

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
June 20, 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
Scott Lippert	
Peter Wayne	Class II
John Donovan	
John Morris	Alt. #2

Also Present:

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

Absent:

Mark Ericksen	Secretary
Mayor Blundo	Class I
David Ward	
Alfredo Alvarado	Alt. #1

MINUTES:

The Minutes of **5/16/11** were approved on motion of Chairman Koons, seconded by Mr. Shalhoub and carried.

PUBLIC HEARINGS:

1. **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 in continued hearing. Attorney Dunn reviewed from the last meeting, addressing some inquiries raised, which would be completed. They have a proposed shared parking agreement, because they have significant parking on the PNC Bank building and their proposal is to allow 17 spaces to be used in conjunction with the new use. The question was what do they have on site and who are the tenants of the building.

Mr. Michaels, Managing Member of MWD, continued under oath. He was aware of the inquiries and would address same. They believe various portions of the site have different landscaping and should not be treated identically. They had lengthy discussions about the fence. He displayed a set of panorama photos on a board, marked Exhibit A11. Lot 45 was behind the 4' fence in the rear of their property. Lot 46 was adjacent, with a row of high trees behind the fence. For Lot 36 there is another fence behind their fence, which is a 6' high fence. In some of their testimony, they suggested additional landscaping. For Lot 37 and corner of Lot 38 in the corner, as you get further to the East, it opens up a little bit. The fence is set substantially further from their parking lot. The answer to this area, if anyone perceives it as a problem, is to add some landscaping.

Chairman Koons asked if he met with any of the neighbors and has he made any progress. Mr. Michaels stated he met with several, a couple of which were present. One asked for a 6' fence, and there was a request for arborvitae, which they would comply with. Chairman Koons asked for an updated landscaping plan showing the new fencing and landscaping. Mr. Michaels commented they have that in their current plan, but they would change the fencing in front of Lot 45 to make it a 6' fence. A neighbor expressed concern about a car possibly penetrating the fence, and they offered to put in bollards on their

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property. Also, they would install Colorado Blue Spruce trees 10'high. They agree to provide and install the plants at a location at the rear of their property that is acceptable to the owner. Mr. Wayne commented he would like to see a 6' replacement fence installed across the entire rear of the property, protecting the neighbors' properties. Mr. Donovan agreed, and that would enable them to move past this issue. Mr. Shalhoub asked what the material would be, and he responded wood. Chairman Koons commented something that would last more than three years should be installed. Mr. Michaels responded they would agree to install a 6' high fence across the length of their property.

Mr. Michaels said he conducted a survey and there were 44 occupants of the PNC building, which had a net square footage of approx 16,000. sq. ft. Mr. Donovan inquired about the parking survey that was previously requested. They are asking for a fairly significant parking variance. The Parking Study dated 1/27/11 was marked Exhibit A12. Chairman Koons noted they are over a significant number for parking in both the current and new scenarios. Mr. Deutsch advised the Ordinance with respect to non-medical offices there is required 1 space for every 250 sq. ft. gross; for medical use, 1 for every 150 sq. ft, 7 for each doctor, 1 for each employee, and 1 for each residential space. If you are not in compliance for any change of use, you would be in violation and would have to come back before the Board.

The matter was open to public for questions. Helena McDonough, 634 Summit Avenue and Dominic from 646 Westwood Avenue inquired about the parking by permit sign. Mr. Michaels stated it was there when they purchased.

Mr. Deutsch inquired if there was a variance for a monument sign setback, which was mentioned in Mr. Statile's report, but not noticed for. Mr. Dunn advised it was stated earlier they are not seeking this variance. They are only seeking a variance for parking. Chairman Koons asked how many spaces they had and how many were required. They have 79 spaces in the original building in their original approval from when the building was built. They need 48. The total available amount of parking spaces was 102. Chairman Koons stated the Board is being asked to consider a parking variance, but he was not sure how many cars they were being asked to grant a variance for. Mr. Deutsch advised he can only rely on the engineer's report, which

states 22 provided vs. 48 required, leaving a shortage of 26. Mr. Donovan commented about the variance. Any change of use would necessitate them to come back and Mr. Dunn agreed they would come back with a site plan or variance. Mr. Deutsch advised on the parking variance and waiver of the environmental impact. Mr. Dunn stated they agree with the Borough Engineer's requirements. Mr. Wayne noted they could not have a restaurant. Mr. Deutsch advised that would be a change they would have to come back for. Mr. Dunn agreed and said if there were to be a restaurant, they would have to come in for the number of seats.

The matter was opened for statements. Tom McDonough, 630 Caruso Lane, was sworn in and testified. His concerns were the fence, noise, traffic and would want the 6' fence. The 4' fenced broke down quite a bit. They would want assurance that if the fence breaks down it be fixed in a short amount of time. He produced photos which were marked P1. Mr. Shalhoub commented there was a pool there, and they should not have to wait. Mr. Dunn agreed. Mrs. McDonough came forward again and was in favor of the new building as opposed to a vacant building. There were no further questions.

Chairman Koons moved that the hearing be closed with second by Mr. Donovan and carried. Mr. Donovan made a motion for approval of the variances and waiver of EIS, with the conditions as stated, which included the installation of a 6' fence, new landscaping plan and the concessions being made by the applicant in consideration of the neighbors, and if the ordinance requires any change of use, the applicant shall return to the Board as stated. This was further conditioned on the applicant providing a new landscaping plan. The motion was seconded by Mr. Shalhoub. On roll call vote, Mr. Shalhoub, Mr. Donovan, Mr. Wayne, Mr. Lippert, Mr. Alvarado, Mr. Morris, and Chairman Koons voted yes. Mr. Dunn expressed their appreciation of the Board's consideration and looks forward to improving this building.

RESOLUTIONS:

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 - The Board Attorney read the Resolution into the record. A motion for

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approval was made by Mr. Shalhoub and seconded by Mr. Donovan. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Donovan, Mr. Wayne, and Mr. Morris voted yes. The remaining members were to eligible to vote. Mr. Lippert was recused

2. Resolution Appointing Board Planner - A motion for approval to appoint Michael Hakim, PP, as Board Planner was made by Mr. Shalhoub, seconded by Mr. Donovan and carried unanimously on roll call vote.

DISCUSSION:

1. Master Plan Re-examination - Michael Hakim, PP, gave a brief presentation, stating he would hope to review the document, discuss any questions, and schedule a public meeting. Mr. Deutsch advised this matter and the meeting was noticed as a public meeting for tonight, and the Board may take any action at this meeting. The Board may take action to approve same this evening if it so desired. The matter was scheduled for the 7/18/11 meeting.

OPEN TO PUBLIC: - None

PAYMENT OF INVOICES: None

NEXT MEETING: Monday, July 18, 2011

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at approximately 10:15 p.m.

Respectfully submitted,

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