

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
December 18, 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	
Chris Wahmann	Secretary
Bruce Carillo	Vice-Chairman
Mark Ericksen	
Norman Goldman	Acting Secretary
James Hanna	

Kenneth H. Koons	Chairman
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Also Present:	Paul Kaufman, Esq.	Board Attorney
	Christopher Statile, PE	Board Engineer

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

CLOSED SESSION DISCUSSION:

A motion to close the Public Meeting and go into Closed Session at approx. 8:10 p.m. to discuss litigation was made by Mr. Koons, seconded by Mr. Carillo and carried.

A motion to return to Open Session was made by Mr. Koons, seconded by Mr. Goldman and carried.

RETURN TO OPEN SESSION: The Board returned to Open Session at approx. 8:30 p.m.

A motion to authorize Mr. Kaufman to appeal the decision, with second by Mr. Hanna. On roll call vote, Mr. Wahmann, Mr. Goldman, Mr. Carillo, Mr. Hanna, Mr. Ericksen, and Mr. Koons.

RESOLUTIONS:

1. Four Seasons Hair Salon, 184 Rivervale Road, Block 2101, Lot 63 - Change of Use - Mr. Koons moved to approve the Resolution deemed as read, with second by Mr. Wahmann. Mr. Goldman asked if they provided the sealed architectural plans, and the response was yes. The motion carried unanimously.

2. Review of Ordinances 168-2006 and 169-2006 - The Ordinances were tabled on motion of Mr. Koons, second by Mr. Carillo and carried unanimously.

3. Meeting dates for 2007 - The Board reviewed the dates and noted that the meetings in January and February will be Tuesdays due to holidays. There will be no other meeting in January besides the Reorganization Meeting. A motion to approve the proposed meeting dates as submitted was made by Mr. Koons, seconded by Mr. Goldman and carried unanimously.

MINUTES: **November 20, 2006** - Chairman Koons moved for approval of the Minutes of 11/20/06 with second by Mr. Goldman. The motion carried unanimously.

PUBLIC HEARINGS:

1. Durie Properties, Orangeburgh Road, Block 601, Lot 10 - Soil Moving Permit - There was no appearance by applicant or applicant's attorney. A motion to dismiss for lack of appearance was made by Mr. Koons and seconded by Mr. Carillo. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. Carillo, Mr. Hanna, Mr. Ericksen, and Mr. Koons voted yes.

2. LC Developers, Brookside Avenue, Block 2103, Lot 11 - Bruce Dexter, Esq. represented the applicant. Mr. Eichenlaub previously sworn, continued under oath. Mr. Eichenlaub testified he made changes to the plans, and they were submitted to the Board. The plans were revised to

12/7/06. Mr. Goldman noted the plans were not sealed. Mr. Eichenlaub stated his plans usually come in sealed, and apologized. Mr. Kaufman asked him to seal the plans. Mr. Koons said no problem, he could just submit sealed sets.

Mr. Eichenlaub reviewed the changes, per the Board's comments. The big change from the last meeting is they have taken the lot line and extended it back and more evenly distributed the lot area between the two lots. They also changed the configuration of the dwellings, reducing their square footage. Replacement of trees was reduced from 103 to 65. Also, clearance from transition of wetlands is now 16', providing more than ample room to get construction equipment around the dwelling. The breakdown of impervious area is 3,908 sq. ft. and 3,848 sq. ft. They are under a quarter acre for impervious coverage. They are at 200 sq. ft. for a total disturbance of 17,100 sq. ft. Along with the changes for the lot area, there is also a change for coverage. Both are now well under the 25% allowed in the zone. Mr. Kaufman asked if the only variance was for lot frontage. Mr. Eichenlaub stated yes, and explained they are under the required 75' frontage. They are not changing that figure. Mr. Koons stated that figure exists because you are creating that. He was asked if that includes the curve, and Mr. Eichenlaub stated that is the right-of-way.

Questioning by the Board followed. Mr. Wahmann asked about the subdivision on Bock Drive, and Mr. Eichenlaub said he would check the map. Mr. Goldman asked about sidewalks. There are sidewalks out to Rivervale Road. The lot adjacent to them and their lot do not have sidewalks. Sidewalks exist on the South side, but actually end one block East of them. Mr. Goldman said he would like to see sidewalks there. Mr. Eichenlaub stated he would have no problem putting them in. Mr. Goldman asked about seepage pits, which Mr. Eichenlaub addressed. Mr. Koons asked what adjoins the subject lot on Lot 12. Mr. Eichenlaub said it is a house. Mr. Koons asked what happens when they go out the driveway, with the headlights. Mr. Eichenlaub stated they would apply a row of plantings, like they did across the street. They are in the process of obtaining a wetlands permit to fill in the corner of the property. Mr. Dexter said they have a Letter of Interpretation, dated 7/11/96. Mr. Koons stated they just received the letter this evening. Mr. Goldman stated all new developments in River Vale have underground services. Mr. Eichenlaub

stated the service would be underground. The service for Lot 11.01 will come off of Bock, and for Lot 11.02 it would come off Brookside.

