

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
April 12, 2011
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
Scott Lippert	
Peter Wayne	Class II
Dwight de Stefan	Class III (Councilman) (departed 10:05pm)
David Ward	
John Donovan	
Alfredo Alvarado	Alt. #1
John Morris	Alt. #2

Also Present:

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

Absent: Robert Menville Class I

MINUTES:

The Minutes of **3/21/11** were approved on motion of Chairman Koons, seconded by Mr. Shalhoub and carried.

DISCUSSION:

1. Capital Projects Review - Mr. Statile explained the Mayor asked them to move ahead with the artificial turf field. The purpose is to provide for a multi-sports field, to be able to play soccer, lacrosse, baseball and football. Because of maintenance problems it has taken a toll on the practices, so the Council decided to go ahead with this turf field. There isn't much in terms of relocation. They are not relocating lighting. They are just taking the grass out and putting turf in. There will be a space for spectators. As part of the project will be an alternate practice field included as an award in the contract. Before the application goes to the State, the Board of Education must bring this to the planning Board. The cost will be \$1,200,000. They are bonding for \$1,500,000. Mr. Statile had a plan that was submitted.

Mr. Lippert commented this will be an improvement since it will deter geese and will be cleaned up. Mr. de Stefan commented we have very favorable reports and unanimous support. Mr. Koons asked about drainage and materials, and Mr. Statile explained there are stones and drainage pipes under the field. The entire field is porous and functions very well. There will be no changes to the parking lot or pathway. The Township is protected by a Lease, but the number of years remaining was unknown. There were no further questions or comments and the Chairman closed the discussion. A motion to support the renovation of the school as outlined in Mr. Statile's report and recommend to the Township Council that it investigate the number of years remaining was made by Chairman Koons, seconded Mr. Ericksen. On roll call vote, all members voted yes.

PUBLIC HEARINGS:

1. 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 - Mr. Lippert recused himself and stepped down from the dais. Antimo Del Vecchio, Esq. represented the applicant and acknowledged

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receipt of Mr. Statile's report dated 4/12/11, which was also distributed to the Board. At the last hearing we left off with Mr. Eichenlaub's testimony and questioning regarding the road improvements on Rivervale Road. Mr. Eichenlaub continued under oath and reviewed the proposed road improvements. Exhibit A14 was displayed on the easel, referred to by Mr. Eichenlaub. As for Sheet 6, which was revised, after several meetings, they revised and re-profiled the roadway to establish points on Rivervale Road for drainage purposes on both the East and West side of the roadway. Curbing along their side, the West, will be concrete, and the East will be rolled asphalt berm to retain the soil due to the re-profile and drop in Rivervale Road. Drainage inlets will be located along the roadway. Sheets 7 and 8 were Cross Sections.

Photos were submitted dated 4/12/11, taken by Mr. Eichenlaub and were marked Exhibit A15. Mr. Deutsch asked what the status of the discussions was with the County as to this drainage plan. The Board asked questions about the drainage plan. Mr. Del Vecchio advised the County assured him the Joint Report would recognize the discharge of the water into the County golf course. All driveway curb cuts will be taken to the right-of-way. Chairman Koons understood the curb will be asphalt installed at their expense at the East side of the road and asked if they could put an 8" high curb. Mr. Eichenlaub responded they discussed it with the County who would be willing to entertain a 6" high curb. Mr. Del Vecchio said the driveways and curbs will be at no cost to the Township.

A discussion ensued regarding curbing and the possibility of erosion without curbing. About 580' of curbing will be on the East side and slightly more on the West side. Mr. de Stefan asked about safety aspects of curbing. Mr. Statile commented roadside curbing provides many functions, and concrete is safer than asphalt. The concrete curbing would cost approximately \$5,000., and Mr. Shalhoub commented the applicant should be putting this in, and possibly they should push this with the County. Mr. Koons commented if we feel concrete curb is necessary, we make it a condition and move on. Mr. Koons asked if an easement or a letter was necessary; Mr. Deutsch advised he would check the laws. Mr. Del Vecchio advised the County's water would be moved onto County property and therefore, he felt an easement was not necessary.

