

**ZONING BOARD OF ADJUSTMENT**  
**SPECIAL MEETING MINUTES**  
**June 1, 2006**

Kevin Martin opened the meeting at 8:00 p.m. by reading the Open Public Meetings Law Statement:

This is a Special Meeting of the Zoning Board of Adjustment. In compliance with the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers & notice is posted at River Vale Municipal Offices.

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**ROLL CALL:**

<b>Present:</b>	Kevin Martin Lorraine de Stefan Robert Fortsch Melvina Fakazis J.J. Clancy David Rice	Chairman
<b>Also Present:</b>	Brian Giblin Elliott Sachs	Board Attorney Board Engineer
<b>Absent:</b>	Thomas Pospisil Robert Adamo	

Melvina Fakazis arrived at 8:25 p.m.

**APPLICATION:**

**20,21,22,23                      06-06 688 Westwood Ave LLC, 688 Westwood Ave, Block 1801, Lot**

Use Variance for Building 1  
*142-223 (Retail Use in "A" Residence District)*  
Use Variance for Building 1  
*142-223 (Residential Apartments in "A" Residence District)*  
Use Variance for Building 2  
*142-227 (Residential Apartments in "C" Commercial District)*  
Minimum Front Yard  
*142-263 (8 feet proposed where 45 feet is required)*  
Minimum Side Yard  
*142-263 (10 feet proposed where 15 feet is required)*  
Maximum Building Coverage  
*142-263 (37.6% proposed where 25% is required)*  
Maximum Building Height  
*142-263 (35 feet proposed where 32 feet required)*  
Maximum Distance From Edge of Parking Lot to Residence District Lot  
Line  
*142-276 (2.5 feet proposed where 10 feet is required)*

Minimum Parking Space Depth  
*142-272(18 feet proposed where 19 feet required)*  
Minimum Drive-Aisle Width  
*142-274 (24 feet proposed where 25 feet required)*  
Parking Space Requirements  
*142-273 (202 proposed where 260 required)*

Kevin Martin, Chairman advised that this application is continued from May 18, 2006.

Marla Taus, applicant's attorney advised the Board that the architect, planner and traffic engineer would be testifying this evening.

Raymond Virgona, Architect was previously sworn. He referred to Exhibit A-4 dated May 24, 2006 showing the tower element 12 ft. x 12 ft. with a 8 ft. x 12 ft. signage area and a height of 29 ft. 6" located 10 feet from the property line. Mr. Virgona advised that a "pylon" ground sign could have been proposed but would be less attractive.

Kevin Martin commented that a 4 ft. height is allowed and proposed is 29 ft. 6". David Rice inquired if 96 sq. ft. is allowed. Marla Taus reviewed a letter from the Code Enforcement Official. Sign definition was reviewed. She advised that the official referenced code 142-242.

Kevin Martin opened the meeting to the public and so carried.

Ann Giotta, 271 Collignon Way 3B, commented on the size of the tower. Mr. Virgona stated that it is desirable for this type of project. She commented on traffic and parking. Mr. Virgona felt that parking is adequate.

Ms. Eskinazi, 265 Collignon Way, 3B, asked how signs for 20 stores would fit on the tower. Mr. Virgona advised that the signage area would be divided into sections for each store. Lighting would be contained in the tower and illuminated externally. Brian Giblin, Board Attorney advised that the lighting ordinance regarding signs calls for lights off at 11:00 p.m. Ms. Eskinazi inquired about the tower height and driveway entrances which Mr. Virgona reviewed.

Robert Waldron, 271 Collignon Way, 8A, expressed his concerns about the height of the tower and the lighting stating that there are condominiums on the second floor on Collignon Way that may be able to see the tower. Mr. Virgona advised that the tower would be located "hundreds of feet away" and that there would be no light spillover.

Carol Anne Carini, 259 Collignon Way asked why a tower was needed. Mr. Virgona replied that it would be a good way to identify stores. Ms. Carini asked if the name of the apartment complex would be included as a sign. Mr. Virgona said "no".

Melvina Fakazis arrived – time 8:25 p.m.

Ms. Eskinazi, asked if an ordinance existed describing allowed signage for uniformity. She visited other towns and stated that some areas where signs are located are very unprofessional. Brian Giblin advised her that the Board could place conditions on signage.

Robert Russo, 751 Beechcrest, inquired about the construction of the tower and asked if you could walk through it. Mr. Virgona agreed that you could walk through it. Mr. Russo felt that it could become a “hangout” for kids.

