

BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT
JUNE 2, 2021
7:30 P.M.

MINUTES

CALL THE MEETING TO ORDER

Chairman Amorosso called the meeting to order at 7:30 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.

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."

ROLL CALL:

PRESENT: Chairman Amorosso, Mayor Marana, Councilman Hogan, Mr. Giannotti, Mr. Sillery, Mr. Moran, Mr. Vollmer, Mr. Briscoe (Alt #1) Mr. Degen (Alt#2)

ALSO PRESENT: Gregg Paster, Board Attorney, Marie Raffay, Colliers Engineering and Design, Joe Layton, Colliers Planner, Nicole Cowley, Board Secretary

ABSENT: Mr. Guyt, Mr. Pothos

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

APPLICATION OF 256 LIVINGSTON STREET, LLC
256 LIVINGSTON STREET
BLOCK 303 LOT 16

At the start of the hearing of this application, Mayor Marana stated for the record, on behalf of Board member Mr. Pothos; his regret of being unable to be in attendance for this hearing due to a previously, long-planned vacation. Mayor Marana also expressed regret on behalf of Board member Mr. Guyt, as he had could not be in attendance due to unforeseen circumstances that arose the day of the meeting. Both Board members will arrange with the Board Secretary to come to Borough Hall and listen to the meeting recording in its entirety to be able to vote on this application in the future.

Next, Chairman Amorosso stated for the record, Mayor Marana and Councilman Hogan would be recusing themselves from this application as this is a Board of Adjustment matter. Mayor Marana and Councilman Hogan stepped off the dais to hear the application with the public.

Chairman Amorosso introduced the application by stating what the applicant is seeking, including use and bulk variances and preliminary and final site plan approval. Representing the applicant was Attorney Matthew Capizzi, he began by introducing this application before the Board. Chairman Amorosso asked if all taxes and escrow fees were paid to date. The Board Secretary confirmed all fees were current.

Attorney Paster stated for record purposes, this hearing was noticed for May 19th and was continued without the need for further notice.

Attorney Capizzi continued on to present the history of the property, discussing both property site specifics and the building that is currently on site. Attorney Capizzi explained the rationale for the proposal of redevelopment of this site. Chairman Amorosso asked for confirmation to confirm the builder is the current owner of the site. Attorney Capizzi confirmed, and Chairman Amorosso proceeded to express concern pertaining to regulations/laws that he believes are not being followed. Attorney Capizzi continued to go through the different variances the applicant is seeking. In addition, Attorney Capizzi spoke about the professionals present who were in support of this application consisting of the Planner, Engineer, and Architect. Attorney Capizzi said he wanted to start off with some opening testimony from the Planner to explain to the Board why this site/use was selected. Chairman Amorosso asked about grounds being checked for contamination, Attorney Capizzi stated this was on going but to his knowledge as it stands now, there is no contamination he is aware of.

Following this, Attorney Paster swore in Sean Moronski, who is the Planner for this application with Langan Engineering. Attorney Paster confirmed Mr. Moronski's credentials are acceptable. Attorney Capizzi asked Mr. Moronski to start off by explaining the site from his view. Mr. Moronski provided the Board and public with an ariel map marked A-1, submission date 5/21/21. Mr. Moronski proceeded to review specifics of the lot and surrounding area. Zoning and permitted uses were discussed as well. Mr. Moronski also discussed the challenges of the project, including traffic. Chairman Amorosso asked for more information regarding the actual

apartments being proposed. Attorney Capizzi explained that would come in later testimony. Mr. Moronski proceeded to provide testimony pertaining to the consideration of multifamily at this site, specifically the multifamily units consist of one-bedroom units, however in keeping with Affordable Housing obligations there must be six units as Affordable Units. Mr. Moronski continued to elaborate on this, as well as further described the specific details of the building, units, and structure. Attorney Capizzi asked Mr. Moronski to give a rundown of the use of this location and why he feels it is appropriate. Mr. Moronski explained this in further detail, including this use creating less traffic than a commercial use would.

Questioning from the Board was opened, Mr. Vollmer asked about there being any other apartments in the site's surrounding area and asked Mr. Moronski's knowledge of previous applications for other apartments. Mr. Vollmer also asked for clarification of the proposed height. Mr. Giannotti asked questions pertaining to parking spots and traffic. Attorney Capizzi said there would be testimony provided by a traffic engineer. Mr. Sillery clarified there was a zone in town for high density apartments which would be in the light industry zone in the furthest, eastern part of town. Mr. Sillery expressed his opinion, this is where the planners and leaders of town would like to see this growth. Mr. Briscoe expressed concern regarding fire related issues. Mr. Degen seconded Mr. Briscoe's comment. Joe Layton, the Borough Planner, gave comment after being sworn in by Attorney Paster. Mr. Layton's comment was regarding the permitted use and how it relates to the Affordable Housing Ordinance, and he wanted the Board to have clarity on this. Mr. Giannotti asked a question about visibility of the building and Mr. Moronski explained the visibility and how that would look, Attorney Capizzi spoke on the topic as well.

