

**BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT
DECEMBER 6, 2017**

MINUTES

Chairman, Peter Perretti calls the meeting to order at 8:00 p.m.

STATEMENT –

“This is a Regularly Scheduled Formal 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 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.”

ATTENDANCE:

PRESENT: MR. PERRETTI, MAYOR PIEHLER, MR. DELAURA, MR. DEVLIN,
MR. GIANNOTTI, MR. VOLLMER, MRS. WALKER (ALTERNATE #1),
MR. SILLERY (ALTERNATE #2), MR. MORAN (ALTERNATE #4)

ALSO PRESENT: BOARD ATTORNEY, GREGG PASTER AND BOARD ENGINEER,
SUNNY MULLEN

ABSENT: MR. AMOROSSO, POLICE CHIEF ESSMANN, COUNCILMAN SOKOLOSKI

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

**LETTER FROM HUNTINGTON BAILEY, L.L.P. DATED
NOVEMBER 22, 2017 RE: RESOLUTION OF 240 PEGASUS
ASSOCIATES, LLC, BLOCK 301, LOT 6**

Atty. Dermot Doyle of Huntington Bailey, L.L.P with law offices at 373 Kinderkamack Road in Westwood, New Jersey, came forward filling in for Atty. Holly Schepisi, who is away. Atty. Doyle refers to the November 22, 2017 letter from Atty. Schepisi regarding the resolution #16-09 adopted by the board on May 4, 2016. He is asking for minor modifications to two paragraphs. The issue has arisen because, there was testimony during the application about examples of some types of uses at the location, the resolution authorizing the use variance specified some of those examples and he believes it is a little bit limiting perhaps being interpreted by the officials in town with respect to the permitted uses.

Atty. Doyle's client, Mr. Puccio is here tonight. There are six units in this development; two are currently rented to a research and development laboratory. He believes that the resolution did not intend to limit the uses to those specified in paragraphs one and five but rather that those were examples of the types of uses that would be envisioned. Atty. Doyle is asking the board to revise the resolution.

He asks that paragraph five be amended to read, the applicant seeks for approval for use variance to permit what was described by the applicant's principal as Class B Retail Use for the property, Class B Retail Use was described as a less intensive smaller retail property that does not contain larger retail tenants. Paragraph one on page five, they are requesting that that language be amended to state the evidence presented revealed that the space would be marketed to Class B retail tenants including but not limited to, professional, such as medical, dental, research and development for medical device uses, wholesale bakery, service oriented uses and such other retail uses traditionally found in smaller neighborhood strip centers.

Mr. Perretti said that there could have been a misunderstanding of the wording. Atty. Paster said that he agrees that the Board had no intention to limit the retail uses to the extent that it was and he doesn't think that there should be any objections to amending the resolution as proposed.

A motion to **amend** the Resolution as proposed was made by Mr. Giannotti, seconded by Mr. Sillery.

ROLL CALL: Mr. Giannotti, Mr. Sillery, Mr. Perretti, Mayor Piehler, Mr. DeLaura, Mr. Devlin, Mr. Vollmer, Mr. Moran - YES

**APPLICATION OF JOSH WATTERS, 203 WASHINGTON STREET,
BLOCK 903, LOT 5 – FENCE VARIANCE**

Mr. Josh Watters of 203 Washington Street came forward. Mr. Watters was sworn in by Atty. Paster. The applicant proposes to remove an existing fence in the front yard and to construct a new three and a half foot high fence in the front yard and a five foot high gate on the side yard. The property consists of an existing two and a half story dwelling with a detached two car garage two asphalt driveways, a gazebo, porch, paver and concrete walkways and chain link fencing.

The property is located in the C-1 zone where fences are permitted. The applicant will be responsible for any damages to curb, sidewalk, drainage infrastructure and/or pavement in the municipal right-of-way.

The meeting was **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. Sillery, seconded by Mr. Giannotti.