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Questions of Mr. Eichenlaub by the Board followed. There were no questions from the public. Mr. Deutsch advised the concern was they have not received municipal approval of the note. Mr. Koons questioned Mr. Statile as to the status of the trees. Mr. Statile recommended 2-1/2 caliper trees per the ordinance, with the value of the deficit of trees placed in an escrow for reforestation elsewhere in the Township. The developer wants to put in larger trees, eating up the deficit. Mr. de Stefan complimented the Board Engineer, but commented the larger trees seem to make more sense; sometimes adhering to the ordinance doesn't make the best sense. Mr. Statile responded these are living improvements and 2-1/2 caliper trees are good, valuable trees, and it is a fair and equitable method that works out fine. That is why he is choosing it. Mr. Del Vecchio requested to be heard on the tree issue and felt they concluded. We continue to dispute Mr. Eichenlaub's calculation. They are talking about \$100., not \$250. They have a written estimate selected by the Board's professional. They can put all 2-1/2" trees on site. The tree planting discussion continued.

A member of the public Dan Pincus, Rivervale, came forward and asked whether there is insurance for a tree if a plant dies, and is that budgeted in to the applicant's plan. Mr. Del Vecchio stated every tree planted will be covered by the performance bond.

Mr. Del Vecchio gave closing remarks, highlighting important aspects of the eight-lot subdivision application, requiring no variances or waivers. The roadway does not tie into this application, but the applicant met with the Governing Body and County. The cost of the Rivervale Road improvement is an enormous undertaking, which will not only serve the subdivision, will rectify an existing problem of erosion and ponding of water which is happening today. Although the other side of the road is not their responsibility, in the spirit of cooperation, they decided to do the right thing on that side as well. The County will do its part. The developer will extend itself further and agree to construct curbing on the East side. They do it with the understanding they lay out for the Board. He reminded the Board that their landscape expert wanted to use the caliper method, but was then told in a review letter to give dollars and sense. He came back with pricing and was told the numbers were too pricey at one and received a written quote from another recommended, Shemen.

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Mr. Del Vecchio continued. They exceeded the Code requirements significantly. Based on the comments they thought everyone liked the landscaping plan and feel it is right for this project. They ask the Board to take into consideration the totality of the application. A total reconstruction of Rivervale Road does not belong entirely with the developer but do this assuming the application is acceptable to the Board in totality. Mr. Del Vecchio concluded by saying they do the right thing and ask for the Board's favorable vote. Mr. Koons was asking if he meant they will do the curb if their landscaping plan is approved, and if not, they will change their position. Mr. Del Vecchio answered he just wants to be absolutely clear that it is not just the landscaping. Mr. Deutsch advised it is not unusual for the Board and applicant to work out a situation that is equally beneficial on both sides. Mr. de Stefan commented he was not sure voting on the application in its totality is proper. Mr. Deutsch advised if the Board were to vote favorably, it would be subject to County and Municipal approvals, and any other approvals, based on the plans submitted.

The matter was open to the public for comments on the application. Chairman Koons moved to close the hearing with second by Mr. de Stefan. On roll call vote, all members voted yes. Mr. Koons commented it would be appropriate for the Board to review all the testimony and extensive documentation and stated the vote should be carried to the next meeting. Mr. Deutsch cautioned the Board that legally, an extension of time would need to be granted by the applicant. Mr. Del Vecchio requested a five minute recess to discuss same with his client.

The Board took a five-minute recess at 9:55 p.m. until 10:00 p.m. and reconvened with a new roll call vote. Mr. Lippert was recused.

Mr. Del Vecchio came forward and advised they will grant the Board the extension next month, but they will immediately file a request with the governing Body to tie into John Shine Court, while the matter remains with the Board. Understanding the entire evening is not concluded, and a vote could be taken tonight, they feel there should not be a problem with the two matters running simultaneously. Under those circumstances, they will grant the extension. Mr. Deutsch advised the matter would be

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carried to the 5/16/11 meeting with no further notice or publication required.

Mr. de Stefan departed at 10:05 p.m. Mr. Lippert returned to the dais.

2. MWD River Vale One, LLC, 645 Westwood Avenue, Block 2206, Lots 11, 12 and 12.01 - Application for Preliminary Site Plan with Variances. Applicant proposed to construct a new two-story commercial signing on one of the lots - Tom Dunn, Esq. represented the applicant and reviewed from the prior hearing.

