

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
January 16, 2007
REORGANIZATION & REGULAR MEETING
MINUTES**

ADEQUATE NOTICE STATEMENT:

A Regular Meeting of the River Vale Planning Board was called to order at 8:05 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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ATTENDANCE:

Members Present:

George Shalhoub	
Chris Wahmann	Secretary
Robert Menville	Mayor's Designee
Dwight de Stefan	Council Liaison
Norman Goldman	
Peter Wayne	
Mark Ericksen	
Kenneth H. Koons	Chairman
Ron Tucci	Alt. #2

Also Present: Paul Kaufman, Esq. Board Attorney
Christopher Statile, PE Board Engineer
By Joel Minch

Absent: Bruce Carillo Vice-Chairman
Maria Sapuppo Alt. #1

REORGANIZATION MEETING

SWEARING IN OF MEMBERS:

The following Board Members were sworn in:

(RVPB 1/16/07 Minutes)

Mayor Joseph Blundo - Class I - Term ending 12/31/10
(Robert Menville will act as the Mayor's Designee)

Peter Wayne - Class II - Term ending 12/31/07

Councilman Dwight de Stefan - Class III - Term ending
12/31/08

Ron Tucci - Class IV, Alternate #2 - Term Ending 12/31/08

Mr. Kaufman indicated Mr. de Stefan did not have to be sworn in because he is automatically a member of the Board as Class III member as Council Liaison. The other Members are appointed.

The meeting was turned over to Paul Kaufman, Esq., for election of officers:

Election of Chairman:

Mr. Kaufman requested a nomination for Chairman. Mr. Menville nominated Kenneth Koons as Chairman, with second by Mr. Wahmann. There were no further nominations. Mr. Menville moved to close nominations with second by Mr. Shalhoub. All members voted yes.

Mr. Koons thanked the Board and commented that he appreciated the preparedness of the Planning Board Members with their attendance and their enthusiasm in continuing to try to make the Township a better place to live in. He is happy to continue as Chairman.

Election of Vice-Chairman:

Mr. Goldman nominated Bruce Carillo as Vice-Chairman with second by Mr. de Stefan. There were no further nominations. Mr. Koons moved to close nominations, with second by Mr. de Stefan. All members voted yes.

Election of Secretary:

Mr. Shalhoub nominated Chris Wahmann as Secretary with second by Mr. Menville. There were no further nominations. Mr. Koons moved to close nominations, with second by Mr. Menville. All members voted yes.

Election of Attorney:

A motion to nominate Paul Kaufman as Planning Board Attorney was made by Chairman Koons, seconded by Mr. Menville and carried unanimously.

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Election of Attorney and Engineer:

A motion to nominate Christopher Statile as Planning Board Engineer was made by Chairman Koons, seconded by Mr. Goldman and carried unanimously.

Approval of By-Laws:

A motion for approval of the By Laws was made by Chairman Koons, seconded by Mr. Wahmann and carried unanimously.

Mr. Stefan requested a copy of the By-Laws. Mr. Menville requested a copy of the land use book. Ed Mager would send them copies and also copies would be sent to Mr. Wayne and Mr. Tucci. Mr. Wahmann asked for all members to receive the RSIS.

Approval of Meeting Dates:

Mr. Menville suggested changing the 2/20/07 meeting date to 2/13/07, because of President's Day. During that week the schools were closed, and some members will be away.

A motion to change the February meeting date from 2/20/07 to 2/13/07 due to a legal holiday was made by Mr. Koons seconded by Mr. de Stefan and carried unanimously.

A motion for approval of the 2007 Meeting Dates was made by Chairman Koons, seconded by Mr. Goldman and carried unanimously. Mr. Mager would attend to the legal notice changing the February date.

A motion to close the Reorganization Meeting and open the Regular Meeting was made by Chairman Koons, seconded by Mr. Goldman and carried.

REGULAR MEETING

MINUTES:

December 5, 2006 and December 18, 2006 - Chairman Koons moved for approval of the Minutes dated December 5, 2006. The motion was seconded by Mr. Goldman and carried.

