**TOWNSHIP OF RIVER VALE**
**JOINT PLANNING BOARD**
**August 19, 2026**
**7:30 p.m.**
**REGULAR MEETING MINUTES**

*Approved 9/16/26*

**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:**

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| John Greco | |
| Scott Lippert | Chairman |
| Matthew Ross | Vice Chair |
| Susan Vaccaro | Secretary |
| Peter Wayne | |

**Also Present:**

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| Allyson Kasetta | Conflict Board Attorney |
| Marc Leibman, Esq. | Board Attorney |
| Christopher Statile, P.A. | Township Engineer |
| David Karlbach, P.P. | Township Planner |
| Maria Haag | Land Use Administrator/ Recording Secretary |

**Absent:**

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| Delix Alex | |
| Mark Bromberg | Mayor |
| Anthony LaSpada | |

## REGULAR MEETING

**Minutes**

A motion for approval of the minutes of **June 10, 2026**, was made by Mr. Ross; seconded by Mr. Wayne; on a roll call vote, all in favor, the minutes were approved.

**Applications**

**Levy – Block 603 Lot 8 – 663 Handwerg Drive –** Sunroom addition - Bulk variance due to nonconformance of the rear yard setback

Attorney Carlos Rendell appeared on behalf of the applicant for the Levy application, identified by Block 603, Lot 8, located at 663 Handwerg Drive. This was a public hearing regarding the application for a sunroom addition requiring a bulk variance due to the nonconformance of the rear yard setback. The required setback is 30 feet, and the proposal reduces it to 19 feet 7 inches.

Conflict Board Attorney Allyson Kasetta confirmed that proof of service and notice were in order.

The applicant's architect, Serdar Kayman, was introduced and qualified as an expert witness in the field of architecture. Mr. Kayman was sworn in. Mr. Kayman described the project as a prefabricated aluminum and glass sunroom addition, which is to be installed over an existing hard surface at the rear of the single-family dwelling. This structure is designed to provide a weather-protected outdoor living space for the applicant, particularly intended for use with plants. He stated that the foundation and structure of the sunroom are meant to be permanent. Mr. Kayman confirmed that no air conditioning is currently proposed for the sunroom, and a sliding door between the sunroom and the house would remain in place, retaining the sunroom's semi-outdoor characteristic.

The Board engaged in a discussion about the potential of the sunroom becoming fully enclosed or made into a habitable space in the future. They considered imposing a condition that would restrict the sunroom from being winterized or otherwise altered in such a way that it could become habitable, ensuring compliance with the original terms of the variance. This decision was based partly on concerns that such modifications could further exacerbate the issue of nonconformance with zoning requirements.

The meeting was opened to the public for questions or statements; with no questions or statements from the public, the meeting was closed to the public.

Township Engineer Christopher Statile noted a housekeeping matter: it is essential for all submitted drawings to include a signed and sealed survey, as required by state statute. Furthermore, it was pointed out that the submitted drawings utilized metric measurements, which are not standard for such applications. It was clarified by Mr. Kayman that one copy of a signed and sealed survey had been submitted and confirmed by. Ms. Haag that it was placed in the applicant's file.

Motion to approve the application with stipulations discussed was made by Mr. Lippert and seconded by Mr. Greco. Upon roll call, the motion carried unanimously.

**Saoud – Block 1301 Lot 1.01 – 458 Cedar Lane –** Newly constructed single-family home - Bulk variance due to nonconformance with the required building height requirements.

Attorney Gerald R. Salerno of 21 Main Street, Hackensack, appeared on behalf of the applicant, Saoud Farms LLC.

Mr. Salerno provided an overview of the application. The property at 458 Cedar Lane, Block 1301, Lot 1.01, was purchased by the applicant's family approximately ten years ago. The lot was part of a subdivision of a former gas station site. A home was successfully constructed on the first subdivided lot, and the applicant's family later undertook construction of a single-family residence on the subject lot. The permitted building height in the zone is 32 feet; however, upon application for a final Certificate of Occupancy, it was discovered that the home was constructed at 33 feet 2 inches, a deviation of 1 foot 2 inches. Attorney Salerno attributed the error to the framing subcontractor's failure to follow the architectural plans precisely and emphasized that the violation was unintentional and that no benefit was derived from the additional height.

Board Attorney Leibman confirmed that proof of service, notice, and publication were all in order.

