

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
APRIL 18, 2012**

MINUTES

**Chairman, Charles Amorosso, reads the Sunshine Statement
into the record at 8:00 p.m.**

ATTENDANCE:

PRESENT: MR. AMOROSSO, MAYOR BAZELA, MR. DELAURA,
MR. DELISIO, MR. GIANNOTTI, MR. PERRETTI,
COUNCILMAN SOKOLOSKI, MR. TREBINO,
MR. VOLLER, MRS. WALKER (ALTERNATE #2),
MR. SILLERY (ALTERNATE #3), MR. BARGNA
(ALTERNATE #4)

ALSO PRESENT: ATTY. MARC LEIBMAN, MR. PAUL NIEHOFF

ABSENT: MR. DEVLIN (ALTERNATE #1)

REGULARLY SCHEDULED FORMAL MEETING

**INTERPRETATION – CHODAE COMMUNITY CHURCH –
PROPERTY LOCATION: 119 ROCKLAND AVENUE,
BLOCK 1007, LOT 1**

This matter has been postponed until next month.

**APPLICATION OF SUSAN AND EDWARD WITKOWSKI,
AND EDWARD WITKOWSKI, JR.,
172-176 DORATO PLACE, BLOCK 1006, LOTS 9, 10 AND 11 –
SITE SUBDIVISION**

Mr. Perretti recuses himself from the hearing of this application for he is within 200 feet of the property in question.

Atty. Roger Daly with offices at 24 Bergen Street in Hackensack, New Jersey came forward to represent the applicants, Mr. and Mrs. Edward Witkowski and Edward Witkowski, Jr.

Mr. Amorosso said that this subdivision would be an improvement. This application will be creating two conforming lots rather than having three non-conforming lots.

Mr. Niehoff agreed with Mr. Amorosso in that it would be an improvement.

The properties in question consists of three lots. Lot 9 contains approximately 5,590 sq. ft. of area, Lot 10 contains approximately 5,957 sq. ft. of area and Lot 11 contains approximately 5,293 sq. ft. of area. The lots are located on the southeast side of Dorato Place across from Winthrop Street and the lots are rectangular in shape.

The applicants propose to purchase Lot 10, which is situated between Lots 9 and 11. The applicants propose to subdivide Lot 10, roughly in half, to form the following two new tax lots: Lot 9.01 (8,568.18 sq. ft.) as part of Lot 9 and Lot 11.01 (8,272.34 sq. ft.) as part of Lot 11. They propose the removal of the existing home and associated improvements on Lot 10. The applicants are proposing an approximate 4.3 ft. side yard setback from the northerly lot line to the existing dwelling. This could be considered a pre-existing non-conforming situation.

The Witkowski's should conduct pre-demolition inspection for underground storage tanks. Removal of such structures must take place under the rules and guidance of the NJDEP. Mr. Niehoff commented that following the proposed removal of the existing home on Lot 10, it is likely that soil material will be required to fill in the area where the existing home had been located. He stated that any soil moved to the site shall be free of all contaminants.

Regarding existing drainage patterns, Mr. Niehoff said that it appears that the patterns will not be altered; however, any adverse effects on drainage to neighboring properties will be the responsibility of the applicants.

Mr. Vollmer commented that this subdivision would be an improvement in the area.

Since there were no questions from the members, the meeting was **opened to the public**. No one came forward from the public so the meeting was **closed to the public**.

A motion to **approve** this application was made by Mr. Vollmer, seconded by Mr. Giannotti.

ROLL CALL: Mr. Vollmer, Mr. Giannotti, Mr. Amorosso, Mayor Bazela, Mr. DeLaura, Mr. DeLisio, Councilman Sokoloski, Mr. Trebino, Mrs. Walker - YES

**APPLICATION OF HMG FUEL, LLC, 250B LIVINGSTON STREET,
BLOCK 303, LOT 14 – FINAL SITE PLAN**

Mr. Vollmer, Mr. DeLaura and Mr. DeLisio cannot sit in on this hearing because they were not present at a previous meeting and did not listen to the recording.

Mayor Bazela and Councilman Sokoloski recuses themselves from the application for it is a Board of Adjustment matter.

Atty. Christopher Erd came forward and stated that this is a continuation of a preliminary final site plan with a use variance application. This is for the current service station

owned by Mr. Briscoe. The issues of the circulation were discussed with the County. The County had suggested a clockwise circulation on the property and the members of the Board had suggested a counter-clockwise circulation instead.

Mr. Brian Shortino, engineer representing the applicant from Bertin Engineering came forward and was sworn in by Atty. Leibman. Mr. Shortino said that he sent a letter to the County of Bergen to the attention of Mr. Michael Varner. Mr. Shortino said that he revised the drawings which are dated April 4, 2012.

The first drawing entitled "Alternate Site Plan" indicates the ingress driveway on the southerly side of the property and the egress driveway (with right turn out only) on the northerly side of the property. The island between the driveways would be flush with the pavement to allow the fuel delivery truck to pull off the traveled roadway and position itself parallel to Livingston Street to unload the fuel into remote fills located between the pump islands located nearest to Livingston Street.

The second drawing entitled "Alternate Fuel Delivery Truck Routes" indicates the fuel delivery truck maneuver as described above in Truck Path 4. The other truck routes as shown in Truck Paths 1-3 indicate the various other routes that the fuel delivery truck cannot make due to the narrow width of the property.

