

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
November 19, 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	(departed 9:30 pm)
Mayor Blundo	Class I (departed 9:00 pm)
Peter Wayne	Class II
Dwight de Stefan	Class III (Councilman)
Norman Goldman	
Mark Ericksen	
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: Maria Sapuppo Alt. #1

An announcement was made at the beginning of the meeting that Blue Hill and Nicolini were off until the next meeting. See details below.

MINUTES:

The Minutes of October 15, 2007 were approved upon motion of Chairman Koons, with second by Mr. Goldman and carried.

DISCUSSION:

1. Ordinance #191-7 - New Town Home Zone (T.H. Zone) Second Reading before the Council scheduled for 11/26/07 - Board discussion - Mayor Blundo introduced the ordinance, stating that the site is currently zoned for senior homes, age 62 and over, to be built there. Based on the zone as it exists, approximately 52 units could be built. The developer has proposed the Township change that zoning to allow a development that would have higher end units, COAH, two and three bedroom, and limit the age restricted to 10 units, age 55 and older. The Mayor noted one other step of history last year in November and December, there was a similar ordinance without COAH units, but it included a land swap which would give the Township a soccer field. That ordinance lost on final reading and was defeated 2-2 in December of 2006. A new year came, and the developer thought there might be some renegotiation possible. They renegotiated based on what they thought the Council's request was. There was a 3-2 vote. If the developer pulls any negotiations, they can build a 52-unit, age-restricted project on that site, three acres.

The current deal being considered is 59 units, with only 10 age restricted and 12 COAH units on site. Of that 59, inclusive of COAH, a maximum of five would be three bedrooms. Of the remaining, 33 would be two bedrooms, and 21 would be one bedroom. The building height is 35', and the setback is 30'. Current zoning calls for a 50' setback. Balconies were proposed, 5' off the front of the buildings off Rivervale Road, with no balconies on River Vale. Two and one half parking spaces per unit were proposed. They were able to incorporate a landscaping scheme and buffers. They expanded the soccer field to 330' x 220' with bleachers. Originally, it did not outline catering restrictions. This deal specifically calls out that there will be no catering except golf catering in the Spring or Summer to avoid parking issues. There must be valet parking during catering hours. There was a conservation easement in both. There would be no building on the main golf course for 50 years. Then they can once again apply for a

corporate park. The deal in December anticipated a 40% tax reduction. The new deal said the tax decrease will not be any greater than 25% and will not start until all the townhouses are sold. He does not vote, and is looking for guidance. If he did vote, he feels something will be built and the Town should benefit. He does believe the Township will benefit in many ways.

Mr. de Stefan commented there are no more RCA's in substantive certification and RCA's will have to be given in the specific township. He is in favor of the plan. The 12 units are necessary for the protection of the Township. Mayor Blundo commented they have an application in based on what they believe the Third Round Rules are. There will be a time the Township needs units built, and to get 12 now would be beneficial. There will be a review by the Planning Board to make sure it is as cosmetically and functional as possible. Mr. de Stefan stressed if we do not get 12 units in we will not get certified, and we could be the subject of a builder's remedy suit. Right now they can build an executive office. If we do not get substantive certification, we will be subject to a development right in the middle of town. We will have the golf course for 50 years. There are many benefits. It is in the best interest of the Township. Mr. Koons commented we do not have the density, etc. Mr. Deutsch confirmed yes, just the issue of the town use. Mr. Koons asked if it was three acres now, and it was five before, what prevents a builder from coming upon the town with three acres. Mayor Blundo responded it is a good point that they will bring up with County. Mr. Tucci said it could be considered spot zoning. Mr. Carillo expressed that he was very concerned. The Mayor said they will bring any comments back to the Council. Mr. Wahmann commented it should be made very specific. He wants specific language, and it has to be a major subdivision. It should specifically state a portion of Lots 6 and 9. Mr. Wahmann read from the ordinance and quoted the numbers. The Mayor said there will not be more three bedroom units, of which there will be five, and the remaining to be divided equally. Mayor Blundo commented there was a concern about adding children to the school system with three bedroom units. Mr. Wahmann suggested revising the school districts. Mayor Blundo advised this is not the jurisdiction. He will not make a recommendation; he will pass it along.

