

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
October 15, 2007
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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ROLL CALL:

Members Present:

George Shalhoub	
Bruce Carillo	Vice-Chairman
Chris Wahmann	Secretary
Robert Menville for Mayor Blundo	Class I
Peter Wayne	Class II
Norman Goldman	
Mark Ericksen	(9:03 pm)
Ron Tucci	Alt. #2
Kenneth H. Koons	Chairman

Also Present:

Paul Kaufman, Esq.	Board Attorney
By Dennis Deutsch, Esq.	
Christopher Statile, PE	Board Engineer

Absent: Dwight de Stefan	Class III (Councilman)
Maria Sapuppo	Alt. #1

MINUTES:

The Minutes of September 17, 2007 were approved upon motion of Chairman Koons, with second by Mr. Goldman and carried.

RESOLUTION: None

PUBLIC HEARINGS:

Mr. Deutsch announced that in the matters of Nicolini and Blue Hill Estates listed below, written requests were received from applicant's attorneys requesting that the matters be carried to the 11/19/07 meeting, with no further notice.

Lorraine Stanley, 410 Cedar Lane, said she did not receive notification of either hearing. A gentleman from the audience commented they should have received notice. Mr. Deutsch said letters were received today via fax.

1. Lapatinka, 683C Westwood Avenue, Block 2101, Lot 58 - Change of Use/Occupancy - Mr. Koons stated this was actually a change of occupancy. Ray Lapatinka, the applicant, of 226 Boulevard, Hasbrouck Heights, NJ, was sworn in and explained the use would be "fine arts, framing, posters, prints, and limited editions". Mr. Menville asked if this was do-it-yourself framing. The applicant explained there will be people helping the customers, and he will be there most of the time. Mr. Carillo asked, and the response was there would be no tools, just a mat cutter. The hours would be 10:00 a.m. to 6:00 p.m., two days until 9:00 p.m., operating six days per week, no Sundays. Mr. Koons asked about parking spaces, whether there would be a specific number assigned to him. Mr. Lapatinka did not know. Mr. Menville commented there were no problems for the prior occupant and noted there are no classes held here. Mr. Statile commented on the defective sidewalks. There were no further questions or comments from the Board and none from the public.

Mr. Koons moved for approval of the change in use and change in occupancy with second by Mr. Menville, all in accord with the representations made before the Board, conformance with sign ordinance and fixing defective the sidewalks. On roll call vote, all members present voted yes. A Resolution would be prepared for the 11/19/07 meeting.

2. Pumpnickes II, LLC, 215 Rivervale Road, Block 1919, Lot 6 - Change in use/occupancy - Russell R. Huntington, Esq. represented the applicant, Mr. Goldberg, also present, and stated the use is exactly the same as

before, with no variances. In other words, there would be no seating.

Mark Goldberg, 11 White Pine Road, E. Hampton, NY, the applicant, was sworn in. Mr. Goldberg testified he was familiar with the old Echo & Whetstone, and would not have tables and chairs. The days and hours of operation would be seven days a week from 10:00 a.m. to 7:00 p.m. and Sundays until 6:00 p.m. The exact name would be "Ruben's Deli of River Vale". Mr. Huntington explained the ordinance calls it a change in use, but it is really just a change in occupancy. Three or four people would work there. Mr. Carillo asked, and Mr. Huntington stated the parking is based on a deli based on the prior application. There were no further questions from the Board.

The matter was opened to the public. Rich Marcellari, of Montview Place, was sworn in and inquired about catering and deliveries. There would be no evening hours. Mr. Menville inquired and Mr. Goldberg stated deliveries would be during business hours, and he would use the one van he is purchasing for the business. Probably, it would be 75% retail and 25% catering. Deliveries were expected during the day. There were no further questions.

A motion for approval was made by Mr. Carillo with second by Mr. Goldman. On roll call vote, all members present voted yes. A Resolution would be prepared for the 11/19/07 meeting.

