

**TOWNSHIP OF RIVER VALE
JOINT PLANNING BOARD
FEBRUARY 16, 2022
7:30 p.m.
REGULAR MEETING MINUTES**

Approved 3-30-22

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.

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ROLL CALL:

Members Present:

Robert Adamo	
Delix Alex	
John Donovan	Councilman
Robert Fortsch	Vice-Chairman
Scott Lippert	Chairman
Matthew Ross	
Susan Vaccaro	Secretary
Peter Wayne	

Also Present:

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

Absent:

Glen Jasionowski	Class I-Mayor
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REGULAR 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 - *carried from the January 26, 2022 meeting*

Matthew G. Capizzi, Esq. of Capizzi Law Offices, 11 Hillside Avenue, Tenafly, NJ, reintroduced himself as counsel for the applicant and 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 and explained the modifications that have been made to the application due to comments and feedback from board members. The modifications include changing one of the townhouses into two flats in order to comply with fair share housing requirements, resulting in thirteen townhomes and two affordable housing flats. He stated that the guest parking lot has also been modified to include an additional parking spot. He stated that the townhouses will each provide an EV ready parking spot.

Councilman Donovan stated that he has recused himself and will be observing as a citizen.

Mr. Capizzi introduced, Steven Napolitano, SNS Architects and Engineers, 1 Paragon Drive, Montvale, NJ, Professional Engineer to provide additional testimony. Mr. Napolitano discussed the revised civil plan set dated **2/4/22** and explained in detail all modifications. He also stated that modifications to the entryway off of Rivervale Road have been made due to requests from the county for it to be a one-way entrance only. Mr. Lippert asked for clarification regarding parking. Mr. Napolitano stated that there will be 36 parking spaces sitewide including the visitor parking area complying with RSIS. Mr. Lippert explained that RSIS refers to Residential Site Improvement Standards which is a statewide statutory standard, as opposed to standards that are created by township ordinance. Mr. Napolitano also discussed the proposed lighting along Rivervale Road and the drainage system. Mr. Napolitano spoke about the retaining walls and fencing proposed on the property.

Mr. Wayne asked about the height of the retaining wall. Mr. Napolitano stated that the height is 5 ½ - 6 feet. Mr. Wayne asked how many parking spaces are available for the affordable housing units. Mr. Napolitano stated that one unit has two parking spaces and the other unit has one space. He stated that the unit with two parking spaces has a garage.

The meeting was opened to board members for questions. Mr. Fortsch stated his concern that there is not enough parking. Mr. Leibman stated that the application is compliant with RSIS for parking. Mr. Wayne stated his concern with the building heights and elevations due to the grading of the property.

Mr. Statile discussed the fire department's requests:

1. The islands be removed on Collignon Way.
2. The fire walls between the units be carried up to the roofline
3. The fire hydrant be located in the center of the development.

Mr. Napolitano stated that those changes would be made.

Mr. Wayne asked for the number of units per acre allowed in a townhouse zone. Caroline Reiter stated that she would look into the townhouse zone.

The meeting was opened to the public for questions of Mr. Napolitano.

Leianne Eskinazi, Berkley Village, 265 Unit 3B and 259 Unit 2A, River Vale, asked Mr. Napolitano about the drainage on the property and if the overflow would impact the sewer system. Mr. Napolitano stated that the calculations indicate that 100% of storm water will be infiltrated with no overflow. Mr. Statile further explained that the applicant is retaining all of the storm water runoff at the site and that he is completely satisfied with the plan.

Alan Scheer, 279 Collignon Way Unit 1, River Vale, asked how the development will impact the water table. Mr. Napolitano stated that there will not be any impact to the water table.

Timothy Chainer, 279 Collignon Way Unit 6, River Vale, asked what recourse the public could take if they object to the application. Mr. Lippert stated that he is exercising his rights by attending and speaking during the public meeting. Mr. Lippert explained that the public can provide testimony before

the end of the hearing for the board to consider. Mr. Chainer asked why the traffic from the development would be exiting onto Collignon Way. Mr. Napolitano stated that the county does not want the traffic to exit onto Rivervale Road.

Ms. Reiter responded to Mr. Wayne's previous question and stated that the townhouse zone in River Vale allows for a density of 15 units per acre, and a maximum of 59 units per development. Mr. Van Eck asked about the PRD zone. Mr. Leibman suggested that this line of questioning be held off until the applicant's planner provides testimony.

Being no additional members of the public with questions for the witness, the meeting was closed to the public.

