

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
MAY 20, 2009**

MINUTES

Vice Chairman, Peter Perretti reads the Sunshine Statement into the Record.

Mr. Perretti mentioned that the Chairman is on a few days vacation and that he will be sitting in for him this evening.

ATTENDANCE:

PRESENT: MR. DELISIO, MR. GIANNOTTI, MAYOR HOGAN, MR. DELAURA, MR. PERRETTI, COUNCILMAN SOKOLOSKI, MR. TREBINO, MR. VOLLMER, MR. PIEHLER (ALTERNATE #1), MRS. WALKER (ALTERNATE #2), MR. MARANA (ALTERNATE #3), MR. DEVLIN (ALTERNATE #4)

ALSO PRESENT: ATTY. GREGG PASTER

ABSENT: MR. AMOROSSO, MR. RAIMONDI

**REGULARLY SCHEDULED COMBINED
WORK SESSION AND FORMAL MEETING**

FORMAL MEETING

**2009 MASTER PLAN RE-EXAMINATION REPORT DATED
MAY 7, 2009 PREPARED BY: KAUKER & KAUKER, LLC**

Mr. Michael Kauker of Kauker & Kauker, LLC came forward.

Mr. Kauker said that the document provided to all members tonight follows a Master Plan that was prepared in the year 2000. Once this re-examination report is considered at this hearing and approved by the Planning Board, we are then in compliance with the requirements of the Municipal Land Use Law.

The document takes into account several changes in planning and zoning designation that has taken place since the year 2000. It becomes the basis for a revised zoning map. There are five specific changes made to the Master Plan Map.

The first change is to create a Professional Office Zone to the south of the center of the central business area. The zone itself would be bounded by Livingston Street and bisected by Firenze Street. This is shown in purple on the land use plan map.

The second change is the rezoning and re-designation of the Aerco track which is currently zoned for multiple planned family and it is proposed to be changed to a light industrial zone with a single family overlay if, in fact, the property should ever be transitioned to some other form of use. This protects the interest of the property owner and provides an option for future residential development. The residential overlay is consistent with the surrounding residential zone.

The third change is the re-zoning of a portion of the light industrial transition zone located along Livingston Street. This is proposed to be redesignated and to be rezoned from light industrial to commercial.

The fourth change is the rezoning of a small site located at the corner of Paris Avenue and Franklin Avenue which is the site that is owned by the County, the housing project that is before the Board which is an intricate part of the COAH housing application.

The fifth change is an update to reflect the zoning amendment that occurred between 2000 and the current date related to the senior citizen housing designation for the former bowling alley site. This project is currently under construction.

If accepted by the Planning Board, this document and the map could be forwarded to the Borough Council for legal consideration.

Mr. Piehler asked if an area is missing right off Clinton Avenue, between Francis Lane and Briarwood Lane that was changed to the karate studio. Mr. Kauker said that area was discussed long and hard by the committee and was recognized that the area is not residential. Based on the fact that these uses tend to change from time to time, the committee felt it would be difficult to nail this property down in the form of a formal rezoning. The committee preferred to keep it under the current residential designation as opposed to be more specific about the use of the property. The property is currently zoned residential.

Councilman Sokoloski said he thought the property was being considered for affordable senior housing for COAH. Mr. Kauker said that at one time, they did discuss senior housing for the property. The committee took a consensus after two or three meetings and they thought it best to leave the property as it is designated – residential.

Mr. Giannotti said that we could put up 100 units and will not help us with COAH. We have reached our saturation point with affordable senior housing to give us any credit to our COAH.

It was noted that the current DPW site is zoned RM and would remain in the RM zone.

In a letter from Mr. Raimondi back in June, he said because of Firenze Street, some of the lots would have to be joined in order to make feasible development. The board did not want to create big tracks of land - if somebody had to buy two pieces of property to make one development - then they would. Mr. Perretti said it was his opinion that we should not worry about Firenze Street and leave it the way it is.

Mr. DeLaura said he feels no residential zone should be changed unless absolutely necessary. He said what is being done is change residential into an office zone. There still must be a buffer so the two lots next to it become a buffer. This adds to the fact that that zone may someday increase and go right down that corridor just like it went down the corridor on the other side. Mr. DeLaura said that the Northvale Auto Parts may sell and a developer may buy all four lots and put in residential homes. Mr. Kauker said that the board has control of a situation like this if this should occur.

Mr. Perretti pointed out that as we go forward when there are new buildings put up and when there are new businesses coming in – we have to have more affordable houses according to COAH.

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

Mr. Bruce Cappadonna residing at 197 Franklin Street came forward. He asked if anyone did a study on how the property on Paris Avenue and Franklin Street will affect property values in the area. Mr. Perretti said no one did a study but the planner is here tonight to answer any questions.

Mr. Kauker said that in that section of the Town, bringing in residential developments is more compatible. The impact would be less than what is now. Mr. Perretti said that it is zoned commercial right now and it is affordable senior housing.

