

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
JUNE 17, 2009**

MINUTES

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

ATTENDANCE:

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

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

ABSENT: MR. PIEHLER (ALTERNATE #1)

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

WORK SESSION

**LETTER FROM JOHN VERDIGI DATED JUNE 9, 2009 -
ENCROACHMENT INTO AN EASEMENT**

This matter was settled with the applicant prior to the meeting.

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

Ms. Hinojosa came forward at this time. Ms. Hinojosa would like to erect a fence on her premises. She was told that she could not put up a fence over three feet. Ms. Hinojosa was before the Board a few weeks ago asking for a six foot fence and she was advised to come back to ask for a variance for a four foot fence. The applicant would like to separate her yard from the ball field.

Mr. Perretti noted that the applicant moved the fence back off the corner to the house line where originally it went all the way out to the corner. Mr. Vollmer said that the way she revised her plan, there is now a tremendous site line on the corner. The applicant said the front chain link fence will be removed.

Ms. Hinojosa will call the Board Secretary to set up a formal hearing date.

**APPLICATION OF KEVIN GRECO, 196 HIGH STREET,
BLOCK 815, LOT 12 - ADDITION TO EXISTING
TWO FAMILY RESIDENCE**

Mr. Kevin Greco and Mr. Vincent Graziano, Mr. Greco's architect, came forward. The application is for an addition to a non-conforming two-family residence. The existing deck was built non-conforming also. Mr. Amorosso mentioned that two-family homes are no longer allowed in the Borough. He further stated that the property is undersized to put on this addition.

Mr. Greco is proposing to put up a one-story side addition on the two family residence that would be compliant with all height, bulk and set back regulations. The applicant is seeking a variance for the addition to the two-family residence and for the existing deck which was built in 1920.

The square feet of the property is 7,048 and what is required is 7,500 square feet. Mr. Amorosso stated that the applicant is asking for a variance for a two-family but he doesn't state that he is requesting a variance for lot area, lot width, lot depth and front yard.

Mr. Graziano said the applicant is increasing the building coverage with the proposed addition. Currently there is one bedroom downstairs and two upstairs. The addition would be a great room/family room. Mr. Amorosso noted that there are not enough parking spaces for three bedrooms. Mr. Graziano said that the applicant is also proposing an 18 X 22 gravel parking area in front of the addition on the right side of the property.

Mr. Giannotti commented that the ordinance says there must be paved parking. There is a shed that seems to be going over to the neighbor's property. Mr. Greco said that the shed is the neighbor's going on his property.

Mr. Perretti will recuse himself from the formal hearing of this application because he has a relative that adjoins Mr. Greco's property.

Mr. Amorosso deemed this application complete and told Mr. Greco to contact the Board Secretary as to when to place him on the agenda for a formal hearing.

FORMAL MEETING

**APPLICATION OF SLEEPY'S, 271 LIVINGSTON STREET,
BLOCK 207, LOT 6 - VARIANCE TO PERMIT A LARGER SIGN**

Daniel Gielchinsky, Esq. of Herten Burstein came forward and is representing Sleepy's LLC. He is in the process to define the square footage of the lettering of the Sleepy's and the Mattress Professionals. Atty. Gielchinsky will have this information to all members shortly. He also reached out for the attorney for the landlord and his client reached out directly to the landlord to talk about a situation that has occurred regarding reserved parking spaces at the site. The

applicant is attempting to work with them to clarify what occurred there and what they can do to make sure that they conform to their Developer's Agreement.

At this time, Atty. Gielchinsky requests an adjournment of this hearing until the next hearing which is July 1, 2009. For the record, no new notice will be required for the July 1st hearing.

APPLICATION OF HOUSING DEVELOPMENT CORPORATION
OF BERGEN COUNTY, 176 PARIS AVENUE, BLOCK 912, LOT 2 -
USE VARIANCE

Terrence Corrison, Esq. of Breslin and Breslin, P.A. located at 41 Main Street, Hackensack, New Jersey, comes forward.

Mayor Hogan and Councilman Sokoloski step down from the hearing of this application because it is a use variance.

Atty. Corrison calls Mr. Frank Lawrence. Mr. Lawrence was sworn in by Atty. Paster. Mr. Lawrence is a registered architect in the State of New Jersey since 1973. He is the Vice President of the architectural firm of James R. Guerra, Architects in Elizabeth, New Jersey. He has testified in front of many boards in different counties.

Mr. Lawrence said that the project is situated on the corner of Franklin Street and Paris Avenue. The property is 100 X 120, 120 being the frontage on Franklin Street and 100 being the frontage on Paris Avenue. It is bordered on the northeast by commercial property, to the northwest by residential property and to the south, across the street is a Catholic Church and across Paris Avenue is basically a residential area.