Mr. Capizzi introduced John Lignos, SNS Architects and Engineers, 1 Paragon Drive, Montvale, NJ, Professional Architect to provide additional testimony. Mr. Lignos discussed the revised architectural plan set dated **2/4/22** and explained all modifications made to the buildings and units in response to questions and comments provided by the board members and township engineer. **Exhibit A -4** was presented to show the elevations that would face Rivervale Road - Sheet D-16. Mr. Lignos explained the architectural elements that were added to the plan to improve the visual aspect of the buildings. He explained the reasons for the regrading of the property and the importance of keeping the elevations due to water runoff and drainage.

The meeting was opened to board members for questions. Mr. Wayne asked about the distance of the rear fence to the buildings. Mr. Lignos stated that the fence is about 11 feet from the last unit and about 9 feet from the center units. Mr. Wayne asked Mr. Statile for feedback from the Fire Department regarding the fence. Mr. Statile stated that the Fire Department was satisfied with the fence distance from the building.

Mr. Statile asked Mr. Lignos to describe the retaining walls. Mr. Lignos stated that they would be a block, keystone retaining wall. Mr. Statile asked about precast block. Mr. Lignos stated that if the board prefers a particular type of material, the applicant will consider it.

The meeting was opened to the public for questions of Mr. Lignos. There being none; the meeting was closed to the public.

The meeting was opened to the opposing counsel for cross examination of Mr. Napolitano and Mr. Lignos. Jameson P. Van Eck, Esq., Well, Jaworski, and Leibman LLC, introduced himself as the attorney for the objector, Lindvale Gardens. Mr. Van Eck asked Mr. Napolitano why Unique Home Buyers, LLC was still identified on the plans and if they were still involved in the application. Mr. Napolitano stated that he did not know. Mr. Van Eck asked questions about the elevations of the pods and grade of the property. Mr. Lignos explained how the elevations were calculated and grade was determined. Mr. Van Eck asked if the heights were calculated using the preconstruction average grade, and if after construction the building height will be 35'5", which exceeds the allowed height permitted in the zone. He stated that the applicant is creating a lower elevation by digging a hole in order to gain height on the building. Mr. Napolitano stated that the applicant is following the code definition and conferred with the township engineer. They discussed whether the calculations should be based on curb line or average grades. Mr. Statile stated that his office works with the Zoning Official and explained how building heights are calculated. He stated that he is satisfied with the calculations that the applicant provided. Mr. Leibman explained to the board members that as a "Zoning Board" one of their roles is to interpret the Township ordinances how they see fit. Mr. Capizzi asked if the board could make a determination as to whether they will accept Mr. Statile's opinion on how the ordinance is interpreted. Mr. Lippert stated that he would like Mr. Van Eck to complete his cross examination of the two witnesses and defer the judgement on this matter until the next meeting.

Mr. Van Eck continued to question the witness on rear, side, and front yard setback lines and how they were determined. Mr. Lignos responded to the questions. Mr. Van Eck asked if the buildings could be rotated to face Rivervale Road. Mr. Lignos stated that it's a possibility but he did not study alternate designs of the application. Mr. Leibman asked Mr. Van Eck if his client would continue with their objection to the application if this were to be the case. Mr. Van Eck stated that he is trying to understand the plans.

Mr. Van Eck continued questioning the witness on retaining walls and building heights. Mr. Capizzi stated that the plans that have been filed with the Township are the plans that the applicant is asking the board to consider, not alternate plans.

Mr. Van Eck asked questions about the visitor parking lot. Mr. Lignos explained the access to the property from the visitor parking lot and stated that sidewalks are not required. Mr. Van Eck asked about open space at the property. Mr. Adamo stated that the question should be directed to the planner. Mr. Lignos stated that he calculated the open space at the property and that the existing open space on the property is 53.1% and the proposed open space is 49.7%. Mr. Van Eck questioned whether the applicant is meeting the required open space and recreation area specified in the township ordinance; Chapter 142-156. Mr. Capizzi stated that the applicant's planner will respond to this questioning. Mr. Lignos stated that there are not any active recreation areas specifically designated on the plan.

Mr. Van Eck continued questioning the witness on lighting at the site. Mr. Lignos responded with alternate options for the lighting at the property that can be considered.

The matter was adjourned to the March 30, 2022 meeting taking place in-person at Town Hall at 7:30pm. Mr. Lippert stated that he is comfortable returning to the in-person format; the board members agreed. Mr. Capizzi agreed to consent to carry the application to 3/30/22 and waived any time requirements for the board members to take action until then. Mr. Leibman stated that the application will be carried to that date, and that no further notice is required.

