

**TOWNSHIP OF RIVER VALE
JOINT LAND USE BOARD
September 18, 2017
REGULAR MEETING
MINUTES**

Draft

ADEQUATE NOTICE STATEMENT:

A Regular Meeting of the River Vale Joint Land Use Board was called to order at 7:30 **p.m.** The following statement was read: " 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 Land Use Board saluted the flag.

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ROLL CALL:

Members Present:

Scott Lippert	Chairman
Robert Adamo	
Peter Wayne	
Robert Fortsch	
Michael Beukas	
Craig Plescia	
Susan Vaccaro	
John Puccio	

Also Present:

Marc E. Leibman, Esq.	Board Attorney
Christopher Statile	Board Engineer
Joanne Allgor	Land Use Administrator

Absent:	Glen Jasionowski	Class I-Mayor
	John Donovan	Councilman

Mr. Adamo arrived at 8:02 after roll call.

APPLICATIONS

Corso - 608 New Street - Block 1401 Lot 15 - deck

Peter Corso was sworn in by Mr. Leibman Board Attorney. He presented his proposal to construct a deck in the rear yard. Property is narrow; side set backs are tight; one

side yard set back combined is required. Mr. Fortsch commented that the neighbors house looks similar to Mr. Corso's and asked if these are older homes. Mr. Corso responded yes, both houses were torn down to the foundation. Behind him is water company property. Placing a deck is my only option because of the wetlands. Mr. Statile asked how high the proposed deck is. Photographs were included with the application. It was determined that the height is approximately 3 ½ - 4 ft. high.

There is a bump out on the easterly side and that is what is triggering the request on the one side. Mr. Corso responded yes, otherwise it lines up with the house.

The proposed deck is approximately 3 ½ ft. above grade. Mr. Corso was asked if lattice on the other side of the deck would be placed or landscaping. Mr. Corso responded landscaping eventually. Mr. Plescia commented that composite deck material is being used which is good.

A six-foot privacy fence by the air conditioner will act as a railing and create privacy. Mr. Corso was asked if the privacy fence would be lattice. Mr. Corso responded solid or lattice he has not decided yet. Mr. Plescia commented that a high fence near the grill area is not a good idea for safety. Mr. Corso responded that it would not be around the grill; railing height would be used.

Chairman Lippert opened the meeting to the public

No public comment

Meeting closed to the public.

Mr. Corso was asked if he could place some shrubs near the 6 ft. privacy fence. There is a 9 ft. 2" span of the 6 ft. privacy fence. Mr. Statile recommended three Norway or Blue Spruce 5 ft. high. Mr. Corso agreed.

No further discussion.

A motion by Mr. Fortsch, seconded by Mr. Lippert to approve the application, on roll call vote; all in favor, the motion carried.

Hopper 234, LLC - 234 Rivervale Road - Block 1801 Lot 8 - use

Robert Mancinelli, Esq. represents the applicant. He asked to confirm that there are no Class I or Class II members at the dais. Those members would be Mayor Jasionowski and Councilman Donovan who were not present.

Mr. Mancinelli stated that we are here for interpretation of the Zoning Code and the focus is on use of the property and a letter from the Zoning Officer dated October 22, 2016. We are here to possibly reverse the decision of the Zoning Officer and the issuance of 116 or more pending municipal court summonses against the property owner for the use of the property at 234 Rivervale Road.

Mr. Mancinelli proceeded to provide a general outline as to why he is here this evening. He advised that Mr. Hopper is the managing record owner and the principal of one of the tenants Pratt Plumbing on the property since the late 1990's. Municipal records were obtained via OPRA that are applicable dating back to 1868.

Mr. Mancinelli referred to the letter dated October 22, 2016 in which he is seeking an interpretation and repeal of.

The violations issued are for uses, parking, outdoor storage, noise - 4 from the Township Zoning Ordinance and 1 from the Township Noise Ordinance:

- 142-227 - Industrial uses not permitted
- 142-227D - Prohibits outdoor storage
- 142-227C - No land or building or premises used for purpose that is offensive
- 142-227E1- Residential apartment no permitted
- 159-2K - Idling of motor vehicle from 11:00 p.m. to 6:00 a.m. (the tenant that caused this is no longer there)

Violations were issued by Michael Sartori Zoning Officer who is present this evening.

Board members were provided a copy of the October 22, 2016 letter. Mr. Leibman proceeded with an offer of interpretation of the violations. Mr. Mancinelli responded that is how he would like to proceed.

