

**TOWNSHIP OF RIVER VALE  
JOINT PLANNING BOARD  
June 29, 2022  
7:30 p.m.  
REGULAR MEETING MINUTES**

*Approved 7/7/22*

**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   |               |
| 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/<br>Recording Secretary |

**Absent:**

|                  |       |
|------------------|-------|
| Delix Alex       |       |
| Glen Jasionowski | Mayor |

**REGULAR MEETING**

**APPLICATIONS:**

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

- Preliminary and Final Major Subdivision Application with Bulk Variances

Brian M. Chewcaskie, Esq. of Cleary, Giacobbe, Alfieri, & Jacobs, LLC 169 Ramapo Valley Road, Oakland, NJ, introduced himself as counsel for the applicant and presented an overview of the application. He stated that the proposed subdivision is a lot line adjustment between two existing dwellings that are owned by John and Joanne Triano. The application is classified as a major subdivision pursuant to the River Vale Land Use ordinance as a result that the depth of the lot exceeds 200 feet. Mr. Chewcaskie stated that waivers were submitted on May 20, 2022. He stated that the two lots that exist are already improved with single-family homes and that no new construction or any site improvements are proposed. Mr. Chewcaskie stated that the applicants are under contract to sell the property (Lot 17) and has requested that the process be expedited due to the rapidly increasing interest rates in the marketplace and the impact of these changes upon real estate.

Mr. Chewcaskie introduced Andrew H. Missy, PE the applicant's Engineer, of Lapatka Associates, Inc., 12 Route 17 North, Suite 230, Paramus, NJ, who participated remotely via video link. Mr. Missy was sworn in by Mr. Leibman and was accepted as an expert witness in the field of civil engineering. Mr. Missy spoke about the sketch plat that was submitted with the application. He stated that both lots are currently oversized and will far exceed the 18,000 square feet minimum after the proposed subdivision. He stated that both lots will remain deficient on frontage due to pre-existing conditions. Mr. Missy also stated that a variance is requested regarding the side yard setback for lot 17.02 - 12.1 feet existing and proposed - 15 feet required. He stated that the application is otherwise variance free and the lots are conforming with Township Code. Mr. Missy stated that the application is to transfer a sliver of land from lot 17.02 to lot 17. He stated that there will be no visual or aesthetic impact to the properties and no construction is proposed. Mr. Missy stated that there is no detriment to the surrounding area.

Mr. Lippert opened the meeting to the board members for questions. Councilman Donovan asked for clarification on the reason for the variance request. Mr. Chewcaskie stated that the purpose is to adjust the lot lines to accommodate the driveways between the two properties. He stated that moving the lot line will also allow the rock wall and pond on the property to be adjusted correctly.

Mr. Statile asked which lot is being sold. Mr. Chewcaskie stated that lot 17 (701 Blue Hill Road) is being sold. Mr. Statile stated that the pond on the property being sold will have a riparian buffer and he suggested it be shown on the plans. Mr. Chewcaskie stated that if the board requires it, the drawing can be amended and resubmitted. Mr. Leibman stated that the subdivision plan is not required to have the riparian zone indicated. Mr. Statile stated that it is a restriction to the property and should be indicated on the record. Mr. Leibman asked if the subdivision will be recorded by deed or plat. Mr. Chewcaskie stated that the subdivision will be filed by deed. Mr. Leibman stated that the application is classified as a major subdivision and will need to be filed by plat. Mr. Statile stated that the property is located on a county road and that major subdivisions need to be filed by plat. Mr. Chewcaskie stated that the applicant's engineer will prepare a plat for signatures. Mr. Statile stated that the plat should have a notation stating that there is a riparian buffer on the property that is not indicated on the plat.

There were no additional questions or comments from board members.

Mr. Chewcaskie concluded his presentation.

Mr. Leibman stated that there is a draft interim resolution that was submitted to the board due to the urgency of the matter. Mr. Leibman stated that he will prepare a final resolution which will reference the interim resolution, to be voted on at the next meeting. He stated that the interim resolution was prepared in order to allow the applicant to file the subdivision deed or plat.

Mr. Lippert opened the meeting to the public for questions or comments. There being none; the meeting was closed to the public.

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

#### **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 May 25, 2022 meeting*

Councilman Donovan recused himself and left the dais.

Matthew G. Capizzi, Esq. of Capizzi Law Offices, 11 Hillside Avenue, Tenafly, NJ, reintroduced himself as counsel for the applicant. Mr. Capizzi presented an overview of the application and summarized what was discussed at the May 25<sup>th</sup> meeting. Mr. Capizzi stated that the applicant and interested party have since reached an agreement whereby the interested party no longer takes issue with the application. He stated that the arrangements that have been made consist of five stipulations including:

- Landscaping along the standalone parking area
- A financial contribution by the applicant will be made for landscaping towards the interested party's two properties in order to create buffering
- The façade and elevation of Pod D will remain as proposed
- The lighting scheme will be as proposed and not modified
- The heights and setbacks of the buildings will remain as proposed on the most recently submitted plans

Mr. Capizzi stated that as a result of the applicant agreeing to the stipulations and conditions of approval, Lindvale Gardens no longer has an objection to the application. Mr. Capizzi agreed to submit an amended landscape plan showing the modifications prior to adopting a resolution.