Corona - Block 1712 Lot 19 - 224 Rockland Avenue

- Addition - Bulk Variance/Setbacks

Susana Tavera, AIA, 1915 Morris Avenue, Union, NJ introduced herself as the architect for the application. Ms. Tavera was sworn in, qualified and accepted. Ms. Tavera presented an overview of the application. She presented **exhibit A-1**; the realtor's photograph of the existing home. She stated that the picture was taken within the last year and accurately depicts the condition of the property. Ms. Tavera explained the plans that were submitted with the application. She stated that the footprint of the building will remain the same and explained the proposed changes to the second floor. She stated that there is also a proposed deck on the rear of the home which will require a variance, however the new deck is uncovered and will reduce an existing non-conformity. Ms. Tavera stated that the

applicant is requesting a variance for the rear yard and front yard setbacks and stated that the lot is an existing non-conforming lot. She stated that the applicant is proposing to build the addition over the existing home with no change to existing setbacks. Mr. Lippert asked Ms. Tavera to confirm that this application only has existing non-conformities, that one of them is improving on the existing condition, and that there are no new variances being sought. Ms. Tavera confirmed that information and stated that the applicant is also decreasing the impervious coverage and making it compliant.

Mr. Statile stated that there are five preexisting non-conformities and one proposed variance required for the application based on how the lot is configured. Mr. Statile stated that the board should consider whether the addition of the second floor will exacerbate the preexisting non conformity.

Mr. Wayne asked if the existing shed requires a variance. Mr. Statile stated that the shed is one of the preexisting non-conformities. Mr. Leibman advised the board to consider not granting a variance for the existing shed due to the fact that if the shed is ever replaced, it will then be required to be located in a conforming way. Mr. Leibman stated the variance relief being sought is for the front yard setback - 11.67 feet existing, continuing with the second floor.

Mr. Statile asked about the height of the fence on Montview Place. The applicants, Felician and Carmen Corona were sworn in by Mr. Leibman. Mr. Corona stated that the fence is a 3' high, chain-link fence. Mr. Fortsch asked how old the house is and if the entrance was at one time off of Montview Place. The applicant stated that they believe the house was built in 1908 and that the entrance was off of Montview Place.

Mr. Statile asked the applicant to explain their reasoning for having two laundry rooms, one on the first floor and one on the second floor. The applicant stated that their children are adults and live with them and two laundry rooms work better for their family.

The meeting was opened to the public for questions and statements.

David Rieken, 217 Rockland Avenue, River Vale, NJ, was sworn in by Mr. Leibman. Mr. Rieken stated that he lives directly across the street from the applicant and is in support of the approval of the application.

The meeting was closed to the public.

A motion for approval was made by Mr. Lippert; seconded by Mr. Alex; on a roll call vote, all in favor, the motion carried.

RESOLUTIONS:

Professionals:

- Appointment of Marc Leibman, Esq.- Board Attorney
- Appointment of Christopher Statile, PE and Statile Associates - Board Engineer
- Appointment of Caroline Reiter, PP - Board Planner

A motion for approval was made by Mr. Lippert; seconded by Mr. Ross; and carried unanimously on voice vote.

By-Laws - 2022 Approval

A motion for approval was made by Mr. Wayne; seconded by Ms. Vaccaro; and carried unanimously on voice vote.

DISCUSSIONS:

Scheduling for Reexamination Report of Master Plan

Mr. Leibman explained that the board is moving along with the reexamination, however the board members may want to consider setting up a special meeting in early April for the Master Plan. Mr. Statile stated that he'd also like to include a Capital Project Review for the Public Safety Complex at the meeting. Mr. Adamo suggested a virtual meeting. The board decided to schedule a virtual Special Meeting for Wednesday, April 13th at 7:30pm.

MINUTES:

A motion for approval of the minutes of January 20, 2022 was made by Mr. Wayne; seconded by Mr. Ross; and carried unanimously on voice vote.

A motion for approval of the minutes of January 26, 2022 was made by Mr. Lippert; seconded by Mr. Wayne; and carried unanimously on voice vote.

PAYMENT OF INVOICES: Chairman Lippert reviewed and signed

NEXT MEETING:

Regular Meeting - Wednesday, March 30, 2022 at 7:30 p.m.

The meeting was opened to the public for any non-agenda items. There being none; the meeting was closed to the public.

ADJOURNMENT: The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

MARIA HAAG

Recording Secretary