ROLL CALL: Mr. Sillery, Mr. Giannotti, Mr. Perretti, Mr. DeLaura, Mr. Devlin,
Mr. Vollmer, Mr. Walker - YES

**APPLICATION OF RONALD R. MAGNANI, 118 STUHR PLACE,
RIVER VALE, NJ 07675 PROPERTY LOCATION:
167 LIVINGSTON STREET, BLOCK 1004, LOT 9 – USE VARIANCE**

Atty. Judith Reilly came forward. This is a continuation of the last meeting held on November 1, 2017. Atty. Reilly had the files pulled from the building department. In the file, there was a permit issued for new work, electrical work a new building and was signed by Mr. Scalabrin. It seems that this was the permit for the addition.

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

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

A motion to **approve** this use variance application was made by Mr. Giannotti, seconded by Mr. Moran.

ROLL CALL: Mr. Giannotti, Mr. Moran, Mr. Perretti, Mr. DeLaura - YES
Mr. Devlin, Mr. Sillery - NO

The application was **denied** – they needed five votes in favor.

**APPLICATION OF LIVINGSTON 2017 LLC, 25 NORMAN PLACE,
TENAFLY, NJ 07670 – PROPERTY LOCATION:
225 LIVINGSTON STREET, BLOCK 510, LOT 6 –
SITE SUBDIVISION WITH VARIANCES AND BULK VARIANCE**

Atty. Judith Reilly comes forward to represent the applicant, Livingston 2017 LLC. The property is located in the R7.5 residential zone. The property is located on the northwest side of Livingston Street. The property has frontage along a county road.

At this time, Mr. Sean McClellan of Lantelme, Kurens & Associates, P.C. came forward. Mr. McClellan was sworn in by Atty. Paster. Mr. McClellan has office at 101 West Street in Hillsdale, New Jersey. He is a civil engineer graduated in 1997 and a professional engineer since 2004. He has testified in many other municipalities in Bergen County but this is the first time he is testifying in Northvale.

The applicant proposes to subdivide Lot 6, Block 510 into two lots, Lot 6.01 and Lot 6.02. There is an existing home there currently, a two story home with a detached two car garage. The lot

itself is conforming. The proposed subdivided lot is 7,308 feet. A variance is required since minimum lot area requires minimum lot area of 7,500 square feet.

A variance is required for minimum lot width. The limiting schedule requires minimum lot width of 75 feet and the proposed subdivided lot width 74.13 feet. There will be two separate houses on two separate lots.

Regarding minimum lot area, the limiting schedule requires minimum lot area of 7,500 square feet. The proposed subdivided lot is 7,308 feet. A variance is required. For minimum lot width, the limiting schedule requires minimum lot width of 75 feet. The proposed subdivided lot width is 74.13 feet; therefore, a variance is required.

There will be a two car garage and the driveway is 18 feet wide to house four cars. All structures will be removed and two single family homes will be constructed.

There were no questions from the members of the board.

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

Mr. Png of 227 Livingston Street came forward. He wants to make sure his home is protected when the construction will begin. (Mr. Png's comments were inaudible.) Mr. Png has no objection to the subdivision.

It was noted that drainage will be improved.

This is classified as a major subdivision.

The meeting was now **closed to the public.**

A motion to **approve** the application was made by Mr. Sillery, seconded by Mayor Piehler.

ROLL CALL: Mr. Sillery, Mayor Piehler, Mr. Perretti, Mr. DeLaura, Mr. Devlin,
Mr. Giannotti, Mr. Vollmer, Mrs. Walker, Mr. Moran - YES

APPLICATION OF WALLY'S HOT BAGELS, LLC,
246 LIVINGSTON STREET, BLOCK 303, LOTS 5, 6, 8, 13 AND 15 –
SITE PLAN WITH VARIANCES AND USE VARIANCE

This hearing is adjourned to January 3, 2018. No further notices needed.

Correspondence was discussed.

General Discussion.

A meeting to adjourn this meeting at 9:17 p.m. was made by Mr. Giannotti, seconded by Vollmer.

All those present were in favor.

Meeting adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Laura Benvenuto". The signature is written in black ink and is positioned above the typed name.

Laura Benvenuto, Board Secretary