

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

October 7, 2020

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

Chairman Amorosso 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

Chairman Amorosso 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. Please note the fire exits as required by law"

ROLL CALL:

PRESENT: Chairman Amorosso, Mayor Marana, Mr. Giannotti
Mr. Vollmer, Mr. Hogan (Alternate #1) Mr. Pothos (Alternate #2)
Mr. Degen (Alternate #3)

PRESENT VIRTUALLY: Councilman Devlin, (arrived at 7:45)) Mr. DeLaura,
Mr. Moran, Mr. Sillery, Mr. Briscoe (Alternate #4)

ALSO PRESENT: Gregg Paster, Board Attorney, Chris Dour, Borough Engineer (Present Virtually)
Nicole Cowley, Board Secretary

ABSENT: Mr. Guyt

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

APPLICATION OF 251 UNION STREET HOLDINGS, LLC
251 UNION STREET
BLOCK 602 LOT 1

PRELIMINARY/FINAL SITE PLAN APPROVAL AND
VARIANCE RELIEF

Chairman Amorosso began this application by referring to Ms. Lisa John- Basta, Attorney with Chiesa, Shahinian & Giantomasi PC, Attorneys at Law, to state her name for the record and her affiliation with this application. Ms. Basta explained the intention of this application was to seek preliminary/final site plan approval and variance relief for this property that is currently developed with an existing warehouse facility. The applicant is seeking certain site modifications to accommodate existing and proposed uses, as well as to modernize the facility in general. Ms. Basta proceeded to explain she will be calling upon two witnesses at this meeting. One being a civil engineer, Matthew Welch, as well as a professional planner, Greg Woodruff and they will be testifying before the Board during this hearing.

At this time, Ms. Basta called upon her first witness, Matthew Welch to be sworn in by Attorney Paster. Before Attorney Paster swore Mr. Welch in, he stated for the record he had reviewed the notices and the publications and confirmed they were in order. Following this statement for the record, Attorney Paster proceeded to swear in Mr. Welch. Mr. Welch stated he was affiliated with Langan Engineering and proceeded to state his professional expertise and qualifications in order to be deemed acceptable by the Board. Mr. Welch proceeded to confirm the plans for this application were prepared and submitted under his supervision. Ms. Basta asked Mr. Welch to provide testimony regarding the existing conditions and location of the overall project site. Mr. Welch asked for the ability to provide visuals though screen sharing to which the Board Secretary advised was suitable. Mr. Welch provided the Board with a visual of an aerial view of the site and surroundings. This was marked into evidence as **A-1 Aerial View of the Subject Site**. Mr. Welch proceeded to explain, in detail, the characteristics of the site. This included pointing out the wetlands of this property. The building itself is approximately 205,000 sq feet currently used as a warehouse which is a permitted use in the light industrial zone. There is currently one tenant that occupies approximately 100,000 sq feet. The tenant has about 10-12 employees and utilizes about nine loading docks. There are two existing driveways along Union Street. Mr. Welch described the utilization of parking among the grounds adding there was room for additional parking that is not currently utilized at this time. Mr. Welch also added the building is currently not as modern as it could be. Mr. Welch spoke about the loading docks that the applicant is prepared to have the new tenant use. Mr. Welch explained the loading docks are currently only 10 feet and the newer model are typically much wider.

Next, Mr. Welch shared **A-2 Site Plan Rendering Exhibit** this visual marked into evidence, incorporated the landscape plan and provided some visual context to the improvements. Mr. Welch reiterated the main focus of this project was to modernize the warehouse. The proposal includes modernizing the eight loading docks with the request of two additional loading docks at 12.5 feet wide, which is compliant with the current standard practice. The proposal also includes a door on the left side of the loading dock which would generally be used for tractor trailers as well as a drive in door for smaller vehicles such as box trucks, vans etc. The loading docks would be an improvement to service a new tenant that will be occupying the currently vacant fifty percent of the building. The tenant would be using this facility to store elevator equipment. This facility would strictly be used to store items and be shipped to project sites. The average operational day for this tenant would be somewhere in the vicinity of 7 am to 5 pm. The applicant also would like to stripe the large paved area as well, that would also include the use of landscaped items being used. The striped stalls would be 10 x 20 which is within the Borough's requirements. The plan submitted included 136 parking stalls which were approved during the zoning process. However, that amount of parking may not even be necessary. Currently, there are no parking stalls existing. The site is just one large parking lot. Conversation and clarification of the parking plan continued. Mr. Welch also gave testimony pertaining to the landscaping plan proposed for the site as well as the lighting plans. Mr. Welch's testimony also included the flood component of this site, and the wetlands. Permits have been issued from the DEP for the flood and wetland areas and these permits can be forwarded to the Borough if needed. The applicant is also under review with the Bergen County Soil Conservation District, although this site does not require approval in Bergen County, due to the reason this plan would not impact a county road or a county drain system. Mr. Welch also notes the application is not changing any bulk criteria and reiterates this application is mainly for the modernization of the facility. A variance is being requested for loading in the front yard which is not permitted; it is an existing non-conformity that the applicant is using to look to expand as part of the project. Mr. Welch explained that there was some exploration to look to move the loading docks so it wouldn't require a variance. Unfortunately, this could not be done as it would pose a much greater impact to the wetlands and to the flood hazard area. Natural resource restraints have determined the way in which the plan is being proposed.