Carol Anne Carini asked why the tower needed to be so tall and suggested a ground sign. Mr. Virgona stated that the proposed sign provided more visibility. He said that the tower would be placed toward Westwood Avenue and away from the proposed buildings. When Ms. Carini asked about a back up plan, Mr. Virgona advised her that this is the best option and appropriate design.

Loretta Wilson, 279 Collignon Way, asked why it is necessary to have the tower at all. She felt that it could cause problems with kids “hanging out”. Mr. Virgona stated that if the Board desired, screening could be placed to prevent an opening in the tower. He said that the signage is necessary to advise what is located in the complex.

J.J. Clancy clarified that on March 28, 2005, a sign ordinance was adopted.

Don Brett felt that there are “hang outs” at malls and a 6 ft. wall would not be sufficient between the apartments on Collignon Way and the proposed complex. He asked if it were possible to propose a wall in excess of 6 ft. to separate the apartments from the complex. Trees would also be lost. Mr. Virgona said it could be considered.

Robert Russo asked how many stores were proposed. Mr. Virgona provided square footage available and advised that tenants are not known at this time.

Loretta Wilson, asked if the present landscaping would remain as is in the rear of building 3. Mr. Virgona advised that landscaping on the condominium’s property would not be disturbed. Kevin Martin commented that the landscaping might not be the same as is if replaced. Ms. Wilson felt that it could take years to get the landscaping to the way it appears now.

The meeting was closed to the public.

J.J. Clancy commented that Exhibit A-2 depicts a potential of 20 stores. Kevin Martin stated that Exhibit A-1 gives an impression of 5 stores per building. He advised that the Fire Department had concerns regarding the turning radius.

Roger DeNiscia, Planner, 66 Glen Avenue, Glen Rock, NJ was sworn in by Brian Giblin. He presented his qualifications, which were accepted by the Board. Mr. DeNiscia testified that he visited the site and reviewed the zoning ordinance and master plan as it pertains to the application. He advised that he prepared Exhibit A-5, 8 composite photographs of the site and surrounding area. He described the site located on Westwood Avenue, existing interior, and current use of the property, which could become negative use, as land resource is valuable.

Mr. DeNiscia reviewed proposed plans and appropriate use. Younger, smaller households, individuals and 55+ age group would desire the apartments. Provided 5 reasons why the current rental units in River Vale would not be sufficient in the future. Mr. DeNiscia described the current conditions of the area. He read what the master plan states regarding this “designated area”. He was familiar with 3 lots located in the “C” or business district and a single-family

home located in the “A” residential district. He stated that the proposal needed to be consistent with the intent of the master plan and that the applicant should provide a fair share of affordable housing.

Mr. DeNiscia reviewed variances requested. He summarized the application and stated that the site and area are suitable for the proposed use. He recommended the Board approve the application and felt that the site, at present, is under utilized and the proposal is consistent with what the master plan envisions.

Melvina Fakazis discussed “barrier free” and placement of wheel chair tenants on a second floor, for safety reasons in potentially 16 apartments. Parking for handicapped discussed.

J.J.Clancy referred to the master plan, page 22 and read “general business” land use plan 3.2.4-1.

Mr. Clancy inquired if Mr. DeNiscia read the amendment to the master plan dated March 29, 2006. Mr. DeNiscia stated that his report was prepared at an earlier date. Mr. Clancy discussed the housing element. Mr. DeNiscia stated that is not relevant to the application, adding that the housing element could not give guidance as to how the land should be used.

Kevin Martin commented that the property use today has been that way for the past 40 years and asked what was left to deteriorate. Mr. DeNiscia responded that if it were ever unused, conditions may not be maintained and currently it is underutilized for the area. Kevin Martin suggested a smaller version of the mall so not to impact the residential area. Mr. DeNiscia commented on the zoning ordinance and the master plan. Kevin Martin felt an encroachment to Peters Lane and Collignon Way. He commented on setting a precedent and moving the business district more and more into residential areas. Mr. Martin inquired of Mr. DeNiscia what he would propose on the 3 commercial lots without the residential lot. He responded, same use to a lesser extent.

David Rice commented on a negative impact in the residential area. Robert Fortsch commented on the master plan. Mr. DeNiscia explained why he discussed the master plan. Brian Gibin advised that it is the Board’s responsibility to consider the master plan and re-examination report.