Mr. Koons stated the Planning Board should not be presented with this on a full agenda night, but perhaps on a special night. Mr. de Stefan commented there were very fluid negotiations which have now crystallized. Mr. Koons noted the Board had many issues last year, and now it is made worse. Mr. Carillo commented now the Board only has one week. Mr. Koons commented they have tonight. Mayor Blundo responded they can ask the Council to table this if the Board wants a special meeting. He cannot vote or make the motion, but he can communicate to the Council that the Planning Board needs additional time to conduct more reviews. Board discussion followed. Mr. Carillo felt we were opening up Pandora's box. He would make a motion now to table this, and the Board really needs to have a special meeting. Mayor Blundo asked what if the Council went ahead anyway and voted on it, do they have the right to do that. Mr. Deutsch advised yes. Mayor Blundo said he would request a special session to give the Planning Board an opportunity to send comments.

Mr. Carillo moved to request the Council to table the Second Reading of the Ordinance pending Planning Board's review, with second by Mr. Goldman. Mr. Tucci was concerned the Board should see the site plan, and there should be no catering. He was very concerned about traffic and safety. Before voting, Mr. Koons asked if anyone from the public would like to comment. Robert Menville from the audience said first he agrees with asking the Council to table it, but he agrees with the Board's comments regarding COAH. The State is moving further away from RCA's and more towards homogenization, and to get 12 units is big. It used to be based on population, now it is based on a formula that states for every 25 jobs, you need one COAH unit. Westwood is experiencing this now. Mr. de Stefan warned not to delay this too long. We are facing a potential crisis, and if the developer pulls out, that golf course is at risk. Mr. Wahmann indicated he will not be forced to hear an application. Mr. Koons agreed, adding this has been on going, we are not going to be finished with COAH for a long time. Mr. de Stefan commented 12 units is a good faith compliance of this town. Mr. Carillo agreed, but suggested using caution to protect the town. A member of the public, Mike Marritea, 634 Manville Court, said he made comments to the Council, but the single biggest issue is the setback issue. It is of tremendous importance to him, since he will look at it every day. Also, traffic from the Senior Center is a concern. If

there is road widening, it is not going to happen on the residential side. Hopefully something will be discussed and some accommodations made. Mr. Koons thanked him. There were no further questions, comments or discussion. On roll call vote, all members voted yes.

Mr. de Stefan asked for the special meeting in December if possible. Mayor Blundo said he would work with everyone to schedule the meeting.

Mayor Blundo stepped down and Mr. Menville took his seat for the remainder of the meeting (9:00 pm)

RESOLUTION:

1. Lapatinka, 683C Westwood Avenue, Block 2101, Lot 58 - Change of Use/Occupancy - Chairman Koons moved for approval of the Resolution 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. Menville, Mr. Goldman, Mr. Carillo, Mr. Wayne, Mr. Tucci, and Mr. Koons voted yes. Mr. de Stefan and Mr. Ericksen were not eligible to vote.

2. Pumpernicks II, LLC, 215 Rivervale Road, Block 1919, Lot 6 - Change in use/occupancy - Chairman Koons moved for approval of the Resolution deemed as read, with second by Mr. Menville. On discussion, it was noted the seating comment was not included. Mr. Deutsch added the provision, "there shall be no indoor or outdoor seating" in the Resolution. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Menville, Mr. Goldman, Mr. Carillo, Mr. Wayne, Mr. Tucci, and Mr. Koons voted yes. Mr. de Stefan and Mr. Ericksen were not eligible to vote.

