

**TOWNSHIP OF RIVER VALE  
JOINT PLANNING BOARD  
October 27, 2021  
7:30 p.m.  
REGULAR MEETING MINUTES - Virtual**

*Approved 11-11-21*

**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.**

=====

**ROLL CALL:**

**Members Present:**

Robert Adamo	
Delix Alex	
John Donovan	Councilman
Robert Fortsch	Vice-Chairman
Scott Lippert	Chairman
Matthew Ross	
Susan Vaccaro	Secretary ( <i>arrived 7:58pm</i> )
Peter Wayne	

**Also Present:**

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

**Absent:**

Glen Jasionowski	Class I-Mayor
------------------	---------------

=====

**REGULAR MEETING**

**APPLICATIONS:**

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

- Preliminary and Final Major Site Plan

Mr. Leibman stated that the matter would be adjourned to a special in-person meeting taking place on November 11, 2021 - River Vale Senior/Community Center - 7:30pm.

Nicole Magdziak, Esq. of Day Pitney Law, introduced herself as counsel for the applicant. Ms. Magdziak stated that she would like to formally request to adjourn the meeting to November 11, 2021 in order for the meeting to take place in-person. She asked for the meeting to be carried without further notice.

Mr. Lippert stated that the application has been postponed due to requests from members of the Township to meet in-person. The Joint Planning Board was polled and the majority was in favor of meeting in-person. He stated if the application does not get fully resolved on November 11<sup>th</sup>, a second special meeting has been scheduled for November 23<sup>rd</sup>. Mr. Lippert stated that all factors have been weighed in term of holding meetings during a pandemic. The meeting will be held in-person at the River Vale Senior/Community Center, and no further notice will be required on the part of the applicant.

Resident, Lawrence Friedhoff residing at 525 Rivervale Road stated through the zoom chat that the meeting should be virtual so everyone could participate and asked if a written statement could be submitted. Mr. Leibman stated that the township does not have the technology to set up a hybrid meeting. Mr. Leibman stated that a written statement cannot be submitted. He informed Mr. Friedhoff that he can either appear in-person or engage an attorney to represent him and his interests. Mr. Leibman stated that written statements are hearsay and are not admissible during the hearings. Mrs. Friedhoff identified herself as a resident and a retired real estate attorney residing in River Vale for the past 30 years. She stated personal reasons why she feels the meeting should be offered virtually and why she feels a written statement should be admissible. Mr. Lippert explained that the merits of the application would not be discussed at this meeting. Mr. Lippert stated that the board would discuss the possibility of having a subsequent virtual meeting to accommodate residents who are not able to attend the meeting in-person.

Resident, Steve Burns residing at 513 Rivervale Road asked for clarification of why he did not receive written notice of the meeting. Mr. Leibman explained that because he recently moved into his residence (2 ½ months ago), the 200' property owner's list may not yet have included his information and the correspondence may have been sent to the prior owner.

Mr. Liebman stated that the application has been adjourned, all information pertaining to the application is available for viewing on the township's website, and/or in person at Town Hall. A virtual component of the application hearing will be considered by the board members.

**Sommerhoff - Block 1901 Lot 8 - 898 Westwood Avenue**

- Detached Garage Bulk Variance - Accessory Building Size and Height - carried from the September 22, 2021 meeting

Counsel for the Applicant - John Rizzo, Esq.

Mr. Rizzo presented and overview of the application. The applicant is seeking variances to rebuild the detached garage to its preexisting grandfathered dimensions. He explained that more than 50% of the garage was destroyed by a fire and a rebuilding of the garage must comply with the provisions of the current zoning ordinance, resulting in a smaller garage. Mr. Rizzo explained that the applicant is requesting a height variance for 17 ft, and a total area variance for 810 sq ft. The applicant has submitted and is requesting design waivers to the township engineer.

Mr. Rizzo introduced the applicant, Herrat Sommerhoff. Mrs. Sommerhoff was sworn in by Mr. Leibman. Mrs. Sommerhoff stated that she has owned the property for over fifty years. She stated that the property is very wooded and the house is set back from the street. Mrs. Sommerhoff explained that the existing garage was used for two cars and for storage of art work. She stated that on October 22, 2020 there was a fire that caused a lot of damage to the garage. Mrs. Sommerhoff stated that their Zoning Permit was denied in July of 2021. She stated that she would like to build a garage that will be the exact same size as the garage that existed prior to the fire with the same uses.

Mr. Rizzo introduced Scott Sommerhoff, the applicant and son of Herrat Sommerhoff. Mr. Sommerhoff was sworn in by Mr. Leibman. Mr. Sommerhoff explained that he has been an EMT

member for many years and that the garage was used for training. Mr. Rizzo asked Mr. Sommerhoff to speak about the photographs that were submitted with the application.

Councilman Donovan asked about the "lean-to" to the garage and asked if it was enclosed. Mr. Sommerhoff explained that it was built-in with a front and back door.

Mr. Rizzo introduced the applicant's architect and planner, Linda Del Nobile. Ms. Del Nobile was sworn in by Mr. Leibman. Ms. Del Nobile's qualifications as an architect and professional planner in the state of New Jersey were accepted. Ms. Del Nobile spoke about the architectural plans of the proposed garage. She explained that the applicant would like to build an exact replica of what was there prior to the fire with the same footprint. The height will be 17 feet and the square footage will remain at 810 square feet. Ms. Del Nobile stated that the garage will be set back far from the property line and in her opinion will not be a detriment to the surrounding properties. Councilman Donovan asked if the portion of the building that remained gave accurate measurements in regards to the height and square footage of the old building. Ms. Del Nobile confirmed that information.