Chuck Waldes inquired if there were any other towns with mixed used. Mr. DeNiscia mentioned a few areas. Mr. Waldes asked if the 34,666 sq. ft. of property were left as it would it have a negative influence. Mr. DeNiscia stated that critical need is any housing that addresses age groups. COAH obligation discussed.

Melvina Fakazis commented that the largest existing complex has approximately 10 stores. She asked if 20 stores would keep the character of River Vale. Mr. DeNiscia replied that the plans would be larger if the space were available.

J.J. Clancy referred to page 25 of the master plan and read 2<sup>nd</sup> floor uses.

Kevin Martin opened the meeting to the public and so carried.

Carol Anne Carini, asked if any other sites were considered and why this site was selected. Mr.

DeNiscia responded that no other sites were looked at and he did not know why the applicant selected this site. He added that the applicant wanted to comply with and address the master plan that's why he combined 2 uses.

He stated that he was not familiar with affordable housing limits and that independent living is proposed.

Robert Waldron, commented that if the units are not desirable to the expected age groups, they could be rented to workers and landscapers. There is no green area so most likely people who rent would not have children. He felt the project would not be advantageous to the town.

Robert Russo asked if the proposal were reduced, by using the 3 commercial lots only, could there be another plan that would address the intent of the master plan. Mr. DeNiscia replied, possibly.

L. Eskinazi, asked Mr. DeNiscia to redefine the "C" district, which he did. She asked if the applicant is the owner of the property. Mr. Giblin advised her that there is a contract / owner and explained what that means. The rental amounts on the property were not known. Currently, no rent control exists.

Mr. Giblin explained the application process to the next meeting.

The meeting was closed to the public.

Joseph Staiger, previously sworn advised that he reviewed the report provided by the Fire Department. He stated that the proposal is designed to accommodate turns for fire trucks. A 24 ft. isle is typical of any shopping center parking lot. Melvina Fakazis questioned the possibility of fire apparatus getting larger in the future.

Mr. Staiger discussed turning radius and advised that he would follow up with the Fire Chief and also discuss parking layout with him.

David Rice asked about parking for the 16 units. He stated that in some other towns, parking is in the rear of the buildings. He asked how retail or rental parking would be controlled in front of the stores. Mr. Staiger advised that this would fall under management control and may be difficult at times.

Melvina Fakazis discussed increase in traffic on Westwood Avenue of about 40%. Mr. Staiger felt that there would be no significant change on Westwood Avenue with or without the development.

Kevin Martin advised that he timed the light at 4 corners and reported that about 1 or 2 cars get through it before the light changes. Mr. Staiger stated that the light is actuated and if it is changing that fast, something may be wrong with it. He agreed that if the light changed fast, the traffic impact might be higher.

Kevin Martin opened the meeting to the public and so carried.

Don Brett asked if Mr. Staiger agreed that there might be an increase in traffic on Westwood Avenue of about 40%. He was in agreement but was not in agreement that there would be an

increase in traffic on Peters Lane. He explained potential us of Peters Lane and Collignon Way depending on direction traveled. Mr. Brett discussed difficult and dangerous traffic situations on Rivervale Road and Westwood Avenue.

Barbara Hagen, 279 Collignon Way, commented on traffic in relationship to the Assisted Living Facility and felt that people would tend to use Peters Lane and Collignon Way. She also feels that Peters Lane may be used for parking as well.

Carol Anne Carini, asked Mr. Staiger what other traffic studies he conducted. Mr. Staiger advised the Commerce Bank and Wendy's, both located in Hillsdale. Ms. Carini inquired if a parking plan was proposed for the complex. Mr. Staiger stated that no plan was in place yet, but parking by residents in the retail area would try to be avoided.

L. Eskinazi had left turn concerns leaving the complex and if Westwood Avenue was wide enough to handle the traffic. She asked who defined the traffic pattern in the retail store area. Mr. Staiger stated that standards are followed to come to conclusions and felt that Westwood Avenue could accommodate and handle the traffic.

The meeting was closed to the public.

Marla Taus, Attorney for the applicant said that the applicant rested his case and would not be available at the June 15, 2006 meeting.

The application will be continued at a special meeting on July 6, 2006.

**MINUTES:**

Upon motion by Robert Fortsch, seconded by Chuck Waldes, the minutes of May 18, 2006 were approved with one amendment; on roll call vote, all those eligible voted yes; the motion carried.

**ADJOURNMENT:**

Upon motion by Chairman Martin, seconded by David Rice, the meeting was adjourned at 11:15 p.m and so carried.

Respectfully submitted,

Sylvia Kokowski  
Recording Secretary