

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
November 10, 2009
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
Mark Ericksen	Secretary
Ron Tucci	
Scott Lippert	
Robert Menville	Class I
Peter Wayne	Class II
Dwight de Stefan	Class III (Councilman)
David Ward	Alt. #1
Eric Wolf	Alt. #2

Also Present:

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

Absent: Bruce Carillo

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Mr. de Stefan, Mr. Menville and Mr. Wolf stated they listened to the tape of the 10/19/09 meeting and signed a Certification.

Mr. Deutsch swore in the new members, Scott Lippert, as a Full Planning Board Member, with the term ending 12/31/12, and Eric Wolf as Alternate No. 2, with the term ending 12/31/10.

MINUTES:

The Minutes of **10/19/09** were approved as amended on motion of Chairman Koons, seconded by Mr. Menville and carried.

January Meeting Date Set - A motion to approve both the Reorganization and Regular Meeting to be scheduled for **Tuesday, January 12, 2010**, since Monday is a Council meeting, was made by Chairman Koons, seconded by Mr. Menville and carried unanimously. The Board will discuss the remaining meeting dates at the Reorganization Meeting.

PUBLIC HEARINGS:

1. **207 Rivervale Rd, LLC, 207 Rivervale Rd, Block 1719, Lot 5-Preliminary and Final Site Plan with Variances-** Antimo Del Vecchio, Esq. represented the applicant and reviewed from the prior meeting. They received suggestions from Board and made resubmission, which he reviewed. Mr. Deutsch marked them as exhibits. A15 - Color rendering of the architectural revisions to the elevations prepared by Wyckoff Associates PL2,10/27/09, an 8-1/2 x 11' sheet. A16 - Revised engineering drawings by Hubschman, revised to 10/30/09. Those were presubmitted. The exhibits this evening was a colored rendering of a site plan prepared by Wyckoff Associates, front elevation - A17. A colored rendering of the side on Rivervale Road by Wyckoff Associates showing fence. The fence is as the Board requested, with the trees. It was shown from the liquor store parking lot. Two samples were also marked A19 was a sample of base material, desert beige, sandstone two as the material type, A20 was the brick material, Newport brick, rose bl

Mr. Del Vecchio summarized the changes made as a result of the comments made. With regard to the architectural features they continued the cornice materials around the back of the building, leaving a small opening for water runoff. On side laced false windows and doors

that operate. Applicant's architect, Mr. Wyckoff, came forward and described the changes to the plan. The windows have no transparency and you cannot see out of them. A material is placed on the window that prevents you from seeing in or out. There is a metal frame and dry wall behind the windows. The doors are painted and are operating. The renderings are based on the latest plan. Mr. Del Vecchio commented Westwood Avenue and Rivervale Road are both County Roads, so they complied with their request. Mr. Tucci, referring to A17 asked what the big box was, which was a sign, but preferred brick going all the way across with the 711 sign on it.

Chairman Koons commented the brick may be overpowering and asked if this was a new design, as he sees many with a pitched roof. Mr. Wyckoff responded yes. The other in Montvale would have a pitched roof. Mr. Koons asked why they have a less massive look with a pitched roof. Mr. Del Vecchio stated it will have a 40' roof height and will be much higher. Montvale has its downtown redevelopment design criteria and intended to have this match the building across the street on the corner. It also has a new urbanization approach, pushing the building close to the curb, which drives a different design. This town's ordinance calls for a different design. Mr. Del Vecchio stated if the request was for a pitched roof, they could look at that. Chairman Koons was just questioning it, whether it would be less massive and why the design for RV was different than Montvale. Mr. Shalhoub noted all the recently designed buildings look the same. Mr. de Stefan agreed with the Chairman it does have a castle-like look but a pitched roof would be higher. Mr. Del Vecchio said they would look at a pitched roof or even a mansard. Mr. Koons asked for the dimensions from front to back. Mr. Koons asked and Mr. Wyckoff answered the mechanicals are in a clock tower attached to the building. Mr. Del Vecchio asked if the Board wants something different, to tell them. Chairman Koons felt it had a kind of massive appearance. Mr. Menville felt it fits in well with the current architecture that is there already. Mr. Del Vecchio continued. The materials were as shown. There were no questions from the public.

Next, Mr. Del Vecchio called Mr. Hubschman, who referred to a colored rendering of drawings marked A16. Mr. Hubschman continued under oath and described the changes. The building presented was perpendicular to

Rivervale Road, and it was suggested they look at turning the building. They looked at tree different sketches. They were able to get more parking spaces, 26 vs. 23. Landscaping and lighting is oriented a little differently. They still kept the loading and dumpster area as is with a wood gate enclosure. There is a 4' high pvc fence and an evergreen buffer in addition to the fence. There is a security camera mounted at the front area. Mr. Menville asked if they would put up a security system that covers the back area as well. Mr. Del Vecchio stated they would add a security system for the entire exterior of their property.

