

BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT
DECEMBER 1, 2021
7:30 P.M.

MINUTES

CALL THE MEETING TO ORDER

Chairman Amorosso called the meeting to order at 7:30 PM in the Planning Board/Board of Adjustment meeting room located on the second floor of the Municipal Building at 116 Paris Avenue, Northvale, New Jersey 07647.

STATEMENT

Chairman Amorosso read the "Sunshine Statement" into the record as follows:

"This is a regularly scheduled 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 Acting 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."

ROLL CALL:

PRESENT: Chairman Amorosso, Mayor Marana, Councilman Hogan, Mr. Giannotti, Mr. Guyt, Mr. Moran, Mr. Sillery, Mr. Pothos, Mr. Briscoe (Alt #1) Mr. Degen (Alt#2) Mr. McNerney (Alt#3) Mr. Alfonso (Alt#4)

ALSO PRESENT: Gregg Paster, Board Attorney,
Marie Raffay, Colliers Engineering
Nicole Cowley, Board Secretary

ABSENT: Mr. Vollmer

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

APPLICATION OF KRISTINE M. HYON
194 LIVINGSTON STREET
BLOCK 909 LOT 24

On behalf of the Applicant and the Applicant's Attorney and Engineer, Attorney Paster stated for the record this matter would be carried to the next available meeting on January 19, 2021. No further noticing will be required.

APPLICATION OF JOANN VOSSLER
153A SCHARER AVENUE
BLOCK 1001 LOT 10

Attorney Matthew Capizzi appeared before the Board to present this application proposing to develop in this vacant R7.5 Zone. Attorney Capizzi explained the dimensions of the lot, as well as what is required for development. Attorney Capizzi continued to explain the details of the potential development, being described as a modest, single family, two-bedroom home.

Next, Attorney Capizzi explained there would be testimony during this hearing from the Applicant's Civil Engineer, Michael Hubschman. The Applicant's Architect will appear at a later date, due to revisions to the onsite parking that will need to be modified from one parking space, to two. Attorney Capizzi explained due to this being an undersized lot case, the law requires the property to be offered to sale to the adjoining property owners. Attorney Capizzi stated this was done. Attorney Capizzi also stated he submitted those letters as part of the record regarding this matter and further continued to explain the Applicant was not in a position to have to purchase property from adjoining neighbors so as to make the lot more in conformity because the lots on either side are also undersized, so there is no ability for those lots to sell property to the Applicant. Two letters were submitted for the record dated November 16, 2021 and marked into evidence collectively as A-1.

Following this, noticing requirements were confirmed and Attorney Paster swore in the Applicant's Civil Engineer, Michael Hubschman. Mr. Hubschman provided his credentials and professional experience and was accepted as an expert in Civil Engineering. Next, Mr. Hubschman proceeded to provide testimony noting the two-page site plan, marked into evidence as A-2, dated June 7, 2021. Attorney Capizzi continued by asking Mr. Hubschman to go through the existing conditions of the property. Mr. Hubschman explained the property specifics including the flat level and small gravel driveway that currently exists with broken down curbing. The lot was sub-divided some time ago into 25-foot lots and this is a remainder of the lots. Attorney Capizzi asked Mr. Hubschman to explain the dimensions of the lot as there was

questions from the Board pertaining to this. Mr. Hubschman explained they surveyed the lot, based on the final plat and the deed which surveyed the lot as 25 feet with the depth being 100 feet. Both lots to the right and the left are 50 feet as well. Attorney Capizzi then asked Mr. Hubschman to explain the proposed development scheme. Mr. Hubschman explained first, they tried to come up with something with a 5-foot side yard even though he believed 10 foot is required and a 15x40 foot house was developed, testimony regarding specifics continued including driveway and greenery. Attorney Capizzi confirmed with Mr. Hubschman there will be modifications to the plans that will reflect these specifics at the continued hearing. Attorney Capizzi also asked Mr. Hubschman to explain as the plan was designed, what the offsets are from the proposed dwelling to the neighboring properties. Mr. Hubschman answered by stating the specific setbacks of the lots, explaining offsets to the right and to the left of the property. Testimony regarding the specifics of the proposed dwelling continued; however, it was stated the architect would provide actual testimony when he appeared at the next hearing.

Next, conversation pertaining to the Colliers issued, completeness letter was discussed where Mr. Hubschman stated there were no major engineering issues. Marie Raffay asked a question about the utilities and the utility connection. Ms. Raffay asked for confirmation as to where the connection is going to be as she noticed discrepancy in the current architectural plans. Mr. Hubschman explained, in the revision, it is showing on the right side. Additionally, Ms. Raffay asked Mr. Hubschman to talk about the proposed crawl space, located underneath the stairs. Mr. Hubschman explained this is a closet/storage area and not basement. Mr. Hubschman further explained how a water heater would most likely be located at the back of this storage area but would refer this to the architect as part of his plan.

