

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

Approved 7/20/22

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	
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/ Recording Secretary

Absent:

Glen Jasionowski	Mayor
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SPECIAL 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 June 29, 2022 meeting*

Mr. Lippert explained that the application was carried from the previous meeting out of fairness of the applicant to allow for a full board to be present for the vote.

Councilman Donovan stated that he is pleased that the board is considering rental units in the town which will allow the residents more affordable options.

Mr. Lippert stated that he agrees with Councilman Donovan and that the area is in need of a variety of housing options, which are currently lacking. He stated that he thinks this is a good application that should be approved.

Matthew G. Capizzi, Esq. of Capizzi Law Offices, 11 Hillside Avenue, Tenafly, NJ, counsel for the applicant stated that the application is an assemblage of two properties owned by two different owners. He stated that one of the properties is at risk of foreclosure if the application is denied. He went on to discuss the uniqueness of the property and the proposed assemblage of lots. Mr. Capizzi stated that the client has been involved with this application for a long time and believes that this application provides the best option for development at the site. He continued to review all aspects of the application.

Mr. Adamo asked if the property would be strictly for rentals. Mr. Capizzi confirmed that this is the intention. Mr. Adamo asked if that could be a condition of the resolution. Mr. Lippert stated that "form of ownership" is not controlled by the land use laws. Mr. Leibman stated that the affordable housing units would be a condition of approval and will be included in the developer's agreement.

Mr. Leibman stated that there are not any conditions of approval that were not contained in the plans, other than the landscaping plan. He stated that the neighbors at Lindvale Gardens had reached an agreement to satisfy their concerns and no long object to the application.

Ms. Reiter spoke about the affordable housing unit conditions of approval.

Councilman Donovan recused himself and left the dais.

A motion for approval of the application including the conditions, variances, and waivers discussed was made by Mr. Lippert, seconded by Mr. Ross; on roll call vote, Mr. Alex, Mr. Lippert, Mr. Ross, and Mr. Wayne voted yes; Mr. Adamo, Mr. Fortsch, and Ms. Vaccaro, voted no; the motion did not carry.

Lake Tappan Urban Renewal LLC - Block 701 Lot 8.02 - River Vale Road

- Preliminary and Final Major Site Plan - Use "D" Variance/Bulk "C" Variances/Major Soil Movement

William J. Bailey, Esq. of Huntington Bailey, LLP, 373 Kinderkamack Road, Westwood, NJ, introduced himself as counsel for the applicant and presented an overview of the application and types of variances the applicant is seeking. He stated that Lake Tappan Urban Renewal LLC is the applicant and is seeking approval for 25 units - 24 affordable housing units and 1 unit designated for the building superintendent. He explained that the development will be fulfilling part of the settlement agreement between the township and the fair share housing center. The township issued an RFP for developers for this project, and the applicant was selected by the township.

Mr. Bailey introduced Anthony L. Marchetta, Principal of ALM Consulting Group, Princeton, NJ. Mr. Marchetta was sworn in by Mr. Leibman. Mr. Marchetta explained that ALM Consulting Group along with M&M Development have formed Lake Tappan Urban Renewal LLC and are partners in the project. Mr. Marchetta explained his background and presented an overview of the project and how the applicant was selected. He stated that the applicant will be involved in the affordable housing rental units and townhouse development which will include an additional 12 affordable housing units. The presentation tonight will discuss the first phase of the project, the affordable housing rental units.

Councilman Donovan recused himself and left the meeting.

The meeting was opened to board members for questions of the witness. There being none, the meeting was opened to the public for questions of the witness.

John O'Halloran, 608 Kennedy Court, River Vale, asked about the impact on traffic and vegetation. Mr. Bailey stated that the Civil and Traffic engineers would be addressing those matters. Mr. Lippert explained that when the applicant is finished with their testimony, the public will be able to make statements.

