asked for clarification as to what side the sidewalk will be located on. Mr. McClellan explained it would be on the Frances Lane side where the houses are being proposed. Mr. DeLaura asked the Planner, Mr. McDonough about the traffic that would be using this street after the duplexes are built and what is the proposed number of cars going in and out of that street. Mr. McDonough answered, according to the Residential Site Improvement Standards; it would be ten vehicles per day, per unit. Discussion in regards to traffic continued among the Board and the Planner. Mr. McDonough added he is not the traffic expert and has not evaluated the levels of service or anything to do with this aspect. Mr. DeLaura asked if he considered this to be a detriment to which Mr. McDonough replied he did not. Mr. Sillery questioned the accuracy of the traffic flow number assumption given by Mr. McDonough. Mr. Amorosso stated he would like to see a traffic study completed, Mr. DeLaura agreed. Mr. Sillery added there were more questions raised by Mr. McDonough's responses. Mr. DeLaura reiterated he would very much like to see a traffic report done especially with the number of children this affects and that is a safe guard that must be considered. Mr. Moran asked about overhead lines and or some sort of underground transformer into the units. Mr. McClellan responded they are proposing it all be underground and explained the plan for utilities etc.

Chairman Amorosso **opened the meeting** to the public for questions for the Engineer.

Jim Keegan, 411 Simon Way- commented he was concerned with two family houses and the potential for the lot across the street that is for sale to be the same thing. Chairman Amorosso responded there has not been an application submitted for said property. Mr. Keegan expressed his concern the property would be rented and the vested interest of renters among the community and questioned if the property was owner occupied or investors. Mr. Sillery responded there was

no testimony to answer that question at this time. Mr. McDonough added the inability to discriminate based on ownership or rental units. Attorney Paster also added this question would be beyond the scope of the Board's jurisdiction.

Kristina Parker, 408 Clinton Ave- Thanked those in attendance for the comprehensive update and felt it was very helpful to understand the background of what is being considered. Ms. Parker wanted to echo the concerns of some of the public that were raised and feels the same way as a resident. Key points Ms. Parker wanted to highlight entailed the volume of traffic and feels an analysis is critical due to the volume of children in the area. Additionally, Ms. Parker expressed concern regarding the concept of the variance for allowing duplexes and if this is approved it raises the question of how many more may there be in the future and how that may change the neighborhood make up going forward. Chairman Amorosso thanked Ms. Parker for her attendance and input.

There being no further questions or comments from the public, Chairman Amorosso **closed the meeting** to the public.

At this time Chairman Amorosso remembered he had a question for the Planner, Mr. McDonough. He asked Mr. McDonough if there were any other duplexes in Northvale. Mr. McDonough responded he had not done an analysis of this and added he did not think it was critical to the planning analysis. Chairman Amorosso responded there was, in fact; and the dwellings are right up the street from where he took pictures of the property.

At this time, Tom Gaggin, 406 Clinton Ave- asked if it would be possible to ask a question and Chairman Amorosso allowed this. Mr. Gaggin asked how long the ordinance has been in effect not allowing two family homes. He added his guess was in the 1950's. Mr. Sillery responded he believes this occurred in 1963. Additionally, Mr. Gaggin asked how many times an applicant came before the Board asking for relief. Mr. Sillery responded, in the last few years, there have been two who sought relief. Chairman Amorosso added one of these applicants resulted in the Board's loss of a court case and made for expensive legal fees as well. Discussion regarding the dwellings and situational cases of Northvale was discussed further. In closing, Mr. Gaggin added his concern regarding the traffic and the high level of travel among children in this neighborhood. Chairman Amorosso reiterated his questioning of the accuracy of the potential amount of traffic that was stated by the applicant's planner and further discussed why he questioned these numbers. Kathy Gaggin wanted to bring up one thing which was an accident that occurred in the 1970's on Tappan Rd. involving a child being seriously injured. Ms. Gaggin reiterated her concern for the safety of children. She also added the concern for fire trucks being able to access the development. Chairman Amorosso confirmed the fire chief is not concerned with accessibility. With no further questions from the Tom and Kathy Gaggin, Chairman Amorosso turned the meeting back over to Attorney Cook.

