

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
December 17, 2007
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:

George Shalhoub	
Bruce Carillo	Vice-Chairman
Chris Wahmann	Secretary
Robert Menville	
Mayor Blundo	Class I
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 applicant Blue Hill requested to be carried. Mr. Deutsch advised it is the Board's decision to carry the

(RVPB 12/17/07 Minutes)

matter to the January 16, 2008 meeting. Mr. Carillo asked, and Mr. Gil stated they are in order, and he did a mailing of their request to be carried. There would be no further notification.

MINUTES:

The Minutes of **November 19, 2007** were approved upon motion of Chairman Koons, with second by Mr. Goldman and carried.

RESOLUTION:

1. **Kern, 380 Cedar Lane, Block 1501.02, Lots 32, 32.01 - Preliminary Major Subdivision** - Chairman Koons moved for approval of the Resolution deemed as read. Mr. Jacobs was present and requested a copy of the Resolution to review. Mr. Jacobs noted three changes: Change paving to read "at the 2' wide stretch where new curbing is installed"; Item L - to read "replacement" instead of "new" trees. Mr. Deutsch advised he would amend it to read, "new replacement trees". Also, it should state "adjacent to the property along Cedar Lane up to Brook Avenue"; and instead of plans dated "10/16/07", it is "revised to 12/4/07, based on comments at the November meeting". The motion was seconded by Mr. Carillo as amended. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. Carillo, Mr. Wayne, Mr. Ericksen, Mr. Tucci, and Mr. Koons voted yes.

PUBLIC HEARINGS:

1. **Lord Jesus Christ Bible Church, 716 Rivervale Road, Block 602, Lot 15 - Change in Use** - Paul Strawinski, Esq. represented the applicant and continued from the last hearing. Grace Meyers, Esq. of River Vale was also appeared. They addressed some of the Board's concerns and prepared a revised architectural plan by Mr. Paranghi. Mr. Paranghi moved the handicapped entrance, widening the walkway to allow a ramp and a sufficient turnaround circumference in the front of the building. The revisions on the architect's plan was 12/6/07, and on the site plan by Mr. Lantelme was 11/29/07. Mr. de Stefan asked for additional plantings as a buffer between their lot and Lot 2 to the East. He asked if something could be added to the northeastern area. Mr. Lantelme said it was possible, and the applicant agreed. Mr. Strawinski asked if any approval could be subject to a landscaping plan.

Mr. Carillo asked if he read the Fire Official's review. Mr. Strawinski advised Mr. Paranghi read it;

however, he had not yet arrived. Mr. Lantelme was available for questions in the meantime. Mr. Koons noted on Mr. Lantelme's drawing he was showing a one-story entrance in the rear of the building, which was not shown on the architectural plan on Sheet 2. Mr. Lantelme could not answer for the architect, although it was a small entrance. Mr. Mangel, the applicant, previously sworn, stated it was an entrance for the basement which is in the back. The Exhibit was marked A1. Mr. Lantelme also indicated he saw the Fire Official's Memo, dated 12/10/07. Mr. Carillo asked if they agreed with all five issues listed therein. Mr. Strawinski explained the architect had a comment about the fire extinguisher in the kitchen, per a discussion with the Fire Marshall, Mr. Bedell. Mr. Statile had a comment that the northerly most parking space must be removed, because there is only an 18' aisle in which to maneuver the turn around. It was not necessary to remain there. Mr. Strawinski said he spoke with the County, Mr. Timsak, and they would not require County approval. Mr. Statile said it would be covered under the County bond.

Mr. Paranghi arrived. Mr. Strawinski advised he was sworn at the last hearing. Mr. Deutsch confirmed with Mr. Paranghi that he was still under oath. Mr. Koons noted there were two lights on the corners of the property. Mr. Carillo asked for a condition that the lights be turned off by 8:00 p.m. Mr. Mangel did not have a problem with it, but requested 9:00 p.m. just in case. The Board agreed. Mr. Paranghi recommended some type of security lighting at night, but not to disturb the neighbors. Mr. Carillo suggested motion detectors. Mr. de Stefan noted the motion sensors would be more security for the neighbors as well. This would be incorporated in the plans.

Mr. Koons had questions of Mr. Paranghi regarding the handicapped ramp elevation. It was about 11'. Mr. Koons commented it was supposed to be 12' and asked why he had a 33' ramp on the side of the building. Mr. Paranghi explained because the property is sloping, but it would be an ordinary entrance. They are not planning to alter any ramp that is existing, except to make it safer. Mr. Koons expressed concern that there is no integrity to the stairs coming down from the second floor, and it is a non-fire retardant stair enclosure and deferred to Mr. Statile. Mr. Statile stated he is not an architect and said it was the architect's and Building Department's responsibility. Mr. Paranghi said he would speak with the Fire Marshall. Mr.

