

**TOWNSHIP OF RIVER VALE  
PLANNING BOARD  
October 19, 2009  
REGULAR MEETING  
MINUTES**

**ADEQUATE NOTICE STATEMENT:**

A Regular Meeting of the River Vale Planning Board was called to order at 8:00 p.m. The following statement was read: "This is a Regular Meeting of the Planning Board of the Township of River Vale. I am informed by the Clerk that adequate public notice has been provided by mailing notice to the Pascack Valley News/Post Review and The Record, by posting notice on the bulletin board in the Municipal Building, and by filing a copy of the notice to all persons who requested the same and prepaid the cost fixed by the Board".

**The Planning Board saluted the flag.**

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**ROLL CALL:**

**Members Present:**

Kenneth H. Koons	Chairman
George Shalhoub	Vice-Chairman
Joseph Blundo	Mayor
Mark Ericksen	Secretary
Ron Tucci	
Peter Wayne	Class II
David Ward	Alt. #1
Scott Lippert	Alt. #2

**Also Present:**

Dennis Deutsch, Esq.	Board Attorney
Christopher Statile, PE	Board Engineer
Lauren Roehrer	Land Use Administrator

**Absent:** Dwight de Stefan                      Class III (Councilman)  
Eric Wolf  
Bruce Carillo

**MINUTES:**

The Minutes of **8/17/09** and **9/21/09** were approved on motion of Chairman Koons, seconded by Mr. Wayne and carried.

**PUBLIC HEARINGS:**

**1. Chemiteck 2006, LLC & Palisades Plaza Park North, 634, 644, 650 & 654 Rivervale Road, Block 701, Lots 5, 5.01, 5.02, Part of 6, 7, & Part of 8 - Preliminary Subdivision Approval, Final Subdivision Approval, Preliminary Site Plan Approval & Final Site Plan Approval -** At the request of the applicant, the matter was adjourned to 12/21/09 with renote required by the applicant and a time extension granted by the applicant.

**2. 207 Rivervale Rd, LLC, 207 Rivervale Rd, Block 1719, Lot 5-Preliminary and Final Site Plan with Variances** Antimo Del Vecchio, Esq. represented the applicant in an application for a 7 Eleven at the corner of Rivervale Road and Westwood Avenue at the site of a former gas station and home. They filed the application for preliminary and final site plan approval, soil moving permit, signs, variance for rear yard setback and tree removal. Proof of Publication by way of Affidavit of Notice, Notice and payment of taxes were submitted. Affidavit of Notice was marked A1; Site Plan drawings by Hubschman Engineering was marked A2; Architect Drawings by Wyckoff Associates was marked A3; Drainage Report dated 7/13/09 by Hubschman Engineering was marked A4; Soil Moving Calculations of same date and by Hubschman Engineering was marked A5; Site Photos, consisting of three sheets, dated 4/17/09, taken by Hubschman Engineering, was marked A6; NFA Letter by the NJDEP was marked A7; Traffic Report by Burton Engineering marked 1/14/09, marked A8. Natural Resources Inventory by Hubschman marked A9.

On the easel was a colored rendering of the Architectural Elevations by Wyckoff Associates, which was marked A10. Colored version of Sheet PL2 by Wyckoff Associates.

Walter Wyckoff, Project Architect was sworn in, qualified and accepted as an expert in the field of architecture. Mr. Wyckoff testified that the architectural plans were prepared by him. The building is 18' high. It is not a large building. The building consists of a brick facing with a cornice molding, projecting about 2' high. The front has a canopy with dark brown color and a pre-cast beige, water table. The front sign facing the parking lots faces Westwood Avenue and the signage on the side faces

Westwood Avenue. The proposed finish brick material is a fiber cement panel (faux brick), of which he brought a sample, marked A12. Mr. Tucci asked about the ability to change the style. It is subject to the owner's and 7 Eleven's approval. Mr. Wyckoff explained the standard is a split faced block with a plain coping. This is more enhanced than the standard version. Mr. Shalhoub commented in the last four or so projects this has been the case. Mr. Tucci had expressed concern because this is the four corners of River Vale. Mr. Del Vecchio explained certain items are the footprint of 7 Eleven, but certain features have been enhanced, and Mr. Statile's report mentioned additional architectural features should be considered by the applicant. A13 is Sheet PL2 bearing a date of 7/22/09, which is an enhanced elevation plan for the building. Mr. Wyckoff explained they tried to make it less foreboding. They are showing a base on a wall 3' high. A product called Sandstone 2 was marked A13 and circulated. The color was discussed. Mr. Del Vecchio commented if there was a color the Board preferred, they would accommodate.

