

**TOWNSHIP OF RIVER VALE  
JOINT PLANNING BOARD  
May 25, 2022  
7:30 p.m.  
REGULAR MEETING MINUTES**

*Approved 6/29/22*

**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	
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 - via video link
Joanne Allgor	Acting Land Use Administrator

**Absent:**

John Donovan	Councilman
Glen Jasionowski	Class I-Mayor

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**REGULAR MEETING**

**RESOLUTIONS:**

**Keenan - Block 2206.01 Lot 14 - 146 Doretta Street**

- Deck - Bulk Variance/Rear Yard Setback

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

**Completeness Review:**

**Triano - Block 301 Lots 17 & 17.02 - 697 & 701 Blue Hill Road**

- Major Subdivision Application with Variances

Mr. Statile explained that the application is for a two-lot major subdivision due to the depth of the lots. The lot line between the two properties is being shifted. The application is complete and can be scheduled for a public meeting. Mr. Statile stated that there are no objections with the waiver request submitted by the applicant. **The application was scheduled to be heard at the June 29, 2022 meeting.**

**MINUTES:**

A motion for approval of the minutes of April 27, 2022 was made by Mr. Adamo; seconded by Ms. Vaccaro; on a roll call vote, all in favor, the motion carried.

**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 April 27, 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 summarized what was discussed at the March 30<sup>th</sup> meeting.

Mr. Capizzi stated that there is additional architectural testimony which will address modifications to plans submitted on **4/14/22** pertaining to elevations for pods A, B, and D. Mr. Capizzi introduced John Lignos, SNS Architects and Engineers, 1 Paragon Drive, Montvale, NJ, Professional Architect to provide additional testimony. Mr. Lignos explained the changes submitted for pods A, B, and D. He stated that an entrance was added along with canopies for the pods and shutters for the windows. He stated that the revisions do not impact any setbacks.

The meeting was opened to board members for questions of Mr. Lignos; there were no questions from board members.

The meeting was opened to the public for questions; there being none; the meeting was closed to the public.

At 7:45pm the board took a recess.

The meeting resumed at 7:55pm.

Mr. Leibman explained that Carolyn Reiter, the Board Planner is attending the meeting via video link.

Mr. Capizzi introduced Brigette Bogart, 265 Franklin Ave., Wyckoff, NJ, Professional Planner, to summarize her testimony from the March 30<sup>th</sup> meeting. Ms. Bogart recapped her previous testimony.

The meeting was opened to board members for questions of Ms. Bogart. Mr. Adamo asked about the commercial zoning of the properties and the number of stories that would be allowed in a C zone. Ms. Bogart stated that buildings in the C zone could be two or three stories depending on height. Ms. Bogart stated that there is a three-story building adjacent to the proposed development, to the east along Collignon Way. Ms. Reiter asked Ms. Bogart questions about her testimony pertaining to the master plan. Ms. Bogart responded to questions and explained goals pertaining to the four corners and the economic impact of the development. Ms. Reiter continued to question Ms. Bogart.

The meeting was opened to the public for questions; there being none; the meeting was closed to the public.

Jameson P. Van Eck, Esq., Wells, Jaworski, and Leibman LLC, reintroduced himself as the attorney for the objector, Lindvale Gardens. Mr. Van Eck questioned Ms. Bogart about exhibit BB1

and reviewed what is depicted in the pictures. Mr. Van Eck asked for clarification about the zoning for the existing buildings and permitted uses. He also asked questions regarding height and setbacks. Ms. Bogart stated that she did not study those matters and will rely on the engineer to answer those questions. Mr. Van Eck continued to question Ms. Bogart about the proposed buildings and their distance to the street. Ms. Bogart stated that from a planning perspective the difference in the existing building and proposed building setbacks doesn't matter, they follow the zoning regulations. She stated that the project is compliant with the zoning regulations for a C zone. Mr. Van Eck stated that the proposed buildings are not for commercial use. Mr. Van Eck asked questions regarding the number of stories in the apartment building to the east of the site. Ms. Bogart responded that it is a three-story building. Mr. Van Eck asked question pertaining to recreational space. Ms. Bogart explained the passive and open recreational space at the site. Questions continued regarding density at the proposed and surrounding sites. Mr. Van Eck continued to question Ms. Bogart regarding her testimony and all aspects of her analysis. Ms. Bogart responded to questions and explained her zoning analysis.

Mr. Van Eck asked questions pertaining to the TH Zone. Mr. Capizzi objected to the line of questioning. Mr. Leibman stated that the questions are irrelevant. Mr. Capizzi stated that Ms. Bogart can speak to the density of the project, however her testimony did not concern setbacks, coverages, and heights in other zones. Mr. Van Eck stated that he is explaining his legal argument and thinks it has to be made on the record. Mr. Leibman stated that Mr. Van Eck should continue his cross examination, ask questions, and not provide testimony. Mr. Van Eck continued asking questions of the witness. He asked questions pertaining to the "A" residential zone. Mr. Lippert questioned the relevance of the questioning pertaining to the "A" residential zone. Mr. Van Eck stated that he is creating a record and continued his questioning of the witness. Ms. Bogart spoke about previous violations pertaining to the property. She explained why her reasons for the transition of the property to a multifamily use for the site is most appropriate. Mr. Van Eck continued to question Ms. Bogart in regards to the density of the site and surrounding developments. Ms. Bogart stated that from a planning perspective, the applicant is keeping with the surrounding development pattern and meets all of the requirements in order to be consistent with the neighborhood.