Mr. Koons asked for arborvitae on the right side as a barrier in lieu of the boxwoods, and they agreed. Chairman Koons commented he witnessed a 50' tractor trailer making deliveries during lunch at a 711 blocking traffic and asked if they have a schedule of deliveries. Mr. Del Vecchio stated there would be about two deliveries per week with a 12 hour window and they could try to control which 12 hour window. Mr. Hubschman described where the truck would go, totally out of the way in the back. Mr. Del Vecchio had no further questions.

Mr. Statile reviewed his review letter containing recommendations. Mr. Del Vecchio stated they reviewed the letter and had no problems complying, noting they were waiting for County approval. Mr. Tucci asked and it was stated the property was sprinklered. Mr. Statile indicated the Fire Department, Police, Public Works and Ambulance reports should make referrals. Lauren Rohrer would contact them. Mr. Del Vecchio stated they would operate during he hours permitted by the borough and would put in fire lanes as required. Mr. Hubschman was concluded.

The matter was opened to the public for questions of Mr. Hubschman, but there were none.

Mr. Del Vecchio called Calisto Burtin, of 66 Glen Avenue, Gen Rock, Professional Engineer, specializing in Traffic Engineering for the evening. He prepared the report marked A8. Mr. Del Vecchio qualified the witness, and he was accepted. Mr. Burtin testified they studied the application and traffic in the area and traffic proposed by this, with an assessment of the impact. His report set forth whether acceptable levels of serviced could be maintained with this project. The prior service station

generated 50 customers per hour. Traffic is not new to this site. In addition, a convenience store use draws traffic from an existing traffic stream, called drawing traffic. They measured the drawing traffic, new traffic and level of service with an average delay. He described how the signal light operates. There is not a lot of traffic here when compared with Westwood Avenue, Kinderkamack Road and Old Hook Road intersections. It does not impact the operation of the intersection. Motorists can safely traverse and utilize the site. There will be a left turn in, but no left turn out on the Westwood Ave side, and the Rivervale Road driveway will have no left turn in. The County has asked for no left turn out on Rivervale Road, but they want to approach them again, since at times there is no traffic, and there is a problem with going North.

Mr. Koons noted they restricted a left turn out for Mindy's, which is beyond the liquor store. This would propose a problem with bringing traffic into residential streets. Mr. Statile recommended no restrictions for six months on the one driveway on Rivervale Road to see how it works, if the County agrees. Mr. Deutsch inquired if the applicant would agree to return to the Board to readdress that particular aspect of the approval. Mr. Del Vecchio said he stipulated to leave it with the Chief of Police. However, if it is a one time review period where the Board requires them to come back regarding the left turn, and that being the only discussion, he is comfortable with that.

Chairman Koons commented on the tractor trailer. Mr. Burtin testified the delivery truck comes between 12 midnight and 5am. He could turn in to the loading zone. There would be a striped area. Based on his placement of the turning templates and revisions to the plan the tractor trailer, smaller trucks for daily and bread, can pull into the site. It will not interfere with the balance of the parking lot. The site as designed can operate safely under current design standards. He concurs with Mr. Statile's recommendation that the length of the left turn lane be extended about 40' which coincides with the curb. There would be no curb work, just striping.

Chairman Koons asked about showing the trees, and how he would get 400' of site distance. Mr. Burtin stated they ignore street trees or you take them down. Mr. Statile said a driveway has to adjust to the obstructions. Mr.

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Tucci asked a maintenance question, stating it did not look user friendly for snow plowing. Mr. Burtin responded generally they have it put on the side, but for 2' of snow, they have it carted away. As for parking, Mr. Statile commented they have more than the 21 required spaces. Mr. Del Vecchio noted they also have two handicapped spaces which are underutilized. Mr. Ward asked and Mr. Burtin responded they took traffic counts on three separate days. There would be driveway traffic and some new, but mostly pass by traffic. They are walking into an existing condition. Mr. Del Vecchio commented the County received their application and satisfied them on traffic issues. They received their approval

There were no further questions from the Board. Mr. de Stefan departed at 10:20 p.m. and would listen to the C/D. Mr. Menville had previously departed earlier.

The matter was opened to public for questions of Calisto Burtin. Mike Vestra 263 Rivervale Road, River Vale came forward and inquired about the tractor trailer being 53' long. Mr. Burtin stated he used the scale which showed a 61' trailer. They use the same calculations as the Department of Transportation. It can enter the site when the parking lot is full. Mr. Del Vecchio commented the truck comes from their regional distribution system. It is a 53' trailer and an 8' cab. Mr. Burtin would confirm with 711. Mr. Vestra asked about the left hand turn out on Rivervale Road and review by the police. Mr. Burtin stated this would severely limit some people using the site. Mr. Del Vecchio said it would not restrict building the building, and the plans show a right turn only now.

