

**BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT
JANUARY 18, 2023
7:30 P.M.**

MINUTES

CALL THE MEETING TO ORDER

Chairman Amorosso called the meeting to order at 7:31 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 Municipal 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 McGuire, Councilman Hogan, Mr. Giannotti, Mr. Briscoe, Chief Ostrow, Mr. Moran, Mr. Pothos, Mr. Puppelo, Mr. Degen (Alt#1), Mr. Alfonso (Alt#2), Mr. Gullestad (Alt#3)

ALSO PRESENT: Gregg Paster - Board Attorney
Michael Neglia - Neglia Engineering
Julia Martino - Board Secretary
Nicole Cowley - Finance Assistant

ABSENT: All in Attendance

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

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APPLICATION FOR SUBDIVISION
401 PAULDING | 497 TAPPAN ROAD
BLOCK 1004 - LOT 13

This application began with Chairman Amorosso introducing this application representing Mr. Kenneth Barber - Application for Subdivision of commercial property at 401 Paulding Ave Block# 204 Lot# 1 and Residential property at 497 Tappan Road, Block# 201 Lot# 4.

Attorney Dean Stamos came forward before the Board on behalf of the Applicant Mr. Kenneth Barber, introducing himself and stating specifics as to what's to be subdivided. The rear portion of the lot to be added to Mr. Barbers lot.

Attorney Stamos states proposed area does not create any variances, leaves both properties over still in compliance with lot coverage, doesn't create any set back area variances.

Attorney Stamos further explained, his client is present and wants to create additional buffer area from other properties, his client's intention is to use area for nothing else other than a buffer area and part of the proposal with Mrs. Francine Rossi, is to install a fence with nice landscaping to improve her property and to have a green and open area.

Chairman Amorosso expressed concerns about commercial property in residential area. Stating, in future, if the company wants to expand and keep property as commercial property, it's not just a buffer.

Attorney Stamos called up his client, Mr. Barber and ask him to explain to the board members his purpose of adding the rear portion of the property added to his.

After sworn in, Mr. Barber shared, he has a 25-year friendship | relationship with Mrs. Francine Rossi and current neighbors, he is not sure who his new neighbors are going to be in the future, should Mrs. Rossi was to move or sell the property, he wants to provide a buffer now, so he has nothing to worry about in the future. He will also be adding a nice new fence.

Chairman Amorosso ask Mr. Barber, "what portion of the property will be fenced in?". Mr. Barber shared, "just around Mrs. Rossi's side of the property, residential area only". Mr. Barber addressed the Chairmen and his concerns, and assured him, he is only looking to create a buffer now, he's not sure of the future and new neighbors.

Mr. Giannotti shared concern about most activity is at the rear of commercial lot and the board is requesting to add a condition stating and acknowledging that; there will be no commercial activity conducted at the end of the property near the residential side of the property. This includes no storage, woodchips, lumber, vehicles, etc....this acknowledgment will be added to the resolution.

Mr. Barber and Attorney Stamos stated it's not a problem with the acknowledgement of conditions, being added to the resolution.

At this time, Chairman Amorosso opened questions and comments from the Board Members.

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Mr. Puppelo asked, what the reason is for the requested property line not being a straight line?

Mr. Barber explained, it works better with the topography and tree line.

Mr. Puppelo also had concerns, regarding inner squall, large drainage area, from adjacent property back to Mr. Barbers property. Who is going to be responsible for that area.

Mr. Barber explained, the easement has its own description of who is going to be responsible.

Chairman Amorosso addressed Mr. Barber, stating, he had made a statement earlier that this will now become a flag lot, and flag lots are not allowed in Northvale. If they subdivide the lot, it will be considered a flag lot with no access from the street, this is not allowed, the sub divided land stays residential not commercial. No flag lots are allowed in Northvale, and it is in the ordinance. You cannot build on it, it remains open space.

Mr. Puppelo also asked, what if in ten years Mr. Barber. goes to sell the business and someone wants to rezone the residential portion into commercial land as well as if residential wants additional land that's commercial.

Mr. Giannotti replied, this is going to be in a resolution. They can always apply for a variance.

Mr. Moran ask could this ever be considered a hardship?

Mr. Neglia replied, there is no access from a road, no frontage its land, land locked. If approved by board, it will be non-conforming use.