Koons said they need to have the door opening over a landing not just over a riser and would he have to bump-out to accomplish this. Mr. Paranghi said he would put additional fire rating on top of the stairs. Mr. Koons said it does not stop the fire from going up the stairs from the first floor, and he needs to enclose that area to make it fire-rated. Mr. Paranghi said he did not see the need if the sheetrock and top were fire-rated, and it is an ancillary use. Mr. Koons said there will be a lot of people there and asked, when he adds the proper enclosure will he have to add risers into the parking lot. Mr. Paranghi said one riser. Mr. Koons stated the fact is that a fire can sweep up the stairs. The architect said he would make a landing and a turn-around and comply with the Construction Official to resolve the problem. Mr. Carillo said we are taking a very old building not conforming to Code as of today and making it safe for the many inhabitants.

Mr. Paranghi discussed his conversation with the Fire Official, who was concerned about the kitchenette and suggested an ansel system. He explained it is really an ordinary regular kitchen, not a commercial kitchen, and although they were planning to move the kitchen to where the bible reading room is now, it might be better to enlarge it, but it would be a regular hood and wood cabinets. If they do require it, they will install an ansel system. The Building Inspector said he does not have to put it on the plans, as long as he sees it. Also, only one fire escape is needed. Mr. de Stefan said less than 75' needs only one exit. Mr. Carillo asked about a dumpster, and the applicant stated they will have one. Mr. Deutsch advised the dumpster would have to be shown on the plans. Mr. Koons would also like a condition of no heavy cooking, just warming. Mr. Tucci said he would have no problem if they did some cooking for a special occasion. Mr. Carillo reviewed the comments of Mr. Statile to make sure the applicants were complying, and they acknowledged they were. Mr. Wayne noted the Fire Official's letter requesting a letter that no one would be living there. Mr. Koons asked, and Mr. Statile said he was satisfied now.

Mr. Deutsch was asked at the last meeting to do research about the Church's use of the parking lot for recreational activities. He advised the use of church parking lot as an outdoor activity for safety reasons. You can indicate there is no ingress or egress when things are taking place, but the Board cannot prohibit that use.

The matter was opened to the public. A woman from the public, Jennifer, appeared at the last meeting, and came forward. She is the immediate neighbor, and her deck and back face the parking lot, and during the Summer there were lots of families in the parking lot with loud noise, which was very upsetting, and she had to bring her family inside. There was garbage in the parking lot. She has many concerns about noise and recreational activity. She will now have car doors slamming on Wednesday and Friday nights and the lighting to contend with. She asked for the buffer and no recreational activities. Mr. Koons said Mr. Deutsch did the research on that issue. Mr. Goldman stated this used to be a bar, and this is a much better use. She could have parties with loud music as well, during their services. Mr. Koons asked Mr. Lantelme how high the stockade fence was on the North side, and the response was 6'. Mr. de Stefan asked why not extend the evergreens on the northern border as well. They could do so, it was stated. She asked what was the property zoned for. Mr. Tucci stated residential; churches are allowed in a residential zone. Mayor Blundo suggested the police could perhaps address some of her needs on the weekend if necessary. Jennifer stated they had a Memorial Day party, Labor Day party and birthday party. Mr. Tucci asked if they could put restrictions on playground equipment. Churches are considered an inherently beneficial use, and recreational activities are an ancillary use.

Edward Mangel, the owner, said they had no intention of installing a playground, and they had no idea this was bothering the neighbor. They had no intention of being a nuisance, and she could contact them directly. They did not know the noise was bothering her on the other side of the fence. They embrace the community and people. Mr. Deutsch said the approval would be for a parking lot, so they could not put up swings or other types of permanent structures. Mr. Mangel said right now they find beer bottles behind the building, and that is why they want the lighting. When they move there, they will definitely comply with everything. Mr. Tucci said now that there is a line of communication here, problems could be resolved between the neighbors. He has seen, as a prior Zoning Officer, that often one neighbor didn't know he was bothering another neighbor, as Mr. Mangel stated. Mr. Mangel stated there are many professionals in the neighborhood, and they will definitely take steps to protect the property.

Greta Del Mar, 65 Cresskill Avenue, Dumont, NJ, was sworn in and commented they put Easter eggs on the lawn and on the neighbors lawn. On behalf of the church they are sorry. As soon as they found out about the basketball court not being allowed, her husband took it down. She was one of the church members at the barbecue that was playing badmitten. They only play Christian music, very low, they will not play the music now and as a Sunday school teacher, she believes children did not go over the fence.

Mr. Carillo moved for the Board Attorney to prepare a favorable resolution subject to all the conditions mentioned, Mr. Statile's and the Fire Official's comments, seconded by Mr. de Stefan. Further, there would be no day care center use. Mayor Blundo indicated he would abstain as he did not sit in on the first part of the application, but said he was in favor of it. There were no further questions, comments or discussions. On roll call vote, all members voted yes.

