

**TOWNSHIP OF RIVER VALE
JOINT PLANNING BOARD
April 28, 2021
7:30 p.m.
REGULAR MEETING MINUTES**

Approved 5/26/21

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	
John Donovan	Councilman
Robert Fortsch	Vice-Chairman
Scott Lippert	Chairman
Gregory Lowe	
Matthew Ross	(Alt. #1)
Susan Vaccaro	Secretary
Peter Wayne	

Also Present:

Marc E. Leibman, Esq.	Board Attorney
Christopher Statile	Board Engineer
Maria Haag	Land Use Administrator/ Recording Secretary

Absent:

Glen Jasionowski	Class I-Mayor
John Puccio	

REGULAR MEETING

APPLICATIONS:

Township of River Vale -

Block 701 Lots 5, 6, 8, 9 - 634 and 650 Rivervale Road

- Preliminary and Final Subdivision Approval

Counsel for the Applicant - Michael Caulfield, Esq., of Schepisi and McLaughlin. Mr. Caulfield is working under Silvana Raso, Esq., Township Attorney.

The proposal is to reconfigure Lots 5, 6, and 9 and to make three lots out of lot 8 resulting in Lots 8.01, 8.02, and 8.03. The Township is also seeking C variances for minimum lot area and minimum lot frontage. The applicant is seeking approval to subdivide the property in furtherance of the Township's obligation to the affordable housing settlement agreement.

Christopher Statile, Township Engineer was sworn in. Mr. Statile explained that this property is the old Mesker Site. The municipality wants to create four lots. Mr. Statile explained the various zones that the lots occupy. Part of the settlement agreement with Fair Share Housing is to create a twenty four unit affordable housing building and a group home. Mr. Statile explained where the buildings will be located. One of the other parcels will be retained by the municipality for its own use and the other will be deeded for development purposes. Mr. Statile proceeded to explain the configuration of each lot. Mr. Statile stated that the lots will be suitable for their use. Mr. Statile explained that each of the uses will be brought in front of the board at a future date. Mr. Lippert reiterated that the Township will be coming back to the board to present their proposed uses and development plan and that this application is solely to subdivide the lots.

Ms. Vaccaro asked if any plans have been submitted for these lots prior to the meeting. Mr. Statile confirmed that nothing has been disclosed publicly about the use of these properties at this time.

Mr. Lippert asked if there is anything in the settlement agreement that can inform us of what to expect. Mr. Caulfield responded that the Township was required to do an RFP for the affordable housing units and the subdivision is a precursor to the development of the properties. Mr. Caulfield stated that a bidder was selected. Ms. Vaccaro asked for the developer's information to be annotated on the map.

Mr. Wayne questioned if the lots meet the depth requirements. Mr. Statile confirmed that they do meet lot depth east to west, longways. The access ways for lots 8.02 and 8.03 will be part of lot 8.01 and will be reconfigured with an access road. Mr. Lippert asked if there would be an

easement through Lot 8.01. Mr. Statile confirmed that there will be an easement.

Mr. Leibman stated that the plan is just to subdivide the property. Everything will be coming back to the board for site plan approval.

Mr. Adamo asked if the Township is allowed to subdivide properties that don't have access to a road. Mr. Leibman stated that they can subdivide parcels that are landlocked, however the final plans will have access to the lots. Mr. Statile confirmed that no development will occur until there is site plan approval from the board.

Mr. Caulfield stated that that the application is consistent with all affordable housing requirements.

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

Resident of Pine Lake Village, David Shull questioned how the development would affect his property. Mr. Statile took time to explain the subdivision to Mr. Shull and two other residents who attended the meeting.

Mr. Lippert asked if any other members of the public would like to ask questions or make statements. There being none the meeting was closed to the public.

Mr. Lowe asked about lots 8.02 and 8.03. Mr. Leibman explained why the zoning lines (solid) and property lines (dashed) aren't the same. These are split zoned lots and the open space portions of the lots would require a variance to build on.

Board members continued to discuss the map with questions answered by Mr. Statile. Mr. Adamo asked if the only lots that would have construction are lots 5, 8.01, 8.02, and 8.03. Mr. Statile confirmed that.

A motion to approve the application was made by Mr. Fortsch, seconded by Mr. Wayne, on a roll call vote, all in favor, the motion carried.

Dilone - Block 1701 Lot 1 - 507 Cleveland Avenue
- Fence/Corner Lot

Counsel for the Applicant - Dean Stamos, Esq., of Ferraro & Stamos LLP.

Mr. Stamos presented an overview of the application. The applicant, Franklin Dilone is seeking a variance to replace his existing chain link fence with a six ft. solid fence. The applicant's property is on the corner of Cleveland Ave and Cedar Lane. Mr. Stamos introduced Mr. Dilone.

Franklin Dilone was sworn in. Mr. Dilone gave testimony regarding his need for a solid, six ft. fence. He stated that he lives at his residence with his wife and daughter. Mr. Dilone stated that he is a traffic and narcotics officer and he is looking for security and privacy in his backyard. Mr. Stamos presented and distributed photographs to the board. The photographs were also submitted with the application. Mr. Dilone explained that due to his line of work, a six ft. fence is needed for his family's safety.

Mr. Leibman stated that this application is very straight forward. The applicant is replacing a chain link fence with a solid, six ft. fence in the same location.

Mr. Statile stated that the fence does not create any danger in terms of site line.