Mr. Lawrence mentioned that the applicant will take into account the historical tree that is situated at one portion of the property. The design to accommodate the eleven units and the parking that had been previously proposed is situated in such a way that the tree would remain. The front setback off of Paris Avenue is 10.5 feet and the rear setback is 17.5 feet, the left side setback on Franklin Street is 7.2 feet to the property line and the right side setback is 29 feet. The entrance would be off Paris Avenue, one way traffic through the site with egress onto Franklin Street. There are 9 parking spaces and there is an area that could be a drop off or could be utilized for a fire or an ambulance vehicle. Mr. Lawrence stated that there would be enough room for traffic to get in there for parking and for access to the site.

Atty. Paster marked **Exhibit A-1** as the application itself, **Exhibit A-2** is the publication in the newspaper and the mailing list and **Exhibit A-3** are the plans submitted, G100 dated 8/20/08, **revised 3/23/09**. The main entrance to the building comes off the parking area. Another access to the building would be off of Franklin Street. There is access off of Franklin Street and also off of Paris Avenue. The building contains 11 units. The first floor contains three apartment units, a community room, a mechanical room, public toilet for the facility and a laundry area for the tenants. The second and third floors contain four units each. Each apartment unit contains a bedroom, a living room area, and a little bay window area that would add to the attractiveness of the apartment building on the outside. The total building will be handicapped accessible.

The applicant will extend the streetscape at the site. They will have the sidewalks all the way around the property on the two sides. The applicant will provide lighting for the pathway and lighting by the plaza – the same design as what you have off the streets. Mr. Lawrence mentioned that they tried to keep as much greenery as possible. Whatever trees they could keep, they will.

Mr. Amorosso mentioned that he thought this application was for 9 units, instead of 11 units. He remembers the Board requested 9 units at a previous meeting. Mr. Perretti said that the applicant did shrink the size of the building. Mr. Lawrence said that on the original application a larger building was proposed. Mr. Lawrence said that the application before the Board tonight is for 11 units. He will adjust the site triangle and said that the bushes will not be at the corners of the property. He will keep the bushes closer and lower to the building.

As far as the lighting is concerned, the applicant was informed that they have to put in the lighting and they must maintain it.

Mr. Marana asked what type of siding is going to be used on the building. The applicant will be using a fiber board siding. The shingles will be asphalt Timberline shingles; the windows will be Andersen or Pella, they will be insulated double-hung windows, quality windows.

The size of the apartments is as follows:

The second floor – 642.6 sq. ft. (the larger units – 5 in total)

The interior units are the same 610 sq. ft. (6 units in total, two per floor)

The meeting was **opened to the public** to ask questions of the architect only.

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

At this time, David Sivella came forward. Mr. Sivella was sworn in by Atty. Paster. Mr. Sivella is the executive director of the Housing Authority in the Housing Development Corporation. The Housing Development Corporation was started by the Housing Authority of Bergen County twenty years ago. It is a non-profit affiliate with the Housing Authority and its sole purpose is to foster affordable housing in Bergen County. The majority of the properties that he operates are for the housing of seniors. There are units throughout the County. The objective for this application is to provide affordable senior housing.

Mr. Vollmer has concerns with the fact that this could turn around and a family with children would live in the units. Mr. Sivella said that rules would not allow that to happen. This should be put in the Resolution.

Mr. Giannotti asked Atty. Corrison if the applicant is applying for this under AH2? Atty. Corrison said to the extent that AH2 is the closest thing that the town has – yes, they are applying for the application under AH2. Mr. Giannotti then said that AH2 has a 10 unit limit. He said that that applicant may need another variance for the 11th unit. Atty. Corrison stated that he is going for the variance and bulk variances as it is.

Mr. Michael Kauker, the Borough of Northvale's Planner Consultant came forward. Mr. Kauker was sworn in by Atty. Paster.

Mr. Kauker said that the Board is perfectly aware that the AH2 encompasses the senior housing down the street on Paris Avenue. The AH2 is mentioned in his report as the nearest comparable ordinance that is close to what is being proposed so that the Board could use that as a point of comparison as a back drop to evaluate this particular application.

Mr. Kauker continued to say that this application is for a property that is basically recognized by the Board in their re-examination report as being appropriate for multiple family housing. If the applicant hadn't made the application at this time, it is very possible that they could have waited for the Borough Council to consider implementing the recommendations of the re-examination, but they chose to expedite the process. Mr. Kauker said so when you look at the AH2, keep in mind that it doesn't fit this particular property. Atty. Paster said that this is the closest we could get consistent with HUD and COAH.