Mr. Moran's concerns, also are regarding inner squall, large drainage area, who is going to be responsible for that area? Also, there is going to be a fence installed and landscaping, on what property line will the fence be on?

Mr. Barber explained, the easement has its own description of who is going to be responsible. The fence will be on residential property line.

Mr. Pothos questioned Mr. Barber, if he had any intentions to build in the future a residential home or intentions to sell as a residential lot? Do you have intentions to build a commercial building or convert back into a commercial lot?

Mr. Barber stated on all Mr. Pothos questions answered "no".

Chief Ostrow's concerns where, regarding the mediation of the land, he ask Mr. Barber, where you have to install a new fence, how much of an area do you have to work around? square footage wise, are there going to be removing a lot of trees?

Mr. Barber answered, they will be putting a wooden fence left and right all around the sides of it, enough to put fence in.

Chief Ostrow also ask, if there was going to be access to the outside of the fence from your property to her side of the property?

Mr. Barber answered, yes in case she needs her pool fixed or other work.

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Mr. Giannotti had a couple of questions, he ask who owns lot #2 property behind Mr. Barbers building now?

Mr. Stamos answered, NY central line (part of a railroad).

Mr. Giannotti ask what if someone was to buy it from the railroad and put a road in there, they can put a house there? This is possible.

Mr. Stamos answered, this is going to be part of Mr. Barbers lot. If that was to happen, they would have to come back and ask for a subdivision to create a flag lot?

Mr. Giannotti ask, where is the old lot line on plans? At the edge of gravel? There's not just trees and woods there's gravel area. What is it being used for? Who put it back there?

Mr. Barber answered, - when the Tennessee gas came through and the power line company comes through, they both use it.

At this time Chairman Amorosso opened the meeting to the public for question or comments:

Resident Mr. Stemberga at 503 Tappan Road stepped up and was sworn in.

Mr. Stemberga addressed the Board with concerns, regarding the noise early in morning from the trucks. he says he is the closest neighbor to Mr. Barbers property, states 250 feet away. If he gets this property, he will be 75' away from his property. He does not believe Mr. Barger is not going use the additional land and leave as is. He believes he will be using it for his business, states he is currently using the land now for trucks, he is the only resident that hears the loud noise, because he is the closest. The business is loading trees at 10 o'clock at night.

Mr. Barber responded, the woods are going to remain as is nothing will change, it is a residential area he can not park his trucks there.

No one came forward.

Chairman Amorosso closed this public portion of the meeting.

Mr. Giannotti ask Mr. Barber if he parks vehicle in this area, Mr. Giannotti told Mr. Barber he was on Goggle looking at pictures of his vehicles in this area against the wall of the property. Mr. Barber stated, maybe at times.

Mr. Barbers Engineer Chris Lantelme Kurens & Associates 101 west street Hillsdale 101 West St, Hillsdale, NJ 07642, was sworn in.

Mr. Lantelme spoke about the actual numbers being transferred from properties. Zoning is 7500 sq ft, Commercial is 32,000sqft. Residential is 4300sqft. Transfer is approximately 14,000 sq ft from residential lot to commercial.

Chairman Amorosso questioned what Mr. Lantelme just said (The transfer is approximately 14,000 sq ft from residential lot to commercial).

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Mr. Lantelme responded, he understood they are there for a change of use or change of zoning. Split zone lot. Only fence to be done. No variances being created with the transfer of property. The larger portion of swale on residential property.

Mr. Giannotti questioned about the easement gravel area. Gas line?
Mr. Lantelme responded its about 25'.

Mr. Neglia shared his thoughts, if the board is concerning approving the application, he suggests, it makes sense to have a physical barrier, similar fence, to go in-between the two uses, to be so the Construction Code Official and the town be sure the uses are properly being prorated. Also, to make sure there is no encroaching into other zone.

At this time Chairman Amorosso opened the meeting to the public for question or comments for the Engineer.

No one came forward, Chairman Amorosso closed meeting to public.

Chairman Amorosso moved on to next subject: Resolution # 23-01, 195 High Street Block#814/Lot# 6
Resolution # 23-01 was approved, motion made by Mr. Giannotti and 2nd by Councilman Hogan.

Roll call was given – Mr. Giannotti was abstained.

Chairman Amorosso moved on to next subject: Approval of Minutes December 7, 2022. Mr. Alfonso made motion and Councilmen Hogan 2nd the motion to approve - All in Favor.

