

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
MAY 5, 2010**

MINUTES

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

ATTENDANCE:

PRESENT: MR. AMOROSSO, MR. GIANNOTTI, MR. DELAURA,
MR. PERRETTI, COUNCILMAN SOKOLOSKI,
MR. TREBINO, MR. DEVLIN (ALTERNATE #1)

ALSO PRESENT: ATTY. GREGG PASTER, MR. LOUIS RAIMONDI

ABSENT: MR. DELISIO, MAYOR HOGAN, MR. VOLLMER,
MRS. WALKER (ALTERNATE #2), MR. MARANA
(ALTERNATE #3), MR. BARGNA (ALTERNATE #4)

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

WORK SESSION

**Informal Hearing – Letter from Wes Bradley to
Charles Amorosso re: Renovation of Shell Gas Station
at 408 Tappan Road and Paris Avenue**

Wes and Lynda Bradley of 999 Blanch Avenue, Norwood, New Jersey came forward. Mrs. Bradley said they are the owners of the site located at 408 Tappan Road. They would like to improve the site by making circulation better and making the entire site to look better by renovating. They would like to knock down the existing building. There are one and a half islands existing and they would like to have three islands accessible on both sides. There would be twelve (12) stations and the existing building will be gone. The pumps would be moved back off of Tappan Road.

Mr. & Mrs. Bradley noted that they are a partnership. Mr. Amorosso advised Mr. & Mrs. Bradley that they must retain an attorney to present their application.

FORMAL MEETING

**APPLICATION OF PAOLO PETRILLO,
208 LIVINGSTON STREET, BLOCK 901, LOT 8 –
BULK AND USE VARIANCE APPLICATION**

Atty. Paster stated that he has received all the proper paperwork from the applicant's attorney and that the Board has jurisdiction.

Atty. Mark Madaio comes forward to represent the applicant. Atty. Madaio said that the application is now for five (5) senior citizen's apartment units. Mr. Amorosso asked the applicant's attorney, what is the significant change in the application? Atty. Madaio said that the applicant has gone from six (6) units to five (5). Mr. Amorosso asked if he considers from six to five units a significant change.

Atty. Paster noted that this is a 17% reduction and he feels that 17%, could be considered, in the Board's discretion, as a significant change.

Atty. Paster marked the exhibits into the record.

Exhibit A-1 – notices and publication

Exhibit A-2 – application and addenda consisting of 9 pages

Mr. Perretti stated, on the changes to the plan, has the parking been adjusted to reflect the new plan? Atty. Madaio answered, "absolutely". The parking requirement is 19 something spaces and the applicant's attorney said that there are plenty spaces.

Mr. Joseph Cecco, architect for the applicant came forward. He was sworn in by Atty. Paster.

Mr. Cecco is a registered architect in the State of New Jersey and New York and has been in his own practice for forty (40) years. Atty. Paster recognizes Mr. Cecco as an expert witness. The plans designed by him are dated 3/12/10 and the revised date is 4/26/10.

Atty. Madaio marked these plans as **Exhibit A-3**.

The plans were discussed. On the first floor there are two one bedroom apartments with a kitchen, bath, living and dining area. There are five (5) garages which face Firenze Street. There is a meter area for water, gas and electric. At the suggestion of the Board, Mr. Cecco said that there is one garage assessable to the apartment on the second floor.

Mr. Amorosso noted that Mr. Cecco should not make any reference to the Board's suggestion as the Board did not suggest anything yet on this application.

There are two apartments and garages on the first floor and three apartments on the second floor. Mr. Cecco said that the unit on the first floor is 855 sq. ft. and the other unit is 940 sq. ft. One the second floor, one unit is 855 sq. ft., one is 978 sq. ft. and the other unit is 1,220 sq. ft. The larger apartment has a powder room and a master bedroom and bathroom.

Regarding the outside of the structure, the north elevation has the two entrances for the apartments that go to the upper end. You have two dormers on the second floor. The

south elevation is the same. The east elevation has the garages with the apartments above.

\
Atty. Madaio refers to the site plan. North side and south side are roughly the same, east side is the garages and the west side faces the existing building.

Additional windows were discussed. Mr. Amorosso asked if more windows should be installed in the bedroom for cross ventilation, since the units are for senior citizens. Atty. Madaio said that if it is the Board's or applicants desire to include some additional windows for cross ventilation, Mr. Cecco would adjust the plans.