Mayor Blundo asked if there was anything that could be done to improve the design of the side, perhaps through positioning of the building on the Rivervale Road side. Mr. Wyckoff stated it is a bit cosmetic, but they could possibly get some actual windows in the front of the façade, with perhaps faux windows in the rear. Chairman Koons stated they were up to reviewing the architectural design if they would submit it, commenting there were two massive bricks sides. Mr. Wyckoff would be happy to come back with some designs. Mr. Tucci commented before discussing layout of the building, he would like to first discuss the location. Mr. Del Vecchio stated he was pretty much through with Mr. Wyckoff and he would be back with embellishments. No matter where you put the building, you will have two sides that will face directly or at some angle facing Rivervale Road or slightly askew to it. They will have some architectural details to slightly dissipate the box walls.

Mr. Shalhoub asked about the zone, and the Chairman noted it is Zone C - commercial. It was noted all mechanicals are on the roof. The building would be steel studs frame construction. The highest rooftop unit extends no more than 6" above the top line, set more towards the rear of the building as shown on PL2, Section 3. The inside ceiling would not be fire-rated. Chairman Koons was

concerned with unrated ceiling with wood trusses and having mechanicals sit on top. Mr. Del Vecchio commented the Building Dept. would review and make a recommendation. The height is 14'. They would provide a knock box for the firemen. Mr. Del Vecchio had no further questions. There were no questions from the public.

Michael Hubschman, Project Engineer came forward, was sworn in, qualified and accepted. He testified as to Photos marked A6 taken by his office. All documents marked were prepared by him or under his supervision. Mr. Hubschman reviewed the existing conditions of the property. The existing site of .6 acres, consisting lot 5, gas station house garage, with 207' frontage and 140' on Westwood Avenue. They propose to redevelop the entire site, remove all structures and slightly increase the impervious coverage. They met with the County. The left turn from Westwood Avenue to Rivervale Road is restricted to a right turn out. Mr. Del Vecchio advised they received preliminary approval from the Bergen County Planning Board. His client owns the property. Mr. Tucci asked about contaminants. Mr. Del Vecchio advised they have a "No Further Action Letter" from the NJDEP. They also took a couple of test pits for drainage as well. They would agree to perform more testing if Mr. Statile requests, at the time of construction. Mr. Statile noted there were underground storage tanks, and asked if the buyer did search for additional tanks. Mr. Del Vecchio responded there was a map of the tank filed and all were pulled.

Mr. Hubschman continued. After reviewing ingress and egress with the County, there were not many layouts possible that were aesthetically pleasing, and alternatively placed, the parking lot would be smaller, while the rear of the building more prominent. The reason they did not rotate and angle the building is that the rear yard variance would be much greater. They always try to minimize the variances and deviations. Mayor Blundo commented it would be helpful if they knew the number of the potential rear yard setback variance. Mr. Hubschman noted there is a dumpster they could move slightly. Mr. Del Vecchio advised there could have also been a side yard setback. Chairman Koons asked about the elevations of the building. Mr. Hubschman said most are at 61'. Mr. Statile's letter recommended three (3) trees should be added. Mr. Del Vecchio reviewed site lighting recommended by Board Engineer, to be the decorative lighting of the

Township and to meet the lighting requirements, i.e., double and single pole throughout the parking lot. The dumpster location was shown and designed for the back and hidden away. The fence was discussed, not to be wood. Tractor trailer deliveries would come in any time between 5am to 12 midnight, pulling in the back. They will review it. Mr. Del Vecchio stated their traffic engineer would mark it on the plan. Mr. Tucci went to the easel with a suggestion for repositioning. Input was given by Board and applicant's professionals. Mr. Del Vecchio said they would evaluate the angle.

They were at a breaking point, and the traffic engineer would be deferred to the next meeting. There were no questions from the public.

The matter was carried to the 11/10/9 meeting with time period extended.

**RESOLUTIONS:**

**1. Jewish Home Assisted Living, 685 Westwood Avenue, Block 2101, Lot 2 - Final Site Plan Approval** - Mr. Deutsch advised it has come to his attention that the Resolution was never really passed by the Board. He read and extracted information from the record. Based on his reconstruction and review of the file he prepared a resolution with conditions. If there is a condition regarding baffling, then you can enforce it.

Chairman Koons expressed concern about compliance with conditions and asked why not ask for a report from the Board Engineer regarding screening of the air conditioning units. Mr. Statile said one was screened. Mr. Deutsch advised if you pass a resolution with conditions, then you can enforce them, but this Board is not an enforcement body. Mr. Statile said the large one is being screened. There is still a bond. Mr. Lippert recommended if we needed to enforce it, hold the bond. Mayor Blundo asked if they said they would visibly screen all the air conditioning units. Mr. Statile said baffling was a condition.

