

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
December 20, 2010
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
Mark Ericksen	Secretary
Robert Menville	Class I (departed 9:30 pm)
Peter Wayne	Class II
Dwight de Stefan	Class III (Councilman)
David Ward	
John Donovan	

Also Present:

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

Absent:

Scott Lippert	
Alfredo Alvarado	Alt. #1
John Morris	Alt. #2

Chairman Koons thanked the Board Members for their attendance and concern at the meetings. He acknowledged

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several members and staff, wishing all a "Happy Holiday Season".

Mr. de Stefan and Mr. Ward stated they listened to the tape of the prior meeting, 11/10/10.

MINUTES:

The Minutes of **11/10/10** were approved on motion of Chairman Koons, seconded by Mr. Shalhoub and carried.

DISCUSSION:

1. **Set date for Reorganization Meeting - Wednesday, January 19, 2011 was the date scheduled by the Board;**

PUBLIC HEARINGS:

1. **Brij Chopra, 209 Rivervale road, Block 1719, Lot 5.01 - Application for variance relief. The applicant proposes to install a new sign on the middle awning and requires a variance for the actual sign as well as the location of the sign -** Mr. Deutsch advised that someone's name was left off the property owner's list and proof of publication, and that person was not served with notice, that being Valley National Bank 666 Westwood Avenue. Mr. Chopra was sworn in. A representative of the bank, Grace Szymecyka, came forward, was sworn in and understood and confirmed she did not receive such notice at the bank's address in town. She looked at the agenda and understands the application that Mr. Chopra is bringing forth and is waiving her right to have 10 days notice, and she is also waiving the right of the bank. Further, in the event the Board grants relief, she is waiving her right to file any objection based on lack of notice. She was authorized by the management at the Wayne branch of Valley National Bank. Mr. Deutsch advised that the Board now had jurisdiction over the application.

Mr. Chopra, the applicant, came forward and advised he was proposing a sign on the East side, facing 7-Eleven. He said he forwarded paperwork indicating the same sign was sought as the front of the awning, saying "River Vale Liquors". Mr. Deutsch acknowledged a photograph showing existing and proposed signage on a central awning in the center of two other awnings above the entrance doors. Mr. Chopra acknowledged that he read the letter of Mr. Statile dated 11/10/10 and would comply. The Chairman asked if he was aware that if he added an office tenant, he would need

another sign variance on the other awnings, and did he have plans to come back in the near future for same. Mr. Chopra replied no. He also explained other businesses had window signs and emailed officials in the Township regarding this. Mr. Deutsch advised emailing a public official and not getting a response does not constitute approval. He should look at the town ordinance and see how a sign is defined. Certain signs have been permitted to remain because they were there for a period of time. Different factors come into play. He should seek legal advice before spending money on installing a sign.

Mr. Chopra said he has no way of letting customers know there is a liquor store there. Mr. Donovan commented the Board is not an enforcement body and should hear what the applicant has to say. Mr. de Stefan commented he likes the proposal, but when you enter into an agreement you should adhere to it. Mr. Chopra thought when he did not get a response it would be okay. Chairman Koons commented he had no problem with the concept to the sign, but he wants to know what we can expect to see in the future and asked will the shades stay. Mr. Chopra said he cannot survive in business without the window signs. He is struggling to pay his bills and stay in business, working 24/7. Mr. Donovan commented the signage may help him.

Mr. Menville stated if the request is to put River Vale Liquors on the middle awning, then he would make a motion to approve the variances. The matter was opened to the public. There were no questions or comments, and the matter was closed to the public.

Mr. Menville restated his motion to approve the variances as requested, with second by Mr. Shalhoub. On roll call vote, Mr. de Stefan, Mr. Shalhoub, Mr. Ward, Mr. Menville, Mr. Donovan, Mr. Ericksen, and Chairman Koons voted yes. Mr. Wayne voted no. In voting, Mr. de Stefan commented the applicant must comply with the agreement, and he and Mr. Menville stated they are doing this with the realization that there will be no problem with the signage, and no future variances for signs.

2. Bear Ban Builders, LLC, Rivervale Rd, Block 2103, Lot 10 - Application for Preliminary Major Subdivision, Major Soil Movement and Tree Removal. The applicant proposes to divide the lot into eight (8) lots for the construction of eight (8) single family homes - Antimo Del

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Vecchio, Esq. represented the applicant and marked Exhibits into evidence. Richard Eichenlaub continued under oath. Revised plans were marked A10, and the Environmental Impact Statement 11/19/10 marked A11. Changes included drainage on Rivervale Road. It was relocated to the South of the project. To control runoff, they provided four inlets on Rivervale Road. They propose to tie into the existing inlet on John Shine Court on the North side. They revised the driveways for a better turnaround on site. Seepage pits were moved from the front to the rear of the lot. They retained services of landscape architect and provided two additional sheets at the end consisting of an extensive landscaping plan.

