

**TOWNSHIP OF RIVER VALE
JOINT PLANNING BOARD
January 25, 2023
7:30 p.m.
REORGANIZATION & REGULAR MEETING MINUTES**

Approved 2/15/23

ADEQUATE NOTICE STATEMENT:

In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the River Vale Municipal Office.

The Joint Planning Board saluted the flag.



ROLL CALL:

Members Present:

Delix Alex	
Demetria Bogosian	
Mark Bromberg	Mayor
John Donovan	Councilman
Anthony LaSpada	Alternate No. 1
Scott Lippert	Chairman
Matthew Ross	Secretary (Remote - Via Zoom)
Susan Vaccaro	Vice Chair
Peter Wayne	

Also Present:

Marc Leibman, Esq.	Board Attorney
Christopher Statile, P.A.	Board Engineer
David Karlebach	Board Planner
Maria Haag	Land Use Administrator/ Recording Secretary

Absent:

Robert Adamo



REORGANIZATION MEETING

Swearing in of New Board Members:

- Delix Alex - Class IV
- Demetria Bogosian - Class IV
- John Donovan - Class III
- Anthony La Spada - Alternate No. 1
- Peter Wayne - Class II

The Members were sworn in and took their Oaths of Office.

Election of Officers:

Election of Chairman:

Mayor Bromberg made a motion to nominate **Scott Lippert** as Chairman, with second by Ms. Vaccaro. There were no further nominations. On roll call vote, all members voted yes on the nomination.

Election of Vice-Chairman:

Councilman Donovan made a motion to nominate **Susan Vaccaro** as Vice-Chair, with second by Mr. Lippert. There were no further nominations. On roll call vote, all members voted yes on the nomination.

Election of Secretary:

Chairman Lippert made a motion to nominate **Matthew Ross** as Secretary, with second by Mr. Wayne. There were no further nominations. On roll call vote, all members voted yes on the nomination.

Appointment of Board Professionals:

A motion to appoint the following Board Professionals for 2023 was made by Councilman Donovan; seconded by Mr. Lippert.

- **Marc Leibman, Esq., Board Attorney**
- **Christopher Statile, P.E., Board Engineer**
- **David Karlebach, Board Planner**

All board members voted yes on the nominations.

Approval of By-Laws:

Chairman Lippert made a motion to approve the 2023 By-Laws, with second by Ms. Vaccaro. On roll call vote; all in favor, the motion carried.

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REGULAR MEETING

Discussions

The Fairways at Edgewood - Block 1201 Lot 6.03

Generators/Accessory Structures/Patio Expansions

Mr. Lippert explained that applications for generators, accessory structures, and patio expansions are being submitted to the building department. He explained that the board should have a discussion on how these applications should be handled and whether recommendations need to be made to the governing body.

Mr. Leibman further explained that there isn't a provision in the resolution that addresses this matter and that it would be a matter that is worth studying to avoid any confusion. Mr. Leibman stated that he has not seen the master deed or by-laws, and stated that this matter may need to be handled internally by the HOA.

Councilman Donovan asked if the township's generator ordinance would apply to the townhouse development. Mr. Statile stated that the ordinance is set up to address single family homes.

Mr. Statile stated that there are applications being submitted for patio expansions and accessory structures. Mr. Lippert stated that the property is common area, and the home owner's association (HOA) would have to approve those types of matters.

Mr. Leibman read the email that was submitted by Mark Mierop, Toll Brothers Senior Construction Manager stating the current status of building at the site. The information was shared with the board members.

Mr. Lippert stated that he would like more information before the matter can be discussed further. Councilman Donovan stated that he would like to spend time investigating the matter further before it becomes an issue. Mr. Leibman stated that he will look at the master deed.

Mayor Bromberg stated that the generators and patios/accessory structures seem to be two separate issues. He also stated that the increase in the impervious coverage of the expanded patios may be a concern. Mayor Bromberg stated that preserving open space and the water runoff at the property may need to be taken into account. Mr. Lippert stated that this may require a site plan amendment. Mr. Lippert stated that the HOA will need to be involved.

Keith Loeb, resident at 25 St. Andrews Circle, River Vale stated that he is one of the residents interested in installing a generator and explained his experience with his application. He stated that his application was

denied by the building department. He stated the reasons that he and his wife would like a generator. Mr. Loeb submitted a document containing Toll Brother's requirements for a generator application.

Mr. Lippert asked if any additional members of the public would like to ask questions or make statements; there being none, the meeting was closed to the public.

Discussions continued amongst the board members. The matter will be investigated further, and the discussion will be continued at the **February 15, 2023 meeting.**

Applications

Collignon Estates - Block 1801 Lots 7 & 8 - 234 & 238 Rivervale Road

Preliminary and Final Major Site Plan /Major Soil Movement/Use "D" Variance/Bulk "C" Variances - Reconsideration of Application with proposed changes

Mayor Bromberg and Councilman Donovan recused themselves from the meeting.