Keith Michaels, property owner, and licensed NJ architect since 1978, with offices at his architecture firm at 645 Westwood Avenue, Rivervale, NJ was sworn in, qualified and accepted. Mr. Dunn questioned the witness. He is the operating manager for MWD Rivervale I Associates, LLC, owner of Lots 11 & 12, where the building would be constructed. Mr. Michaels testified they wish to demolish the existing house on premises and construct a new, stat-f-the-art office building, using qualify materials of brick and glass, comparable with their own building, as well as other buildings in the neighborhood.

The architectural drawings were marked Exhibit A8, Sheet A200. He described the sheet as showing the elevation drawings. The located all the parking toward Westwood Avenue. All traffic would be directed through the office building. The property would be enhanced with pavers, and they feel it is the proper way to present their building, both in retail and the office above. They are in compliance with all the bulk criteria, and they are seeking a variance for parking. They do not use the entire lot and have done parking counts for 2010 and recorded the results. At all times there are 43 empty parking spaces. Rather than building more parking that would not be used or put their building on stilts, they would examine how many of the 43 spaces are actually used and how the total number of spaces could be used safely.

The current office building is 99% leased, Mr. Michaels explained. Their largest tenant, an affiliate of Pascack Valley Hospital, departed, and so they decided to renovate and offer spaces to several tenants. Mr. Michaels discussed his parking configurations, stating unassigned spaces worked best. Also, they would provide a deed of

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easement for parking for the two buildings. Mr. Wayne asked if there were different requirements for retail and office. If they need an approval, they would come back to the Board. They have two staircases, an elevator and a rear lobby for the benefit of the second floor. Those areas are described as office, which is part of their calculation. In addition, there would be one to three stores, with all retail on first floor.

Mr. Michaels prepared a Floor Plan Drawing, A100, which was marked Exhibit A9, which he described. They have a second staircase required by Code exiting directly to the exterior of the building. Mr. Wayne noted a door opening into the lobby stairwell. Mr. Michaels responded they would go over the exit plans with the Building Department when they filed their plans. Also the building would have sprinklers. Mr. Koons commented he didn't know why the building had to be so high, i.e., 12' on first floor and 10' on second. It seems the building could be reduced in height. Mr. Michaels responded they did not know who the retail user would be, and usually you would have ceiling heights between 10 and 12'. Above ceilings is about 2' in depth to the beams, with duct work, sprinkler lines and lighting. They often leave 5' in most buildings. Mr. Koons felt 4' between floor and ceiling is more than ample and can he look into the possibility of reducing the heights. With the 10' side yard, it would look squeezed in. Could they reduce 1' on each floor, yes, Mr. Michaels said. Mr. Koons said that would be helpful.

Due to the lateness of the evening, Mr. Koons stated he wanted to give the residents the opportunity to question Mr. Michaels. He would continue the matter next month, first on the agenda. Mr. Michaels made a correction to his earlier testimony and stated sprinklers were not a Code requirement and would like to review this.

The matter was opened to the public for questions of the witness, Mr. Michaels. Helena McDonough, residing directly behind the entrance of the proposed building, with a pool, was concerned about safety, traffic, buffering, loss of privacy, and not knowing what type of store will go in. The fence is in disrepair. Mr. Michaels did not have anything planned, he commented, but they could look into this an install a post or device to keep a vehicle from going through.

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Marilyn Mahoney, Caruso Lane, asked if they were taking woods away and making them spaces. A gentleman came forward and questioned the parking spaces.

The matter was carried to 5/16/11 with all time limitations extended, without notice or publication.

RESOLUTIONS:

1. **Resolution Appointing Board Planner** - Not reached; carried.

DISCUSSION:

1. **Master Plan Re-examination** - Chairman Koons announced the Board would be discussing the Master Plan, on an expedited basis. Michael Hakim was appointed Planner. There may have to be a possible special meeting in June, as it must be approved by early July.

A motion to appoint Michael Hakim as Planner was made by Chairman Koons, seconded by Mr. Donovan and carried unanimously on roll call vote.

OPEN TO PUBLIC: - None

PAYMENT OF INVOICES: None

NEXT MEETING: Monday, May 16, 2011

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at approximately 11:10 p.m.

Respectfully submitted,

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