

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

Approved 4/27/22

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
Maria Haag	Land Use Administrator/ Recording Secretary

Absent:

John Donovan	Councilman
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 February 16, 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 the board members and public. The modifications include changing two of the units, one in pod C and one in pod D, which previously would require height variances, from three story units to two story units. Mr. Capizzi stated that an updated landscape plan has been provided. Mr. Capizzi discussed the location of the four pods and stated that the applicant would like to request the board members' opinions on the orientation of pods A and B.

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 **3/17/22** and explained in detail all modifications. Mr. Napolitano discussed the changes to the buildings and stated that proposed pods C and D are now two- and three-story buildings. He stated that those are the only changes made to the site plan since the last meeting. He discussed the different options of the location of the pods if they were to be rotated. Mr. Vaccaro asked if a courtyard would be created, Mr. Napolitano confirmed that. Mr. Ross asked if the buildings were to be rotated, if the drive would be compromised. Mr. Napolitano stated that it would not compromise the drive into the site. Mr. Adamo asked if additional variances would be needed if the decision was made to rotate the buildings. Mr. Napolitano stated that he was not sure at this time. Mr. Adamo asked if pods A and B had patios and if so, would they be separated with fencing. Mr. Napolitano stated that those units would not have privacy fencing. Mr.

Capizzi stated that if the decision was made to rotate the units, the site plan would need to be redesigned and resubmitted indicating all changes. Mr. Statile asked if the impervious coverage would be reduced if the buildings were to be rotated. Mr. Napolitano stated that a reduction in impervious coverage is a possibility.

Jameson P. Van Eck, Esq., Well, Jaworski, and Leibman LLC, reintroduced himself as the attorney for the objector, Lindvale Gardens. Mr. Van Eck asked Mr. Napolitano if a "D" variance and setback variances would still be required with the proposed changes. Mr. Napolitano stated that the variances would still be required. Mr. Van Eck asked follow up questions regarding the permeable pavers. Mr. Napolitano discussed the grading of the property and maintenance in regards to the pavers to ensure proper flow of water. Mr. Van Eck asked about emergency vehicle access to the site. Mr. Napolitano stated that the traffic engineer will be discussing those matters.

The meeting was opened to the public for questions. There being none, 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 **3/17/22** and explained all modifications made to the buildings and units in response to questions and comments provided by the board members and public. Mr. Lignos explained in detail the changes to pods C and D. He stated that the most southernly unit of pod C and the most northernly unit of pod D have been reduced by one floor. The height of the units was previously 33' 5" and has been reduced by 8 feet, resulting in a height of 25' 5". Mr. Lignos explained the modified floor plan.

The meeting was opened to board members for questions. Mr. Adamo asked about the arrangement of living space in the two and three floor units. Mr. Lignos explained the arrangement of rooms in both types of units.

Mr. Van Eck asked questions about the modified units. He asked how many units are two-bedroom units. Mr. Lignos stated that there is only one two-bedroom unit which is an affordable housing unit, and the remaining fourteen units are three-bedroom. Mr. Van Eck asked for the square footage of each unit. Mr. Lignos did not have that information. Mr. Van Eck asked why

the units were designed as three-story units. Mr. Lignos explained the design plan of the units. Mr. Van Eck continued questioning the design plan and whether other options could be considered for the layout of the units. Mr. Lignos explained that in his opinion the design plan achieves the highest quality of living space. Mr. Van Eck continued questioning the design aspect of the building. Mr. Lignos responded to Mr. Van Eck's questions. Mr. Van Eck asked if there will be any generators for the units. Mr. Statile responded that there will not be generators.

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

Leianne Eskinazi, Berkley Village, 265 Unit 3B and 259 Unit 2A, River Vale, asked Mr. Lignos how many units are COAH units. Mr. Leibman responded that the applicant is required to have two units on the site which they have fulfilled. Ms. Eskinazi asked if there could be more affordable housing units at this site. Mr. Leibman stated that the board cannot require that as a condition of approval. Ms. Eskinazi stated that she wants to be sure that the Township is meeting their affordable housing obligation. Mr. Lippert stated that the township has done a very good job in complying with affordable housing requirements.