Questions from the Board began at this time. Chairman Amorosso questioned the need for the additional loading docks. Mr. Welch replied the answer to this is two-fold. The eight docks were not sufficient enough for the prospective tenant. The existing docks are only 10 feet wide which is substandard. Having bigger docks makes for a much more efficient loading operation. Chairman Amorosso asked about the expectation of trucks coming in and out of this warehouse. Mr. Welch explained this is not a high turnover for truck use and Chairman Amorosso said it's his understanding at other warehouses, if a truck is waiting to unload they can wait on the side of the road. Chairman Amorosso questioned why this is not the case for this establishment. Chairman Amorosso commended Mr. Welch for his thorough verbal presentation, however he felt the testimony could have provided addition visual supports to include actual pictures of the plan/site. Chairman Amorosso stated he researched the property on his own and was able to bring up actual pictures of the warehouse/grounds from the internet and questions why this application could not have provided the same type visuals. Mayor Marana asked for more information and clarification on the industries that currently and will be occupying these spaces. Mr. Welch stated there is currently a wine distributor occupying half of the warehouse and the

future tenant would be a tenant that stores new equipment for elevators. Mayor Marana also asked for confirmation regarding an office area that is being used within this warehouse. Mr. Welch confirmed there is an office area that is located north of the building. This prompted Chairman Amorosso to show Mr. Welch a photo he printed of the site to confirm the office was where he presumed it was. This was based off of his personal photos and not those provided by the applicant. Mr. Welch shared the architectural visuals to try and show the Board where these prospects are. Mayor Marana asked about the removal of curbing and wanted to know how much would be removed. Mr. Welch confirmed the exact amount would be about 73 feet and stated this was being done to accommodate a specific tractor trailer. Mayor Marana stated the street had recently been repaved and wanted a condition to include the street be restored with new macadam. Attorney Basta asked for clarification regarding the conditions, Attorney Paster confirmed Mayor Marana's condition to include the street/curb be restored to which Attorney Basta agreed to this condition. Mr. Welch added there was going to be no utility upgrades involved in this project, so there was not going to be any trenching necessary. The next question came from Mr. Moran. Mr. Moran asked for clarification in regards to the driveway, noticing there were some discrepancies. Mr. Welch explained and clarified Mr. Moran's questions. Mr. Moran questioned the additional need for a canopy to which Mr. Welch explained this was an extension to aid with weather. Mr. Moran asked about any illegal mezzanines inside the existing legal portion of the warehouse, such as leasing out unoccupied areas. Mr. Welch responded there would not be any other tenants but discussed the need for flexibility for constructing the individual spaces to best fit the needs of the tenants that occupy the two spaces. Attorney Basta confirmed there are no mezzanines within the building. Councilman Devlin asked a question related to the fire panel and sprinkler pipe and wanted to know if the panels would be separated. Mr. Welch stated he did not have knowledge of this aspect but assured the Board the application would certainly meet any and all fire codes needed. Councilman Devlin expressed his concern as he has been a part of fire calls that included some difficulty getting into certain spaces. Mr. Welch stated he would discuss with the applicant and Attorney Basta added, if the Board was so inclined to grant the application, they would certainly meet with the fire department to satisfy any concerns the Board may have. Mr. Briscoe asked for confirmation pertaining to occupancy, and if this application was granted would the building be one hundred percent occupied. Mr. Welch confirmed the property is now at fifty percent occupancy and would be one hundred percent occupied going forward. Mr. Briscoe commented regarding the agreement to have a walk thru of the building with the Fire Chief. Attorney Basta again stated they would certainly agree to that. Mr. Degen asked how the spaces are separated, including the doorways. Mr. Welch explained but also stated he would need to refer the question to the architect for accuracy. Mr. Welch noted the two occupants do not have any hazardous materials within the spaces and there is no assembly on site. The spaces are utilized for purely storage. Chris Dour then asked a question regarding employees and how they would access the building and how parking would be handled. Mr. Welch responded by talking about the access paths to existing exits. There was discussion that pursued about bathrooms. Chris Dour also asked about the new prospective tenant and if they were local and would this site be used for warehousing and was there a plan to move more operations into this site. Mr. Welch stated this site would only be used for warehousing and Mr. Welch had no knowledge of intent for expansion. Chris Dour then asked about the loading docks and trucks and wanted to know if trucks would be present overnight. Mr. Welch responded that may be a possibility but only trucks associated with the business.