Mr. Statile reviewed his report. He would like to see something other than a split-rail fence, and perhaps they could use a plastic fence, such as pvc. Lou Chiellini was sworn in and stated he would change it. Mr. Carillo requested a landscaping plan, showing where the replacement trees are going, etc. Mr. Eichenlaub said they would put that right on the plan. They have no problems with the items discussed.

The matter was opened to the public, and the following persons came forward: Richard Motley, 45 Bock Drive, was sworn in and requested to see the plans. He supports the need for the sidewalks. George Costelli, 41 Bock Drive, was concerned additionally about Pascack Brook and possible flooding, recalling Hurricane Floyd. Mr. Eichenlaub stated they are not changing the grade of the property. Mr. Koons asked Mr. Statile to check the flood hazard map. Mr. Eichenlaub stated the two lots would not have daylight basements. They are not in a flood hazard zone. Mr. Chiellini states he puts sump pumps in all his houses. Mr. Chiellini showed and described the two different homes, showing photos of homes he built in Park Ridge.

David Karlebach, Licensed Professional Planner, Ridgewood, NJ, gave his credentials, and experience for 13 years, and was accepted. He was familiar with the application, and ordinances. He was of the opinion that the single variance should be granted. It is justifiable as a C2, or "flexible C, variance, in that there need not be hardship for the Board to grant the variance, but must advance the purposes of the MLUL. It will benefit the community at large, and the characteristics lend itself to improved zoning. The subdivision enhances harmonious lot sizes. The lot size brings the property closer to conformance. They should not base appropriateness on lot frontage alone. There are adequate size building envelopes. As for negative criteria, there are no detriments. This actually creates two lots more in conformance with the zoning ordinance and recommendations in the Master Plan. He read from an ordinance in Cranbury, NJ. There would be no detriment to the public good. This lot is mentioned in the Master Plan and read the recommendation. Mr. Koons wondered if doing this would set precedence for the Board.

The planner said this was unique and would not raise a question.

Mr. Dexter said the case was completed. A motion to open the hearing to the public was made by Mr. Koons and seconded by Mr. Jana. Bob Forsch, of Bernita Drive, was sworn in and raised concern about C1 water. Mr. Statile explained C1 comes into play when the C1 buffer is encroached upon; this application is too small for that. There were no further comments, and the matter was closed to the public.

Mr. Statile asked if the Board would get new plans with the comments from this evening, with the house rotating, and shrub lines shown. Mr. Kaufman stated they have to come back for final approval anyway. Mr. Dexter represented applicant intends to rotate the house and straighten the driveway to the Board's satisfaction. Mr. Statile said he needs four approvals: Transitional Waiver and General Permit, Bergen County Planning Board approval, County Soil Approval.

Mr. Koons moved to authorize the Board Attorney to prepare a favorable resolution for preliminary approval, conditioned upon receipt of revised plans and rotating the house, straightening out the driveway, with underground utilities, installation of sidewalks, fencing, and landscaping, and compliance with Mr. Statile's letter. The motion was seconded by Mr. Goldman. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. Carillo, Mr. Ericksen, and Mr. Koons voted yes. Mr. Hanna was not eligible to vote.

3. Price Construction, Graney Drive, Block 301.01, Lot 3.01 - Final Subdivision - Mr. Prigoff represented the applicant and handed in the Affidavit of Service and Publication. MR. Kaufman advised it appeared to be in property form. Mr. Prigoff stated they were present on a soil moving application and amendment to the site plan to reflect the dimension of the residences. After their approval in August, the Board requested the properties be pulled back from the cul-de-sac. When they did that, they found a significant reduction in soil movement could be made with a walk out basements. As a result, they would need 2' and 2-1/2' height variances.

Tibor Latinicsics, Licensed Engineer and Planner, with Conklin Associates was sworn in and testified they prepared a soil moving application, which indicates proposed grading for the two proposed homes. The total soil movement is 635 c.y. fill or import, and reduced it to that relatively small number by utilizing a walk-out basement and retaining walls. They revised the grading and incorporated into heir soil moving application with an amended plan. They also added more impervious surface, which allowed them to enlarge the homes and put on turrets. They are right up against the permitted figure, 10,882 sq. ft. If they did not have the walk-out basement, the soil movement would have been 1,535 cubic yards, now reduced to 635, and they felt it was good planning. However, it does trigger the roof height question. It is the same roof, but the elevation to the grade causes this. They have a detailed roof height calculation. What is attributing to this is the elevation to provide the walk-out basement.