Mr. Mancinelli called the applicant Mr. Steven Hopper forward. Mr. Hopper was sworn in by Mr. Leibman, Board Attorney. Mr. Hopper stated that he is a managing member of

the LLC and a tenant since 1999. The history of the uses of the property goes back to the 1860's with the Collignon Chair Factory. Mr. Mancinelli wants to focus on the use from 1999 when Mr. Hopper became a tenant.

Mr. Hopper testified that in the summer of 1999 he asked if he was able to rent the property. Mr. O'Dowd was the Construction Official at that time and has since passed. Mr. Hopper then occupied the premises. He was asked what commercial vehicles were parked on the site after hours back then. Mr. Hopper replied two Buldo garbage trucks, the maintenance person of the property had excavating equipment parked overnight, there was a tenant upstairs and his business had 4 trucks. Back then there was 1 residential parking space and there is 1 today.

The space the residential tenant occupied was from 1985 to 2003. Mr. Hopper purchased in 2002 at that time Mr. O'Dowd confirmed plumbing was a permitted use. He will provide Mr. Mancinelli with the real estate closing paper work. From 1999 to October 2016 Mr. Hopper had no issues or problems with officials; inspections were performed on a regular basis by the Fire Department.

On February 11, 2002 Mr. Hopper received a Certificate of Occupancy when he purchased. A copy was available from the OPRA request Mr. Mancinelli made to the Township. Very little information was available through the OPRA request. Mr. Leibman offered to search the archives with Mr. Mancinelli in an effort to gather additional information on the property.

A review of the tenants in the building, since the purchase date of 2002, was conducted; there were 6 tenants in individual spaces and 2 attorneys within the main office with Mr. Hopper.

Mr. Mancinelli asked Mr. Hopper if he ever got notified that there was consideration to change the zone in his area and re-classify. Mr. Hopper responded yes around May / June 2006. Mr. Mancinelli asked if there was an ordinance to re-classify. Mr. Hopper stated that an ordinance was introduced but no second on the motion and no vote taken; therefore, the ordinance was never adopted.

Mr. Mancinelli asked Mr. Hopper what, if anything, he wanted to tell the Board with respect to use it as a tenant and your 2002 CCO certificate. Mr. Hopper stated that he started renting in 1999 the business grew into the 2000's

and then shrunk with the economy. He always maintained the building, always had a gravel driveway and is just a Collignon farmhouse.

Mr. Mancinelli commented that Mr. Hopper has identified uses and tenants going back to the 1860's and he did not have this information at the time of application. He would like to submit this now. Mr. Lippert approved the submittal and anything else he could rely on to submit in advance for Board review. Mr. Leibman marked the letter of October 22, 2016 as Exhibit A-1.

Mr. Mancinelli speaking to Mr. Hopper stated that prior to October 20, 2016 you identified the tenants. What activities took place from the time you started renting to October 19, 2016 with respect to vehicles or equipment belonging to the tenants. Mr. Hopper stated that the 2 attorneys occupied an office downstairs, they would have operated from around 10:00 a.m. till about 5:00 p.m. The P & D Environmental service company did oil and fuel tank abatement and soil testing starting at around 7:30 a.m. They had 3 trucks parked overnight in the back of the property. Pratt Plumbing, Mr. Hopper's business has 2 plumbing trucks and a utility trailer. Buldo Sanitation had 2 garbage trucks from 1992 forward and had them parked overnight. Mr. Mancinelli asked if Buldo increased the activity of trucks on the sight from 1999 to October, 2016. Mr. Hopper said yes, in 2010 they asked for more parking spaces.

Mr. Mancinelli asked if there is any specific activity, that Mr. Hopper can recall, that lead to the enforcement action from the Zoning Officer since he purchased the property. Mr. Hopper responded that he had discussion with the principals of Buldo Sanitation and told them that they could not start their trucks before 6:00 a.m. according to town ordinance. Buldo denied starting their trucks prior to 6:00 a.m. In February, 2017 Mr. Hopper was on the premises around 1:00 a.m. and he blocked all the driveways and Buldo attempted to leave with their trucks at 4:00 a.m.