Mr. Leibman explained that the application is proposed with changes as a reconsideration to the board.

Jennifer M. Berardo, Wells, Jaworski, and Liebman, LLP introduced herself as counsel for the interested party, Lindvale Gardens.

Matthew G. Capizzi, Esq. of Capizzi Law Offices, 11 Hillside Avenue, Tenafly, NJ, introduced himself as counsel for the applicant, Collignon Estates.

Mr. Leibman summarized the status of the application and explained the actions that were taken by the board at the previous meetings. He stated that in his opinion "res judicata" would not apply because there have been significant changes to the application. He explained that the board has the right to reconsider the application prior to the resolution being adopted. The board voted at a previous meeting in favor of reconsidering the application. The two new board members, Ms. Bogosian and Mr. LaSpada have certified that they have listened to the recordings or read the transcripts from the previous meetings and are eligible to vote.

Mr. Lippert asked Mr. Capizzi to focus on the difference between this application and the application that was previously presented.

Mr. Capizzi presented an overview of the application and types of variances the applicant is seeking. He stated which witnesses had provided testimony at the previous meetings.

Mr. Capizzi explained the changes that had been made to the application. He stated that the southernly unit height of pod C and the northernly unit height of pod D have been modified to 2-story units to address previous concerns of the board members and public. Mr. Capizzi stated additional onsite parking has been provided, an additional 2 parking stalls. He stated that the westerly units of pod A and pod C have been changed to 2-story units along Rivervale Road.

John Lignos, architect for the applicant was sworn in. Mr. Lignos further explained the mentioned changes to the application. He presented and explained **exhibit A-5**, a full-scale colored rendering of the site. Mr. Lippert asked if the set back of the units have changed. Mr. Lignos stated that the setbacks remain the same, however the 3-story units are further back. Mr. Lignos further explained the front façade, aesthetic elements, and layout of the units. Board members continued to question the witness. Mr. Lignos responded to all questions.

Discussions continued regarding the parking and sidewalks at the site. Mr. Wayne asked who would be responsible for maintaining the site. Mr. Capizzi stated that a private contractor will be hired for snow removal of sidewalks and parking area and garbage removal at the site. He stated that individual garbage pails for the units will be available, there will not be a dumpster at the site.

Mr. Lippert opened the meeting to the public for questions; there being none, the meeting was closed to the public.

Mr. Capizzi stated that his witnesses are available for questions if needed. He stated that he has no additional testimony.

Jennifer M. Berardo, counsel for Lindvale Gardens stated that her client has come to agreeable terms with the applicant. Ms. Berardo explained the terms of the agreement. She stated that as long as the application remains as proposed, the adjacent property owner does not have any objection to the application. Mr. Capizzi stated that the applicant agrees to the conditions in the agreement. Ms. Berardo stated that she will provide the conditions to Mr. Leibman so they can be reflected in the resolution. Mr. Leibman referred to the July 7, 2022 transcript of the previous meeting. Mr. Leibman stated that all conditions were previously included in the application's plans, will be included in the developer's agreement, and that there are no additional conditions of approval. He stated that the only addition to the conditions would be the two additional parking spaces. Mr. Statile stated that any parking matters should be directed to the police chief. Mr. Capizzi agreed to those terms.

Mr. Wayne asked how long the proposed plantings/trees included in the landscaping plan are guaranteed for. Mr. Capizzi stated that there would be a two-year maintenance bond posted for the project that will cover landscape items. Mr. Wayne stated that the landscaping is an important

part of the plan, and if a tree dies it should be replaced by the applicant. Mr. Capizzi stated that this will be addressed in the resolution and developer's agreement. Ms. Vaccaro asked about the caliper of the trees being planted and noted the review letter from Mr. Statile on 1/20/23 in regard to his recommendation for the trees Mr. Leibman stated that he will include in the conditions of approval that the applicant must comply with the letter issued on January 20, 2023 by Mr. Statile's office.

There were no further questions or comments of the board members.

Mr. Lippert opened the meeting to the public for questions; there being none, the meeting was closed to the public.

A motion to approved the application encompassing all relief that was requested, as presented with modifications, with all conditions on the record including but not limited to Mr. Statile's letter dated January 20, 2023 was made by Mr. Lippert, seconded by Mr. Alex, on a roll call vote, all in favor, the motion carried.

Resolutions - None

Minutes

A motion for approval of the minutes of December 14, 2022 was made by Mr. Wayne; seconded by Ms. Vaccaro; all in favor, the minutes were approved.

Meeting opened to the public for any non-agenda items

There being no members of the public present; the meeting was closed to the public.

Payments of Invoices: Chairman Lippert reviewed and signed

Next Meeting: Regular Meeting - Wednesday, February 15, 2023 at 7:30 p.m.

Adjournment: The meeting was adjourned at 9:00p.m.

Respectfully submitted,

MARIA HAAG

Recording Secretary