Alan Jones, owner of River Vale Delicatessen, 663C Westwood Avenue asked when they did the traffic counts. 9/15 from 7-9 a.m.; 9/16 from 9 a.m. to 6 p.m., and on a Saturday from 11-1. The maximum back up was 5 cars. Mr. Jones asked what happens when a car turns left off WW Ave. Mr. Burtin said they are putting in a left hand turning lane. There was no testimony about the left turn in.

Mr. Del Vecchio stated the final witness was Roger Denicia, Planner. Mr. Chairman stated due to the lateness of the hour, they would carry over until next month. The matter was carried to 12/21/09 with no further notice and any extension of time necessary granted by applicant.

RESOLUTIONS:

1. Pascack Hills Properties, Rivervale Rd/Colonial Rd & Winding Way, Block 502, Lot 1 and Block 502, Lot 12 - Minor Subdivision - Mr. Deutsch advised a decision was handed down by the Superior Court, Judge Toskos, that reversed the decision of the Planning Board with remand for approval with reasonable conditions. He drafted a proposed Resolution with reasonable agreements, not knowing if the Planning Board agrees or not. Mr. Huntington was present and also received a copy of the Resolution. The job of this Board tonight is to adopt a Resolution of Approval. The judge said to approve it. He put in standard conditions adopted by this Board. Chairman Koons asked if the changes to the ordinance regarding subdivision ordinance being changed to three lots went to the County. Lauren Roehrer would check with the Township Clerk. Mr. de Stefan asked how it would affect the Resolution. Mr. Deutsch advised he received no notification from the Township Attorney that it has gone to the County, and we are operating under the presumption of the former. Mr. De Stefan asked if the points made by members were included in the response was not necessarily unless stipulated to by the applicant. Mr. de Stefan commented some may be deemed reasonable and in the best interest of the Township. Would it behoove us to go through the transcript and make notes of what they might have been. Mr. Deutsch advised many of the concerns were rejected by the Court. If you believe they are reasonable conditions you can direct me to put them in the resolution. If Mr. Huntington does not agree they are reasonable he can go back to the Court challenging them.

Mr. Tucci asked if we could review the conditions. Mr. Deutsch read off the standard condition paragraph numbers. That left g, sidewalks, and whatever was in Mr. Statile's letter. Mr. Shalhoub commented it should include that Mr. Statile be the engineer in lieu of the municipal engineer. Mr. Huntington had no objection. Mr. Deutsch advised there was no squabble and added it in. Mr. Tucci asked if we should just make a motion. We can open to the public, but it is not a rehearing, Mr. Deutsch explained.

The matter was opened to the public on motion of Chairman Koons, with second by Mr. Menville and carried.

Mr. Paul Tolin, representing the public group objecting to the application, came forward and thanked the Board for the vote against the application, but understand that the judge made a decision. He presented potential reasonable conditions such as safety measures. Further he recommended an improvement in procedures in keeping the public apprised as to the details of the hearings. Mr. Huntington agreed, stating those measures are already in place under the Construction Code and broad police powers. Mr. Deutsch asked Mr. Huntington if a time restriction in and out is something they can agree to. Mr. Huntington would agree to phrasing it as reasonable times not to obstruct traffic or be in conflict with the police or fire departments. They would also stipulate to putting fencing. Mr. Tolin asked and Mr. Deutsch advised you cannot add conditions that would change the plan. Mr. Tolin continued reading his proposed conditions. Mr. Tolin asked if the two driveways could be placed side by side. Mr. Huntington did not approve since the driveways were placed where they are for a good reason, but would review this with the applicant. In addition, Mr. Statile made a recommendation that having two driveways abutting each other a safety issue because of the cross walks, Mr. Menville stated.

There were no further comments from the public. A motion to close to public Mr. Menville, seconded by Mr. Shalhoub and carried.

There were no further statements from Board Members. Chairman Koons commented there is a disregard for this property as a public trust. As a result, all could have provided a pro bono expertise if called upon. Residents should have been called upon for their input.

A motion for approval of the Resolution with the additions as shown was made by Chairman Koons and seconded by Mr. Menville. There were no further discussions. On roll call vote, Mr. de Stefan, Mr. Shalhoub, Mr. Menville, Mr. Ericksen, Mr. Wayne, Mr. Tucci, Mr. Lippert voted yes. Chairman Koons abstained. Mr. Ward and Mr. Wolf were not eligible to vote.

2. Caitlin Construction Bond Release - Mr. Lippert recused himself and stepped down from the dais. Mr. Deutsch advised all members could vote since it was a release of the bond. Mr. Statile addressed the Board. A motion for approval of the Resolution was made by Chairman Koons and

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seconded by Mr. Shalhoub. There were no further discussions. On roll call vote, Mr. Shalhoub, Mr. Ericksen, Mr. Wayne, Mr. Tucci, Mr. Ward, Mr. Wolf and Chairman Koons voted yes. Mr. Lippert was recused. Mr. de Stefan and Mr. Menville had departed.

OPEN TO PUBLIC - None

DISCUSSION: None

PAYMENT OF INVOICES: None

NEXT MEETING: Monday, December 21, 2009

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

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