Mr. Perretti noted because the units are for seniors, are the stairways wide enough to accommodate a chair lift. Mr. Cecco said that they are wide enough. Usually there is a rail that goes up against the wall and the chair is folded up when not in use. The width is fine.

Mr. DeLaura asked if each garage had a separate entity. Mr. Cecco said "yes, they do". The person would park in the garage and go outside and around into the building, except for the first floor. Mr. DeLaura asked what is the purpose in having the garage as separate entities. Why not have a walkway to get to the first garage? Mr. Cecco said that there is no way that could be done.

Mr. Raimondi commented that he thinks it would be a much more aesthetically pleasing building if they had windows in the bedroom and a living room on both floors. Even though there is the existing building in front of the units, if that building were ever taken down or removed in the future, you would be looking at a blank wall. Atty. Madaio said he would suggest to his client to dress up all of the elevations in the building.

It was suggested that there should be direct access from inside the garages to the unit. Atty. Madaio said they cannot do this. Mr. Cecco said just the one unit can have access. Mr. Amorosso said that there is 22.6 feet garage. Atty. Madaio said that there is physically no other way. Mr. Cecco will review this issue to see if there is a solution.

There will be central A/C for each unit. Nothing will be exposed, no window units.

Mr. Cecco spoke of the meter room. How will the meter people get into the garage for any repair? The landlord will have access to the meter room.

The meeting will be **opened to the public** for questions to the architect only at this time.

Mr. John Rooney of 411 West Avenue came forward. He asked if there is any mention in the application that the units are designated for senior citizens. Atty. Madaio mentioned in his opening that it is age restricted, 55 and older, seniors only.

Mr. Rooney believes that there should be some input on the issue of this application being a significant change. He said that his appeal was not on the number of units, the

appeal was on the fact that is a non-conforming use in a commercial zone. It is a dual use, multi-family housing. This was the bases for his appeal. Mr. Rooney commented that taking one unit out is not a significant change. He believes that the Board should make that decision by vote, up front before the application is heard, as to if the members agree with Atty. Paster.

Atty. Madaio said that it is the Board's decision if this is considered a significant change. He will submit to the Board that the reduction of removing 17% of the units in the building is a significant change.

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

Mr. Robert Costa, engineer for the applicant came forward. Mr. Costa was sworn in by Atty. Paster.

Mr. Costa of 325 So. River Street in Hackensack is licensed in the State of New Jersey. He is a graduate of Manhattan College, Bachelor Degree in Engineering and Civil Engineering. He is also licensed in New York and Pennsylvania. He is currently the Borough Engineer in the Borough of River Edge, the Planning Board Engineer in the Borough of River Edge, he represents the Planning and Zoning Board in Leonia and Parking Engineer in Fort Lee and is formerly the Borough Engineer in Saddle Brook, New Jersey and Mr. Costa is also a Planner.

Mr. Costa submitted site plans to the Board dated March 30, 2010. These drawings were marked as **Exhibit A-4.**

Mr. Costa also submitted and prepared storm water management calculations for the project. This report is dated March 30, 2010 and was marked as **Exhibit A-5.**

The colorized version of page one of the site plan sheet and was marked as **Exhibit A-6.**

Mr. Costa said that the existing conditions on the lot include an existing structure. The structure is an existing business, Petrillo's Deli and there are also two residential units at the site. The applicant would have a total of twenty (20) parking spaces. There is a parking requirement table that was placed on the plans on sheet 2. Mr. Costa discussed the table in detail with board members. There are two handicapped parking spaces currently on the site. The requirement in the zone is one space for every 300 sq. ft. for commercial, there is 2,000 sq. ft. of retail, divided by 300, and the applicant would need 6.67 spaces. For the residential portion, 7 units times 1.8 space for every one bedroom unit, required 12.6, it comes out to 19.3 spaces and the applicant is providing 20 spaces.

There are no bulk variances needed. Other than the front yard variance of 1.75 feet to the front of Petrillo's Deli to the sidewalk, the application does not require any bulk variances. Impervious surface coverage proposed is 30.4%. Green surface coverage in the site plan is 24.05%, required is 20%.