There being no additional questions from the public; the meeting was closed to the public.

Mr. Capizzi introduced Louis Luglio, Traffic Engineer, to provide testimony. Mr. Luglio was sworn in by Mr. Leibman and accepted as an expert witness in transportation planning and traffic engineering. Mr. Luglio stated that he prepared the traffic and parking analysis for the application. The first report that he prepared was dated **10/29/21** and the supplemental plan is dated **2/7/22**. Mr. Luglio explained the supplemental traffic study and how the traffic count was determined. He explained the inbound and outbound access at the site. Mr. Luglio explained how the parking requirements were calculated and stated that the applicant has satisfied the criteria by providing 36 parking spaces at the site. He stated that the site will have one electric vehicle stall available per unit. Mr. Luglio explained the turning capacity of larger vehicles within the site and that the area is sufficient. He explained that the island currently located on Collignon way would be removed. Mr. Statile stated that the Fire Department has been consulted and agrees with the removal of the island. Mr. Luglio

explained the traffic flow in and out of the visiting parking area. Mr. Luglio stated that from a traffic and parking site access standpoint there will not be a traffic impact associated with the proposed project. Mr. Lippert asked about an analysis of the traffic coming in and out of Collignon Way during peak traffic hours. Mr. Luglio stated that they have observed traffic at the site, however based on the amount of traffic coming in and out of the site, a full traffic analysis of the intersection was not warranted. He stated that the proposed site will not add much more traffic to what is currently there today. He stated that a typical day during peak hours would average about six additional cars. Mr. Lippert asked if a permitted use would generate more traffic at the site. Mr. Luglio stated that is correct.

The meeting was opened to board members for questions. Mr. Adamo asked about the width of the driveway and if narrowing the driveway at the entrance should be considered. Mr. Luglio suggested changing the radius of the driveway to prevent people from exiting through the entrance. Mr. Napolitano stated that "do not enter" and "one way" signage is being proposed at the entryway and exit of the site.

Mr. Van Eck did not have questions for this witness.

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

Randall Surovy, 257 Rivervale Road, River Vale, asked what evaluation had been given to the traffic on Rivervale Road. Mr. Luglio explained that there will be very little impact to existing traffic.

Leianne Eskinazi, Berkley Village, 265 Unit 3B and 259 Unit 2A, River Vale, asked how only six vehicles are calculated for fifteen units. Mr. Luglio explained the International Transportation and Engineers Manual (ITE) and how rates are calculated. Mr. Lippert and Mr. Leibman explained that other permitted uses could be approved at the site that would not require a use variance and would generate more traffic. Mr. Leibman stated that a residential use generally produces less traffic than a commercial use. Mr. Statile further explained how the calculations are reached with the ITE.

There being no additional questions from the public; the meeting was closed to the public.

Mr. Capizzi made a request for the board members' opinions on the orientation of pods A and B. Mr. Leibman stated that this is not a vote on the matter, it is for discussion purposes. The board members expressed their opinions:

- Mr. Adamo, Mr. Wayne, Mr. Ross, Mr. Alex, and Mr. Lippert were in favor of leaving the plan the way it is.
- Ms. Vaccaro and Mr. Fortsch would prefer to see the buildings rotated.

Discussions continued regarding screening with plantings and distance between the buildings and sidewalk.

Mr. Capizzi introduced Kim Mitchell, 934 Washington Ave., Hohokus, NJ, Landscape Architect, to provide testimony. Ms. Mitchell was sworn in by Mr. Leibman and accepted as an expert witness in Landscape Architecture. Ms. Mitchell discussed the landscape plans that were submitted to the board dated **3/17/22**. She described the landscaping that is currently existing as well as the various types of proposed plantings at the site. Ms. Mitchell explained the rate of growth of the plantings and how they will appear at the site in terms of screening.

Mr. Adamo asked if there will be any signs identifying the site. Mr. Capizzi stated that there is signage at the entryway and guest parking, but not identifying the site.

