



TOWNSHIP OF RIVER VALE
PLANNING BOARD
October 17, 2005
REGULAR MEETING
MINUTES

ADEQUATE NOTICE STATEMENT:

A Special 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".

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The Planning Board saluted the flag.

ATTENDANCE:

Members Present:	George Shalhoub	Secretary
	George Paschalis	Mayor
	Chris Wahmann	Vice-Chairman
	Norman Goldman	
	James Hanna	
	Kenneth H. Koons	Chairman

Also Present:	Paul Kaufman, Esq.	Board Attorney
	Arthur Lorenzo, P.E.	Board Engineer
	Michael Hakim	Board Planner

Absent:	Robert Menville	Council Pres.
	Bruce Carillo	
	Mark Ericksen	
	Eric Anderson	Alternate #1
	Maria Sapuppo	Alternate #2

MINUTES:

September 19, 2005 - Chairman Koons moved for approval of the Minutes dated 9/19/05 with corrections as noted by Mr.

(RVPB 10/17/05 Minutes)

Hanna. The motion was seconded by Mr. Hanna and carried unanimously on roll call vote.

CORRESPONDENCE:

1. Letter from Grace T. Meyer, Esq. RE: Jewish Assisted Living Facility - Mr. Kaufman addressed this correspondence and advised it should be examined by Borough Engineer - no further response is necessary.

Mr. Koons advised that requests for adjournment were received from the following applicants: JPE, Durie, and River Vale Developers to 11/21/05, all at the applicants' attorneys' requests. There were no time issues.

DISCUSSION:

Master Plan - Mr. Koons noted it was necessary to go back to the Master Plan and have Mr. Hakim present for input. There were a number of items discussed, and he has a copy of the Master Plan adopted July 5th and Resolution July 18th. There are a number of things that would take approx. an hour, which he doesn't have tonight to match up the Minutes of July with the Master Plan. Some are highlighted that are at issue. Mr. Hakim spoke about one of the items Mr. Koons pointed out, and explained the way it is prepared, there is redundancy, and dated July 6th is a comprehensive list of corrections that he submitted and asked the Board to get back to him. Everyone agreed this is the comprehensive list. He went through and made these corrections to the best of his ability. He suggested there may be a correction made in only one area inadvertently. If it was mentioned a second time, it is conceivable it was not picked up. If everyone went through this and has a list of what items did not get corrected, I can correct those areas, and we can adopt it by a Memorandum. Mr. Koons asked Mr. Hakim to provide him with the list of 33 items, and he will try to go through the book. Mr. Hakim said it should be pretty simple since the paragraph numbering is the same.

Mr. Hanna wanted to open up "like value" in regard to Bergen Hills Golf Course, and he feels this is important. C1 has affected the properties, and he would like to know the value before and after C1. Mr. Wahmann asked if this should be brought up now when we are trying to piece these corrections together, and if he wants to get specific on the two golf courses, it would be better to open it to a public hearing. Mr. Hanna felt it was stated we could

reopen it up at any time, but Mr. Wahmann stated it has to be advertised. Mr. Hanna agreed.

Mr. Koons asked, and Mr. Hakim responded the page numbers are the same. The pages were reviewed. Mr. Koons expressed concern that a person reviewing the Master Plan may not see the corrections if they are added as a Memorandum or Addendum, and asked if it could be rebound. Mr. Kaufman since these are substantive issues, they have to be noticed before we discuss it. Mr. Koons the items we discussed were at public meetings drawn from the document. Mr. Kaufman stated it would be a lot quicker and beneficial to the Board and public that if rather than a Memo from Mr. Hakim with 33 bullet points, perhaps what we should get is a form of the Master Plan with the changes incorporated highlighted, so the Board can see the changes proposed and doesn't have to compare it with a list, or worry about pages or numbers being off. Mayor Paschalis asked if the printed Master Plan was printed after the corrections. Mr. Hakim stated yes, but there may have been second references to certain items that may not have been picked up. He requested a list of the items identified that were not incorporated. Mr. Koons indicated he found some and other members found some. Mr. Kaufman suggested the members mark up a copy and give to Mr. Hakim. Mr. Koons felt Mr. Hakim should go through it, and pointed out a few items that were not taken out or changed. Mr. Kaufman asked Mr. Hakim to double-check each of the items. Mr. Koons asked who was responsible for this to be done, the Board or Mr. Hakim. Mr. Hakim asked for the Board's lists. Mr. Hanna would give Mr. Hakim his list. Mr. Kaufman advised that each Member should email Mr. Hakim his or her list through the Borough Administrator, as it is a discoverable item.

RESOLUTIONS FOR APPROVAL:

1. Schmidt, 765 Orangeburgh Road, Block 202, Lot 21 - Minor Subdivision - Carried to 11/21/05 as it was not yet completed.

2. River Vale Developers, Poplar Road, Block 1001.01, Lot 10.01; and Block 1001.00, Lot 2.01 - Major Site Plan Application - Resolution of Denial (Recused: Mr. Wahmann and Mr. Anderson) - Mr. Koons asked if a copy was forwarded to Mr. Liebman, and the response was no. He will get a copy after it is adopted. There is a publication requirement that Mr. Kaufman will arrange for. A motion to approve the denial of the major site plan application

deemed as read was made by Mr. Koons and seconded by Mr. Hanna. No discussion. On roll call vote, Mr. Shalhoub, Mayor Paschalis, Mr. Goldman, Mr. Hanna, and Mr. Koons voted yes. Mr. Wahmann was recused.

