

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
December 21, 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.

=====

ROLL CALL:

Members Present:

Kenneth H. Koons	Chairman
George Shalhoub	Vice-Chairman
Mark Ericksen	Secretary (arrived 8:55 pm)
Ron Tucci	
Scott Lippert	
Joseph Blundo	Mayor (arrived 8:20 pm)
Peter Wayne	Class II
David Ward	Alt. #1
Eric Wolf	Alt. #2

Also Present:

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

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

Chairman Koons thanked all the Board Members and Professionals for service throughout the year at this last

meeting of 2009. He also extended thanks to the Engineer, Attorney, Lauren Roehrer, Land Use Administrator, and Mary Verducci, the Recording Secretary, for putting it all together.

MINUTES:

The Minutes of **11/10/09** were approved as amended on motion of Chairman Koons, seconded by Mr. Shalhoub and carried.

PUBLIC HEARINGS:

1. **The Chef's Pantry, 650 Westwood Avenue, Block 1719, Lot 3 - Application for change in Use** - Jill Dolinsky, Esq. represented the applicant and explained this was not a change of use, but a change in ownership. The exact same site plans previously submitted were being used by them. It is a gourmet deli and they request for her clients to have a change of ownership. Chairman Koons noted there would be off-premises catering.

The applicant and new owner, Andrew Gonci, 104 DeWolf Road, Old Tappan, NJ, was sworn in and questioned by his attorney. As for utilizing any vehicles for off-premises catering, Mr. Gonci explained there would be one vehicle, which would be parked in a separate lot. Mr. Statile said it should be parked in the rear when not being used. The applicant concurred. Kevin Portscher, also a new owner, was sworn in and stated they intend to have seating, tables and chairs, specifically small coffee tables, seating two people.

Mr. Deutsch asked for the landlord's consent, and advised any approval would be made subject to same. Mr. Statile said if there is seating, there must be adequate parking. There are 51 spaces, and the site is 1,800 sq. ft. Chairman Koons commented he did not think the use would exacerbate the parking situation. He asked if they needed a waiver, adding they have to get permits from the Health Department and for any signage as well.

Chairman Koons moved for approval for the change of ownership conditioned upon filing the necessary permits for building and signage and on the fact that if there are additional vans required or outdoor seating, they will have to come back to this Board. Mr. Deutsch advised the approval was also conditioned upon the consent of the landlord. There were no further questions, comments or

discussions. On roll call vote, Mr. Shalhoub, Mr. Lippert, Mr. Wayne, Mr. Tucci, Mr. Ward, Mr. Wolf, and Chairman Koons voted yes.

Mayor Blundo arrived at 8:20 p.m. as he was attending the RV Junior Police Academy graduation with 153 graduates. Further, Mayor Blundo announced, this was the last year for Board Member Ron Tucci, as has decided to move out of town. Mr. Tucci served on both Boards and contributed in many ways to the Township, volunteering his time, and always being part of the community, and he will be missed.

2. Chemiteck 2006, LLC & Palisades Plaza Park North, 634, 644, 650 & 654 Rivervale Rd, Block 7021, Lots 5, 5.01, Part of 6, 7 & Part of 8 - Preliminary Subdivision Approval, Final Subdivision Approval, Preliminary Site Plan Approval & Final Site Plan Approval - Adjourned & carried to next meeting at request of applicant's attorney, with a new publication required.

3. 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 and reviewed from the prior meeting. They submitted revised plans, last revised 11/24/09, prepared by Hubschman Engineering. There was also an open issue about the size of the delivery vehicle. Typically there are several types their traffic engineer reviewed, and they would agree that this site would be serviced by the WB48 vehicle (a 48' wheel base). As for hours of the retail operation, Mr. Deutsch reviewed and advised there is recent case law regarding the ordinance. Mr. Del Vecchio stated they would be closed from 12 midnight to 5:00 a.m. They would not stipulate, since this is not a use variance, but they will comply with ordinance. If the ordinance changed, and they had stipulated, then they would be put in an unfair position over others. They will not challenge the ordinance as it currently exists and will accept it in the Resolution.

Chairman Koons asked about the roof height, and Mr. Del Vecchio stated the parapet is 18' 1-1/2". He asked about the ceiling height, which he understood to be 10' and asked about the parapet height. Mr. Hubschman scaled it and stated it varies from 14' to 15' at the high point of the roof, with the 18' parapet. Mr. Koons asked if it were enough to screen the mechanical equipment. Mr. Hubschman

responded basically it is 3-4', being 4' in the middle, and that is where the mechanical equipment is.

Mr. Statile commented the 20' aisle width should be 16' to cut down on impervious coverage and increase/add green area. Chairman Koons referred to the Police Department letter, which he gave to Mr. Del Vecchio. Mr. Statile commented the report mentions vehicles cutting through parking lots. Mr. Del Vecchio stated they would comply with Title 59 which prohibits it. Mr. Statile continued reading his report, dated 11/20/09.

A letter was also received from Captain Ann Miles, Ambulance Corp., who had no comments, and it was satisfactory. The Fire Department letter dated 11/16/09 had three suggestions: provide scuttle access to roof from interior of building to reach mechanicals; relocate employee parking away from the front of building; and designate a no parking zone in the dumpster lane. Mr. Del Vecchio had no need to cross-examine the authors of the reports. He had no issues with the report. Mr. Del Vecchio stipulated he would comply with #1, and the others were already satisfied. Mr. Ericksen arrived at 8:55 p.m.