PUBLIC HEARINGS:

1. Kern, 380 Cedar Lane, Block 1501.02, Lots 32, 32.01 - Preliminary Major Subdivision - Ray Jacobs, Esq. of Jacobs and Bell, represented the applicant. Christopher Lantelme, Applicant's Engineer, was present. At the last hearing, there was some discussion about sidewalks up to Brook Street and their engineer was going to investigate if there was sufficient public rights of way to install the sidewalks without any major problems and there were other recommendations by the Board Engineer. Mr. Lantelme would describe the changes to the plans.

Chris Lantelme, 101 West Street, Hillsdale, qualified and sworn in at the last meeting, was re-sworn. He described the changes to the site plan since the last meeting. There should be a revision date of 10/16/07. Most of the changes were on Sheet 2. They added a proposed fence to fence in the swimming pool, and most of the sheds were removed. One of the sheds, below the old lot line to the left, would remain. They added a note that all utilities for the three new homes on Spring Street would be underground. The curbing on Cedar Lane was not properly labeled for concrete curbs. Mr. Koons asked about the paving Mr. Lantelme said the paving would be repaired up to the curb. They are not proposing to repave Cedar Lane. Mr. Koons commented exactly, but asked if he was going to pave 3', 5' or 10'. Mr. Statile said it is a repair strip, usually 24". Mr. Koons said we could put that in a resolution. Mr. Wayne asked about the storm drain. It would be 42" as shown on the original plan on sheet 3 - catch basin detail. Mr. Koons stated if this gets approved, there would be a note in the Resolution that paving around the catch basin is to be done as directed by the engineer. Mr. Statile suggested Mr. Lantelme revise the plan with a new revision date, and he will give it to the attorney for the resolution - it is cleaner that way. They changed the location of the temporary soil stockpile from the lower left to the upper right hand corner. They also removed some of the macadam. Mr. Koons suggested putting 4' wide at proposed sidewalk.

Mr. Lantelme had an additional sheet he prepared, which was marked Applicant 11-19-07-1. Mr. Lantelme described the topography and tree plan on the side of Lot 1.01 and Lot 1. On the left are all the elevations. There was a spot that dropped off and would be filled in and leveled off. On the right hand side is basically the same thing, showing where the sidewalk is and the trees, which he identified as pine, with diameters posted. The largest is about 8/10 of a foot in diameter. Mr. Carillo commented about the importance of the sidewalks with the children walking to school. This would be more important than keeping the three pine trees. Mr. Statile suggested for the trees if the homeowners want them replanted they can be replanted on their property. Mr. de Stefan commented you are talking about 10 pine trees. There is a good chance the homeowners might not even want them. They are planting 70 trees anyway. Mr. Jacobs asked if they could get a credit for some of the trees on their development if they

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have to plant them on Cedar Lane. The Board agreed to the satisfaction of the Board Engineer.

Mr. Lantelme continued. Two other notes were that individual plot plan for the lots on Spring would be presented with each permit. These three lots will be before this Board anyway for major soil moving permit anyway. Mr. Koons noted individual plot plans would go to the Building Dept. Mr. Koons suggested leaving #9 alone, as they have to come back for soil moving permits. Also the tree analysis note was added as #10. They would have to come back for driveway locations and house locations. Note #9 would be amended to read it would come back to the Planning Board with the soil moving application. Mr. Jacob had nothing further.

The matter was opened to the public for comments on questions of the engineer. Cindy Hanna, 396 Cedar Lane came forward and stated in regard to the trees, she would like to see them replaced or moved as an accommodation for sidewalks. Her driveway would be affected. She is the owner of Lot 1.01. Mr. Lantelme addressed the situation and perhaps they would have to build up the driveway to meet the sidewalk, and it should not be a problem. Mr. Deutsch advised this would be put in any Resolution.

George Stanley, 410 Cedar Lane, had a question on the telephone poles. Mr. Lantelme said they would be on the right side. There is not a proposal for curbing on the off-site part. It is for the children - that is the main objection of the off-site improvement. He asked when the applicant would do this. Mr. Deutsch said it is up to the applicant. He is not in favor of a sidewalk on Cedar Lane unless it was done all at once. He did not agree with a sidewalk to no where. It is a very dangerous street. Mr. Statile said the DCA provides there would be no C/O issued unless the improvements are completed. Mr. Jacobs agreed.