Chairman Amorosso **opened the meeting** to the public for questions or comments.

George DeGennaro- 488 Tappan Road- Asked a question regarding parking and location, included in discussion was handicap and visitor parking. Additionally, Mr. DeGennaro asked about specifics regarding the units pertaining to bedrooms and sizes of units.

William Murphy- 164 Scharer Avenue- Questioned water monitoring and wells.

Chairman Amorosso **closed the meeting** to the public.

Next, Attorney Capizzi called upon the applicant's site architect, Hans Erdenberger. Attorney Paster swore in Mr. Erdenberger and credentials were provided by Mr. Erdenberger where stated he was a well-qualified witness.

Mr. Erdenberger began by providing testimony regarding his experience with projects like this one. Following this, Mr. Erdenberger explained specifics of the building, including parking, elevators, landscaping, and surrounding structures, etc. Mr. Erdenberger discussed the plan for waste management as well, considering the municipal waste collection could not be used due to the height of the building and a private company would need to be contracted with pick up anticipated to be three times a week. Further discussion regarding building height continued.

Next, Mr. Erdenberger provided testimony specific to the proposed number of units. Mr. Erdenberger stated there would be 28, one-bedroom units located on two floors with each floor having the same layout. In addition, it was stated where the elevators would be located, refuge, trash shoots and recycling. With there being 14, one-bedroom units on each floor, there would also be 2, two-bedrooms, 2 three-bedrooms, and 6 studio apartments distributed through building. Each unit would also have a terrace with side yard setback being considered. Continued testimony was provided regarding specifics of the units which including size. Mr. Erdenberger provided information about the HVAC unit and how all units are located on the roof. Mr. Sillery asked for clarification about this. Chairman Amorosso asked about decibel ratings and Mr. Erdenberger responded he would certainly provide this information, Chairman requested he do so as he was concerned with level of noise that would occur. Chairman Amorosso also asked about the terraces to confirm the view from the terrace would look out over the nearby gas station signs.

Next, there was testimony given pertaining to the sprinkler system for the building, this being a focus of concern for the Board, continued discussion took place at length. The applicant expressed they were totally agreeable to all fire related modifications the Board and Borough request. Mr. Sillery agreed and requested this be noted for record. Mr. Sillery reiterated the concern surrounding the ability to have a fire truck have the appropriate space to fight a fire, stating that is the reason for having a sufficient set back. Mr. Erdenberger stated any development on this property would pose difficulty for a truck to serve the building on site. Regardless of this, Mr. Erdenberger stated again, the applicant will support all fire related concern and whatever fire officials mandate. Mr. Giannotti, Mr. Sillery, and Mr. Briscoe continued to express what specific concerns they had. Mr. Erdenberger stated, if approval were granted there would be meetings with the mechanical engineer, fire marshal and all interested parties to ensure the design of the building is to everyone's satisfaction. Mr. Sillery expressed concern regarding the current drawings that are not indicative of certain fire related aspects. Attorney Capizzi suggested Mr. Erdenberger mark up the exhibit. This exhibit was marked into evidence as A-2 with a May 21, 2021, submission date. Discussion pertaining to the D-6 bulk variance related to the elevator and height was talked about between Mr. Erdenberger and Board members. Chairman Amorosso asked a question about the depth of this property and why the building is not being pushed back further. Attorney Capizzi and Mr. Erdenberger elaborated on this aspect explaining the reasons it could not. Mr. Erdenberger continued to describe the exterior of the building using a visual, one of which showing the actual site with the proposed building being super imposed. There was description of materials that would/could be used as well. Mr. Erdenberger expressed his idea that interspersing residential and commercial uses proves to be successful and lively. Mr. Sillery expressed certain concern with that idea. Mr. Giannotti reiterated the ordinance pertaining to what can be used on the outside of the building, specifically, brick and stone. Chairman Amorosso suggested the applicant provide samples of what they are proposing to use for the Board's view.

Chairman Amorosso asked the Board if they had any further questions or comments for the architect. Mr. Sillery commented on the parking space sizes and the size of some vehicles today and the concern the vehicles would be damaged with the sizes of these parking spaces being suggested. Attorney Paster replied if the use variance were to be granted to a residential area, the Borough is limited under RSIS guidelines as to what can be required as this supersedes Borough

ordinance. Mr. Moran asked further questions about the beam of the building, ramps needed and elevation of the door where the garbage shoot is. Mr. Erdenberger elaborated on these aspects as they were being proposed at this time. Mr. Sillery asked questions about the diesel generator and where that would be located. Mr. Moran came back to the topic of the elevator and the clearance that is required. Mr. Briscoe brought up his concern regarding the navigation of a fire truck on the site. Mr. Erdenberger stated for the record again, the developer would meet with all respective parties to ensure a solution was obtained that would satisfy the town and the developer.