Michael Saoud, representing Saoud Farms LLC, was sworn in and testified that the height discrepancy was not discovered until the final-as-built survey was completed in connection with the CO application. He confirmed that no additional ceiling height or habitable space resulted from the error, that the home otherwise complies with all applicable requirements, and that a buyer has contracted to purchase the property with a family wishing to move in before the start of the school year. When asked by a board member what would occur if the variance were denied, Mr. Saoud acknowledged that remediation would require significant reconstruction of the roofline, including the relocation of windows, and described it as a major undertaking.

Mr. Statile noted that his office's review letter had flagged the need for a ridge height survey to be submitted upon completion of roof framing, but that the survey was never provided by the applicant during

construction. The review letter issued by the township engineer states that the ridge height must be inspected prior to sheathing, however the applicant failed to do so. He explained that it is his office's standard practice to check the top-of-block elevation and obtain a ridge height at framing to catch such issues before construction advances. The framing inspection was passed without that survey being submitted, and the issue therefore went undetected until the final stage. Board members discussed how the failure to obtain the ridge height certification at the appropriate time contributed to the situation.

Matthew Flynn, a licensed professional planner with John McDonough Associates, was offered and accepted as an expert in the field of planning. Mr. Flynn was sworn in. Mr. Flynn testified that the applicable variance relief is a C variance, as the height deviation does not exceed 10 percent of the permitted height (which would trigger a D variance). He presented drone photographs of the site, entered into the record as **Exhibit A-1**, illustrating the surrounding context. He noted that the subject property is situated at the border of River Vale and Hillsdale, directly across Cedar Lane from Stonybrook Swim Club, adjacent to a multi-family zone at the rear (which permits heights of up to 52 feet), and near a five-story senior living facility. He argued that this transitional location distinguishes the application from a home situated entirely within a single-family neighborhood, and that the additional height would not create a substantial detriment given the diverse surrounding land uses.

Mr. Flynn applied the C2 balancing test, concluding that the benefits of the application as a whole substantially outweigh any potential detriment. He cited the Municipal Land Use Law's purposes relating to promotion of the general welfare, desirable aesthetics, efficient land use, and variety of uses in appropriate locations. He also noted that the building coverage of 11.5 percent is well within the 25 percent maximum, that all setbacks are compliant, and that the footprint and size of the home are appropriate for the zone.

Chairman Lippert acknowledged the difficulty of the application but noted that from his own site visit and observation from the parking lot across the street, the height deviation was not perceptible. Mr. Lippert along with other board members expressed discomfort with being placed in the position of remedying a professional's mistake but acknowledged the unique contextual factors and the absence of any meaningful harm to the neighborhood.

Ms. Vaccaro asked why the ridge height certification was not provided to the town. Mr. Saoud stated that the ridge height wasn’t provided until the final-as-built was submitted in order to obtain the CO.

Mr. Greco raised a question regarding the dormer windows near the top of the roofline, and Mr. Saoud confirmed that the space below the upper windows is not insulated, not habitable, and serves only an aesthetic

purpose with HVAC equipment housed there. The board agreed to impose a condition that the third-floor space remain non-habitable, with inspection by the Board Engineer to confirm compliance.

The meeting was opened to the public for questions or statements; with no questions or statements from the public, the meeting was closed to the public.

Mr. Lippert stated that there are unique circumstances with the application due to the location, however the board should not have to fix the applicant’s errors. Mr. Lippert stated that every application needs to be decided case by case, and in this matter the negative criteria in his opinion is not an issue. Mr. Lippert made a motion to approve the application with the condition that the third-floor space shall not be habitable and shall be inspected by the Board Engineer to confirm compliance. The motion was seconded by Mr. Ross. Ayes: Wayne, Vaccaro, Ross, Lippert. Nays: Greco.

Following the vote, the applicant's attorney requested that the board authorize the issuance of a Temporary Certificate of Occupancy pending adoption of the resolution, given that the resolution would not be issued until September and the buyer's family wished to take occupancy before the school year.

The board voted to authorize the construction official to issue a TCO pending the formal resolution. Upon roll call, the motion carried unanimously.

**DISCUSSIONS**

Discussion of proposed changes to variance requirements for fence height – cont. from April 15, 2026

Board Attorney Leibman led the board through a continued review of the draft fence ordinance, with input from Board Engineer Statile, Board Planner Karlebach, and Construction/Zoning Official Bob Rusch.