3. Kern, 380 Cedar Lane, Block 1501.02, Lots 32, 32.01 - Preliminary Major Subdivision - Ray Jacobs, Esq. of Jacobs and Bell, represented the applicant. Mr. Jacobs explained they tried to make one of the lots bigger to comply with the area requirements, but could not convince the builder, the contract purchaser. Mr. Deutsch asked him to explain the differences in the application so as not to be deemed res judicata. Mr. Jacobs stated the lots were adjusted to all conform to the minimum area now. That was why the prior application was rejected. It is now variance free, with some conditions, and the engineer can explain. They would take the two lots fronting on Cedar Lane, containing existing residences to remain, and the property to the East would be subdivided into three building lots.

Mr. Jacobs called Chris Lantelme, Engineer, Hillsdale, who was sworn in, qualified and accepted. The subdivision plan was dated 3/9/07, revised 8/10/07. The second sheet

contained the general layout of the property. The subdivision takes two existing lots and divides it into five. The two dwellings on the two existing lots will remain, and the newly created lots will front on Spring Street. The requirement is 18,000 sq. ft. By pivoting the lot, they eliminated the side yard variance. Now it will be 15'. They are pre-existing, non-conforming and will continue as such. The other variance is the side yard for 380 Cedar Lane, being 14.5' instead of 15', a pre-existing non-conformity. They have conforming frontages and lot area. The three new lots will have almost 24,000 sq. ft., 21,000 sq. ft. and 2,000 sq. ft. They are pretty flat, with ideal topography. The lots are large enough. They are seeking approval on speculation. Mr. Jacobs stated one private individual is purchasing one of the lots.

Mr. Wahmann spoke about the Township vacating a certain piece of land. Mr. Bell said it would be nice to get that piece at a price that made sense, and if not, they would still build a house with a conforming setback. Mr. Deutsch advised it was a matter for the Council, but it would not be sold without an appraisal, and applicant is saying they would go ahead and seek approvals tonight without that piece and approach the Council if they wanted to purchase same. Mr. Carillo commented regarding notes on the plan stating that sheds are to be moved/removed. Mr. Jacobs said one is too substantial to be moved. That is the one that straddles the lots. It cannot really be moved and will be demolished. The other would be moved to a conforming location. Mr. Carillo asked if there were any patios or decks proposed. Mr. Lantelme acknowledged there would be none. Mr. Menville clarified if an owner wanted to add a deck or patio, a building permit would be required. Mr. Jacobs indicated some blacktop in the driveway would be removed. There would be concrete curbs and concrete sidewalks.

Chris Statile had his report of 9/17/07. Mr. Carillo noted Par. 11 said a design of the retaining wall had to be prepared by a licensed engineer. Mr. Statile asked if the lots were sold off, who would be responsible for the wall. There would have to be a Developer's Agreement and Bond. Mr. Goldman noted two items incomplete on Page 6. Mr. Statile responded he received a letter dated 8/30/07 from Mr. Rogers, stating that the site does not have any environmental wetlands on the property, so that matter is complete. Mr. Goldman noted underground electric with

cable, etc. They acknowledged all utilities would be underground. Mr. Tucci asked how many variances there were. Mr. Statile commented lot lines are perpendicular to the roadway. Mr. Jacobs referred to his notice. Mr. Koons commented all lot lines are to be straight and wanted to hear from the engineer as to why that had to be varied in dividing Lot 32 and Lot 32.01.

Mr. Lantelme explained there was a difficult situation with Lots 32 and 32.01 coming in off the corner. You are going to have a line that is not straight. Mr. Koons was looking for arguments in support of a waiver. Mr. Statile reviewed whether there was a zoning situation. Mr. Koons asked for a tree schedule. There were 69 trees to be removed. Mr. Lantelme said every tree they are removing has a number, and it is referred to on the plan, with the corresponding number, name and size. All the trees are inventoried. Mr. Koons asked Mr. Statile if the Board should have a tree plan to see where the trees are going to be planted and the size of the species. (Note: Mr. Ericksen arrived at 9:03 p.m.) It was stated that new owners would come in with an individual plot plan. Mr. Tucci asked if there would be any fencing across Lot 32.05. Mr. Lantelme responded not now, but Mr. Tucci noticed there was an in ground pool, and there is a safety issue, so he should have that checked as well. Mr. Carillo and Mr. Deutsch stated there should be 23 trees per building lot.

