

TOWNSHIP OF RIVER VALE
PLANNING BOARD
October 16, 2006
MINUTES

The Planning Board saluted the flag.

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 Special Meeting of River Vale Planning Board. In compliance with the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at River Vale Municipal Offices".

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ATTENDANCE:

Members Present:

George Shalhoub	
Bruce Carillo	Vice-Chairman
Mark Ericksen	
Norman Goldman	Acting Secretary
James Hanna	
Kenneth H. Koons	Chairman

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

Absent: Maria Sapuppo Alt. #1
James Tolomeo Alt. #2
Chris Wahmann Secretary
Robert Menville Council Liaison
George Paschalis Mayor

Norman Goldman was appointed Secretary for the evening's meeting, in absence of Mr. Wahmann.

There was a new alternate, James Tolomeo, Alt. #2, however, he was not present that evening.

MINUTES: **September 18, 2006** - Chairman Koons moved for approval of the Minutes of 9/18/06 with second by Mr. Goldman. On roll call vote to approve the Minutes, all members voted yes.

PUBLIC HEARINGS:

1. Durie Properties, Orangeburgh Road, Block 601, Lot 10 - Soil Moving Permit - Rose DeVito, Esq. of the law offices of David Watkins, Esq. represented the applicant.

James R. Brown, P.E., of Steyers Associates, PA was sworn in as applicant's engineer, gave his experience and credentials and having testified before the Board previously, was accepted. Mr. Brown explained that the LOI expired in 2001. Therefore, they must go back and determine where the wetlands are and if they wetlands affect their property. Ms. DeVito said they will not be in the wetlands area. Mr. Carillo commented we have something that was definitely in excess of the clearing limits that were allowed; we do not have an LOI that is current. We should be or should not be even hearing this with an applicant that did excessive clearing, and we don't have the property boundaries on the whole site.

The Board deferred to Mr. Deutsch, who advised it is at the pleasure of the Board to hear this and hold off on any findings until they obtain from United Water some type of agreement or the LOI. Ms. DeVito indicated she would obtain an agreement from United Water for item #13 in Mr. Statile's letter. She said she knows the LOI has expired, but in lieu thereof, there are other things the Board can accept as far as delineating the area---perhaps sending someone out from the engineering company. Mr. Brown said if it does encroach on the boundary, it is minor. But he does not have anything that says here is the wetlands area, and here is the transition area.

Mr. Carillo said it has been a month since they received the letter, and they still did not respond with why they cleared the area. Mr. Carillo commented they are asking for the Board to hear something on which they do not have the full information. Mr. Koons did not see a tree replacement plan, and there is no LOI. With all those things missing, he asked what would the applicant like to present to us to discuss. Mr. Brown said they have a soil moving application. Ms. DeVito said they have changes and a minimal amount to be moved and perhaps an approval on

condition could be given. The date of the latest plan was 6/7/06. It had the quantities to be removed on page 5 of 6. They are cutting 739 cubic yards and filling 685, so there is a net cut of 53. Most of the fill is in the front yard. They agree with the conditions in Mr. Statile's letter. Mr. Statile's office agreed with the numbers. They would provide to the Board's satisfaction a Tree Replacement Plan, predicated on the transition area, if there is one, on this property.

Ms. DeVito asked the Board to vote on the soil moving application with a condition on items to be provided. Mr. Carillo stated he would say the Board should not get involved with this until they provide the proper documentation. Mr. Deutsch advised one of the concerns is that the LOI may have additional conditions upon it once it comes in, and the Board would not be hearing those concerns. That is why there is hesitancy on a vote this evening. A better course would be to obtain the LOI and the United Water Agreement. Mr. Koons commented since they are complying with Mr. Statile's recommendations that's fine, but the Board has no objection to the cut and fill based on Mr. Statile's numbers, so he did not see a problem with the soil moving.

Applicant agreed to carry the hearing to December 18, 2006 without requiring any further notice to the public. Any documentation should be forwarded to the Board at least 10 days before the hearing.

2. Price Construction, Graney Drive, Block 301.01, Lot 3.01 - Final Subdivision - Mr. Prigoff represented the applicant and explained they were present to determine whether their three applications are complete. Their applications are for soil moving, and in connection with that, site plan approval and height variances on each of the proposed buildings. He explained they were present in August and asked to prepare revised plans. They found they could reduce 40% of the amount of soil to be removed, make the properties more appealing, and by increasing the height, give walk out basements. Mr. Koons questioned why they make the buildings higher when the properties are sloping away. The Board's engineer has been given the job of determine completeness. Mr. Prigoff stated the letter they received from Mr. Statile's office of 10/11/06 misinterpreted what their application was about. Mr. Koons asked why not call him then. Mr. Prigoff explained they

sent a letter and want to come back in November and for a public hearing. They submitted the plan previously to the Board and Mr. Statile. Joel Minch stated Mr. Statile did review documents sent to his office and responded with a 10/11/06 letter, but did not deem it complete. They did not have fees in place. Also, Mr. Statile's opinion is that they do not have one soil moving application.

Tibor Latincsecs, Licensed Professional Engineer was called and proceeded to give background information. Mr. Deutsch advised they are not taking testimony on the application, just obtaining background information. Mr. Koons advised the Board does not get the plans until they are deemed complete. Mr. Statile did not deem it complete, so the Board does not have any input or plans. Mr. Prigoff said he determined the final subdivision plan to be complete. They are also here for soil approval, and that is where the issue occurs. They submitted two alternatives and an application for site plan approval, which they are asking the Board to do, so the variance issue can be determined, so they do not have to go to another Board. Mr. Koons said the Board has ancillary authority to look at variances, but the Board is not ready to look at this. Mr. Prigoff said he wants to notice for a public hearing. Mr. Deutsch advised upon hearing from Mr. Statile as to completeness, the Board would set them down for 11/20/06. Mr. Koons asked how high the buildings were proposed to be for information purposes. Mr. Latincsecs responded 32' under Plan A, and 34.5' under Plan B, but they are lowering the ground. They would reduce the fill by 900 cubic yards and eliminate the retaining wall in the rear. Mr. Deutsch advised and Mr. Prigoff agreed to give notice for 11/20/06.

There were no members of the public present.

RESOLUTIONS:

1. Jewish Home Assisted Living, Block 2101, Lots 2, 3 and 28 - Locate platform for an emergency generator on approved site plan - The Board Attorney read the salient portions of the Resolution into the record. There were no further questions, comments or discussions. A motion for approval was made by Mr. Koons and seconded by Mr. Hanna. On roll call vote, all members voted yes. Mr. Shalhoub was not eligible to vote.

2. VC Family Inc., Block 2101, Lot 58, 673 Westwood Avenue (Old Medicinne Shoppe Location) - Change in Use -

(RVPB 10/16/06 Minutes)

The Board Attorney read the salient portions of the Resolution into the record. There were no further questions, comments or discussions. A motion for approval was made by Mr. Koons and seconded by Mr. Hanna. On roll call vote, all members voted yes.

DISCUSSION: Mr. Koons read correspondence from Paul Kaufman, Esq., Board Attorney, RE: Appeal of River Vale Developers, enclosing the Scheduling Order. Appellant has until 11/13/06 to file the Brief, and Respondent has until 12/13/06 to file a Responding Brief. The matter will not even be considered by the Appellate Division before the end of the year.

CLOSED SESSION DISCUSSION: None

PAYMENT OF INVOICES: None

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Mary R. Verducci, Paralegal
Recording Secretary