Chairman Amorosso moved on to next subject: Approval of Minutes of January 4, 2022, Reorganization Meeting. Councilmen Hogan made motion and Mr. Moran 2nd the motion to approve. – All in Favor.

Mr. Barber addressed the Board regarding the earlier subdivision of Application of commercial property at 401 Paulding Ave Block# 204 Lot# 1 and Residential property at 497 Tappan Road, Block# 201 Lot# 4.

They can't put the fence along the zone line, due to cutting off the easement area 100ft wide, of the Rockland Electric easement. They are willing to do is, at the edge of the easement by edge gravel, put fence along the new lot line up to the drainage easement with additional fence along lot line where Mr. Stemberga property line is, we can put up a 6' high fence, up to drainage easement lot with gate for cleaning access only.

Mr. Stemberga stated he does not want the fence by his property.

Mr. Pothos addressed questioned to the Chairman regarding the gate. Stating he disagrees with the gate, in his option, if you're putting up a fence, for privacy, and not to use the property, why do you need a gate?

Mr. Barber stated his concern is maintenance access.

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Mr. Pothos stated it's a wooded area, there is nothing to main. Land is not being used for anything. You can't sell it, you can't use it for a shed or storage. Know will have any access to this area. There is brush and trees, animals, there is no reason to go back there. Having the gate in his option is leaving this open to whenever Mr. Barber wants to enter the rear of property.

Mr. Giannotti states Mrs. Rossi's property had no access to her property, putting a gate she will not have privacy.

Mr. Pothos ask if gate can be put on the rear of Mrs. Rossi's line.

Attorney Stamos states they are not creating any variances. They would like a gate for maintenance only.

Chairman Amorosso open meeting to public

Mr. Stemberga reviewed fence plans with Engineer to get a better understanding of where the fence is to be located on property.

A motion to **approve** application was made by Mr. Moran and seconded by Mr. Giannotti.

ROLL CALL: Mr. Moran, Mr. Giannotti, Chairman Amorosso, Mayor McGuire,

Councilman Hogan, Mr. Giannotti, Mr. Briscoe, Chief Ostrow, Mr. Moran,
Mr. Pothos, Mr. Puppelo,

APPROVAL OF RESOLUTION 23-01
195 HIGH STREET
BLOCK 814 - LOT 6

A motion to **approve** the Resolution was made by Councilman Hogan and seconded by Mr. Pothos.

ROLL CALL: Councilman Hogan, Mr. Pothos. Chairman Amorosso, Mayor McGuire,
Councilman Hogan, Mr. Briscoe, Chief Ostrow, Mr. Moran, Mr. Pothos, Mr.
Puppelo, Mr. Degen (Alt#1), Mr. Alfonso (Alt#2), Mr. Gullestad (Alt#3)-YES

ABSTAIN: Mr. Giannotti

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APPROVAL OF MINUTES OF 12/7/22
PLANNING | ZONING BOARD OF ADJUSTMENT MEETING

A motion to **approve** the minutes of the **December 7, 2022**, meeting was made by Councilman Hogan and seconded by Mr. Moran

ROLL CALL- All present in favor

APPROVAL OF MINUTES OF 1/4/23
REORGANIZATION MEETING

A motion to **approve** the minutes of the **January 4, 2023**, Reorganization Meeting, was made by Mr. Alfonso and second by Councilman Hogan.

ROLL CALL- All present in favor

A motion to **adjourn** the meeting at 8:30 PM was made by Councilman Hogan and seconded by Mr. Pothos.

ROLL CALL- All present in favor

Mr. Giannotti ask the Board Secretary's to find out from the Zoning Officer | DPW having drainage concerns, who is maintaining the easement, gravel area? See who blocked the drain, if indeed it is blocked.

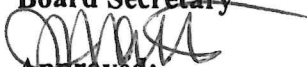
Chairman Amorosso ask for a motion for approval or denial of this application.
Mr. Morgan set a motion for approval and Mr. Giannotti 2nd the motion.

Roll call was made.

Mr. Giannotti a ask the Board Secretary's, on 179 Franklin Street Mr. Bettica building a house, please ask Building inspector to make sure the house is not over 30' high.

A motion to **adjourn** the meeting at 8:30 PM was made by Councilmen Hogan and seconded by Mr. Pothos.

Respectfully Submitted,
Julia Martino
Board Secretary


Approved:

march 1, 2023