Lorraine Stanley, 410 Cedar Lane, commented against sidewalks, without curbing and told of how many cars have gone up onto her property. Sidewalks without curbs are very dangerous, and if you are doing a sidewalk, you need a curb. There were no further questions or comments from the public.

Mr. Jacobs stated they are not offering to install sidewalks. Mr. Wahmann asked about curbs and not sidewalks.

Mr. Koons said we are concerned about having a place for the children to walk. Mr. Goldman would like the sidewalks and suggested asking the Town to install Belgium block curbing. Mr. de Stefan said they are budgeting in January and would mention it to the Council. He agreed sidewalks are more important at this time. Mr. Statile said this would be an excellent application for State funding next year. Mr. Goldman said he has been on the Board for many years with the Chairman and have always asked for sidewalks on County Roads and some pieces have even come together. Mr. Koons stated there was a consensus for sidewalks and not curbs

A motion to close the hearing to the public was made by Mr. Koons and seconded by Mr. Goldman. Mr. Koons motion to grant the application and ask the attorney to prepare a favorable Resolution for next month's voting and leave the record open for the submission of the revised plans for the engineer's recommendation to the attorney to prepare the Resolution, with second by Mr. Goldman. On roll call vote, On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. Carillo, Mr. Wayne, Mr. Tucci, Mr. Ericksen, and Mr. Koons voted yes. Mr. de Stefan was not eligible to vote. Mr. Menville had departed.

2. Lord Jesus Christ Bible Church, 716 Rivervale Road, Block 602, Lot 15 - Change in Use - Paul Strawinski, Esq. represented the applicant. Grace Meyers, Esq. of River Vale also appeared. Chris Lantelme, Engineer and the owner were also present. Mr. Strawinski presented. The property is in the Residential "A" Zone. They provided the publication and notice documents, along with the Affidavits. Mr. Strawinski gave the history of the site. In 1974 there was an application to change the upper floor back to residence from a meeting hall. There was a fire that substantially damaged the property in 1979. The Construction Code Official was asked to keep the property as a tavern. The second floor was used as a residence. The property was a tavern use. It has a paved parking area that exceeds the parking they are required to have. The use is permitted in the zone. The architect was present to describe what they would do to bring it up to code. The site plan by Chris Lantelme was dated 9/10/07, revised to 11/6/07. The purpose of the revision was to indicate the driveway. The architect's plan was dated 9/21/07.

Edward Mangel, 55 Brook Road, Valley Stream, NY, owner of the property, was sworn in and described the use. He is one of the Pastors of the Lord Jesus Christ Bible Church. It was started in a home, having moved from Demarest and Bergenfield. The church building was sold, and they were asked to leave. He found this property and it is very convenient. He purchased the building with the intention to have amore stabilized place of worship rather than moving from place to place. Mr. Wahmann asked, and he said he purchased it individually. They worship and fellowship on Sundays with Wednesday night prayer meetings and Tuesday night bible studies. Mr. Wahmann asked Mr. Deutsch if purchased individually, where and how does this transfer to the church become a non-ratable. He was not sure, but if purchased in an individual name, he is not sure if it becomes a non-ratable. Mr. Mangel said he was not asking for an abatement. He intends to donate the property to the church. Mr. Deutsch advised it would be an issue for the Township Attorney to deal with. It is not a consideration for this Board as to whether it is a ratable or a non-ratable.