Chairman Amorosso **opened the meeting** to the public for questions or comments.

Andrew Durfee- 174 Walnut Street- Question regarding the aesthetic of the development. Mr. Erdenberger spoke on this topic. Additionally, Mr. Durfee asked about school busses. Attorney Capizzi responded a civil engineer would speak on that topic. Mr. Durfee came forward a second time to ask about occupancy and the allowance of people per unit and wanted to know if this is approved by the Board. The Chairman responded the Board does not have jurisdiction over that. Attorney Paster commented there is mention in the ordinance. Mr. Giannotti commented he would be looking it up.

Edward Durfee- 215 Livingston Street- questioned egress for residents since this was discussed in relation to the EMS/fire. Mr. Durfee wanted to know how the residents would maneuver this. Mr. Erdenberger responded using visuals. Mr. Sillery interjected he did not see any area for residential children to play, such as playground equipment etc. and noted there was not even room to provide this for children.

George DeGennaro- 488 Tappan Road- wanted clarification on the number of units and entrance/exit procedures. Mr. DeGennaro asked about access from Pegasus Ave and was told there was not access from that street.

William Murphy- 164 Scharer Avenue- Mr. Murphy asked further clarifying question regarding entrance/exit specifics.

Mr. Sillery continued the discussion of anticipated expectancy per unit, and will the ownership have a say on limited occupancy. Mr. Giannotti added to his knowledge there was not a limit pertaining to occupancy of apartments in the Borough's ordinance because as it stands apartments are not permissible. There are ordinances pertaining to town houses and Mr. Giannotti spoke on that ordinance. Mr. Giannotti asked about an onsite management/maintenance office. Mr. Erdenberger stated as the plan shows now, there is not a management/maintenance office on site. However, it is intended by the owner that the superintendent of the building would reside on site in one of the units. Mr. Giannotti asked about mail delivery since he did not see anything pertaining to that on the plans. Mr. Erdenberger explained how that would work.

Chairman Amorosso **closed the meeting** to the public.

Next, Matthew Seckler, the applicant's Civil Engineer/Traffic Engineer, was sworn in to provide testimony before the Board. Mr. Seckler is the principal of Stonefield Engineer and Design. Mr. Seckler stated his professional experience and credentials and was accepted and recommended by Attorney Paster. Attorney Capizzi confirmed plans and exhibits were prepared by Mr. Seckler's office and marked them as A-3, consisting of 15 pages. In addition to this, a rendered site plan exhibit which was 1 page, with a revised date of December 1, 2020, was provided. A-4 was also a rendered site plan illustrating a background of approval image, colorized, dated December 1, 2020.

Mr. Seckler started by explaining the site, including the elevation of the site, in detail. Mr. Seckler described the area as it stands now and touched upon the Board's concerns that were brought up earlier in the meeting. Mr. Seckler proceeded to discuss the parking as it is now, and the circular pattern that currently exists. No left turns would continue to be the pattern going forward. Attorney Capizzi asked Mr. Seckler to speak on some of the difficulties of redeveloping this site for a permitted use from a civil engineer standpoint. Mr. Seckler proceeded to speak on this topic, including its limited access, and no rear access. The narrow size of the property was discussed as well. Further discussion continued regarding challenges from a transportation and site design layout.

Following, Mr. Seckler began to speak on the topic of traffic of this site. Mr. Seckler stated a site of this size with 40 units would generate between 15 and 20 cars at the busiest hour. Mr. Seckler stated, when looking at permitted use, there would be much more traffic if this site was of a commercial use. Mr. Seckler provided examples between the function of both uses. Mr. Seckler stated the people residing in the units have access to many commercial areas locally and would be able to walk to them. Attorney Capizzi asked Mr. Seckler to take them through the site plan elements relevant to the traffic. Using the A-4 site plan as a visual, Mr. Seckler proceeded to provide the Board with this information in detail. Additionally, Mr. Seckler discussed specific Stormwater design and details. Mr. Seckler went through the parking component, stating there will be 73 parking stalls which is complaint with all RSIS standards. Mr. Sillery asked if the parking will be dedicated or first come, first serve. Attorney Capizzi responded all units will have numbered, reserved parking, including guest spaces. Mr. Giannotti asked about the assurance of landscaping not inhibiting views. Mr. Giannotti also mentioned his concern of the residents accessing the local stores by foot and crossing five lanes of traffic. Mr. Seckler responded; he would hope people would use the crosswalk. Mr. Sillery expressed concern as people would likely be reluctant to walk up the block to walk back down. Chairman Amorosso asked what the applicant will be doing to continue the area's street scape. Mr. Seckler responded, if they are not complaint with the area's street scape, they would be happy to continue that. Chairman Amorosso suggested they check with the engineer. Testimony went back to the topic of traffic, specifically the trips in and out. Continued testimony regarding this aspect was further spoken about in detail. Attorney Capizzi confirmed with Mr. Seckler the use of emergency vehicles, such as an ambulance, and how they would be utilized and discussed how access would be provided both in front and underneath the building. Mr. Giannotti asked about the security of the building. He wanted to know if the entry is locked after hours, for example, how would police or fire enter if the building was secured by a key fob. Attorney Capizzi suggested breaking the glass but does not think anyone would be opposed to providing emergency personnel with key access.

