

**BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT**

February 17, 2021

7:30 P.M.

Zoom Meeting ID: 453 996 0939

Password: 4Qz3LR

Phone in Number: 1 646 558 8656

Meeting ID: 453 996 0939

Password: 785974

MINUTES

CALL THE MEETING TO ORDER

Vice Chairman Giannotti called the meeting to order at 7:30 PM in the Borough Hall Office located at 116 Paris Avenue, Northvale, New Jersey 07647. Meeting included Board Members and was open to members of the public using the Zoom virtual platform.

STATEMENT

Vice Chairman Giannotti read the "Sunshine Statement" into the record as follows:

"This is a regularly scheduled meeting of the Combined Planning Board/Board of Adjustment of the Borough of Northvale. The date, time and location of this meeting has been advertised in the official newspaper of the Borough, filed with the Acting Borough Clerk, and posted on the bulletin board in the Municipal Building. All notice requirements of Public Meetings Act for this meeting have been fulfilled.

ROLL CALL:

PRESENT: Mr. Giannotti, Mr. Briscoe (Alternate #1) Mr. Degen (Alternate #2)

PRESENT VIRTUALLY: Mayor Marana, Mr. Guyt, Mr. Sillery,
Mr. Moran, Councilman Hogan, Mr. Pothos

ALSO PRESENT: Gregg Paster, Board Attorney (Present Virtually) Marie Raffay, Maser Engineering (Present Virtually) Darlene Green (Maser Engineering)
Jaime Placek, (Kauffman, Semeraro & Leibman, LLP)
Nicole Cowley, Board Secretary

ABSENT: Chairman Amorosso, Mr. Vollmer

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

APPLICATION OF ROBERT BETTEGA
179 FRANKILN STREET BLOCK: 917 LOT: 4

Mr. Giannotti started by stating for the record that he would recuse himself from this application as he resides within 200 feet of this property. Mr. Giannotti also took the opportunity to confirm with Attorney Paster that he may preside over the meeting in Chairman Amorosso's absence being he is within 200 feet, Attorney Paster confirmed he can but cannot comment or vote.

At this time, Judith Reilly, Attorney on behalf of Robert Bettega came forward to present this application before the Board. Attorney Paster took the opportunity to summarize this application for the board. Attorney Paster explained the original Resolution approved a screened in porch for this application and stated there would be no additional living space. The applicant is back before the Board after the Code Official found during construction there was walls and windows built. After these findings, an application was filed to amend the original application.

Next, Attorney Reilly stated she would be providing the Board with a chronological timeline as it pertained to the history of this application that began with the original rear yard setback variance. Attorney Reilly explained the project details that included the reasons for needing the variance. Originally, Mr. Bettega presented hand drawn sketches as part of his initial application which was approved. Following the approval, Mr. Bettega had an architect draw up formal plans after approval, primarily because this involved an extension of a roof. Attorney Reilly proceeded to explain, after Mr. Bettega consulted with his architect, he learned there was a problem with obtaining beams that would be long enough to support his original plan. This resulted in having to change the pitch of the roof, which was one of the concerns of the Zoning Officer. Attorney Reilly stated there was no way of knowing this prior to consulting an architect. Attorney Reilly provided explanation and description of the plans provided to the Board. In addition, Attorney Reilly stated, the architect's plans were submitted to the Building Department and a permit was issued. Attorney Reilly presented the permit for the Board's viewing and explained she was unsure how that happened.

Following this, Attorney Reilly spoke on the topic of screened porches and the misconception of what this entails and currently, screened in porches are more detailed than those of the past where there is screens floor to ceiling. Attorney Reilly went back to the plans provided to the Board to discuss additional parts of the plans. Attorney Reilly expressed, at no time was it the intent of Mr. Bettega to use this area for anything other than a screened in sitting area and the reason for the windows is to still be able to access the room in the event of inclement weather, this was never intended to be a living space, room, or office space. Attorney Reilly recalls this being memorialized in the previous Resolution and was agreeable to have this stipulation added; as it seems, this is one of the primary concerns of the Zoning Officer. Attorney Reilly stated her opinion that included there not being much to be concerned with as far as zoning and procedure go and it seems there are different views on what a screened in porch would be. Attorney Reilly

reiterated this space does not have heat or water and Mr. Bettega is willing to agree to any stipulations the Board require.

Attorney Paster interjected and stated, he believes what is being sought here is an amendment of the original Resolution, if the Board is so inclined. Attorney Paster suggested perhaps this could be called a sitting room. Attorney Paster also added, he was pleased to hear there was no heat or water and assumed there is electrical, however; that is not unusual. Attorney Paster summarized by saying he believes the Board is being asked to allow for a simple amendment to the original Resolution, designating this from a screened porch to a sitting room.

Vice Chairman Giannotti asked the Board if they had any questions. Mr. Moran stated he noticed in the original Resolution there was no mention of Mr. Bettega's garage being used commercially and he would like to see this added on the record one more time. Attorney Reilly added Mr. Bettega was not asked that the first time and Mr. Moran responded he was, as he recalls being the one to ask the question. Attorney Paster expressed that could certainly be a condition of the amendment. Mayor Marana commented and said without heat and running water he was unsure of the purpose of this application brought before the Board. Attorney Paster clarified the characteristics of a screened in porch are not the same as what was constructed here and while this was not a violation of any ordinances, it seems the Zoning Official was abiding by the letter of the Resolution, not necessarily the spirit.