3. Sonrise Developers Bond Release - Mr. Kaufman advised they are looking for the return of their bonds, and a request was made by applicant. A letter of recommendation by Schwanwede Hals, to Bibi Garvin Stewart, Borough Administrator, dated 8/22/05, which was read. There was a 12/27/04 letter as well, which stated in part, that based on an inspection, they found the subdivision was constructed substantially in conformance with the approved subdivision map and recommended the developers bond be released replaced by maintenance bond. This is also provided by statute that upon completion of the street improvements, the bond can be released. Any list of outstanding work by the Township Engineer should be submitted within the time period of 45 days from receipt of the request, and the Township is way out of time. Mr. Kaufman further advised the Township could look towards the maintenance bond, but the Township Engineer recommended the release, and it has been eleven months since the request. Frankly, under the statute that is the end of the discussion. It is the Municipal Engineer that determined on 12/27/04 that it was done properly. Mr. Kaufman advised the Board should pass a motion tonight recommending the release of the bond. Mr. Koons was concerned if public improvements are not completed; they would look to the maintenance bond. The motion is to recommend to the Township Council that the performance bond be released, subject to posting of a maintenance bond, which was made by Mr. Koons and seconded by Mr. Goldman. On roll call vote, all members voted yes.

PUBLIC HEARINGS:

1. Crecco's Pizza Café, 655-D Westwood Avenue - Amended Site Plan Application - Rolf Thorson, Esq. represented the applicant. He recalled from the last meeting there was an issue about parking. Upon the advice of the offices of Christopher P. Statile, Engineer, his clients provided notice to property owners within 200' and posted notice in The Record, advising a variance is being sought. Mr. Kaufman advised an Affidavit of Service and proof of publication is required to be submitted to the Board, per the MLUL. Mr. Thorson stated Mr. Statile's office gave him guidance. Mr. Kaufman noted you cannot rely on the

Township's employees, but should rely on the MLUL. Mayor Paschalis noted the applicant was heard at the last meeting. Mr. Lorenze was asked about his calculations for parking, to which he responded there were two methods. Mr. Kaufman advised the issue is what are the total spaces for the center, how many are required for the other tenants, how many are left over for this tenant, and how many are sufficient. Mr. Lorenze reviewed there was a previous variance granted. Mr. Kaufman asked about the relation to the landlord. Mr. Thorson advised there would be testimony as to same. The plans were reviewed. Mr. Kaufman made a few suggestions to come in for the next meeting to get this done. Noting they have an architect and engineer, he suggested letting Roth Architect delineate on a plan which store this is and what the other stores are; that he prepare an Affidavit of Service and Proof of Publication with Property Owner List from the Tax Assessor attached; they should have a witness to testify as to the parking demand for the different stores for the variance; and they need to get permission from the property owner by way of Affidavit. Mr. Kaufman suggested he review the notice to make sure there are no defects in it so he will not have to renotice. The matter was carried to 11/21/05.

2. JPE Contractors, Cleveland Avenue, Block 1510, Lot 22- Preliminary Major Subdivision - Adjourned to 11/21/05 at request of applicant's attorney;

3. Durie Properties, Orangeburgh Road, Block 601, Lot 10- Soil Moving Permit - Adjourned to 11/21/05 at request of applicant's attorney;

4. River Vale Developers, Parcel 17-C, Stanley Place - Adjourned to 11/21/05 at request of applicant's attorney;

5. Nazzaro, 283 Cedar Lane, Block 1602, Lot 11 - Application for subdivision. Mr. Wahmann stated the plans say it is a major subdivision. Applicant, Mr. Nazzaro, stated originally it was a major, but since the street improvements have been done, it is a minor. Mr. Lorenze stated the plan dated 8/9/05 was submitted to him for review. At first it was deemed a major. Mr. Kaufman did not have the latest plan. The plan did say major. Mr. Kaufman asked if notice was given, and the applicant responded yes. He was told that he only needed the receipt from the post office. Mr. Kaufman stated he needed an Affidavit of Service and Proof of Publication as required

by the MLUL. Chrissy from Mr. Statile's office said she has the mailings, but the notice to the newspaper was incorrect. Mr. Kaufman advised if the notice is incorrect, this is jurisdictional, and you cannot go forward. Anything the Board does would be void from the inception. Mr. Kaufman advised Mr. Nazzaro to return with his attorney and have the attorney provide proper notice. The notice referred to a variance and was defective. Mr. Nazzaro stated his attorney was Jordan Yuelys, Esq. Mr. Lorenze asked if the Board was going to deem it a major or a minor since public improvements have been done. Mr. Koons noted it is very close to Pascack Brook and questioned whether it had to be approved by three agencies. Mr. Kaufman advised that no notice is required for a minor, but notice was already given and was defective, the plans say major, and this must be reclassified. If reclassified as a minor, he would not have to give notice. A letter from the engineer would be necessary. Mr. Kaufman asked Mr. Lorenze to review the application, visit the site, and issue a letter within the next 10 days, so that any notice may be issued properly. The matter was carried to 11/21/05. Applicant's attorney should be making an appearance. Revised plans should be received by the Planning Board Office by 11/7/05.

Closed Session Discussion: None

Payment of Invoices: None

Adjournment: On motion made, seconded and carried, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Mary R. Verducci, Paralegal
Recording Secretary