Mr. Wayne asked about the green giants and their size. Ms. Mitchell stated that the trees can grow up to 70 ft. Mr. Wayne asked about the roots of the trees and if they will damage the sidewalks. Ms. Mitchell stated they should not affect the sidewalks because the roots are deep within the ground.

Mr. Statile stated that the township prefers larger trees to be planted. He stated that more plantings are suggested on Collignon Way near pod B. Mr. Statile stated that indigenous trees are preferred.

Mr. Van Eck asked about the plantings on the side of pod D and in front of the retaining wall. Ms. Mitchell explained the types of trees that would be planted in that area. Mr. Van Eck asked if there would be plantings that would screen the patio areas. Ms. Mitchell stated that the plantings should screen the patio areas. Ms. Mitchell continued to describe the various types of plantings at the site.

Mr. Wayne asked about possible obstruction of sight caused by the trees. Ms. Mitchell explained that the plantings would not cause any sight issues.

Mr. Adamo asked about irrigation of the plantings. Ms. Mitchell stated that different types of irrigation should be discussed. Mr. Capizzi stated that irrigation will be included as part of the project plan.

The meeting was opened to the public for questions. There being none, the meeting was closed to the public.

Mr. Capizzi introduced Brigette Bogart, 265 Franklin Ave., Wyckoff, NJ, Professional Planner, to provide testimony. Ms. Bogart was sworn in by Mr. Leibman and accepted as an expert witness. Ms. Bogart explained that she has been involved in this project for a number of years. She presented a 3-page exhibit - **Exhibit BB1**. The exhibit included photographs as well as a spreadsheet regarding the development. The first sheet shows an areal view of the site, the existing commercial property, and a single-family home. The second page is a photograph of the commercial building, vehicles at the site, and parking lot. The second page also includes a photograph of the existing buffer at the site. The third page is a PUD spreadsheet regarding the development and surrounding area. Ms. Reiter asked for the total acreage. Ms. Bogart stated that the total acreage of the PUD is 4.34 and the total density is 8.2. She stated that the application is consistent with the surrounding development patterns, heights, and area. Ms. Bogart stated that the application complies with the goals of the master plan. She explained the benefits of the application and stated that the proposed development is more beneficial than what would be permitted. Ms. Bogart explained the benefit of the residential development to the downtown area. Ms. Bogart explained in detail how the application fulfills the purposes of the municipal land use law. She stated that the application complies with the Medici standard because it is an appropriate use at this location. Ms. Bogart stated that there is no substantial detriment to the public good or impairment to the master plan. Ms. Bogart stated that the proposed landscape plan would be a significant improvement to the existing area and would have no negative impact on the area.

The matter was adjourned to the April 27, 2022 meeting taking place in-person at Town Hall at 7:30pm. Mr. Lippert stated that the board members and public will have the

opportunity to question Ms. Bogart at that time. Mr. Capizzi agreed to consent to carry the application to 4/27/22 and waived any time requirements for the board members to take action until then. Mr. Lippert stated that the application will be carried to that date, and that no further notice is required.

RESOLUTIONS:

Corona - Block 1712 Lot 19 - 224 Rockland Avenue

- Addition - Bulk Variance/Setbacks

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

Edgewood Golf Course Realty, LLC - Block 1201 Lot 6.01 - 449 Rivervale Road

- Preliminary and Final Major Site Plan

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

DISCUSSIONS:

2021 Annual Report on Variance Applications

Ms. Reiter, Planner, provided the Annual Report on Variance Applications for the year 2021. The report dated March 24, 2022 contained a cover letter and attachments providing Table of Variance Application Decisions and Summary of Variance Applications Decisions.

A motion for approval was made by Mr. Lippert; seconded by Mr. Ross; the Board voted unanimously to adopt the summary as the Board's annual report in accordance with the Municipal Land Use Law.

Mr. Leibman will provide a letter which will be forwarded to the Mayor and Council.

MINUTES:

A motion for approval of the minutes of February 16, 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, April 27, 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 10:02 p.m.

Respectfully submitted,

MARIA HAAG

Recording Secretary