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

Mr. Kauker stated that action could be taken tonight if the Board wishes. If this plan is adopted by the Planning Board, it goes to the Mayor and Council. The Mayor and Council can disagree with the recommendations of the Planning Board's Master Plan and the subsequent zoning.

Atty. Paster said he would recommend not to take action tonight so that he could review the plan further.

Mr. Giannotti commends Mr. Kauker and the committee on their efforts to establish this re-examination of the Master Plan.

This matter will come for a vote at the next meeting scheduled for June 3, 2009.

APPROVAL OF MINUTES OF MAY 6, 2009

A motion to approve the minutes was made by Mr. Vollmer, seconded by Mr. Trebino.

ROLL CALL: Mr. Vollmer, Mr. Trebino, Mayor Hogan, Mr. DeLaura, Mr. Perretti, Councilman Sokoloski, Mrs. Walker, Mr. Devlin - YES

WORK SESSION

**APPLICATION OF SHENQUAN DUAN, 184A WALNUT STREET,
BLOCK 919, LOT 1.01 - VARIANCE FOR A FENCE**

Mr. Duan came forward. Mr. Giannotti steps down from the hearing of the application since he is within 200 feet of the property. Mr. Duan would like to put up a fence in his back yard. Mr. Vollmer said that a six foot fence is allowed in the back but the Board felt that a six foot fence was required along Philadelphia Avenue. Mr. Vollmer stated that a four foot fence would be a safe height for his children.

Mr. Duan said that his house faces Walnut Street. Mr. Perretti said that he has two front yards as far as the fence goes. Mr. Lepore said that he told Mr. Duan that he has two front yards. He said that he needed a variance if he wanted to do the six foot fence. Mr. Lepore suggested that the applicant move it in ten (10) feet off the street line and maybe this would be a bit more palatable to the Board.

Mr. Perretti said that each individual property is judged on its own merit. Mr. Duan would like to continue with the plan and follow Mr. Lepore's suggestion. Mr. Perretti asked Mr. Duan what the hardship is for this variance for the fence. Mr. Duan answered privacy is the hardship and he thinks that a six foot fence would look better.

Mr. Duan said that he will re-submit a plan to reduce the size of the fence along Philadelphia Avenue.

Mr. Duan will come back to the formal hearing on June 3, 2009.

**APPLICATION OF DIANA HINOJOSA, 223 WASHINGTON STREET,
BLOCK 605, LOT 2 - VARIANCE FOR A FENCE**

Ms. Hinojosa came forward. Ms. Hinojosa would like to replace a three foot chain link fence to a six foot white vinyl fence. Mr. Perretti said that he is afraid that there is a vision problem there with the traffic. He feels that the cars will not be able to see around the corner.

Mr. Giannotti said that by ordinance – no one can have a fence within 25 feet of the intersection on either side. The fence that is there right now is illegal – at least 25 feet of it is illegal, from the house out to Washington Street.

Ms. Hinojosa said she wanted to change the fence from a chain link to a white vinyl six foot fence for privacy and for safety reasons. The back of the home is no problem and the neighbor's side – but as far as the street side, the Board feels it would be a vision problem.

Councilman Sokoloski said that with the six foot fence being installed, she would not be able to see the park anymore, she would be walled in. He suggested that she reconsiders putting in a four foot fence up to the front of the house.

Mr. Perretti said that he thinks the Board would be more favorable to a four foot fence before considering a six foot fence. The property line by the neighbor's a six foot fence could be installed, this complies. The only one in question is along New York Avenue. Mr. Perretti said that the applicant cannot come as far as the fence that is there now. He said that if a three foot fence goes up, a variance would not be needed.

Ms. Hinojosa will inform the Board Secretary if she will be ready with her revised application for another work session on June 3, 2009.

Correspondence was discussed.

FOR DISCUSSION AND REVIEW

Ordinance #872-2009 – Telecommunications Towers

Atty. Paster pointed out the portions of the ordinance that he discussed with the Borough Attorney. Section D - Use Regulations & Section E – Site Design Standards were the major portions. These are the things that the Board wants to focus on. If this is adopted on final reading by Council at the next meeting, we get the benefit of this ordinance if there is a challenge by the applicant.

Atty. Paster recommends that the Board endorses this ordinance and to recommend to the Council that they adopt this ordinance on second reading.

There were a few corrections that must be made to the ordinance.

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

Atty. Paster said that he will discuss with Board Attorney, Thomas Randall, the revised wording of the ordinance.

This matter will be put on the agenda for the June 3, 2009 meeting.

A motion to *adjourn* this meeting at 9:09 p.m. was made by Mr. Vollmer, seconded by Mr. DeLisio.

All in Favor - "YES".

Meeting adjourned.

Respectfully submitted,



Laura Benvenuto, Board Secretary