Chairman Koons moved for approval of the Minutes dated December 18, 2006. The motion was seconded by Mr. Goldman and carried.

RESOLUTIONS FOR APPROVAL:

1. Durie Properties, Orangeburgh Road, Block 601, Lot 10 -Soil Moving Permit - Chairman Koons moved for approval of

the Resolution of denial/dismissing the application without prejudice deemed as read. There were no further questions, comments or discussions. The motion was seconded by Mr. Wahmann. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. Ericksen, and Mr. Koons voted yes. The remaining members present were not eligible to vote.

2. LC Developers, Brookside Avenue, Block 2103, Lot 11- Mr. Koons moved the Resolution of Approval deemed as read, with second by Mr. Goldman. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. Ericksen, and Mr. Koons voted yes. The remaining members present were not eligible to vote.

3. Price Construction, Graney Drive, Block 301.01, Lot 3.01 - Final Subdivision - Mr. Koons moved the Resolution of Approval deemed as read, with second by Mr. Goldman. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. Ericksen, and Mr. Koons voted yes. The remaining members present were not eligible to vote.

4. JPE Appeal and Application for a Stay in Continuance of the Defense of the Litigation - Mr. Koons moved the Resolution of Approval deemed as read, with second by Mr. Goldman. There were no further questions, comments or discussions. On roll call vote, Mr. Wahmann, Mr. Goldman, Mr. Ericksen, and Mr. Koons voted yes. The remaining members present were not eligible to vote.

PUBLIC HEARINGS:

1. Kearny Federal, 651-653 Westwood Avenue, Block 2206, Lot 13 - Sign - Michael Hubner, Esq. represented the applicant and recalled they appeared for preliminary and final site plan, which were decided on 7/17/06. They bifurcated the application for signage since it was not determined at the time of the original application. They are applying for one free-standing, ground sign. The plans are dated 12/20/06. They are proposing 5'9", vs. 4' permitted. Mr. Kaufman requested and reviewed the public notice and asked for other facts or variances. 2,400 sq. ft. was proposed and a front yard setback variance was proposed. They initially had the signs designed to be internally illuminated. When Mr. Statile determined it would be an additional variance, he amended by letter that

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they would not have to be. He said at entry and exit the Board may want them to be.

Mr. Wahmann commented the bottom of sign height is 3' (Mr. Hubner indicated 2' by mistake) The entrance and exit signs would have 2' to the bottom of them as shown on the entrance and exit details. It shows a total height of 3' to the top, but you take off a foot. Attached wall signs were two, 30 sq. ft. wall signs, with no variance required. They are not internally illuminated. Mr. Wahmann commented on the large monument sign, what is shown is 3' plus another 1' to the base of the Medicine Shoppe signs. The architect indicated it is 1' off the ground.

Eric Baker, Registered Architect, of Bedminster, NJ was sworn in and testified he prepared the plan. It is consistent with the size and type of the signs of their other locations. The monument sign is 1' off the ground and 5'6" to the top of the curve of the lettering 653. The plan, last revised 12/20/06 was marked A2. The computer generated rendering, not an exact depiction of the sign, was shown. Mr. Baker said the exact depiction of the sign was on another sheet. He provided the picture to give them an idea of the representation of the sign.

Mr. Menville asked what the overriding factor was for the Board to approve almost doubling the size of the sign. Mr. Becker answered because of the wording. Mr. Kaufman asked if he was a licensed planner, but he replied he was not. Mr. Tucci asked if they were to comply with the ordinances on the books in River Vale, would people not recognize them as Kearny Federal Savings. Mr. Baker responded yes, especially with the other banks. The location is appropriate for the size of the sign and verbiage, and the name and company it represents is important. Mr. Kaufman asked if the size of the mansard should be smaller. Mr. Baker said no, his testimony is the sign on the mansard is appropriate, and the ground sign is appropriate. Mr. Koons asked if you can see the sign on the mansard, why do they need the ground sign. Mr. Baker responded because of traffic, and as a person is driving down the road, the real visibility will be the road sign, not the sign on the wall. From the other road they will probably see the wall sign. Mr. Kaufman asked for the size of the lettering. Mr. Baker indicated the 'K' is 10' high. The lower cases are 3' smaller, or 7'.