Mr. Varner called Mr. Shortino and gave verbal approval and said that he agrees with the alternate site plan that was prepared. The southerly driveway could be the entrance and the northerly driveway could be the exit. The other item discussed was that the County had given permission for the fuel delivery truck to back out to Livingston Street. He told Mr. Varner that the Board was very concerned with the truck backing out onto Livingston Street. The Board suggested that the truck should turn around on the site.

Mr. Shortino said that the truck could pull on the long side of the row of the pump islands, parallel to Livingston Street and parallel to the pump islands. They put what is called remote fills at the first row of pump islands and the fuel delivery can drop the product into the remote fills and then from the remote fills there is piping to the tanks.

The Police Chief sent a letter to the Chairman dated April 10, 2012. Chief St. Angelo said that he has reviewed the most recent site plan for the proposed renovation at 250B Livingston Street. His department has no objection to the current plan for traffic to enter on the south side of the property and exiting to the north.

As for the question of fuel deliveries to the establishment, based on the historical pattern of a late delivery schedule that has existed for many years, the Chief of Police said he has no objections or comments at this time. He feels that the impact on traffic at off hours will be minimal.

Exhibit A-2 was marked into the record. This alternate plan was dated March 16, 2012.

Mr. Shortino said that the applicant did not change the footprint of the convenience store but they did change the footprint of the repair garage. The bays were on the southerly side and the entrance to the building on the northerly side. The applicant flipped this based on the counter clockwise configuration. The recycling and trash enclosure is now on the southerly side.

There was discussion on the fuel delivery truck. The truck will be traveling north on Livingston Street pull between the island by the first row pumps and with the remote fills to drop the product into the tank. The County verbally approved this plan.

Mr. Niehoff said that the proposed freestanding pylon sign height above the ground is of concern due to sight distance for the adjacent lot (Lot 15) egress movements. He stated that the applicant should consider their egress and assure appropriate sight distance. Mr. Shortino noted that all the signs will be illuminated except the traffic signs.

At this time, Mr. Roger DeNiscia of 347 Upper Mountain Avenue in Upper Montclair, New Jersey came forward. Mr. DeNiscia is a licensed professional planner in the State of New Jersey since 1972. He has an undergraduate degree from the University of Notre Dame and a graduate degree in urban planning.

Exhibit A-3 was marked into the record. This exhibit consists of seven photographs of the site and some of the surrounding properties. The photos were taken by Mr. DeNiscia himself. He discusses the characteristics of the site. The site is 77 feet wide and 295 feet deep. The site is developed for a service station at present.

The total floor area of the retail store will be 1,300 sq. ft. There will be parking spaces in front of the building, two on the side for employees and the other parking spaces in the rear would be for additional store parking and for the repair service.

Mr. DeNiscia stated that the storm water management system will be improved so that drainage would not be a negative factor for this site or for any of the neighboring sites. The use fits in and is compatible with the other uses in the area along Livingston Street. The planner said that what is being proposed is consistent with the Master Plan. In his opinion, Mr. DeNiscia said that there would not be any substantial negative impact as a result of this application. He thinks the site would be safer in terms of environmental issues. Traffic would be improved and it would be a positive economic factor.

Mr. Shortino said that the applicant proposes Sunoco signs on the canopy that will be yellow, blue and potentially red. The canopy itself is a structural canopy for protection from elements. The canopy is made of structural steel.

The shoe store is to the south. There is a curb along the left of the property. The curb is from the property line continuing easterly along the side of the property.

There will be seven signs at the site, commented Mr. Niehoff. Mr. Sillery wanted to know if the Nascar sign will be removed. Atty. Erd discussed it with his client and he said if the Board members wanted that sign to be removed, it would be removed.

Mr. Harjinder Kehal came forward and was sworn in by Atty. Leibman. Mr. Kehal's business address is 250B Livingston Street and owns 10% of the applicant, HMG Fuel, LLC. The hours of operation would be 6:00 a.m. until 11:00 p.m. Mr. Kehal stated that he runs 8 gas stations including HMG Fuel, LLC. Mr. Kehal said that Mr. Briscoe does all the property maintenance at the site.

Mr. Perretti said that this plan will improve the situation in the area.

The meeting is **opened to the public**.

Since no one from the public came forward, the meeting was **closed to the public**.

A motion to **approve** the application was made by Mr. Giannotti, seconded by Mr. Perretti.

ROLL CALL: Mr. Giannotti, Mr. Perretti, Mr. Amorosso, Mr. Trebino, Mr. Sillery –
YES

Correspondence was discussed.

FOR DISCUSSION AND REVIEW

Ordinance #908-2012 – An Ordinance to Provide for Open Air Sidewalk Cafes on a Limited Basis Within the Borough of Northvale

It was mentioned that no alcoholic beverages can be served outside on Borough property. The sidewalk is also owned by the Borough. A site plan and a survey would need to be submitted to the board. Atty. Leibman and Borough Attorney, Greg Paster will meet to discuss this ordinance further and to give the Board some suggestions.

General discussion by board members.

A motion to **adjourn** this meeting at 10:11 p.m. was made by Mr. Giannotti, seconded by Mr. Vollmer.

Meeting adjourned.

Respectfully submitted,


Laura Benvenuto, Board Secretary