A motion to **approve** amendment of the original Resolution was made by Mr. Sillery, and seconded by Mr. Guyt

ROLL CALL:

Mr. Sillery, Mayor Marana, Mr. Guyt, Councilman Hogan, Mr. Moran, Mr. Pothos, Mr. Briscoe (Alt#1) Mr. Degen (Alt#2) – **YES**

Mr. Giannotti- **ABSTAIN**

DISCUSSION OF 155 VETERANS DRIVE
DETERMINATION OF AREA IN NEED OF REDEVELOPMENT
BLOCK: 1011 LOTS: 5.01 & 5.02

This discussion started with Jaime Placek, Attorney with Kaufman, Semeraro & Leibman introducing himself to the Board on behalf of the Borough of Northvale. Attorney Placek turned the discussion over to Darlene Green of Maser Consulting. Ms. Green is the Planner who investigated and prepared the report that was provided to the Board and posted on the Borough

website for public viewing. A Resolution was previously adopted by Council referring these two parcels for study by this Board to see if it is deemed fit as an area in need of redevelopment. If the Board decides, this property can ultimately be developed.

Following this, Attorney Paster swore Darlene Green in for her to provide testimony before the Board. Ms. Green began by stating her affiliation to Maser Consulting and reiterated the governing body's approval of a Resolution in October of 2020 directing the Planning Board to undertake this study that Ms. Green conducted on behalf of the Board.

Ms. Green summarized the 35-page summary at this time with the Board. In addition, Ms. Green discussed the undertaking of the process that is guided by the local Redevelopment and Housing Law which is very specific of the findings that need to take place to designate a site or sites as an area in need of redevelopment. The criteria are listed in the report provided. Thereafter, Ms. Green continued to summarize the report in detail, including the history of the property as well including its subdivision in August of 2020.

Based on report findings, Ms. Green reported vacant lot 5.01, qualifies as an area in need of development under criteria H. The statute states this criterion is the designation of a delineated area. Ms. Green proceeded to explain this further, including the potentials the redevelopment would offer and principals.

Next, Ms. Green discussed lot 5.02, which is the lot that contains the former VFW. Ms. Green explained her visit of this site which included a walk thru of both the interior and exterior of the site. The first criteria that was found existing was criteria A, which pertains to the statute of generality of buildings substandard, unsafe, unsanitary, dilapidated etc. Photos of the building's structural damage and unsafe conditions was further summarized. The second criteria this property meets is criteria D, this statute includes areas with building or improvements which by reason of dilapidation, obsolescence, overcrowding, etc.; are detrimental to the health, safety, morals, or welfare of the community. Ms. Green continued to discuss her findings of her walk thru of the exterior site and its unsafe conditions. With these findings, it is believed lot 5.02 qualifies as an area in need of redevelopment under criteria D. Lastly, it is believed this lot also qualifies under criteria H, Ms. Green continued to elaborate on this criterion.

Ms. Green confirmed study conclusions are listed in the report provided. Ms. Green stated based on the information received, as well as the site visit, it is her recommendation both properties qualify under the Local Redevelopment Housing Law and the area be designated as an area in need of redevelopment. In summary, Ms. Green stated lot 5.01 meets criteria H and lot 5.02 meets criteria A, D, H.

At this time, Ms. Green asked the Board if there were any questions. Mr. Guyt commented the DPW stores some of their equipment there and he wanted that to be notated. Mayor Marana asked Attorney Placek about next steps. Attorney Placek discussed the process going forward which included the potential of the Board's adoption of Ms. Green's report and Resolution recommending the Council designate these properties as an area in need of redevelopment and the Council will continue from there. It was recommended the Planning Board take formal action at this meeting.

Vice Chairman Giannotti **opened the meeting** to the public for questions.

With no questions, Vice Chairman Giannotti **closed the meeting** to the public.

A motion to adopt Darlene Green's report and to recommend designation of lots 5.01 and 5.02, on block 1011 as an area in need of redevelopment was made by Mr. Pothos, seconded by Mr. Moran to **accept** a Resolution.

ROLL CALL:

Mayor Marana, Councilman Hogan, Mr. Giannotti, Mr. Guyt, Mr. Moran, Mr. Sillery, Mr. Pothos, Mr. Briscoe (Alt#1), Mr. Degen (Alt#2) – **YES**

APPROVAL OF RESOLUTION 21-02
ANDREW RYOO
120 PHILADELPHIA AVENUE
BLOCK 919, LOT 2

A Motion to approve the Resolution was made by Mr. Sillery and seconded by Mayor Marana.

ROLL CALL: Mr. Sillery, Mayor Marana, Mr. Moran, Councilman Hogan, Mr. Guyt, Mr. Moran, Mr. Pothos, Mr. Briscoe (Alt#1), Mr. Degen (Alt#2)

APPROVAL OF MINUTES OF FEBRUARY 3, 2021

A motion to **approve** the minutes of the February 3, 2021 meeting was made by Mr. Sillery and seconded by Mr. Pothos.

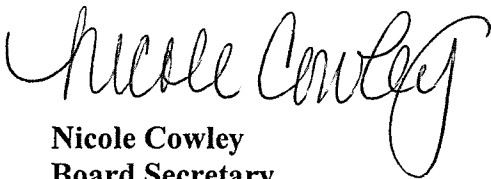
ROLL CALL: All in favor

DISCUSSIONS:

Attorney Paster spoke on the topic of the Stormwater Ordinance that is basically a state mandate language and believes there should be no concern. Attorney Paster stated he is sure Mr. Guyt was aware and up to date on this topic and believes if there is anything that can be done to keep the stormwater as well managed as possible, it is worth doing. Attorney Paster expressed he believes it is in the Board's best interest to endorse the revision to the Council for further action. No further action is warranted.

A motion to **adjourn** the meeting at 8:20 PM was made by Mr. Briscoe, seconded by Mr. Degen. All present in favor.

Respectfully Submitted,



**Nicole Cowley
Board Secretary**

Approved: 3-3-21