The distance between the two structures is 24.8 feet. Mr. Costa said it does not violate any element of the fire code or zoning code. Buffer zones were discussed. Mr. Costa said that under ordinance 200-7, subsection C – buffer strips. It reads – the following buffer strip requirements shall apply to any commercial use in the Borough of Northvale that adjoins or is adjacent to a residential use. This would apply if the applicant were building a commercial use. It does not apply if the applicant is building a residential use.

Mr. Amorosso said that the ordinance is clear but in the best interest of the applicant, what is a problem in putting up a little buffer? Mr. Costa said that they are going to put up a buffer but the applicant does not have to get a variance for this.

The proposed structure does not have a basement, stated Mr. Costa. The vehicles will enter coming in off of Livingston Street, coming off of Firenze Street. The only difference is that they are using a brick paver driveway to delineate the two as far as where the garages are. That would be only for getting to the garages for the residents and then egress onto Firenze Street.

Plantings were discussed. Mr. Costa said that in the front there are some flower beds. In the back, there is a grass strip in the back approximately 100 feet. Mr. Petrillo has a garden in the back, rosemary, tomatoes, basil and there were other vegetables. The applicant is proposing to change this to a brick paver walkway and then landscape both sides of the walkway. They would like to add a bench and a trellis. Around the newly proposed structure, if the Board recommends, the applicant will put in additional plantings, if required, to buffer the commercial use. Along Firenze Street, trees will be planted.

Mr. Costa discussed storm water runoff issues. **Exhibit A-5** – they will be installing seepage pits, 634 gallon pits. Mr. Raimondi suggested that the pits be placed underneath the paver driveway or parking lot in the rear.

Regarding the refuse area, Mr. Costa said that currently there is a fenced in area adjacent to the deli. That would be modified under this proposal and it would be a structure, it would match the existing deli façade, the brick façade and it would be enclosed.

Mr. Costa said that the existing parking lot will be repaved and said that the applicant proposes to extend the streetscape along Livingston Street. All will match Northvale's downtown streetscape design.

If this application is approved, the town is provided five (5) units for seniors that will be built and utilized. Mr. Perretti asked Mr. Costa – what guarantee is there that this remains age restricted through time. How will this use be guaranteed? Mr. Costa said that the town controls the decision capability. The Board's resolution of approval and a developer's agreement becomes a contract to the Borough. The applicant would agree to a deed restriction on the new building.

The meeting was now **opened to the public** for questions of the engineer.

Mr. John Rooney of 411 West Avenue came forward. He said, talking about rear yard, when looking at two pieces of property and two different structures, there needs to be a rear yard. He suggested that the applicant cover himself by asking for a rear yard setback. Regarding the buffer, he feels that there should be that 15 foot buffer with the fence wall.

Atty. Madaio said that the ordinance regarding the buffer strips does not apply to this application. The applicant does have a buffer and a planting plan. Atty. Madaio said he will not ask for the variance because it does not pertain to this application.

Mr. Rooney spoke of the dual use variance. The ordinance says no dual use. He spoke of the hardship – this doesn't really justify when it is a self-created hardship. No one told the applicant to purchase the property.

Mr. Rooney further mentioned that this property is in the commercial zone. It is a non-conforming existing use, nobody disputes that. But when you are putting residential up, there should be a buffer, this is his opinion. He mentioned that he does not believe that the Council will find that there is a significant difference in this application. Mr. Rooney feels that the application should not be approved. There will be too many problems that will happen down the road with the other commercial properties.

Since no one else from the public came to ask questions of the engineer, the meeting was **closed to the public.**

The next formal hearing on the application will be heard at the June 2, 2010 meeting.

APPROVAL OF MINUTES OF APRIL 21, 2010

A motion to **approve** the minutes with corrections was made by Councilman Sokoloski, seconded by Mr. Perretti.

ROLL CALL: Councilman Sokoloski, Mr. Perretti, Mr. Amorosso, Mr. Giannotti,
Mr. DeLaura, Mr. Trebino - YES
Mr. Devlin – abstained (was absent at the April 21st meeting)

Correspondence was discussed.

A motion to **go into closed session** at 10:28 p.m. was made by Mr. Perretti, seconded by Mr. DeLaura.

All in favor - "YES".

Meeting adjourned.

Respectfully submitted,

Laura Benvenuto, Board Secretary