Mr. Mancinelli asked what Mr. Hopper did at that time. Mr. Hopper stated that initially he believed Buldo then he felt that they were lying and he then asked Mr. Mancinelli to send them a letter to vacate in March but March turned into June. Mr. Mancinelli asked was the conversation you had with them after you received the October 22, 2016 letter from the Zoning Official. Mr. Hopper responded yes. Mr. Mancinelli asked what conversation he had with Mr. Sartori,

Zoning Official. Mr. Hopper responded that in January, 2017 Mr. Sartori said the businesses did not have CO's and complaints needed to be addressed. He said I had to do a Zoning application and if I put in for a CO for my own business I would get denied. Mr. Mancinelli asked, is that the first time you were made aware as an owner of the property that a River Vale official stated to you that you had tenants without certificates of occupancy. Mr. Hopper said he addressed the letter of October 22, 2016 in January, 2017 at that time he sought legal services to have Buldo vacate the property because I could not trust him. Mr. Mancinelli stated that from October 22, 2016 to June, 2017 you or your tenants were issued complaints by the Zoning Official correct and how many. Mr. Hopper responded yes, approximately 150 and in May I was getting one every day.

Mr. Mancinelli asked Mr. Hopper if he believed he addressed the biggest issue and that was the use by Buldo in violation of the town noise ordinance. Mr. Hopper responded yes, and added that he never allowed them to do maintenance of their trucks.

Mr. Leibman commented that we are here to focus on interpretation and there are a number of specific questions that have to be addressed but at this time he asked to focus on interpretation. Mr. Mancinelli reserved the right to bring Mr. Hopper back and have our planner address ordinance by ordinance and render her opinion as to whether an ordinance has been violated.

Chairman Lippert opened the meeting to the public

Steven Wiezik, 233 Rivervale Road, asked if garbage trucks would be allowed on the premises. Mr. Hopper responded absolutely not.

The meeting was closed to the public.

The Board recessed for 5 minutes

The Board reconvened.

Mr. Mancinelli addressed the Board stating that he would not call his planner this evening. He would accept Mr. Leibman's invitation to look for records in Borough Hall. Mr. Mancinelli will provide all documents addressed this evening. He asked that the application be carried to the October 16 meeting of the Board.

Mr. Leibman asked Mr. Mancinelli to submit a letter or updated application stating that he is seeking a certificate that these are possibly pre-existing; non-conforming uses. Mr. Lippert asked Mr. Mancinelli to provide copies of the summonses; Mr. Mancinelli stated that he did not have them all and that some were issued to the tenants.

The application is carried to the October 16 meeting of the Board with no further notice necessary.

Stackpole - 851 Rivervale Road - Block 403 Lot 26 - garage

Carried to October 16 no further notice necessary

RESOLUTIONS

Foster Family Trust - 721 Orange Court - Clock 101 - Lot 19
- legalize existing structure

Mr. Leibman reviewed typos and amendments to the resolution that will be corrected.

A motion by Robert Adamo, seconded by Peter Wayne to adopt the resolution as amended; on roll call vote, all in favor, the motion carried.

Stern - 528 Alosio Drive - Block 2201 Lot 18.14 - fence

Page 6 of the resolution was discussed. Mr. Leibman reviewed typos and amendments to the resolution that will be corrected.

A motion by Robert Fortsch, seconded by Peter Wayne to adopt the resolution as amended; on roll call vote, all in favor, the motion carried.

DEVELOPERS AGREEMENT

Rivervale Homes, LLC - Orangeburgh Road - Block 601 - Lot 7
- minor subdivision

Mr. Leibman explained that Mr. Sartori had some landscaping issues with the property that seem to be resolved. Mr. Statile will confirm with Mr. Sartori.

A motion by Robert Adamo, seconded by Peter Wayne to approve the Developers Agreement, minor subdivision; on roll call vote, all in favor the motion carried.

MINUTES

July 17, 2017

A motion by John Puccio, seconded by Robert Fortsch to approve the minutes of July 17, 2017 as amended; on voice vote, all in favor, the motion carried.

August 7, 2017

A motion by Scott Lippert, seconded by Michael Beukas to approve the minutes of August 7, 2017, on voice vote, call in favor, the motion carried.

PAYMENT OF INVOICES: None

MEETING OPENED TO THE PUBLIC FOR ANY NON-AGENDA ITEMS

No public comment

Meeting Closed

DISCUSSION

In re Fair Share Housing Obligation of the Township of River Vale
Docket No. BER-L-6277-15

Mr. Leibman provided a synopsis stating that every town has an obligation to provide for the realistic development of affordable housing. A Fairness Hearing will most likely be scheduled in the next 30 days. River Vale does have credits in town to it's benefit.

NEXT MEETING: Monday October 16, 2017 at 7:30 pm.

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned.

Respectfully submitted,

Sylvia Kokowski
Recording Secretary