Mr. Koons asked how they measure height. Mr. Statile advised it is measured every 10'. Mr. Latinicsics said the height is the same in the front and back. Mr. Koons had no problem with that. Lot 36 is in line with the home, which is very unique, but on the same grade. Mr. Koons felt it is a positive to have a walk-out basement, and the three story only occurs in the back. He sees it as a positive. Mr. Kaufman said it an improvement, where the strict enforcement of the ordinance would not be.

Mr. Prigoff said they also improved other coverages and conditions. To the extent they moved the houses somewhat, they also improved the setbacks. Mr. Koons asked what the difference was between the plans. Mr. Statile stated the building footprint was increased, and the driveways decreased. The impervious went 10,442 to 10,882, but still under the quarter acre. Mr. Latinicsics stated to the highest ridge it is 30', and the next highest is significantly lower. If the Board was not going to consider the roof height variance, it could be soled y adding 900 cubic yards of fill.

Mr. Price was sworn in. Arthur Price, owner of the company and contract purchaser of the property testified they do their own architectural work in-house. This is a house he designed himself. He could change this house, but it would make it shallow, and if it were a 4 or 5 on 12 pitch roof, it would not look good architecturally. The

ridge is very far back and would look like a flat roof, and would not be architecturally pleasing. 8 on 12 would be best, but 5 on 12 would make it work. Mr. Latinscics stated Lot 3.01 is 34' or a 2' variance, Lot 3.03 is 34.5' or a 2.5' variance. Mr. Koons said they should not be penalized since they are in a hole, and there are no other houses behind it to be offended by the sight. He did not see a problem, but there are other Board Members. Mr. Goldman agreed and felt we should allow it as presented. The remaining members agreed. Mr. Shalhoub expressed concern that the driveways were 8 sq ft. from the impervious threshold, and if they made any changes they may be over. Mr. Ericksen asked if they would be in keeping with the neighborhood. Mr. Price said it would be about 4,000 sq. ft., and some homes were 3,500 sq. ft. Mr. Hanna said he had no objection.

A motion to open to the public was made by Mr. Koons and seconded by Mr. Carillo. A neighbor, Gerry Levitz, 220 Graney Drive, was sworn in. He lived in his house 26 years, and it adjoins the subject property. He echoed the views of Mr. Koons. This variance is fine with him, since from the front of the house the height seems okay, and the issue is to avoid trucking in huge amounts of dirt. The people across the street have young children, and we are this will be a very significant reduction of dump trucks going through the neighborhood. The benefits, from his prospective, far overcome the roof, given the drop off in the back is a few feet off the maximum height. Mr. Carillo said there will be 55 trucks, but Mr. Levitz said previously there were going to be well over 100. He is happy to have the beautiful house there. There were no further questions, and the matter was closed to the public.

Mr. Koons said we have problems with houses getting bigger. Mr. Statile's letter of 12/14/06 was addressed. Mr. Prigoff stated they had no problems and agreed. Mr. Latinscics addressed the size issue. It comes down to a planning view with the size they have. They are trying to build the best house possible. He was asked about the footprints and explained the original house on Lot 3.01 was 2,100 sq. ft, and was increased to 2,520 sq. ft.; Lot 3.03, with garage under, now side loading, went from 2,270 to 2,570 sq. ft. These are (approx.) 22,000 s. ft. lots and an 18,000 sq. ft. home. Mr. Prigoff stated a 4,000 sq. ft house is not gigantic, It is not a McMansion. Mr. Statile said as the Township Engineer, he would, of course, go back

(RVPB 12/18/06 Minutes)

to a smaller house. There was nothing further, no other witnesses, and no further questions by the Board.

A motion to approve was made by Bruce Carillo for final subdivision, soil movement plan, and amended major subdivision, with height variance, with second by Mr. Hanna. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. Carillo, Mr. Hanna, Mr. Ericksen, and Mr. Koons voted yes.

DISCUSSION: None

PAYMENT OF INVOICES: None

NEXT MEETING: January 16, 2007

Mr. Koons thanked everyone for their dedicated service throughout the year, and wished everyone Happy Holidays and a Happy New Year. Mr. Kaufman also wished everyone Happy Holidays and a Happy and Peaceful New Year.

Mr. Koons stated that Mr. Hanna would not be back next year and thanked him for the last two years of service on the Board.

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Mary R. Verducci, Paralegal
Recording Secretary