Mr. Bailey introduced Arthur Kuyan, Civil Engineer, Stonefield Engineering & Design LLC, 92 Park Avenue, Rutherford, NJ. Mr. Kuyan was sworn in and accepted as an expert witness in the field of civil engineering. Mr. Kuyan presented **exhibit A-1 dated 4/5/22** - areal exhibit

of the project site obtained from google maps. Mr. Kuyan explained the existing conditions of the site and surrounding uses. Mr. Bailey stated that the subdivision of the property was obtained by the municipality. He stated that the township is the current owner of Lot 8.01. Mr. Kuyan presented exhibit **A-2 dated 6/24/22** - colorized rendering of previously submitted site plan (C-5 of submitted site plan). Discussions continued regarding site improvements. Mr. Kuyan explained the roadway to the site which will provide access to the site from the Community Center. The road will eventually tie into Rivervale Road through the townhome development. Mr. Lippert asked if the road will eventually be a continuation of Prospect Avenue. Mr. Kuyan confirmed that. Mr. Kuyan discussed parking at the site. The site will have 46 parking spaces, including 9 EV spaces. The applicant is requesting a variance for one parking space. Discussions continued regarding parking, lighting, landscaping, retaining walls, and drainage at the site. The applicant will be planting 41 trees and will make a deposit into the township tree fund for any trees not counted in the total trees required. Mr. Wayne asked what type of maintenance is required to maintain the permeability of the asphalt. Mr. Kuyan stated that the property manager must maintain the asphalt in order for it to work properly. Mr. Statile stated that the surface will need to be tested to make sure that it remains permeable. Ms. Vaccaro asked if this type of surface has been used in the northeast. Mr. Statile stated that it has been used in local developments. Mr. Kuyan explained the stormwater management system. The board members continued to discuss. Mr. Kuyan concluded his testimony.

Mr. Leibman stated that the property is being given to the applicant by the township, not sold. The applicant is being given money from the affordable housing trust fund to defray the expenses pertaining to the affordable housing development. Mr. Leibman stated that as part of the affordable housing settlement, the township wants the application to move forward. Ms. Reiter explained the process of how donations are often made into the trust fund by various developers.

Mr. Lippert opened the meeting to the board members for questions of Mr. Kuyan. Mr. Wayne asked if safety netting would be installed due to the proximity to the golf course. Mr. Statile stated that the township is looking into this. Mr. Adamo asked questions regarding the parking variance. Mr. Bailey stated that the applicant is working within the parameters set by the township from when they subdivided the lot. Mr. Kuyan stated that the features provided at the site in regards to the parking lot work best for the function of the site. Discussions continued regarding the parking spaces and lot.

Mr. Bailey introduced Joaquin Bouzas, Architect, Inglese Architecture & Engineering, 632 Pompton Avenue, Cedar Grove, NJ. Mr. Bouzas was sworn in and accepted as an expert in the field of architecture. Mr. Bouzas reviewed the architectural plans that were submitted with the application

and explained details pertaining to the building and units. He stated that there will be four 1-bedroom units (750-790sqft.), fifteen 2-bedroom units (850-900sqft), and six 3-bedroom units (1100-1150sqft). Mr. Bouzas stated that the units meet the minimum square footage required by the HMFA requirements for affordable housing. Mr. Bouzas continued to discuss the features of the units. Mr. Bouzas described the signage at the site. He presented **exhibit A-3, dated 7/7/22** - colored rendering and material pallet. Mr. Bouzas concluded his testimony.

The meeting was opened to board members for questions of the witness. Mr. Statile asked if the amount of washing machines and dryers is sufficient. Mr. Bouzas stated that two additional appliances could be added. Mr. Wayne asked about the fire alarm system. Mr. Bouzas stated that the individual units are not interconnected, however they are interconnected within the common spaces. Mr. Wayne expressed his concerns with safety. Mr. Bouzas explained the pull stations in the hallways and stated that the whole building including the units have sprinkler systems. Mr. Adamo stated that in his opinion the overall building looks very attractive. Mr. Reiter asked about the appearance of the building from the road. Mr. Bouzas stated that the building is set back relatively far from the road. The height of the roof is discussed. A discussion continued regarding the interpretation of the height ordinance and whether a "D" use variance is required for this application for height.

The meeting was opened to the public for questions of the witness. There being none; the meeting was closed to the public.

Mr. Bailey introduced Matthew J. Seckler, Planner and Traffic Engineer, Stonefield Engineering and Design, 92 Park Avenue, Rutherford, NJ. Mr. Seckler was sworn in and accepted as an expert witness as a Planner and Traffic Engineer. Mr. Seckler discussed his traffic and parking analysis dated February 2022, which was submitted with the application. Mr. Seckler stated that according to his analysis, this site would generate 12-15 trips/cars per hour during the busiest hours.