Mr. Mangel continued. They would like to renovate inside for classes and add handicapped bathrooms for men and women. No changes would be made to the outside. The area and parking is adequate for their needs. The bar was already removed. Mr. Carillo asked about sprinkler system. Mr. Statile commented it would be down the line. Mr. de Stefan asked about growth, and Mr. Mangel said they would like to grow. If they exceed parking spaces, they would have to split their services. Mr. de Stefan asked if it could be incorporated in any resolution. Mr. Deutsch it would be taken up under the Town ordinances, or they would have to come back for a variance, but this Board cannot mandate the services. Applicant was setting up the second floor as his office, with no residential use. Mr. Tucci commented no residential use for the second floor should be added in any resolution.

The matter was opened to the public for questions. Mr. Hendriksen, living across the street, stated this is a residential area. He was directed to ask questions and inquired if they would be gating the property. The applicant responded there trees to prevent runoff, but he never intended to gate the property.

Chris Lantelme, Lantelme, Kerns and Associates, 101 West Street, Hillsdale, NJ, Licensed Engineer, was sworn in. He prepared the plan with corrections per comments of the Board Engineer regarding a portion of the driveway being one way. It was always used as a one way, but they are putting signs. The only way out is the center to the North side, but there are two ways to enter, one on the North and one on the South. They also put in a handicapped spot. Barrier-free parking was added. Mr. Koons commented it looked like the parking was light. Mr. Statile said there was room to add more parking. Mr. Lantelme discussed drainage. The runoff from the rear goes onto the golf course. Mr. Statile added at the ninth hole. It is 90% paved. Mr. Koons commented he thought it should be "0" runoff, and why not look at that if the Board could look at lighting. Mr. Statile said the applicant is only before the Board for a change of use. Mr. Deutsch said lighting is something the Board could look at. It is a permitted use, change of use, and if he is not proposing any changes to the outside, you cannot impose anything about impervious coverage. Mr. Statile it would fall under a site planning process. Mr. de Stefan said this condition has existed for about 50 years, and they are not changing the parking lot. Mr. Koons commented it is not know if it is a negative situation. Mr. Strawinski advised the golf course owned the property and sold it in its existing condition. Mr. Statile had suggested reducing the impervious coverage by cleaning up the property. Mr. Koons asked about curbs and sidewalks. Mr. Deutsch said there are no variances required, but the Board can ask if the applicant is willing to do that. Mr. Lantelme felt it was a little difficult to put a sidewalk there. There is a sidewalk across the street. Mr. Strawinski said the church is trying to do this. Mr. Koons commented they have always wanted sidewalks on County roads, as Mr. Goldman stated.

Grace T. Meyer, Esq. was sworn in and stated she did the research on the property. She saw the only place zoned for churches was in the residential zone. They have the right to worship. This is a perfect spot. They park in the back and go in the church. She never sees anyone walking on River Vale Road there. Mr. Koons asked if they acknowledge they will do it or take the position they will not do it. Mr. Strawinski would ask the client and noted Mr. Lantelme's comments. Mrs. Meyer started to cite cases and law, but Mr. Deutsch advised she would have to be qualified as an expert in law. Mr. Strawinski suggested

moving on to the architect for these questions after finishing with Mr. Lantelme. As for aisle width, they do not have the proper aisle width.

Mr. de Stefan questioned whether a sidewalk, trees or a gate would offset some of the safety issues. Mr. Wahmann suggested trees. Mr. Carillo questioned how that would affect the sight distance. How would we get 60 cars out onto River Vale Road. There has to be a crossing guard. This is much more than just a change of use. Mr. de Stefan suggested curbing. Mr. Carillo felt it necessitated a site plan application along with this change of use. This site has been dormant for some time, and there are many issues to consider. He would make a motion to that effect.

Mrs. Meyer addressed Mr. Carillo's concerns. There are fellowships after the service. Not everyone leaves at once. Mr. Koons commented in his opinion traffic on Rivervale Road has increased tremendously, including truck traffic. There is no place to put a sidewalk, which would have to be discussed. Mr. Strawinski stated the applicant said they would put in curbing. Mr. Koons commented Mr. Statile could make a recommendation as to width. Mr. de Stefan added no trees. Mr. Statile said this is a residential neighborhood and adding some trees would not block sight distances. He would review the sight distance work from Mr. Lantelme. He would want the paving removed from in between the two driveways. The Board agreed. Mr. Deutsch advised the Board relies on its Engineer regarding sight distance. Mr. Statile continued. They would require a trash receptacle and signs for fire zones. Mr. Koons asked, and applicant stated the kitchen will be functioning. The plan would be sent to the Fire Department by the Board Secretary.

