

TOWNSHIP OF RIVER VALE
JOINT PLANNING BOARD
September 30, 2020
7:30 p.m.
REGULAR MEETING
MINUTES

Approved 10-28-20

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 Planning Board saluted the flag.

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ROLL CALL:

Members Present:

Scott Lippert	Chairman
Robert Fortsch	Vice-Chairman
Susan Vaccaro	Secretary
Robert Adamo	
Peter Wayne	
Gregory Lowey	
Matthew Ross	(Alt. #1)

Also Present:

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

Absent:	Glen Jasionowski	Class I-Mayor
	John Donovan	Councilman
	John Puccio	

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MINUTES: A motion for approval of the Minutes of 8/26/20 was made by Mr. Fortsch, seconded by Mr. Lowe, and carried unanimously on voice vote.

APPLICATIONS: None

RESOLUTIONS: None

CONCEPT PLAN REVIEW:

Zotollo - Block 2110, Lot 16, 737 Westwood Avenue - Subdivision - Informal Review - Robert Gaccione, Esq. of the law firm Pomacco & Gaccione, Belleville, NJ, represented the applicant in a Concept Plan Review for a Major Subdivision. Applicant's Engineer, William P. Stimmel, PE, and the Planner were also present for any questions. Applicant, Scott Zotollo, is the owner of the subject property. It is only two lots, but according to the Ordinance, it is a Major Subdivision. They are seeking to subdivide the property, which presently has a house on it, into two lots, and build a new house on the second lot. Applicant and his wife were also present.

Mr. Gaccione provided a concept review of the Variance Plan prepared by William P. Stimmel, PE, Stimmel Engineering, dated 6/15/2020, showing the lot at the corner of Westwood Avenue and Terbell Parkway. It has approximately 24,200 sf. They are proposing to subdivide the property 85' from the southerly property line. Because they are in the "A" Zone, the minimum lot size is 18,000 sf. They are proposing to make a lot on the southerly side, which is presently undeveloped, and is approximately 9,782 sf. The existing residence on the northern lot will remain, at 14,465 sf. The existing building complies, with a pre-existing non-conformities for front, minimum, side, and rear yard setbacks, which would not change. There are no changes proposed for the existing structure. Chairman Lippert asked if the applicant resided in the existing house, and Mr. Gaccione replied no, but there was a tenant. The plan showed proposed Lot 16.02 requires variances for minimum lot area, minimum lot width and minimum lot frontage. Proposed Lot 16.03 requires a variance for minimum lot area. He showed the tax map and subdivision map for the subject property. They are adjacent to the "B" Zone, which allows smaller lots, 9,000 sf, they and are fully compliant with the "B" Zone. Mr. Gaccione reviewed the "B" Zone on the tax map.

Questions by the Board followed. Chairman Lippert asked what the statutory basis was for the variances. Mr. Gaccione mentioned hardship. The Chairman asked isn't it textbook self-created hardship if you subdivided the property, and how could he argue hardship. They have a D5 density variance since the Town classifies this as a major subdivision. It has a lesser standard than a D1 variance. For positive criteria, higher density, and for the negative, no substantial detriment to the public good and does not substantially impair the zone plan or zoning ordinance. The redevelopment and subdivision would be harmonious with the area, and they see minimum impact with acceptable standards and parking is not an issue. Mr. Gaccione continued, they feel the plan is fitting for the neighborhood. There would be limited impact and parking would not be an issue for this location. It is a unique lot in the area with acceptable setbacks. The density is residential in nature and smaller than what is permitted. Based on the limited scope, it is fitting here.

Comments by Board Members followed. Mr. Adamo commented as a response, assuming this is in the "B" Zone, but it is in the "A" zone, and in the "A" zone, there are substantial variances here. Mr. Gaccione stated in his opinion, the lot is oversized for the area. Even in the zone it is in, it is larger than anything around, except for one lot that doesn't have the frontage, and this is a corner lot. Mr. Statile asked the engineer if he did or saw a title search, and the response was no. He sees the applicant purchased the property in January, 2018 from an LLC, knowing the size of it. This is no surprise. Mr. Gaccione commented it would've been subdivided at some point. A discussion ensued. The owner commented and responded to questions by Mr. Statile.

Board Attorney Leibman questioned why they decided on drawing the subdivision line as it is, since if they put it more in the middle they would come more into conformity as to lot sizes. As it is, one lot is half the size of what is permitted in the zone. That is not a small variance. Chairman Lippert commented this is an informal hearing, and we are not here to condemn, but I see a large conforming lot, that is now going to be carved into two non-conforming lots, and one of the non-conforming lots is a little more than 50% of the minimum lot requirement. I am looking for some compelling reasons but do not see any. Maybe redrawing the line would help. Mr. Leibman commented they'd get it over 10,000 sf at least. Mr. Statile commented. Mr. Gaccione it was placed where it was shown to be in line

with the lots across Terbell, but may consider changing the lot line. Mr. Lippert commented Mr. Statile's points are valid.

Mr. Gaccione stated their position is they are consistent with the lots in the neighborhood. That would satisfy the negative criteria, the Chairman noted, but what about the positive criteria. What is the reason for the variance, he asked. Mr. Gaccione stated the planner would answer and spoke about the density in the area. A survey showed they could put a 6,000 sf house on the lot as it is. They think the subdivision would be complimentary to the houses on both Terbell and Westwood Avenues. They are also in the teens with building coverage. It will be a generous look consistent with what is there. This is a much larger lot with double frontage that what is in the area. Mr. Statile read that the surrounding lots have 18,000-25,000 sf; none of the lots have 9,000 sf. Mr. Gaccione noted the lots across the street are all smaller. He reviewed the lot sizes. Mr. Statile gave details of the lot areas in the area as being 18,000+ sf. This is an anomaly. A discussion with opinions ensued between the engineers and attorney regarding lot sizes in the two zones.

Board Members gave their input. Mr. Fortsch asked how large the proposed new home would be. The response was 1,800 sf. Mr. Fortsch commented what comes to mind is if we do not grant this, a few years will go by and he knocks the existing structure down and it gets worse with him building a McMansion. They are considerable variances, but in the long run, it might work out. Mr. Lippert noted it is an argument. Mr. Wayne commented he was against such a small lot size, and the property subdivision line has to be moved to make the smaller lot bigger. He questioned whether it is going to impact any other homes in the area, and he would like to see something submitted showing this.

Mr. Gaccione stated they are just submitting a concept. Mr. Leibman commented the Board has gotten the idea and has given feedback, good and not so good, so they have to decide what they want to do. Mr. Lippert said we are happy to hear them and their arguments and they have a sense of where the Board is coming from. He looked at the property today and took along an expert, his wife, who saw how they could fit a house on the lot, but there are some standards that the applicant has to adhere to, whether they can do that, and what compelling arguments they can make. Applicant is creating two non-conforming lots, one of which is pretty small. There were no further comments from Board

(RVPB 9/30/2020 Regular Meeting Minutes)

Members. Mr. Gaccione thanked the Board for their time and would consider the comments made and decide whether they would go forward with the application.

MEETING OPENED TO THE PUBLIC ON NON-AGENDA ITEMS: None

PAYMENT OF INVOICES: None

DISCUSSION: The Board discussed the agenda for the next meeting, which included commencing the Master Plan review, and that a committee of three Board Members was chosen to meet with Carolyn Reiter, Planner, and then she would present to the Board.

NEXT MEETING:

Regular Meeting - Wednesday, October 28, 2020 at 7:30 p.m.

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 8:38 p.m.

Respectfully submitted,

MARY R. VERDUCCI, PARALEGAL
Recording Secretary