The meeting was opened to Jameson Van Eck, counsel for the neighboring and interested party Lindvale Gardens. Mr. Van Eck confirmed that the interested party has withdrawn their objection and supports the Board voting to approve the application. He thanked the Board and professionals for their time.

Mr. Leibman stated that the testimony from Mr. Steck from the May 25<sup>th</sup> meeting will be stricken from the record due to the fact that he is not available for cross-examination.

Mr. Lippert asked the Township Planner, Caroline Reiter for an overview of her thoughts on the application. Ms. Reiter and Mr. Statile were sworn in. Ms. Reiter discussed the application and different types of variances being sought. She discussed the required proofs pertaining to the application. She discussed the types of uses in the surrounding area. Ms. Reiter stated that she finds the proposed use to be an appropriate transition between the existing uses of multifamily, single family, and office uses in the area.

Mr. Lippert asked if weight should be given to the affordable housing component. Ms. Reiter stated that it is an important component of the application. She stated that the development will ideally provide two units toward whatever the Township's obligation should be going forward in 2025 and meets the requirements of the Mandatory Set-Aside Ordinance. Mr. Lippert stated that this is a factor to take into account when deciding on the application.

Ms. Reiter stated that she visited the site and commented on her visual inspection. She continued to discuss the application and stated that in her opinion the applicant has revised its plans accordingly so that it will not be a detriment to the area or the public good. She discussed the affordable housing factors and how they are impacting development and land use in NJ. She discussed uses for office and retail space, and how the pandemic has impacted these uses.

Ms. Reiter reviewed the D-1 and D-5 use variances, and the bulk "C" variances being sought. Ms. Reiter stated that she believes the proposed development will fit in with the neighborhood and is an appropriate use for the site. She stated that having two affordable units in the development is an important component.

Mr. Lippert opened the meeting to the board for questions. There being none; the meeting was opened to the public for questions or statements. There being none; the meeting was closed to the public.

Mr. Capizzi summarized the application and concluded.

Mr. Lippert stated that he is in favor of the site getting developed and thinks it will be an attractive development. He stated that he is happy that the affordable housing units are included. He stated that he thinks this is an appropriate use for the site.

Mr. Adamo stated that he has given the application a lot of thought. He stated that although the testimony was very good, in his opinion the height of the buildings and the landscape buffer are going to make Rivervale Road feel tight. Mr. Adamo stated that in his opinion the density, building heights, and lack of setback from the main road is not beneficial to the transition into the downtown district.

Mr. Fortsch stated his concern for the density, drainage, and parking at the site.

Mr. Lippert discussed the other possible uses that could be considered at the site. He stated that retail, office space, and industrial buildings would not be beneficial to the site. He stated that the fact that the application will contribute to the affordable housing requirement holds a lot of weight. He stated that in his opinion, the township needs a variety of homes and this use would add to the mix of what is mostly single-family homes. He stated that he thinks this use will provide a good transitional use which is an important consideration of the master plan. He urged the board to consider all aspects of the application.

Mr. Wayne stated that he agrees with the Chairman and that what has been presented is the best fit for the site and for the township.

Mr. Lippert stated that there should be seven board members who are eligible to vote. One board member was not able to attend the meeting. In fairness to the applicant, the Chairman suggested that the board hold off on voting until the next meeting when a full board is present. Mr. Leibman agreed that the applicant is entitled to a full board. Mr. Capizzi stated that the applicant would appreciate it if the vote could be carried to the next meeting with a full board present. Mr. Capizzi requested to carry the meeting to July 7<sup>th</sup> without further notice and granted the Board an extension of time to render a decision.

Mr. Leibman stated that the matter will to be carried to the July 7<sup>th</sup>, 2022 meeting at 7:30pm at Town Hall. There will be no further notice.

**2022 MASTER PLAN RE-EXAMINATION REPORT**

*Carried from the May 25, 2022 meeting*

Caroline Reiter, Township Planner discussed the memo dated May 17<sup>th</sup> that she prepared with recommended revisions to the reexamination report. She stated both revisions pertain to page 23 of the report.

- Item #5 - Four Corners - overlay zone to include and promote mixed use development
- Item #6 - Revised to discuss new development in the township

Mr. Leibman suggested that the affordable housing ordinance be revisited or updated for clarification. He will discuss the matter with the township attorney.

Councilman Donovan stated that the town council is planning to look at the inconsistencies in ordinances.

Ms. Reiter will revise the reexamination report and issue a new document to include the amendments that were discussed. The matter was carried to the next Regular Meeting taking place on July 20<sup>th</sup>. No further notice required.

**RESOLUTIONS:**

None

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

**MINUTES:**

A motion for approval of the minutes of May 25, 2022 was made by Mr. Lippert; seconded by Mr. Wayne; on a roll call vote, all in favor, the motion carried.

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

**NEXT MEETING:** Special Meeting - Thursday, July 7, 2022 at 7:30 p.m.

**ADJOURNMENT:** The meeting was adjourned at 9:07 p.m.

**Respectfully submitted,**

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**MARIA HAAG**  
Recording Secretary