Stormwater was discussed further and the plan for snow removal, since there is no room for piles of snow to melt and major snowstorms would require removal to an off-site location. Chairman Amorosso asked the Board if they have any questions. Mr. Giannotti asked if the site had any monitoring wells. Mr. Seckler looked in his file of environmental history and did not find anything. Attorney Capizzi stated he believes there is a well in the rear of the property but could not say for sure if it was active or inactive. Mr. Sillery asked if the owner is aware of the status on this. Attorney Capizzi stated he inquired about this but has not received material in quite some time, possible 10-15 years. Attorney Capizzi said he would investigate this and provide the requested materials to the Board prior to the next meeting. Mr. Sillery proceeded to discuss his concerns pertaining to this aspect. Mr. Giannotti asked a question about the sewers. Mr. Sillery asked further questions about stormwater and wanted to understand the rationale of how the plan provided was being implemented and wanted to know if decisions that were made were made in precaution of possible contamination. Ms. Raffay had questions and comments regarding this matter and spoke on the stormwater topic from the Borough engineer's standpoint. Mrs. Raffay continued to discuss this topic further with Mr. Seckler. Mr. Sillery asked questions about the elevation and the possibilities of changing the size of the building based on the different variations that could take place. Mr. Moran commented he was happy to hear there was site monitoring occurring and thinks it is important to ensure the safety and testing for contamination. Mr. Moran asked about the possibility of a site maintenance bond. Ms. Raffay asked Mr. Seckler if he could speak about the fence, especially when it comes to the aspect of safety in the event of an emergency. Mr. Seckler said they would be willing to work with interested parties to look at options. Ms. Raffay also asked about the grease trap that was indicated on the plans. Mr. Seckler said he would investigate this further.

Chairman Amorosso **opened the meeting** to the public for questions or comments.

Dominic Menafr- 452 Clinton Ave – Asked for confirmation of the amount of parking spaces and asked about the typicalness of the amount. Mr. Seckler responded with parking being based on number of bedrooms and further explained RSIS guidelines. Mr. Menafr discussed his concern regarding traffic. Attorney Capizzi asked Mr. Seckler to comment on permitted use and the increase in traffic a commercial use would bring.

Edward Durfee- 215 Livingston St.- Asked a question about the elevator and asked if handicap parking is located near the elevator. Mr. Seckler responded with specifics.

Chairman Amorosso **closed the meeting** to the public.

Mr. Giannotti asked Attorney Capizzi a question about the surrounding vacant land and wanted to know if the owner of this property ever tried to purchase any of the surrounding land to allow

this building to be closer to conformity. Attorney Capizzi did not know the answer to this question, but he would ask his client.

Attorney Paster asked Attorney Capizzi his plan for the next meeting date. Attorney Capizzi stated he would need time to revise plans and schedule with professionals who will present revised plans. July meeting dates were discussed but the August 4th meeting was decided to ensure enough time was provided to prepare, with no further public noticing required. Attorney Paster confirmed Attorney Capizzi was waving his automatic approval provision, to which Attorney Capizzi stated they would give the Board the extension of time till the end of August to render a decision on this matter.

APPROVAL OF RESOLUTION 21-11
BRIAN MEADOR
105 SANIAL AVENUE
BLOCK 909 LOT 15

A Motion to **approve** the Resolution was made by Mr. Giannotti and seconded by Mr. Degen.

ROLL CALL: All in Favor

APPROVAL OF MINUTES OF APRIL 21, 2021

A motion to **approve** the minutes of the April 21, 2021 meeting was made by Mr. Moran and seconded by Councilman Hogan.

ROLL CALL: All in favor

APPROVAL OF MINUTES OF MAY 19, 2021

A motion to **approve** the minutes of the May 19, 2021 meeting was made by Mr. Sillery and seconded by Chairman Amorosso.

ROLL CALL: All in favor

A motion to **adjourn** the meeting at 10:01 PM was made by Mr. Sillery, seconded by Councilman Hogan. All present in favor.

Respectfully Submitted,



**Nicole Cowley
Board Secretary**

Approved: 7/7/21