

**BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT
JANUARY 3, 2018**

MINUTES

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

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 #3),
MR. HOGAN (ALTERNATE #4)

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

ABSENT: MR. AMOROSSO, POLICE CHIEF ESSMANN, MR. DEVLIN,
COUNCILMAN DELISIO

Bergen County Clerk, John Hogan, Sr. (II) swears in his son, John Hogan III. Also to be sworn in is Mr. Giannotti, Mr. Moran and Mrs. Walker. Mr. Amorosso, Chief Essmann and Mr. Devlin will be sworn in at the next Planning/Zoning Board Meeting.

The appointed members read the Oath of Allegiance into the record.

A motion to appoint Peter Perretti as **Chairman of the Board** was made by Mr. Vollmer, seconded by Mr. Giannotti.

All present were in favor.

A motion to appoint Charles Amorosso as **Vice Chairman of the Board** was made by Mr. Perretti, seconded by Mr. Sillery.

All present were in favor.

A motion to appoint Laura Benvenuto as **Board Secretary** was made by Mr. Vollmer, seconded by Mr. Sillery.

All present were in favor.

A motion to appoint Gregg Paster, Esq. of Gregg E. Paster & Associates, 18 Railroad Avenue, Suite 104, Rochelle Park, NJ as the **Board Attorney** was made by Mr. Perretti, seconded by Mr. Vollmer.

All present were in favor.

A motion to appoint Sunny Mullen from Maser Consulting, P.A., 400 Valley Road, Suite 304 in Mount Arlington, New Jersey as the **Board Engineer** was made by Mr. Perretti, seconded by Mr. Vollmer.

All present were in favor.

All members present were in favor of selecting The Record to be the **Official Newspaper** (which is also the official newspaper used by the Mayor and Council).

All present were in favor to accept the **2018 Meeting Dates** starting at 7:30 p.m., instead of 8:00 p.m.

All present were in favor of the **Official Depositories**, (the same banks as the Mayor and Council use for the deposits of escrow accounts).

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

APPLICATION OF NORTHVALE CAR WASH, 262 LIVINGSTON STREET, BLOCK 301, LOT 2 – SITE PLAN WITH VARIANCES

Atty. Dean Stamos is appearing before the Board tonight for Atty. Mark Madaio to represent the applicant, Northvale Car Wash. The applicant proposes to add two concrete kiosk islands. This would require a side yard setback variance. The minimum required side yard setback is 25 feet and the applicant is proposing a side yard setback of 8.5 feet.

Mr. Tim Weigel, operates the Northvale Car Wash. He thinks the pay stations will smooth the operation a little better if someone wants to pay by credit card, club card, membership card etc. Two lanes are being proposed which will hold more cars on the property.

- Exhibit A-1 – the application**
- Exhibit A-2 – proof of mailing and service**
- Exhibit A-3 – Location survey of the building**
- Exhibit A-4 – Site plan for the proposed kiosk**

The application proposes to construct a new ninety-six inch high, one hundred eight inch wide pay station canopy with two concrete footings.

Mr. Michael Hubschman comes forward. Mr. Hubschman is a licensed professional engineer and planner. His office is located at 263 South Washington Avenue in Bergenfield, NJ. Mr. Hubschman has testified before the Board many times and the board is familiar with his credentials.

The property is in the C-2 zone, where the retail sales of goods and services is a principal use.

It was noted that if drainage issues arise during or after construction, the Applicant will be responsible to remedy any drainage issues.

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. Giannotti, seconded by Mr. Vollmer.

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

Atty. David Watkins appears before the board to represent the application of Wally’s Hot Bagels, LLC. Atty. Watkins has offices in Closter, New Jersey. He doesn’t feel that this is a use variance but a C variance. Atty. Paster commented that it is a permitted use, an accessory use but still permitted on the property in which he does not think it is a D variance. This application would need seven votes.

Atty. Watkins would like to extend the period of time that this storage container. Mr. Giannotti said that there is an ordinance prohibiting the amount of time this container is on the property. Atty. Paster mentioned that it’s a variance for the duration of the use, not the use itself.

With conversation by members of the board, the attorney’s and the board engineer, this application was deemed as a C variance and needs 9 votes (5 out of 9).

Atty. Watkins noted that the applicant would like to have the storage container stay at the site for a period of two years. The pod is located in the C-2 zone and measures eight foot by twelve foot and eight foot high storage container in the existing shopping center parking lot.

An accessory use variance is required.

Chairman Perretti noted that a letter dated December 22, 2015 was sent to the former code enforcement officer regarding the Storage Container behind the bagel store. Atty. Paster said that this is not evidence and is not to be considered in light of the application in any way.

Mr. Michael Hubschman was sworn in by Atty. Paster.

Exhibit A-1 – the application

Exhibit A-2 – mailing and publication

Exhibit A-3 – site plan dated 10/17/17 (one page) prepared by Hubschman Engineering

Atty. Watkins mentioned that Mr. Gregg Slater is in favor of the application.

It was said that the dumpster fencing sticks out further than the container and is not placed in the fire zone.

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

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

Wally Hassan came forward and was sworn in by Atty. Watkins. Mr. Hassan is the owner of Wally's Hot Bagels. He would like to continue using the pod at the site to store items for his bagel store. Mr. Hassan will be placing a fence around the pod. It will be screened by a six foot chain linked fence on the eastern border along Pegasus Avenue, a six foot chain linked fence with green slats which is an additional variance. The entire application is temporary. Once the container is removed, the fence would have to be removed, Atty. Paster said.

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

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

Atty. Paster said that this is a permitted use in the zone and installed legally. The applicant is seeking extended duration for two (2) years from the date of memorialization of any approval.

Atty. Watkins said when it expires; he will not appear before the board to ask for any further extensions. The variance will expire on February 7, 2020 (two years after the date the Resolution is adopted). The Resolution will be on the agenda on February 7, 2018.

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

ROLL CALL: Mr. Sillery, Mayor Piehler, Mr. Perretti, Mr. Giannotti, Mr. Vollmer, Mrs. Walker, Mr. Moran, Mr. Hogan - YES
Mr. DeLaura - NO

**APPROVAL OF RESOLUTION – RONALD MAGNANI,
167 LIVINGSTON STREET, BLOCK 104, LOT 9**

A motion to **approve** the Resolution of Denial was made by Mr. Perretti, seconded by Mr. Giannotti.

ROLL CALL: Mr. Perretti, Mr. Giannotti, Mr. DeLaura, Mr. Sillery, Mr. Moran - YES

**APPROVAL OF RESOLUTION – LIVINGSTON 2017, LLC,
225 LIVINGSTON STREET, BLOCK 510, LOT 6**

A motion to **approve** the Resolution was made by Mr. Sillery, seconded by Mr. Giannotti.

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

**APPROVAL OF RESOLUTION – 240 PEGASUS ASSOCIATES, LLC,
240 PEGASUS AVENUE, BLOCK 301, LOT 6**

A motion to **approve** the Resolution was made by Mr. Perretti, seconded by Mr. Sillery.

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

**APPROVAL OF RESOLUTION – JOSH STEVEN WATTERS,
203 WASHINGTON STREET, BLOCK 903, LOT 5**

A motion to **approve** the Resolution was made by Mr. Giannotti, seconded by Mr. Sillery.

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

Correspondence was discussed.

General Discussion.

All Planning/Zoning Board meetings will begin at 7:30 p.m. from now on.

A meeting to **adjourn** this meeting at 9:28 p.m. was made by Mr. Giannotti, seconded by

Mr. 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 below the typed name.

Laura Benvenuto, Board Secretary