Chairman Amorosso asked the Board if they had any questions or comments for Mr. Hubschman at this time. Mr. Moran asked for confirmation of utilities as he believed he read they were to be located underground. Mr. Hubschman responded everything could probably be done under ground as there is an existing pole there. Mr. Giannotti questioned the utility pole; stating after viewing it, it looks as though it is located more towards the center of the property and not on the edge. Mr. Hubschman stated the location is about 5-6 feet off to the right of the property and explained how that would affect the driveway and garage location which would need to be widened. Next, Mr. Giannotti asked about the overhang on the sides of the house and was concerned with this due to the limited space allowed between homes. Mr. Hubschman explained these were eaves/soffits and Attorney Capizzi described this as an allowable projection but if a variance was needed, they would not be opposed.

Chairman Amorosso **opened the meeting** to the public for questions or comments.

Arthur Carlomagno- 153 Scharer Ave- Asked questions pertaining to snow removal and commented on the problems this would cause him being a bordering property.

William Murphy- 164 Scharer Ave- Asked a follow up question regarding the snow and where would the homeowners in the new development put their snow.

Ken DeGennaro- 163 Scharer Ave- Asked if there was a crawlspace or basement. Engineer confirmed there was not. Mr. DeGennaro asked the Board to consider how this will affect the neighboring properties, including the building process. Mr. Hubschman engaged in conversation regarding the building process, including the impact to the trees currently on the property. Mr. DeGennaro commented and asked questions regarding storm water runoff. Discussion regarding the stormwater runoff and its impact to neighboring properties continued between Mr. DeGennaro and Mr. Hubschman. Attorney Capizzi interjected stating the discussion between Mr. DeGennaro and Mr. Hubschman was geared towards a site plan application which this application was not which makes the discussions irrelevant. Chairman Amorosso stated as a resident, Mr. DeGennaro had a right to speak on the topic. Attorney Capizzi asked the record to be noted; the Board's Engineer reviewed the application and approved Mr. Hubschman's design, and if further review required modification, that can be completed. Attorney Capizzi asked his objection to be noted to the record.

Attorney Paster asked to make a comment at this time, to try and help with further public questions and comments. Attorney Paster explained this is stipulated as an undersized lot which is presumed to be buildable. Attorney Paster further explained if the Board were to vote nothing can be built then that falls under a concept known as inverse condemnation. This essentially means the municipality would take the property out of utility and depriving the owner of it's use. Attorney Paster continued to explain, legally; it cannot be said nothing can be built or it obligates the town to purchase the property in litigation. Attorney Paster further clarified his comment was for the Board and the public to understand the process that needs to take place and to continue to hear the application out in its entirety and come to a determination that is consistent with the law.

Arthur Carlomagno- 153 Scharer Ave- stated he presented the Board with a letter which he believed to define case law and questioned Attorney Paster's public explanation. Attorney Paster assured Mr. Carlomagno, after thirty years of practicing law in this state, his explanation of the law is accurate. Attorney Paster continued to explain specifics and discussed the matter further with Mr. Carlomagno. Mr. Carlomagno continued to comment and question the aspects pertaining to fair market value of this property. Mr. Carlomagno asked the record to reflect he does not agree with what's been said regarding fair market value and how he perceives it as being established.

Chairman Amorosso **closed the meeting** to the public for questions or comments.

At this time Chairman Amorosso stated the application would be continued at this time and heard again at the February 2, 2022, meeting. Attorney Capizzi confirmed the date and Attorney Paster also confirmed the application would be continued with no further noticing required.

Revised plans would be submitted to the office of the Planning/Zoning Board reflecting comments raised at this meeting.

APPROVAL OF MINUTES OF NOVEMBER 3, 2021

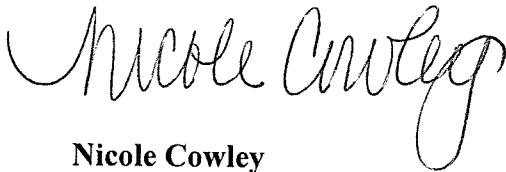
A motion to **approve** the minutes of the November 3, 2021, meeting was made by Mr. Giannotti and seconded by Mr. Sillery.

ABSTAIN- Chairman Amorosso, Mayor Marana, Councilman Hogan, Mr. McNerney

ROLL CALL- All in favor.

A motion to go into **closed session** was made by Mayor Marana at 8:12 PM seconded by Mr. Moran. All present in favor.

Respectfully Submitted,



**Nicole Cowley
Board Secretary**

Approved: 1/25/22