Mr. Koons suggested getting back to the straight line issue. Mr. Statile, reading from the ordinance, said they are design standards not zoning requirements. The side lot lines would be straight. Mr. Koons saw it as a non-issue and there was no need to argue for the waiver. He asked Mr. Statile to comment on the sidewalks. The RSIS requires them along all subdivisions, especially if near schools. Rather than put one on Spring Street, which does not lead anywhere, he would like to take that cost and put it up Cedar Lane. Mr. Jacobs said they would like to post the money in lieu. Mr. Koons said the County takes the money and there is no sidewalk----that doesn't make for a safe passageway for the children. Mr. Jacobs understood the Board was not amenable to a contribution.

Mr. Lantelme showed photos. One neighbor's lot showed a berm with landscaping, which they may have to cut through for sidewalks. They would have to build up the last third of that lot, towards Brook. Mr. Deutsch marked the

Subdivision Plan A1, and the Photos A2 and A3. A retaining wall may be needed. They would have to speak with the neighbors. A suggestion was made to wait until next month to see what happens with this and while Mr. Statile looks into this. An issue arose as to whether or not they have the tree sizes and species locked in. Mr. Deutsch said the site plan can identify the trees, and the trees to be replaced would be in accordance with the ordinance. It was decided, and phrased by Mr. Deutsch, that there would be a stipulation with respect to tree removal, before any construction permits are issued, that a plan for tree replacement be first approved by the Planning Board Engineer. Also, Mr. Koons said, there is a stipulation that the proposed curb is a concrete curb. Mr. Lantelme said he would put the details on Sheet 3. Mr. Jacobs agreed. They had no further comments on Mr. Statile's report. Mr. Lantelme said the final grading, which would be very minimal, would be a site plan issue.

The matter was opened to the public, and the following person came forward: Ron Jacobs, 321 Spring Street, was sworn in. He lives on the southern portion of Lot 30.01 and had general questions because the lot is heavily wooded. He enjoyed a dry basement for many years and his questions were concerning runoff. Mr. Menville explained per the ordinance, no properties can have water runoff from that property, so none of the impervious created would cause runoff onto his property. Mr. Koons said there should be no water from any driveway or grading that would affect this homeowner. Mr. Jacobs from the public stated there should be no water from the catch basin. Mr. Statile said when it rains, water from Lot 32.05 runs into the street. Mr. Lantelme said he has plans for seepage pits addressing this, and the ordinance provides for no increase in runoff. Mr. Menville reiterated there could be no increase in runoff. Neighbor Jacobs asked to put the stockpile in another area, on the other side of the property, which they agreed with. Also, there are more trees than are listed on the plan. Mr. Koons asked Mr. Lantelme to look into it. Mr. Lantelme said they went by 6". Each lot has to come back for individual plot plan approval. He had a further question pertaining to wildlife, but that fell under the jurisdiction of the Board of Health.

Mr. Koons requested a note on the plan that "what we see is what we get" and for any changes in the site plan,

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including any driveway locations, they will have to come back to the Board. Mr. Jacobs asked for clarification. He was advised they cannot change the footprint.

Lorraine Stanley, 410 Cedar Lane, questioned the attorney and engineer. There will be storm drainage on Cedar Lane. She is the neighbor with the berm and was concerned if the trees coming down would be replaced it with something similar. She is on the corner of Brook and Cedar Lane. Mr. Koons said the last thing this Board wants to do is to interfere with her quiet enjoyment. They are taking into consideration any easements and sidewalks to be installed. There were no further questions or comments from the public.

The matter was carried for a continued hearing on 11/19/07 with no further notice.

4. Nicolini, 517 Brook Avenue, Block 1501.02, Lot 2 - Preliminary Major Subdivision & Soil Movement - Carried to 11/19/07 at request of the applicant, with no further notice.

5. Blue Hill Estates, 719 & 707A Orangeburgh Road, Block 202.01, Lots 9, 15.01, 16.05 - Preliminary Major Subdivision & Final Subdivision - Carried to 11/19/07 at request of the applicant, with no further notice.

DISCUSSIONS: None

OPEN TO PUBLIC - The matter was opened to the public to speak in general on motion of Chairman Koons, with second by Mr. Carillo. No interested parties came forward. The matter was closed to the public on motion of Chairman Koons, with second by Mr. Carillo and carried.

PAYMENT OF INVOICES: None

NEXT MEETING: November 19, 2007

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

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