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

Mr. Statile asked if the building would be insulated. Mr. Sommerhoff stated that there is no plan to insulate. Mr. Statile asked what type of utilities would be used. Mr. Sommerhoff stated that there will be electric only and no mechanical equipment will be in the building. Mr. Statile stated that if the applicant would like to have plumbing for water in the building that it would not be an issue.

Mr. Rizzo having no further witnesses concluded his presentation.

Mr. Lippert asked Mr. Rizzo to confirm that the two variances being sought are for the height and square footage of the structure, and that the building will be substantially the same as the structure that existed prior to the fire. This was confirmed by Mr. Rizzo. Mr. Statile stated that the four design waivers that were requested are also included in the variance and should be included in the resolution.

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.

**RESOLUTIONS:**

**Chang - Block 1715 Lot 39 & 71 - 633 Fairway Terrace and 629 Cleveland Avenue**

- Subdivision and Bulk Variance - Amended due to incorrect lot number on resolution

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

**ORDINANCE CONSISTENCY REVIEW:**

**Ordinance 392-2021 - Stationary generators, air-conditioner compressors or units**

Mr. Statile presented an overview of the ordinance. He explained that the Construction Official would like a regulation regarding the location of generators and air conditioner compressors or units. He stated that the first reading of the proposed ordinance was presented to the mayor and council and now it has come in front of the Joint Planning Board to review for consistency. Mr. Statile stated that the ordinance was also reviewed by his office and some minor changes have been made.

Mr. Lippert asked if prior to this ordinance if a compressor could be located in a front yard. Mr. Statile replied "yes" and stated that there have been no prior regulations. Mr. Lippert asked about "screening" the units. Mr. Statile stated that he does not think there should be a necessity to screen the units. Mr. Lippert asked if there is an engineering reason as to why a generator would need to be located in a front yard. Mr. Statile stated that the units are usually located near the service panel.

Councilman Donovan spoke about the review of the ordinance by the mayor and council. He stated that they discussed the section which refers to screening of the units. He stated that the council was split on the decision as to whether to require screening. Councilman Donovan stated that the council also discussed the section referring to decibel levels. Councilman Donovan stated that the governing body would like some guidance from the Joint Planning Board in regards to these two items in the proposed ordinance.

Mr. Adamo asked if the footprint square footage of each unit not exceeding fifteen square feet should apply to each unit. Mr. Statile stated that the square footage should apply to each unit. Mr. Adamo asked about the section of the ordinance referring to a 3 ft. distance of the unit from the building. Mr. Statile explained that this regulation is to keep generators away from property lines. Mr. Adamo stated that he would like to keep the decibel level section in the ordinance. Councilman Donovan agreed and will suggest that the section be left in the ordinance. Mr. Leibman suggested that the Joint Planning Board recommends to the governing body that decibel levels not be enforced during periods of power outages.

Mr. Wayne asked if a pad would be required for air conditioning units. Mr. Statile stated that the plumbing official requested a pad only for generators. Mr. Wayne stated that he does not think screening should be required.

Mr. Alex stated that he feels that the screening of the units should be removed. He stated that the installation of a pad does not seem related to section 6 of the ordinance. Mr. Alex stated that if a pad is going to be required, that it should apply to both generators and air conditioning units. Mr. Statile stated that pads are already covered by the building code and does not need to be included in the ordinance.

Mr. Leibman drafted a letter which will be submitted to the governing body. The letter was read to the Joint Planning Board members.

On a roll call vote, all in favor, the letter will be submitted to the governing body.

**MINUTES :**

A motion for approval of the minutes of September 22, 2021 was made by Mr. Wayne; seconded by Mr. Fortsch; on a roll call vote carried unanimously.

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

**DISCUSSIONS:**

Mr. Lippert discussed the upcoming meetings and the concerns with in-person and virtual formats. He stated that the next special meeting taking place on November 11<sup>th</sup> will be in-person and he suggested that the meeting on November 23<sup>rd</sup> be virtual to accommodate residents who could not attend the in-person meeting.

Mr. Fortsch suggested looking into the possibility of a hybrid meeting.

Mr. Leibman stated that we do not have the technology in place for a hybrid meeting. He stated that it will be very difficult to swear in witnesses. Mr. Leibman agreed with Mr. Lippert about holding an in-person meeting on November 11<sup>th</sup> and then adjourn to a virtual meeting on November 23<sup>rd</sup> to allow public comment. Mr. Lippert stated that this is a good way to be fair and stay within the confines of what the law allows.

Councilman Donovan stated his concerns about people providing comments without hearing all of the testimony from the in-person meeting. Mr. Leibman suggested looking into a way to stream the meeting. Mr. Ross suggested providing a link to the residents that will enable them to hear the recording of the meeting at any time. The board members continued to discuss different options. Mr. Lippert stated that everyone has the right to attend the meeting in-person and the board is trying to make the meeting as available as possible. Mr. Lippert stated that the residents also have the option of hiring an attorney to represent them if they are unable to attend. Mr. Lippert stated that he would like everyone in attendance to wear a mask unless they are speaking.

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

**NEXT MEETING:**

**Special Meeting - Thursday, November 11, 2021 at 7:30 p.m. - River Vale Senior/Community Center - 628 Rivervale Road**

**ADJOURNMENT:** On a motion made by Mr. Lippert; seconded by Councilman Donovan; and carried, the meeting was adjourned at 9:00 p.m.

**Respectfully submitted,**

---

**MARIA HAAG**  
**Recording Secretary**