Due to the lateness of the hour, 10:55 p.m., Mr. Koons said he would ask to carry the matter and the architect to return. Mr. Strawinski asked if he could be put on to affirm the plans prepared by him. Max Paranghi of Woodcliff Lake, NJ, Licensed Architect, was sworn in, qualified and accepted. Mr. Paranghi described the structural interior changes, the most important being the handicapped bathrooms and ramp. They are not changing the footprint of the building. In looking at the plan, Mr. Koons said the handicapped ramp does not work. The exit door cannot swing out when a handicapped person may be

passing. The woman's room does not comply. It needs a stall and 5' turning radius in the vestibule. The men's bathroom also does not comply. Mr. Paranghi said the ramp and door are existing now. They are 2" over the requirement, and the door can be removed. The ADA requires the 5' turning radius, Mr. Deutsch advised. Mr. Koons stated the door is improper and swings the wrong way, into the church. Mr. Deutsch recommended the Construction Official reviewing this. Mr. de Stefan suggested there are too many issues, and the architect should come back. Mr. Deutsch suggested a continuation in order to address these issues and perhaps revising the site plan is in order. It probably would not be wise to force a vote this evening based on what the Board has requested this evening.

There were no questions of the witness from the public. Mr. Strawinski agreed to a continued hearing on 12/17/07 with no new notice. A member of the public asked to voice her opinion but was advised it had to be held until it was time for comments at the end. She lives on James Lane, and her property abuts the parking, and she observes recreational activities in the parking lot. Every Sunday it goes on until 7:00 p.m., and she sees right into the parking lot. Basketballs were coming onto her property, and she was concerned about people getting hurt on her property. Also, it was so noisy, she had to take her company inside. Mr. Mangel responded he would take control of the children. Mr. Koons stated he asked Mr. Deutsch to research address the situation of recreation and activities in the parking lot. They encouraged her to come back to the next meeting.

4. Nicolini, 517 Brook Avenue, Block 1501.02, Lot 2 - Preliminary Major Subdivision & Soil Movement - Carried to 12/17/07 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 - Mr. Koons recused; Mr. Carillo announced Blue Hill Road is off for this evening and adjourned until 12/17/07, with no new notice. Robert Cantolma, Chalmers Court, came forward and expressed disappointment and anger that on the date of the hearing they canceled at the last minute for the second time, and he postponed travel changes to be here. It is aggravating and insulting to the homeowners who gathered twice to come

here and present significant issues on the variance. Not to be noticed is an inconvenience Mr. Deutsch appreciated his sentiments, but the applicants can make a request if no ready or incomplete, and the Board's hands are tied. In order to protect the municipality, the Board has no choice. The notice is given at the hearing pursuant to the MLUL, so that residents that do show up can get notice here. They do not have to renotice pursuant to the law. Mr. Shalhoub arrived 8:06 p.m. Mayor Blundo asked if the Borough could send out notices to the 200' property owners at its expense as to the hearing date. Mr. de Stefan suggested adding language that they call Damian at 4:00 p.m. and asked how many times they could do this. Mr. Deutsch advised he would take a look at it and respond. The Mayor certainly has the right to do that. Mike Higgins, 748 Orangeburgh Road, said his mother is from 712 Chalmers Court, and she needs to be notified over the internet. Mr. Carillo said they would give the notice by letter. Mr. Koons returned to the dais. A letter would be sent. The matter was carried to 12/17/07 at request of the applicant, with no further notice.

OPEN TO PUBLIC - None

PAYMENT OF INVOICES: None

NEXT MEETING: December 17, 2007

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

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