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A Board Member commented that the previous mayor asked them to meet with the tenants. Mr. Hubner explained they did and expressed they would design the sign in accordance with the wood carved look, etc., and they tried to keep it within scale. It can be smaller, yes, but it will be detrimental the way it is now. Mr. Menville noted they are looking for something double the ordinance. They already have signage that everyone on the block has. He personally had a hard time getting over the size of the variance. It is dangerous. Mr. Ericksen commented they would be setting a dangerous precedence, and why do we need a size that sign.

Mr. Kaufman advised they need to request on a factual basis the need for the signage, and they also need a planner to testify as to what aspects of the MLUL would be advanced, and also as to the negative criteria. Mr. Hubner stated it was designed for a certain user and understands now. Mr. Kaufman continued. Further, they need to button up the plans a little. Mr. Baker should prepared a computer rendering of a more exact version of what he is proposing. Mr. Kaufman asked if they would carry the application. Mr. Hubner responded certainly, and they would look at sizes.

Mr. Kaufman said they need information about ground lighting, as indicated by two squares on the plan, and to please get the information to Mr. Statile. He asked if they were planning on backward lighting. A member said he would prefer an internally illuminated sign. They would have to get that information to the Board as well. Mr. Tucci commented they met with the previous mayor about a wooden sign, and the Township has two styles - as evidenced by the liquor and the new group of stores. The Township would like to see some type of conformity. Mr. Koons commented it is painted white. Mr. Tucci said would like to have more details on the sign and would like some consistency of the wood sign. Mr. Koons commented it is not wood, but rather wood-like. Mr. Tucci added he would not have a problem with goose-neck lighting. Mr. Koons commented if the applicant does not want the lighting, leave it out. Mr. Hubner said they were accepting it as a suggestion.

Chairman Koons announced the matter was carried to 2/13/07 with no further notice to be given. Applicants agreed to the continued hearing date. There were no questions from the audience on the application.

DISCUSSION:

1. **Release of Performance Bond for Baldanza Construction (Peterson Farm Court)** - Mr. Koons requested the letter from Mr. Statile. Mr. Minch, on behalf of Mr. Statile, responded yes. Mr. Ericksen commented the applicant never really repaved Prospect Avenue. He cut the curbing, widened the road, and repaved that section. He thought he would repave the road. Mr. Kaufman asked that this be held in abeyance. Mr. Menville said he would like to hear from Mr. Statile. Mr. Koons stated Mr. Statile needs to check the tree planting plan because he does not think he complied with it. Mr. Koons moved to hold the matter over until the next meeting. He further commented that Mr. Statile should review the approved tree planting plan. Mrs. Maihack and the Tree Preservation Committee, spent a lot of time with Mr. Baldanza's tree planting architect, and it does not come close. The motion was second by Mr. Menville and carried.

2. **Release of Performance Bond for Kalian at River Vale, LLC (Pine Lake Village)** - Mr. Koons asked if the Board received a letter from Mr. Statile. A letter was received. Mr. Koons moved for approval to release \$29,348.14 and all trust escrows. On further discussion, it was determined that additional information was needed. The motion was then withdrawn, with second by Mr. Menville. Mr. Koons moved to hold the release until further information regarding the weirs was received from Mr. Statile's office. The motion was seconded by Mr. de Stefan and carried.

Mr. Koons inquired of the Board Attorney whether Mayor Blundo would have to listen to the tapes to have input in matters where Mr. Menville attends meetings as the Mayor's Designee. Mr. Kaufman advised if the Mayor wants to vote he has to have sat through the hearings or certified he read the transcripts or listened to the tape.

Mr. de Stefan requested a Closed Session for an update regarding the JPE matter by Mr. Kaufman. Rather than go into Closed Session, it was agreed that Mr. Kaufman would explain the case to Mr. de Stefan.

Closed Session Discussion: None

Payment of Invoices: None

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Next Meeting: February 13, 2007

Adjournment: On motion made, seconded and carried, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Mary R. Verducci, Paralegal
Recording Secretary