Chairman Koons commented we had the engineer letter. He asked who would want to move the Resolution deemed as read for Final Site Plan Approval and variance relief.

(RVPB 10/19/09 Minutes)

Attorney for applicant was present and permitted to speak only on what the resolution accurately reflected as to the testimony.

Mr. Statile had a copy of the amended preliminary site plan approval from 2006. He noted applicant is to ensure 61 decibels when the generator is operating. When it is not operating, it is not to exceed 50 decibels.

Mr. Koons commented if the Board and Mr. Statile agreed it is 50 decibels, then why do we have to go any further. Mr. Shalhoub said 61 is the issue, which means it can run when it is operating.

Applicant's attorney came forward and referred to the report dated 10/14/09, and that he can represent the readings were taken at 3:00 pm. He received a supplemental report by Mr. Hambly of that firm and he concludes for the total pressure at night the total would not exceed 49 decibels. He would like to present it.

The only issue is whether or not the resolution is reflective of what the board passed. There were no further questions, comments or discussions.

A motion to approve the Resolution was made by Mr. Shalhoub, seconded by Mr. Ericksen and carried.

**2. Blue Hill Estates, 719, 707 & 707A Orangeburgh Road, Block 202.01, Lots 9, 15, 15.01, 16.05 - Preliminary Major Subdivision, Final Subdivision and Minor Subdivision (Kenneth Koons recused)** - Chairman Koons recused himself and stepped down from the dais. Mr. Shalhoub acted as Chairman. Mr. Deutsch addressed the Board as to a complex Resolution, which he shared a draft of with the Board, Board's Engineer, applicant's attorney and objector's attorney. He received comments with some objections. Rather than reading in advance they would review them this evening. The attorney was present, recognizing he will be limited as to only the items in the draft Resolution he believes to be inaccurate. Mr. D'Elia noted his letter of 9/21/09 contained items that had been changed, but there were additional items, which he proceeded to recite. Page 6 bottom, read, change sewer line to "East" end, closer to Abbe Court. Mr. Shalhoub inquired, and Mr. Statile clarified it should be at the end, closer to Abbe Court.

Mr. D'Elia commented and Mr. Deutsch clarified the Board Engineer would be the review person, not Borough Engineer. Next on Mr. D'Elia's comment list was on Page 16, Shade Tree language as to the landscape plan and 55 extra trees. Mr. Lippert commented the Board has not had a chance to review the landscaping plan, and the clause should stay in the Resolution. Mr. D'Elia stated the landscaping plan was prepared 5/15/09 addressing many of the comments, and Mr. Lippert and the Board agreed that the 55 was not over and above the 94 trees on the landscaping plan. Mr. Deutsch said he would remove paragraph 11 and 14Q. The next comment was Page 17, regarding parking. Mr. D'Elia asked for reconsideration of sidewalk, but Mr. Deutsch advised the hearing was closed and nothing would be held for reconsideration. Mr. Shalhoub asked about a Shade Tree easement but it was taken out, as there is no provision in the ordinance. A few other comments were discussed. Mr. Tucci asked about sidewalks and the developer extending onto property he does not own. Mr. D'Elia had objected. The Board discussed making the applicant pay for sidewalks not on is property. The Board already had an extensive discussion. Mr. Shalhoub commented it adequately reflects what the Board said. There were no further comments.

A motion to approve was made by Acting Chairman Shalhoub with second by Mr. Wayne. There were no further discussions. On roll call vote, Mayor Blundo, Mr. Ericksen, Mr. Wayne, Mr. Tucci, Mr. Lippert, and Mr. Shalhoub voted yes. Mr. Ward was not eligible to vote, and Chairman Koons was recused.

Mr. Koons returned to the dais.

**OPEN TO PUBLIC** - None

**DISCUSSION:** The Board discussed the 711 store, who agreed to fire-rated walls.

**PAYMENT OF INVOICES:** None

**CLOSED SESSION - LEGAL:**

A motion to go into Closed Session was made by Chairman Koons, seconded by Mr. Wayne and carried. The Board went into Closed Session at approximately 10:20 p.m.

**RETURN TO OPEN SESSION**

(RVPB 10/19/09 Minutes)

A motion to return to Open Session was made by Chairman Koons, seconded by Mr. Tucci and carried. The Board returned to Open Session at approximately 10:40 p.m.

**NEXT MEETING:** Tuesday, November 10, 2009

**ADJOURNMENT:** On motion made, seconded and carried, the meeting was adjourned at 10:40 p.m.

**Respectfully submitted,**

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**Mary R. Verducci, Paralegal  
Recording Secretary**