Chairman Amorosso **opened the meeting** to the public for questions

With no questions for the Engineer, Chairman Amorosso **closed the meeting** to the public.

Next, Ms. Basta called upon the next witness, Greg Woodruff, a Professional Planner with Langan Engineering. Attorney Paster proceeded to swear Mr. Woodruff in and asked him to state his professional experience and accomplishments for the Board. Mr. Woodruff stated his experience and qualifications for the Board and was found to be qualified as an expert in Municipal Planning. Ms. Basta asked Mr. Woodruff to explain his preparation for the hearing. Mr. Woodruff explained his part in the process as a Professional Planner and confirmed his ability to keep with Borough's requirements and Master Plan. Ms. Basta asked Mr. Woodruff to explain how the necessary proofs under the MLUL (Municipal Land Use Law) are satisfied. Mr. Woodruff proceeded to provide testimony to explain. First, parking was discussed and explained. Mr. Woodruff explained the parking would comply with all size requirements; the variance is triggered in the northern parking lot which is an existing paved area that is next to wetland areas. This aspect creates a constraint on the length of the parking areas. The proposed design created by the applicant has been the best possible design, in terms of complying with requirements necessary. In addition, in regards to another variance that is being requested, this is related specifically to the location of the loading in the front yard. In this case, this is falling into the C1 and C2 criteria. Essentially, there are existing loading docks already in that area. From efficiency prospective, the need for this particular variance makes sense to create the natural location for the existing loading docks. Another issue that came up falls into the category of needing a design waver. As Mr. Welch testified, there is a light level issue at the property line that is relative to the planning requirements. Mr. Woodruff explained this is a problem due to a physical issue of how close the existing paved area is to the property line. The applicant is willing to provide many different ways to be in compliance to which Mr. Woodruff explained. Mr. Woodruff began to conclude his testimony but added the other planning evaluation that needs to be made pursuant to the MLUL related to the negative criteria whereby there has to be proof that there is no substantial detriment to the public good, as well as the intent and purpose to the zone plan. It is the opinion of Mr. Woodruff there is no substantial detriment to the public and a number of specific measures proposed as part of the application that improve the site from an overall efficiency perspective. All improvements being proposed are designed to be for a more functional and operational purpose, while focusing on the need to create a more modern site. It is the belief of Mr. Woodruff the variances being requested are justified and can be granted.

Chairman Amorosso proceeded to ask the Board for their questions or comments. Mr. Giannotti commented regarding employee numbers and truck traffic. Mayor Marana commented on these topics as well. Mr. Moran asked, based on the use, would this increase the traffic on that road or would it be comparable. Mr. Woodruff responded he thinks it would be comparable being it's relative to past use pertaining to the site as this has been what the site has been used for previously. From a planning perspective, the traffic would be comparable based on that. Mr. DeLaura asked a question regarding parking. Mr. DeLaura stated this application involves a reduction in available parking and Mr. DeLaura wanted to know what would happen if the owner decided to sell this facility and someone comes in and needs additional parking. He questioned the requirements and the possibility of this being considered a detriment. Mr. Woodruff responded, he did not think it was a detriment and provided further testimony to support his

belief. Mr. Woodruff explained his attention to detail in the Borough's Master Plan referring to the parking requirements for warehousing and references the requirements within Borough Code. Conversation pertaining to parking continued between Ms. Basta, Mr. DeLaura and Mr. Woodruff. Mr. Giannotti and Mayor Marana commented on the parking and how it pertained to the Borough's newly revised Master Plan. Ms. Basta brought up the attempt to obtain older Resolutions through an OPRA request. Ms. Basta believes there must be a past variance granted considering there has been no change presented to the building's square footage and how it pertains to the parking. Unfortunately, there was not record of this and Ms. Basta assumed it must be due to the age of the records. Mr. Briscoe added his comment about past occupants of this building. Chris Dour asked a question about truck traffic, and the hours of operation as well as deliveries. Ms. Basta explained the intent of daily operational activity and how this is expected to be implemented. Chairman Amorosso stated no trucks should be pulling in, at very early am hours and allowing for engines to run. Ms. Basta agreed and expressed her knowledge of laws against idling and believes there is no intention of this to take place. Chairman Amorosso expressed his thoughts and concerns in regards to the overall application.

