

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
AUGUST 5, 2009**

MINUTES

ATTENDANCE:

PRESENT: MR. AMOROSSO, 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, MR. LOUIS RAIMONDI

ABSENT: MR. DELISIO

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

WORK SESSION

There were no applications submitted for the
work session portion of the meeting.

FORMAL MEETING

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

Ms. Hinojosa came forward and was sworn in by Atty. Paster. Ms. Hinojosa stated that she would like to put up a six foot high fence in the rear and a four foot high fence on the sides and in the front even with the house. The reason for putting up the fence is for privacy and for safety reasons.

Mr. Giannotti said that the applicant needs a variance for the last few sections of the back fence for six feet. It was noted that Ms. Hinojosa cannot go off past 25 feet off the corners. This would have to be added into her variance. Atty. Paster noted the amendment to this application. The variance is for the last 25 feet closest to the street on the rear yard.

Since there were no further questions from the Board, the meeting was **opened to the public**. No one from the public came forward. The meeting was **closed to the public**.

A motion to **approve** the application was made by Mr. Vollmer, seconded by Mr. Giannotti.

ROLL CALL: Mr. Vollmer, Mr. Giannotti, Mr. Amorosso, Mayor Hogan,
Councilman Sokolosi, Mr. DeLaura, Mr. Perretti, Mr. Trebino,
Mr. Piehler - YES

**APPLICATION OF ROBERT LIPPMAN,
407 ARGENTI PLACE, BLOCK 106, LOT 16 -
SITE SUBDIVISION**

Mr. Robert Lippman came forward. It was mentioned that all notifications are in order. Mr. Lippman was sworn in by Atty. Paster.

Mr. Lippman stated that he would like to sell 35 foot X 100 foot piece of property at the bottom of the hill on the west end of his property to the Smothergill's who live adjacent to the property. This would not have a big effect on his property at all. The advantage to the Smothergill's in gaining this property is that they would have a little more room behind their front door out onto their yard.

Mayor Hogan said that this purchase would square off the piece of property.

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

Mr. Barry Hirschberg of 403 ½ Argenti Place came forward. Mr. Hirschberg states that his concern is the access to that subdivided parcel via the alleged right of way over his property which is still subject to current litigation. Mr. Hirschberg said it needs to be addressed the ability of the subdivided portion of the Lippman lot to be accessible from the alleged 16 ½ foot right of way. He further stated that it needs to be on the record and clear to the Board that we believe no easement exists today. Mr. Hirschberg said that him and his wife's concern is how the Board's decision affects their property and their lives. If the subdivision is approved before the final determination by the Appeals Court, that can open the door for additional unnecessary and expensive litigation by expanding the burden on the alleged right of way which traverses and directly affects his property, said Mr. Hirschberg.

Mr. Hirschberg asked the Board if they could suspend the approval until after the current legal situation is finalized by the Appeals Court to avoid the expansion of litigation over the same situations. He further asked the Borough to immediately correct all maps and eliminate any reference or indication to the area in the borough right of way. Mr. Hirschberg said that the appeal has a direct affect on him and his wife.

Mr. Amorosso said that the Hirschberg's situation is a civil matter in which the Board has nothing to say. Mr. Hirschberg agreed. The Board will vote on the application tonight.

A motion to **approve** this minor subdivision application was made by Mr. Amorosso, seconded by Mr. Perretti.

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

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

Atty. Daniel Gielchinsky of Herten Burstein in Hackensack, New Jersey came forward on behalf of Sleepy's.

For the record, Mayor Hogan and Councilman Sokoloski removed themselves from this hearing for the application is for a use variance.

Atty. Gielchinsky stated that there are approximately 12 non-conforming parking signs on the property that are not under Sleepy's control, they are under the control of the landlord, Maxim LLC.

Mr. Lepore mentioned that the landlord has come to see him and that he would like to come to Mr. Lepore to review the completed application before submission to the Board.

Mr. Phil Gavosto came forward and was sworn in by Atty. Paster. Mr. Gavosto is self employed and is a licensed architect since 1976. He is a licensed architect in the State of New Jersey. Mr. Gavosto was retained to prepare plans and renderings with the proposal.

The cover page, the rendering of the Shopping Center, was marked as **Exhibit A-1** along with the application. Atty. Paster marked the notices and proof of publication as **Exhibit A-2**. The second page of the plan, identified as A-1.0 was marked as **Exhibit A-3**. **Exhibit A-4** is a plan of the sign to scale. This is the plan looking at the shopping center under construction.

The measurements of the sign is approximately 14 foot wide, both the words SLEEPY'S and THE MATTRESS PROFESSIONALS is approximately 4 foot 2 inches high. 4 foot 2 inches is the overall height of the box. Referring to the plan, sheet marked A4.0 at the lower right hand corner, **Exhibit A-5**, are the calculations of the bulk table prepared by the architect. The "S" in the word Sleepy's will be 3 feet high. The words Mattress Professionals will be 1 foot and going across will be 14 feet. The overall height dimension is 4 foot 2 inches. It was noted that the retail signs are smaller than the anchor signs.

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. Vollmer, seconded by Mr. Piehler.