**Definitions and Permit Requirements**

The board reviewed the proposed definition of "fence" and confirmed that retaining walls, landscaping, and shrubbery would not be treated as fences. The permit application section was updated to reference a "current property survey," as that term is now defined by a recently adopted ordinance (Section 142-262), which requires a survey dated no more than five years prior to submission and reflecting all existing improvements. The board agreed to capitalize the defined term and include a specific cross-reference to Section 142-262 for clarity.

**Interior Lot Restrictions**

The board reviewed the provisions governing interior lots, including the requirement that fences not exceed 6 feet along rear and side lot lines and not exceed 3 feet in the front yard, with the front yard fence

required to be at least 50 percent open. A previously drafted provision giving the zoning officer discretion over fences not located on the property line was discussed and removed, with board members agreeing that placing enforcement decisions in an individual official's discretion created potential for inconsistent application and accusations of favoritism.

**Corner Lot Provisions and the Fence Diagram**

Significant discussion focused on the updated diagram prepared by Board Planner Karlebach illustrating permitted fence configurations on corner lots. The board confirmed that the diagram accurately captures the board's intent: a 6-foot fence may be erected along the rear and side lot lines, but the side yard fence may not extend more than 3 feet beyond the façade of the structure. Along the street-facing portions, fences must not exceed 3 feet in height and must be at least 50 percent open. The board directed that the notation requiring 50 percent openness be added to the upper right corner of the diagram for consistency. The board also harmonized the setback language between interior and corner lots. It was agreed that fences may not be erected within the public right-of-way without governing body approval and may not be erected within 10 feet of the curb line or edge of pavement of any public street. The board replaced prior references to "street" with "curb line or edge of pavement" to account for roads without curbs. The differing setback figures previously used for interior lots (10 feet) and corner lots (15 feet from the right-of-way) were reconciled, with the board agreeing that a uniform standard measured from the curb or pavement edge was more practical and equitable.

**Nonconforming Fence Repairs**

The board discussed how to address the incremental replacement of nonconforming fences. Under the current ordinance, minor repairs are permitted, but the term "minor repair" is not defined, creating enforcement ambiguity. Board Engineer Statile noted that property owners and fence contractors frequently replace sections of nonconforming fences incrementally to avoid triggering the need to bring the fence into conformance.

The board agreed to define "minor replacement" as no more than 8 linear feet within any 12-month period. For casualty damage, any nonconforming fence with more than 16 linear feet destroyed shall not be rebuilt or restored except in conformance with the current ordinance. A fence with less than 16 linear feet destroyed may be repaired but must be completed within 6 months or it will be deemed abandoned. Board members emphasized that the measurement should be in linear feet rather than panels to avoid ambiguity given varying fence panel sizes.

**Traffic Safety Discretion**

The board added a provision stating that no permit shall be issued for any fence which creates a hazardous condition relating to motor vehicle or pedestrian safety. Any denial on this basis shall be subject to appeal to the Joint Planning Board under the applicable provisions of the

Municipal Land Use Law. Mr. Rusch confirmed that he routinely consults with the Township's traffic safety officer when such issues arise.

**Sports Courts and Swimming Pools**

The board briefly reviewed the provisions governing fences around sports courts, which permit fences up to 10 feet in height in residential zones, subject to zoning officer approval and subject to rear yard and setback requirements. The swimming pool fence section was noted as cross-referencing Chapter 90 (Uniform Construction Code), and the board directed that the specific code citation be updated to reference the most current edition of the applicable international standard. Board Engineer Statile agreed to provide the correct citation.

**Next Steps**

Mr. Leibman agreed to incorporate all revisions discussed and schedule a Zoom meeting with Mr. Rusch prior to the next board meeting to discuss pool codes and finalize the draft. Mr. Karlebach was asked to update the corner lot diagram to reflect the 50 percent open notation. The matter was continued for further review at the next meeting.

**Resolution**

**Legentil – Block 806, Lot 3 – 571 Wittich Terrace – Accessory Building/Detached Garage – Bulk Variance Request Due to Nonconformance for Area and Height**

The resolution for the application was presented for adoption. Motion to approve the resolution was made by Mr. Lippert and seconded Mr. Wayne; all in favor, the motion carried unanimously.

**Meeting opened to the public for any non-agenda items**

Chairman Lippert opened the meeting to the public for any non-agenda items. There were no members of the public present; the meeting was closed to the public.

**Payments of Invoices:** Chairman Lippert reviewed and signed

**Next Meeting:** Regular Meeting - **Wednesday, September 16, 2026, at 7:30 p.m.**

**Adjournment**: The meeting was adjourned at 9:35p.m.

**Respectfully submitted,**

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