Mr. Del Vecchio's next witness was the planner, Roger Denicia, Professional Planner, who was sworn in, qualified and accepted. He is employed by Burton Engineering. Mr. Denicia testified he reviewed the zoning ordinance and ordinances and prepared an exhibit. He is aware that rear and side yard variances are required. The Photo Board was displayed with photos taken by him. Mr. Denicia described the photos. The site is developed with two uses. The first is a service station with out buildings (shed and garages). The second use is a single family house with pool. The pavement continues from the service state to the house. These two uses are not compatible uses. The fuel and islands have been removed, leaving paved islands. He would consider the service station a state of disuse. The continuing of such could be a negative.

Mr. Del Vecchio inquired if the variances could be qualified in the C1 or C2 rationale. The use contains a non-conforming use. The applicant intends to remove the disuse and non-conforming use and replace them with a conforming use. That is the most significant variance of this application. The property meets the requirements of the front yard setback. The rear yard requires 50' and

this application has 10'. The building would be set back 10'. One side can be 0' and the other can be 12', as long as the two sides equal 12. This is a variance per 40:55D-70D2, and he believes the benefits outweigh any detriments. There is extensive parking on site. The distance to the other sites is more than adequate when there is little side yard. In his opinion, not only are there no substantial detriments he cannot find any at all.

Questions by Board Members followed. Mr. Tucci asked, and the applicant responded the applicant should ask for a variance for the side yard even if not needed. In his opinion, if they met the requirement and added two feet, it would make the building smaller. The benefit is making a larger building to have a variance. Where does it benefit the Board in granting the variance only to create a larger building. Mr. Del Vecchio stated you will never eliminate the variance by making it a smaller building. If the Board wants them to comply with the ordinance, they could push it up to the clock tower and have parking in the rear. They thought it would be a better planning alternative this way. Mayor Blundo commented the majority of the Board suggested moving the building to where it currently is shown on the plans. Mr. Lippert commented we asked them to move the building, and it is in a better location now. The variances are minimal.

Signage was discussed next. Mr. Del Vecchio showed the locations—one on each side, fully conforming. They are 15 sq. ft. and externally lit. There would be one on the front door and one on the side. The matter was opened to the public.

Denise See, 810 Bailey Road, expressed concern about signage on the roadway. There are no businesses, except banks, that have signs on the roadway. Mr. Del Vecchio explained one of the reasons is the clock tower. She was concerned about the height, and Mr. Del Vecchio stated 4' high would be very visible. Any higher would trigger another variance. It was the Mayor's opinion, that aesthetically, two signs were better than one. This is better than on a pole. Either you do nothing or balance it out. Mr. Statile explained you could have two on the front and one on the roadway. Chairman Koons commented the wall sign is less visible. Mr. Del Vecchio noted usually there is a poll sign. One ground sign is an absolute must. It was noted that the 7-Eleven in Montvale was closer to the

curb, since Montvale is urbanizing its downtown. They would move the sign as an accommodation and take the wall side down. It would be about 105' from where it is currently shown. Mr. Deutsch advised it would be subject to the final plan.

Calisto Burton was recalled, remaining under oath and testified as to the request to change the drive aisles from 20' to 16'. Mr. Burton said he would like to have it wider at the mouth, starting at 18' and narrowing it down to 16'. The planted green space would increase. Mr. Del Vecchio recapped that they believe 18' is safer and better but would comply with the 16'. Mayor Blundo asked for a poll from the Board. It was the consensus of the Board that the drive aisle would be 18'. The other space on the Westwood Avenue side on the westerly portion would be "do not enter", indicated by an arrow on the pavement. Mr. Wolf asked if they called upon Rite Aid to coordinate a common entrance; however, applicant indicated they did not wish to join with them in their application. Mr. Tucci asked where the floor drains drain to. Mr. Del Vecchio said they had an NFA letter. Mr. Burton stated they go to the sewer. Mr. Del Vecchio added they are all filled with cement.

Lighting was discussed next. Mr. Hubschman described sheet three. Mr. Del Vecchio stated they would be decorative per the ordinance. It would be from dusk to dawn. Mr. Hubschman said they would be 12' high, halo lights, and they would work with Mr. Statile and the lighting expert, with double lights in the main aisle and building lights. There would be security lighting, with two more fixtures. The site would be well lit.

The matter was open to the public for general comments, and there were none. Chairman Koons moved that the application be closed to the public with second by Mr. Shalhoub and carried.

Mr. Del Vecchio gave brief closing comments. Two variances were created by the virtue of the planning issues, and they are de minimus. He thanked the Board for its suggestions and efforts and asked for a favorable vote on the project this evening.

Chairman Koons moved for approval with second by Mr. Shalhoub. This is for Preliminary and Final Site Plan Approval and Soil Moving. Mr. Del Vecchio stated they put

(RVPB 12/21/09 Minutes)

in the numbers for soil moving. Mayor Blundo stated they needed to avoid school drop off and pick up hours. Mr. Del Vecchio agreed. The Mayor stated he was absent for one of the meetings and was not eligible to vote; however, he would have voted in the affirmative. There were no further questions, comments or discussions. Mr. Shalhoub, Mr. Ericksen, Mr. Lippert, Mr. Wayne, Mr. Ward, Mr. Wolf, and Chairman Koons voted yes. Mr. Tucci voted no.

RESOLUTIONS: None

OPEN TO PUBLIC - None

DISCUSSION: None

PAYMENT OF INVOICES: None

NEXT MEETING: Tuesday, January 12, 2010

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

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