Mr. Amorosso asked if the applicant could ask for a variance for the one extra unit. Atty. Paster noted that the application, for the record, is amended to include the additional variance for the extra unit.

Mr. Jason Kasler from Kasler Associates came forward. Atty. Kasler was sworn in by Atty. Paster. He received his planning license in May of 1993 and is also and AICP Certified President of Kasler Associates and teaches the basic accreditation course that must be taken through New Jersey Planning Officials. He writes master plans, zoning ordinances and has testified in 11 counties.

Mr. Kasler said that the applicant is here tonight for a D-1 variance which is a use variance.

Atty. Paster marks additional exhibits into the record.

Exhibit A-4 is the engineering report

Exhibit A-5 is the drainage report dated August 6, 2008 prepared by Alkis Dimopoulos, P.E., C.M.E.

Exhibit A-6 is a memorandum dated June 16, 2009 from Michael Kauker

Exhibit A-7 is Mr. Kasler's aerial photograph to show the subject property's location

Mr. Kasler said that the zone allows for residential but it doesn't allow for multi-family. The detriment is minimal. The re-examination report indicates this site as being one that the town is looking for affordable housing as well as the housing plan for meeting COAH obligations. This meets the positive criteria under D-1. There is minimal impact, the applicant has revised the application, and they removed a couple of parking spaces so that the initial spaces are easy to get in and out of.

Mr. Kasler said that what the applicant is requesting a variance from is the C1 zone. They are not asking for a re-zoning to the AH2, they are looking for a D-1 variance, or a use variance, from the C1 zone.

The meeting was **opened to the public** for questions to Mr. Kasler.

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

Mr. Kauker came forward. He commented that the application itself is appropriate for the neighborhood, it fits with the neighborhood, it fits with the Master Plan and it fits with our Housing Element.

Mr. Sivella would like to say what the goal is for this site. The objective is to make sure that this can be 100% COAH credit building. They are trying to come up with the funding sources for doing this. Mr. Mavroudis and Mr. Sivella have had several conversations because they have been seeking a way of making that as mortgage free a building as possible so they can meet the COAH requirements for Northvale.

Mr. Sivella said that one of the things that they are encouraging is that all of the COAH obligations that are on Mr. Mavroudis' site be moved over to this building because it is right down the street and it would allow the building to be built as a 100% COAH building without any questions asked. The other way, they will still be struggling to make that building 100% COAH.

Mr. Amorosso asked Mr. Sivella – does that relieve Mr. Mavroudis of his five units at the Rio Vista Homes?

Mr. Kauker came forward and said that the round two certified commitment on the part of the Mavroudis project remains intact but not on that site. He thinks what is proposed is that the five units be physically moved to this site. The five units that would not be built on the Mavroudis site would be replaced by market units. But the total number of COAH units in our round 2 plan and round 3 plan would remain the same. They would achieve the same degree of compliance.

Mr. Mavroudis came forward and said that he is in agreement with the County concerning this change and they are working very hard to work out the details because, in fact, he is going to participate in building the County site. In order for Rio Vista to implement this, Mr. Mavroudis will need a waiver, a requirement that they built the units on his site as an approval by the Board.

Atty. Paster said that as part of the Resolution in response to the application, he will do a supplemental resolution for the Rio Vista site and he will work with the Borough Attorney to do a rider to the Development Agreement at Rio Vista that will cover everyone's basis.

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

No one from the public came forward and the meeting was **closed to the public**.

A motion to **accept** the application was made by Mr. Vollmer, seconded by Mr. DeLisio.

ROLL CALL: Mr. Vollmer, Mr. DeLisio, Mr. Amorosso, Mr. Giannotti, Mr. DeLaura, Mr. Perretti, Mr. Trebino - YES

APPROVAL OF MINUTES OF JUNE 3, 2009

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

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

**APPROVAL OF RESOLUTION – SHENGQUAN DUAN,
184A WALNUT STREET, BLOCK 919, LOT 1.01**

A motion to **approve** the Resolution was made by Mr. Vollmer, seconded by Mr. Amorosso.

ROLL CALL: Mr. Vollmer, Mr. Amorosso, Mr. DeLisio, Mayor Hogan, Mr. DeLaura, Mr. Trebino, Mr. Perretti - YES

Correspondence was discussed.

FOR DISCUSSION AND REVIEW

Ordinance #870-2009 – Telecommunication Towers

A motion to recommend this ordinance be adopted by Mayor and Council was made by Mr. Vollmer, seconded by Mr. Giannotti.

All in Favor - YES

A motion to **adjourn** this meeting at 9:29 p.m. was made by Mr. Vollmer, seconded by Mr. Perretti.

All in Favor - "YES".

Meeting adjourned.

Respectfully submitted,



Laura Benvenuto, Secretary