Ms. Vaccaro asked the applicant if he had a plan for plantings on Cedar Lane in front of the fence. Mr. Stamos responded that the applicant would consider the board's recommendation, however they do not want to create any safety issues with site lines. The applicant agreed to provide small plantings along the fence. Mr. Statile suggested box woods for the plantings.

Mr. Fortsch asked if the applicant would consider a five ft. fence with one foot of lattice on the top. He stated that this would allow a River Vale police officer to look into the yard. Mr. Stamos stated that the applicant would like to keep the fence solid because of safety concerns. Mr. Donovan stated that he understands the concern of the homeowner, that the fence is far enough back from the street, and as long as the applicant agrees to provide landscaping, the lattice on the top is not necessary. Mr. Wayne, Mr. Ross, and Mr. Lippert agreed with Mr. Donovan. The consensus of the board members was to agree with Mr. Donovan.

The meeting was opened to the public for comments/questions. There being non, the meeting was closed to the public.

A motion to approved the application with conditions was made by Mr. Adamo, seconded by Mr. Lowe, on a roll call vote, all in favor, the motion carried.

RESOLUTIONS:

Barcelona - Block 2001 Lot 8 and Lot 20 - 813 Westwood Avenue and 97 Coopers Lane - Major Subdivision

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

Dharam and Jeet, LLC - Block 1719 Lot 5.01 - 209 Rivervale Road
- Parking Variance

Mr. Wayne asked if the venue would be open for public events. Ms. Vaccaro stated that she thought there would be a clearer definition provided of the social club. Mr. Leibman explained that a social club is a permitted use according to the township ordinance. Mr. Leibman read through the meeting minutes.

Mr. Leibman suggested that the township ordinance be reviewed and a social club should be more clearly defined along with a parking requirement for future applications, however those changes cannot be applied to this application.

Mr. Lippert suggested that the board approves this resolution and moves forward. Mr. Leibman stated that he can make changes to the resolution. Mr. Donovan stated that he would like to see the application approved with enough checks in place so that if anything becomes problematic, those issues can then be revisited and addressed.

Mr. Leibman added "section 13" to the resolution stating that the applicant shall submit to the Board Attorney (with copy to the Board Secretary), a copy of its proposed by-laws, mission statement, and name of social club prior to the commencement of operations.

The board members continue to discuss the application. Mr. Leibman stated the importance in defining a social club. He suggested that Mr. Statile and the Township Planner, Caroline Reiter look at definitions of social clubs. Mr. Statile stated that a social club is defined as a gathering of people with common interests.

Mr. Lowe asked if the definition of a social club could be defined in the resolution. Mr. Lippert stated that his major concern is the property being misused for parking and suggested moving the resolution forward with the new language added by Mr. Leibman in "section 13" of the resolution.

Mr. Wayne expressed concerns about parking spots not being designated for the liquor store. Mr. Leibman stated that the Mr. Klein, the traffic expert who spoke on behalf of the application, stated that there would be a sufficient amount of parking on the site. Mr. Adamo and Mr. Lippert agreed that the responsibility of managing parking at that location should be placed on Mr. Chopra, the owner of the building/applicant.

A motion to approve the resolution with the amendment concerning delivery of the by-laws was made by Mr. Lippert, seconded by Mr. Adamo, on a roll call vote, Councilman Donovan, Mr. Fortsch, Mr. Lowe, Mr. Ross, and Ms. Vaccaro voted yes; Mr. Wayne voted no; the motion carried.

ORDINANCE REVIEW

- Ordinance #377-2021 - Prohibiting the Operation of Any Class of Cannabis Businesses within its Geographical Boundaries

Mr. Leibman gave an overview. Marijuana is now legal in the state of New Jersey. The state is allowing municipalities to decide whether they will allow or not allow this use in their town.

Mr. Leibman stated that the proposed ordinance is presented for consistency with the master plan.

Mr. Leibman stated that there is revenue potential with this type of use and that this is a decision that ultimately should be made by the governing body. The governing body must refer any land use ordinance consideration to the Joint Planning Board for consistency review. The board will report back to the governing body stating whether the ordinance is consistent or inconsistent with the master plan.

Mr. Lippert stated that this is a political decision that should be deferred to the governing body. This is a growing business that could bring a lot of revenue into the town.

Mr. Donovan explained that the elected officials of the governing body understand the potential for revenue. The governing body decided to put rules in place by the August 22, 2021 deadline. They decided to put a prohibitive ordinance in place for now, followed by future further discussions.

Mr. Adamo stated that the board should make a decision on consistency and not remain silent.

Mr. Leibman will submit a letter to the governing body stating that the proposed ordinance is consistent with the master plan.

A motion was made by Mr. Fortsch stating that the proposed ordinance is consistent with the master plan, seconded by Mr. Lowe, on a roll call vote, all in favor, the motion carried.

MINUTES :

A motion for approval of the minutes of March 24, 2021 was made by Mr. Lippert; seconded by Mr. Lowe; on roll call vote, all those eligible voted yes; the motion carried.

PAYMENT OF INVOICES: Chairman Lippert reviewed and signed

DISCUSSION:

Mr. Fortsch mentioned the passing of former Zoning Board Members, Lorraine De Stefan and Ron Tucci. The board sends their condolences.

NEXT MEETING:

Regular Meeting - Wednesday, May 26, 2021 at 7:30 p.m.

ADJOURNMENT: The meeting was adjourned at 9:08p.m.

Respectfully submitted,

MARIA HAAG
Recording Secretary