Mayor Blundo recused himself from the DiBari and Toci applications and stepped down from the dais.

2. DiBari, 184 Rivervale Road, Block 2101, Lot 63 - Change in Use - Anthony DiBari, of 409 Rivervale Road, River Vale, NJ, the applicant, was sworn in. Ross Goldflam, 101 Palisade Avenue, Westwood, NJ, his partner, was also sworn in. Mr. DeBari stated they were resent to discuss a proposed change of use from office space to kitchen for off-premise catering, with one sales office and a change in the remaining square footage to Production Catering Kitchen. The Chairman asked Mr. Statile if the zoning permitted this use. Mr. Deutsch asked, and the applicants responded they were the proposed lessees, subject to this approval. It would be his corporation, AMD Enterprises Inc.

Mr. Statile informed the Board that catering establishments were a permitted use. Mr. DiBari stated they would take the four offices and make them catering. They would remove the walls from the first two offices, and make them the kitchen. Mr. Deutsch said there was no preparer, but he would mark the diagram A1. Mr. DiBari said he was provided that diagram by the existing owners, Jan Rudd and Betty O'Connor. Mr. Carillo noted, and they agreed, everything would be done to Code. There would be 10 burners with exhaust fans. Mr. Carillo said they would

have to be careful about the noise and would need an ansel system. The basement space would be for dry storage. There will be parking in the back of the building, with two parking spaces for company vans and four for employees. They would have to advise as to which spaces were designated.

Mr. Tucci asked about traffic flow. Mr. DiBari said the business would be 90% phone and very little traffic flow at this new location. Mr. Deutsch marked the sketch of the space A2. Mr. DiBari asked if there would be any issue for refrigeration in the basement for strictly storage. They are trying to work out of two large reach-ins from their current location, but if they have to go that route they want to know. It is fully sprinklered down there. The Board advised him to check the dumpsters on site. It was noted this is not an informal; he is looking for an approval so he can sign a lease. Mr. Koons discussed with the attorney that applicant is a corporation, and could the Board waive the requirement for him to appear with the attorney tonight. Mr. Deutsch indicated the applicant stated he has an attorney he was appearing as an individual.

Mr. Koons moved to close the hearing to the public with second by Mr. de Stefan. Mr. Koons moved for an approval with the conditions as stated, with second by Mr. De Stefan. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. de Stefan, Mr. Goldman, Mr. Carillo, Mr. Wayne, Mr. Ericksen, Mr. Tucci, and Mr. Koons voted yes. Mayor Blundo was recused.

3. Toci, 184 Rivervale Road Block 2101, Lot 63 - Change in Use - David Toci, Westwood Avenue, River Vale, NJ, was sworn in. His partner was also present. Mr. Toci was present for store #3 for a change in use from a gift shop to a sporting goods and apparel store, meaning jerseys, sweatshirts, tee shirts, shoes, memorabilia, and collectable cards. They are looking to demolish the present partitions and add two smaller partitions for a larger, open space. Jan Rudd is the owner and gave her consent. The plan was not a signed floor plan, but was marked A1. Mr. Toci prepared it himself. Mr. Deutsch marked photos A2. They were taken by Mr. Toci approximately two weeks ago. Lastly, an engineer's plan by Fred Klenk was marked A3. Mr. Carillo referred to Mr. Statile's report.

(RVPB 12/17/07 Minutes)

Applicant agreed to same. The basement would be for dry storage. There would be no weapons, hunting knives or guns.

Anthony Powell, Mr. Toci's partner, of 593 Westwood Avenue, River Vale, NJ, was also sworn in. Mr. de Stefan asked, and he responded there would be no fishing tackle. Mr. Toci said there would be seasonal sporting goods, like Sports Expo in Hillsdale. The hours of operation would be normal business hours. The Board commented it would be a good use. There were no further questions, comments or discussions.

Mr. Koons moved to close the hearing to the public, with second by Mr. Carillo. Mr. Koons moved for an approval subject to the conditions as stated, with second by Mr. de Stefan. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. de Stefan, Mr. Goldman, Mr. Carillo, Mr. Wayne, Mr. Ericksen, Mr. Tucci, and Mr. Koons voted yes. Mayor Blundo was recused.

Mayor Blundo returned to the dais.

4. Blue Hill Estates, 719 & 707A Orangeburgh Road, Block 202.01, Lots 9, 15.01, 16.05 - Preliminary Major Subdivision & Final Subdivision - Carried to 1/16/08 at the request of the applicant, with no further notice.

DISCUSSIONS: None

OPEN TO PUBLIC - None

PAYMENT OF INVOICES: None

NEXT MEETING: January 16, 2008

Mr. Koons thanked all the Board Members and Professionals for their year of service on the Board and wished everyone a Happy Hanukah and Merry Christmas.

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

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