Mr. Del Vecchio questioned Mr. Eichenlaub, who explained moving the seepage pits was done at the direction of the Board at the last meeting. He was just awaiting approval from Mr. Timsak from the County. Mr. Menville asked and Mr. Eichenlaub indicated he does not expect to have any standing water at all. Mr. Eichenlaub gave specific details of the discharge points and flow. Chairman Koons asked whether it will further exacerbate any wetlands conditions. The engineers indicated it was unknown. Mr. Eichenlaub has not prepared the calculations to be provided to Mr. Statile. Mr. Eichenlaub has not done study on John Shine Court. Mr. Statile stated we are getting ahead of ourselves, as the County is tying into our Municipal system, and a jurisdiction issue has to be dealt with by the Township Council. He has not yet met with the applicant and County. The Township Council has not seen the plan yet. Mr. Deutsch advised until such time as that issue is resolved it may not be ready for a vote by this Board. The drainage is dysfunctional and it is a County project that will remain regardless of whether this application is approved. He continued, subject to the calculations and determinations, he believes the issue can be resolved. Mr. Deutsch confirmed any vote would be subject to the drainage. Mr. Del Vecchio agreed. Mr. de Stefan was concerned about the discharge system and the effect on the wetlands. Mr. Statile agreed. Mr. Statile agreed. Mr. Menville asked for an excused early departure due to personal reasons. He departed at 9:30 p.m.

Questions by the Board followed regarding drainage and wetlands. Mr. Eichenlaub said they are not in the transition area. They will handle the wetlands requirements with the regulatory agency in authority. Mr. Del Vecchio

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stated they would bring Mr. Statile's and the Boards' comments to their environmental expert. Mr. Statile indicated the proposed drainage swales have to be larger. Mr. Eichenlaub showed the limit of disturbance lines on the plans. Chairman Koons asked if they could move the homes back on two of the lots. If we could improve the safety of backing out of two houses instead of eight, that would increase the safety. Mr. Eichenlaub commented the Board does not have to be concerned about the limit of disturbance, as it is something the applicant has to comply with per the State. Mr. Statile has questions on the landscaping, but Mr. Del Vecchio requested to hold off with the questions until his landscape architecture expert arrived.

John Peel, PK Environmental, Licensed Professional Planner and Environmental Consultant, gave his credentials and was accepted as an Environmental Scientist. He prepared All and had prepared over 100 reports over northern and central NJ. He reviewed the requirements, and the reports were prepared to address the municipal ordinance. He followed the format of the ordinance. They secured a Letter of Interpretation to determine the wetland limits and looked at the rest of the area to see if there were any stormwater issues or impacts. Based on the soil types they can design the system based on a 100-year storm. He does not see any long term impacts. They will save most of the wildlife character on the property. Mr. de Stefan asked if he knew whether they were historical homes, but he did not have any such information. Mr. de Stefan asked Mr. Statile to find out. He suggested checking with the Bergen County Historical Society. He has observed rubble and wrecked, dilapidated foundations, with no roofs or walls. Mr. Ward asked if fewer lots would minimize the impact. Mr. Peel responded it is not his decision, but eight lots conforms to the ordinance. From an environmental standpoint, no build would be best. Mr. Ward questioned Page 8 of his report. Mr. de Stefan commented the historical question is still out there, but had questions on the tree plans, as Mr. Statile pointed out various trees could be saved.

The Board took a recess from 10:01-10:20 p.m. and reconvened with a Roll Call. All remained present with the exception of Mr. Menville, who departed at approximately 9:30 p.m.

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Lawrence J. Tenza, Licensed Landscape Architect, with offices in East Orange and was sworn in, qualified and accepted. Mr. Tenza testified he was charged to look at the site and the plans prepared by the engineering office, and he prepared the plans with some mitigation. He developed a landscape plan that tied in the subdivision with a streetscape plan, consisting of shade and ornamental trees, with a commonality and thread. He prepared what he thought was a great design and then calculated how many trees he was putting in and the caliper value. The caliper inch measure is based on the number of stems the tree has. Using this method is fair and acceptable. Mr. Tenza described the species of the trees. We need to replace 855 caliper inches, he noted. They have provided 785 caliper inches and are short 28 trees, or 70 caliper inches. The condition and value of the current trees on site should be established by having the Shade Tree Committee go out to the site now. Chairman Koons asked about the 28 trees, and Mr. Del Vecchio said they were prepared to make a monetary contribution, or they will find a place for 28 trees if the Board requires. They discussed going with 3" caliper trees. A discussion ensued on various species. Mr. Statile would provide a review of Mr. Tenza's plan. There were no further questions of the witness.

The matter was carried to the 1/19/11 meeting, and Mr. Del Vecchio extended the time for decision through the 1/19/11 meeting. They stand ready, willing and able to meet with the Shade Tree Committee. They have problems with it being a post-condition of the Board's decision, and as to Mr. Statile's reference to the DEP manual it only applies to State projects. Mr. Deutsch advised Mr. Statile has testified on this subject, and we will hear extensively from him on this project.

RESOLUTIONS: None

PAYMENT OF INVOICES: None

NEXT MEETING: Wednesday, January 19, 2011

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at approximately 10:50 p.m.

Respectfully submitted,

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