Attorney Cook introduced the applicant's landscape architect, William Boyce. Mr. Boyce stated his qualifications and experience for the Board. Mr. Boyce was accepted and sworn in by Attorney Paster. Attorney Cook asked Mr. Boyce to describe his plan for the Board and what he was trying to achieve. Mr. Boyce described the site and explained his plan for open nature that involved a multitude of evergreen trees along with plants with heavy textures because of their

ability to absorb sound. Mr. Boyce also took into consideration children traveling on Clinton Ave and Frances Lane. For this reason, he chose street trees as opposed to robust planting to ensure visibility near sidewalks. Mr. Boyce continued to explain the landscape closer to the proximity of the proposed homes. Discussion pertaining to size and maturing of landscaping took place. Mr. Sillery added he hopes owners would maintain this landscape and Mr. Boyce replied he chose this type of landscaping due to its easy maintenance. Chairman Amorosso opened up questions from the Board to Mr. Boyce. Mr. Guyt asked about the trees on Frances Lane and added he appreciates not having Evergreen trees on Clinton Ave, as they become very heavy and weighed down by snow and this makes things difficult during snow removal for many reasons. Mr. Boyce confirmed the types of trees and the emphasis on keeping with the importance of visibility for safety.

Chairman Amorosso **opened the meeting** to the public for questions for the Landscape Architect.

Kristina Parker, 408 Clinton Ave- asked some follow up questions regarding the layout and if the duplexes are intended to have basements or will they be side by side. Attorney Cook answered there will be basements and the proposed homes are side by side. Following that answer, Ms. Parker asked about water levels and the concern regarding that aspect. If the water levels pose a problem, will the height of the duplexes be greater. Attorney Cook responded this would require a height variance and if there were to be a problem with the water table, the homes would have to be built on slabs eliminating the basement. Ms. Parker followed her question with a comment which involved the approval of the variance and the precedent this would establish in the town in general, in terms of subsequent duplexes later down the line. Chairman Amorosso explained every application that comes before the Board has its own merit.

There being no further questions or comments from the public, Chairman Amorosso **closed the meeting** to the public.

Attorney Cook stated he has heard the concerns from the Board and the neighborhood loud and clear and the need for traffic issues to be addressed. Attorney Cook proposed the application be carried so the applicant can come back with a traffic engineer. In Attorney Cook's experience, a traffic engineer can do a traffic count and report on what exists now and prepare a report based upon the new construction and the amount of additional cars that will be generated as a result of this application. Chairman Amorosso requested, in addition to a traffic study, a study pertaining to how many children traveling this area should be completed as well. Attorney Cook agreed these studies are essential to this application. Attorney Cook asked for the application to be carried for at least a month as it will take some time to have these studies completed. Attorney Cook asked this application be marked A-1, the site plan as A-2 the architectural plan as A-3 and Landscape plan as A-4. The Board specifically asked for the architect who designed the plan to be present when the application comes back before the Board. Attorney Cook stated they will ensure he comes for the next hearing. Mr. Moran commented about the traffic study concept, and asked about how this study will be completed with the most amount of accuracy possible considering we are in the middle of a pandemic and some students are learning virtually, so the entire school is not currently attending. Mr. De Laura agreed with Mr. Moran and suggested the

school possibly come up with a list of students who live on that side of town to allow for a more accurate count of approximately how many students travel this road as this is key component. Attorney Paster requested the traffic study be submitted at least ten days prior to the next hearing date and for the public's consumption, the next hearing will be on or after October the 21st, and there will be no further notice to the public.

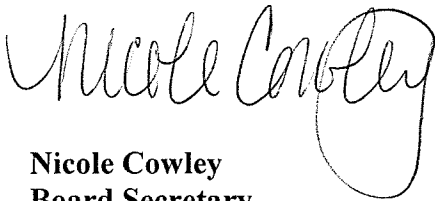
APPROVAL OF MINUTES OF AUGUST 19, 2020

A motion to **approve** the minutes of the August 19, 2020 meeting was made by Mr. Sillery and seconded by Mayor Marana

ROLL CALL: All in favor

A motion to **adjourn** the meeting at 8:47 PM was made by Mr. Sillery, seconded by Mayor Marana. All present in favor.

Respectfully Submitted,



**Nicole Cowley
Board Secretary**

Approved: October 7, 2020