Mr. Leibman stated that he had information regarding the height of the building. He explained section 142.3 of the ordinance stating the definition of building heights. Discussions continued among the applicant and board members to determine whether a bulk or use variance would be required. The interpretation of the ordinance was discussed. The board members agreed with the applicant, that taking away the architectural features would compromise the aesthetic appeal of the building. Mr. Lippert stated that the record needs to be clear as to which type of variance is required. After lengthy discussions, it was determined that the applicant would move forward with requesting a use variance for height.

Mr. Seckler continued with his testimony regarding traffic and parking at the site. Mr. Lippert asked about county approval regarding a traffic

light at the site. Mr. Seckler stated that a traffic light might be discussed with the police department application. Mr. Seckler continued to discuss RSIS standards and spoke about the variance request for one parking space. He stated that the parking lot allows for better circulation for vehicles at the site. Mr. Statile stated that the extra space in the lot allows for emergency vehicles to have easier access and movement at the site. Mr. Adamo asked the witness to explain the credit received for EV spaces. He asked if the parking was sufficient at the lot. Mr. Seckler explained how the parking is sufficient for an affordable housing complex. He stated that the applicant can look at the possibility of creating options for an additional parking space.

Mr. Seckler reviewed the variances that the applicant is seeking. He referred to Caroline Reiter's report.

The board took a ten-minute recess at 9:25pm.

At the 9:35pm the meeting resumed.

Mr. Lippert stated that he would like to discuss the building height requirement and the type of variance required for the application. Mr. Leibman explained the height ordinance. Mr. Leibman stated that it is the right of the board to interpret the ordinance the way the board sees fit. The board members discussed the ordinance. Mr. Bailey stated that the applicant will provide proofs for both "C" and "D" variances. Mr. Leibman stated that he would include both types of variances in the resolution. The board members agreed that the ordinance needs to be looked at and revised in order to provide more clarity in the definition.

Mr. Seckler continued to discuss and explain each variance being sought. He stated that he believes the positive criteria of the application outweighs any detriments. Mr. Seckler discussed the D-1 (use), D-5 (density) and D-6 (height) and various bulk variances. The board asked questions of the witness. Discussions continued regarding fencing, retaining walls, landscaping, parking, and lighting at the site. Mr. Seckler stated that the application is an inherently beneficial use which fulfills the township's affordable housing requirement. Mr. Seckler concluded his testimony.

Mr. Lippert asked Ms. Reiter to weigh in on the application. Ms. Reiter reviewed her report dated 7/5/22 that was distributed to the board. She stated that this is an inherently beneficial use and part of the township's settlement agreement with the Fair Share Housing Center. Ms. Reiter stated that she does not believe the application causes substantial detriments to the public good. She stated that the application is consistent with the Master Plan. Ms. Reiter reviewed the variances being sought. She stated that the township has anticipated and planned for this application, and believes it has been presented well.

Mr. Adamo asked about the flow of traffic through the parking lot of the Community Center. Mr. Statile stated that this matter has been looked at and will be addressed to make sure there aren't any issues.

Mr. Lippert opened the meeting to the public; there being no one from the public present, the meeting was closed to the public.

Mr. Bailey summarized the application and concluded. He thanked the board for their time and consideration.

Mr. Leibman stated that the application could be voted on in its entirety. No board members objected.

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

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

RESOLUTIONS:

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

- Preliminary and Final Major Subdivision Application with Bulk Variances

A motion for approval was made by Mr. Ross; seconded by Mr. Fortsch; and carried unanimously on voice vote.

MINUTES:

A motion for approval of the minutes of June 29, 2022 was made by Mr. Adamo; seconded by Ms. Vaccaro; and carried unanimously on voice vote.

PAYMENT OF INVOICES: None

Mr. Lippert thanked the board for all of their time and effort that has been put into the meetings.

Mr. Adamo asked Mr. Leibman if it's possible to ask for future applicants to present the variances that are being sought prior to applications being heard.

Mr. Leibman stated that he will ask the attorneys going forward to list all of the variances being sought at the beginning of their testimony.

NEXT MEETING: Regular Meeting - Wednesday, July 20, 2022 at 7:30 p.m.

ADJOURNMENT: The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

MARIA HAAG

Recording Secretary