Mr. Van Eck stated that Ms. Bogart's density calculation of 14.51 overall is not what the data shows. Ms. Bogart explained the tables submitted to the board, including data in regards to density. Mr. Leibman asked Mr. Van Eck to move on. Mr. Van Eck stated that his question was not being answered and continued questioning the witness.

At 9:15 Mr. Lippert stated that the board would take a 10-minute recess.

The meeting resumed at 9:25pm.

Mr. Van Eck asked the Ms. Bogart questions pertaining to the Master Plan. Ms. Bogart responded to questions. She stated that the 2005 Master Plan talks about the redevelopment of neighboring sites to promote the encouragement of residential development in order to encourage the economic development of the Four Corners. Questioning of the witness continued pertaining to the Master Plan, overlay zone, and variances being sought for the application. Ms. Bogart answered Mr. Van Eck's questions.

The meeting was opened to the public for questions; there being none; the meeting was closed to the public.

Mr. Capizzi had no further questions for the witness.

Mr. Van Eck introduced Peter G. Steck, 80 Maplewood Ave., Maplewood, NJ, Professional Planner. Mr. Steck was sworn in by Mr. Leibman. Mr. Steck stated his qualifications. The board accepted Mr. Steck's credentials and qualifications as an expert in the field of planning.

Mr. Capizzi asked Mr. Steck to state the percentage of his practice that represents interested parties in cases such as this. Mr. Steck stated that half of his work is for objectors. Mr. Van Eck asked Mr. Stack if he has represented boards, applicants, and objectors throughout his career. Mr. Steck responded, that is correct.

Mr. Steck presented his testimony. He distributed a 6-page handout to the board members - **Exhibit PS-1**. Mr. Steck explained the information included in the handout by page. He presented an overview of the site and surrounding properties and explained photographs included in the exhibit. Mr. Steck stated that most of the properties in the area are residential and stated that there are not any three-story buildings in the area.

He continued to discuss the nature of the application and the buildings proposed in the application. He discussed the parking at the site, setbacks, and open space. He discussed the goals of the Master Plan. Mr. Steck stated that the 2005 Master Plan recommends single-family use for the subject property and the office building to the north is recommended as a professional office building. Mr. Steck provided testimony regarding the zoning of the property and what is permitted for the zone. He stated that the setbacks being proposed are for a commercial development, not residential. Mr. Steck stated that the uses being proposed are not permitted uses per the zoning ordinance and are not recommended in the Master Plan. He stated that the density being proposed is greater than what is permitted. He stated that the site violates the front and rear yard setback regulations and height in terms of stories. Mr. Steck stated that the need for three monument signs indicates the deficiency of the site plan. Mr. Steck continued to discuss the density at the site and the lack of open space and an active recreation area. He provided additional testimony regarding height and setbacks.

Mr. Lippert asked Mr. Statile to explain how building heights are calculated. The height ordinance 42-3 is discussed. Mr. Statile stated that the interpretation by the Zoning Official is what is being used to calculate height.

*"Building height shall be measured from the average elevation of the existing grade measured at 10-foot intervals around the outer perimeter of the proposed building footprint beginning at the low point."*

Mr. Statile stated that the township is consistent with the interpretation for all buildings in town. Mr. Leibman stated that the Zoning Board is a quasi-judicial board and has the authority to interpret township ordinances. The decisions that the Zoning Board make are given consideration and become binding. Mr. Leibman stated that the board has been consistent in interpreting the height ordinance in the way that Mr. Statile has been interpreting it. Mr. Lippert stated that in following the township ordinance, a "D" variance is not required for height for this application. Mr. Leibman agreed and stated that this matter had been discussed earlier in the application, and that the applicant is free to argue the contrary.

Mr. Steck continued with his testimony and stated that a commercial use at this site is just as beneficial to the

downtown as a residential use. He stated that the governing body decided that the site should be used for a commercial use or single-family homes. Mr. Lippert stated that the applicant is entitled to make an application that deviates from that.

Mr. Steck continued to provide testimony regarding the lack of adequate light, air, an open space. He spoke about the deficiency in setbacks. He discussed the impact of excessive density. He stated that the proposed application poses a detriment to the public good. Mr. Steck stated that there is a heavy burden on the "Medici" part of this case, and in his opinion the applicant has not shown the site to be suited for the proposed use. Mr. Steck stated that in his opinion if the application is approved, it will substantially impair the intent and purpose of the zoning plan and zoning ordinance. Mr. Steck concluded his testimony.

Mr. Lippert stated that due to the lateness of the hour, the application will be **carried to the June 29, 2022 meeting**. Mr. Capizzi gave consent to carry the application with the time limitations of the Land Use Law being waived. No further notice required.

Mr. Leibman stated that the Re-examination of the Master Plan will be **carried to the June 29, 2022 meeting**. No further notice required.

**PAYMENT OF INVOICES:** Chairman Lippert reviewed and signed

**NEXT MEETING:**

**Regular Meeting - Wednesday, June 29, 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,**

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**MARIA HAAG**

**Recording Secretary**