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

APPROVAL OF RESOLUTION –
BOROUGH OF NORTHVALE,
151 LIVINGSTON STREET, BLOCK 1003, LOT 12
(DELUXE CLEANERS)

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

ROLL CALL: Mr. Giannotti, Mr. Vollmer, Mr. Amorosso, Mr. DeLaura, Mr. Piehler - YES

APPROVAL OF RESOLUTION –
HOUSING DEVELOPMENT CORPORATION OF
BERGEN COUNTY, 176 PARIS AVENUE,
BLOCK 912, LOT 2

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

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

APPROVAL OF MINUTES OF JUNE 17, 2009

A motion to **approve** the minutes was made by Mr. Giannotti, seconded by Mr. Perretti.

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

APPROVAL OF MINUTES OF JULY 1, 2009

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

ROLL CALL: Mr. Piehler, Mr. Trebino, Mr. Amorosso, Mr. Giannotti, Mr. DeLaura,
Mr. Perretti, Councilman Sokoloski, Mr. Vollmer - YES

Correspondence was discussed at this time.

A motion to **adjourn** this meeting at 9:26 p.m. was made by Mr. Vollmer, seconded by Mrs. Walker.

All in Favor - "YES".

Meeting adjourned.

Respectfully submitted,

A handwritten signature in black ink that reads "Laura Benvenuto". The signature is written in a cursive style with a large initial "L" and "B".

Laura Benvenuto, Board Secretary

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
AUGUST 19, 2009**

MINUTES

ATTENDANCE:

PRESENT: MR. AMOROSSO, MR. DELISIO, MR. GIANNOTTI,
MAYOR HOGAN, MR. PERRETTI, COUNCILMAN
SOKOLOSKI, MR. TREBINO, MR. PIEHLER
(ALTERNATE #1), MR. DEVLIN (ALTERNATE #4)

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

ABSENT: MR. DELAURA, MR. VOLLMER, MRS. WALKER,
(ALTERNATE #2), MR. MARANA (ALTERNATE #3)

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

WORK SESSION

**APPLICATION OF PAOLO PETRILLO,
208-210 LIVINGSTON STREET,
BLOCK 901, LOTS 7 & 8 – BULK AND USE VARIANCE**

Atty. Mark Madaio came forward representing the applicant, Paolo Petrillo. Atty. Madaio has his office in Bergenfield, New Jersey. The applicant proposes to construct a six (6) unit two-story rental structure in the back. There will now be two principal uses on the property, two principal structures on the property and bulk variances will be required.

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

Atty. Madaio stated that on the first floor there will be two one bedroom units and on the second floor there will be four one bedroom units. The goal is to limit any impact upon the Board of Education. The applicant is considering limiting the units to 55 and older. Atty. Madaio is currently doing research on this issue.

The applicant will need a front yard variance and green area. There will be six garages which do conform. The sizes of the units are 855 sq. ft. and two at 740 sq. ft.

Mr. Piehler comments – when driving on Livingston Street and Paris Avenue, there is always someone trying to get out on Firenze and either goes east or west through the traffic, the same thing on Willow Avenue. He said it will not dramatically change the traffic profile.

Mr. Amorosso asked Mr. Piehler if he is suggesting maybe one way in from Firenze Street and one way out right hand turn only in the front. Mr. Piehler asked Atty. Madaio if he could look at the possibilities and the areas that may be a problem. Atty. Madaio said he will come up with a couple of scenarios relating to this matter.

Mr. Giannotti said that the area is congested as it is and he doesn't think by making it a one way would make it work. He said you will be putting more traffic onto Paris and onto Willow Avenue.

All the garages and the six windows will be facing Firenze Street and the north elevation will be facing the parking lot. This would be the main entrance to the building. Atty. Madaio said that there is a south entrance as well. The primary focus of the structure is in and out of the parking lot.

Mr. Joseph Cecco, architect representing the applicant, came forward. He said that there are six entrances; each unit has their own entrance.

Mr. Trebino commented that they should work something out – he feels it would be a good thing.

Mr. Amorosso asked Mr. Cecco why the front is faced toward the parking lot and not towards Firenze Street and to have the garages on the parking lot side. Mr. Cecco said that it would interfere with the parking that goes along the building. It maintains parking in the parking area with the separation of the garages.

Mr. Perretti stated that a senior complex is the most desirable – there will be no impact with the schools. He said he understands that age restriction becomes a legal issue. Mr. Perretti said that he could understand if it was a COAH obligation but when it is landlord controlled he doesn't know how it would become a legal issue. How would this be policed three months from now, would it open up to everyone? Would there be a builder's agreement involved?

Atty. Madaio said the he would suggest that they record a developer's agreement as an exhibit – a recorded resolution that all of the leases contain that language which is 55 and older and that they are limited to that group. This is how it could be controlled. Atty. Madaio will look into this with Atty. Paster.

The application was deemed complete.

Mr. Raimondi asked Mr. Costa about the proposed detention system between the buildings. He asked if this is for the roof runoff. Mr. Costa said that under the original proposal, there is actually a detention system built along Firenze Street. Mr. Raimondi said that he would rather see it out from between the buildings because this is going to be an infiltration system. Mr. Costa said that he believes he could move the dumpster adjacent to the building. This matter will be heard for formal hearings at the September 2, 2009 meeting if the revised plans are ready.

Mr. Piehler asked if there is any way the applicant could do the streetscape on this project in the front. Atty. Paster said the Board could make it a condition. Mr. Amorosso said the applicant agreed to the streetscape.

Correspondence was discussed.

General discussion by the Board.

A motion to go into Closed Session was made by Mr. Perretti, seconded by Mr. Amorosso.

All in Favor - "YES".

The meeting was **adjourned** at 8:37 p.m.

Meeting adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Laura Benvenuto".

Laura Benvenuto, Board Secretary