Chairman Amorosso **opened the meeting** to the public for questions

Edward Durfee, 215 Livingston St- Asked a question regarding the south side of the parking area that backs up to the parks. Mr. Durfee wanted to know if there would be curbing there to stop water flow and run off. There is a drainage ditch there now that gets full. Conversation regarding this aspect continued.

There being no further questions or comments from the public, Chairman Amorosso **closed the meeting** to the public.

In summary, Ms. Basta stated she believes the variances being proposed could be granted. She proceeded to reiterate the additional loading areas being proposed have additional measures to include landscaping and buffering. The need for these variances is primarily to modernize the facility. There is also a reduction overall for impervious coverage of the site. With respect to the parking, the variance requested has been historically less striped spaces on the property today than what is required and Ms. Basta believes there is sufficient parking being proposed with no negative impact and asked the Board approve this application as presented.

Attorney Paster confirmed the variances being requested are for parking, location of loading and a design waiver for lighting. Chairman Amorosso asks if a variance is needed for overhead doors. Attorney Paster discussed his understanding this may not require a variance. Ms. Basta explains there are currently eight footing spaces in the front and the applicant is proposing two additional roll up doors. Ms. Basta continued to confirm the need for this variance. Again, Chairman Amorosso questioned the need for the additional docks. Discussion pertaining to this continued. Ms. Basta discussed the option to amend the application to ask for eight loading docks in front, all at twelve feet wide as opposed to the ten feet that's existing with the inclusion of the proposed roll up door. That would maintain the exact same number of loading docks that are in the front

yard today but just widening to come up to modern standards for width. Chairman Amorosso asked where the modern standard is coming from. Ms. Basta replied this information comes from speaking to the civil engineer. Mr. Briscoe commented on this and Mr. Sillery expressed his concern of losing them as tenants. Continued conversation occurred in respect to rationale and possibility for amendments to the application. Ms Basta called upon the owner of the site, Aaron Stickney to explain further the need for what is being proposed. Attorney Paster swore Mr. Stickney in and Mr. Stickney proceeded to explain the need for what is being proposed before the Board. Next, Ms. Basta called upon Ed Mayer, the applicant's architect. Mr. Mayer explained the requirements to meet the needs of a modern day expectation. He explained, specific spacing is needed in order to provide the required spacing between each of the loading docks for staging, as well as getting the products on and off the trailers. Mr. Mayer continued to explain this in further detail. Chairman Amorosso was hoping to speak with the owner of the elevator company that would be occupying the space but this was not possible at this time as Ms. Basta did not have the owner available. Ms. Basta apologized for this and stated the witnesses present for the hearing was who she thought would be sufficient. Chairman Amorosso added he was displeased with the presentation of the slides and added he would appreciate having actual photographs. Ms. Basta noted if she appears before the Board again she will certainly provide actual photographs.

A motion to approve the application was entertained by Mr. Vollmer with amendments. Attorney Paster clarified the application be granted with amendments to include; eight docks at twelve feet wide with a roll up door, Front loading variance, design waver, parking variance for total parking, landscaping including Evergreen trees, approx. 2000 shrubs, no curbing, 5,600 square feet less impervious space, lighting fixture at thirty feet tall reducing total number of fixtures, a condition that includes sections of newly paved road on Union Street will be restored to current condition, fire panels be seen by Fire Marshal and to include a walk through by Fire Marshal. Ms. Basta confirmed the need for the roll up door as is, to be included in the application and not part of the amended items and Attorney Paster confirmed it was included and not part of the amendments.

A motion to **approve** the application was made by Mr. Vollmer, seconded by Mr. Giannotti.

ROLL CALL: Mr. Vollmer, Mr. Giannotti, Mayor Marana, Councilman Devlin, Mr. Moran, Mr. Sillery, Mr. Hogan (Alt #1) Mr. Pothos (Alt#2) Mr. Degen (Alt#3) Mr. Briscoe (Alt#4) – **YES**

Chairman Amorosso, Mr. DeLaura - **NO**

APPROVAL OF RESOLUTION #20-14
JOSH STEVEN WATTERS
203 WASHINGTON STREET
BLOCK 903 LOT 5

A motion to **approve** the Resolution was made by Chairman Amorosso, seconded by Councilman Devlin

ROLL CALL: All in favor

APPROVAL OF MINUTES OF SEPTEMBER 16, 2020

A motion to **approve** the Minutes was made by Mr. Moran, seconded by Mr. Hogan. All present were in favor.

A motion to **adjourn** the meeting at 9:05 PM was made by Mr. Vollmer, seconded by Mayor Marana. All present in favor.

Respectfully Submitted,



Nicole Cowley
Board Secretary

Approved: 11/4/20