

**TOWNSHIP OF RIVER VALE  
PLANNING BOARD  
April 16, 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.**

=====

**ATTENDANCE:**

**Members Present:**

George Shalhoub	
Chris Wahmann	Secretary
Mayor Blundo	Class I
Peter Wayne	Class II
Dwight de Stefan	Class III (Councilman)
Norman Goldman	(8:10 pm)
Mark Ericksen	
Kenneth H. Koons	Chairman
Ron Tucci	Alt. #2

**Also Present:**

Paul Kaufman, Esq.	Board Attorney
Christopher Statile, PE	Board Engineer

<b>Absent:</b>	Bruce Carillo	Vice-Chairman
	Maria Sapuppo	Alt. #1

---

Chairman Koons expressed deep regret and sympathy for all the people who had losses and loss of homes and evacuations along the river, and wished them well, as well as they can wish them.

**MINUTES:**

Chairman Koons moved for approval of the Minutes dated March 19, 2007. The motion was seconded by Mr. Goldman and carried.

**RESOLUTION:**

**1. JPE, 532 Cleveland Avenue, Block 1510, Lot 2 - Major Subdivision and Soil Moving (Amended)** - Mr. Kaufman advised that upon drafting the Resolution he realized there was a necessary correction in one of the conditions (6ii-to read reinstatement of 'second' denial, not 'first' denial), Mr. Kaufman explained all the amended resolution does is correct the drafting and all the changes relating to it. It is one integrated document. There were no further comments or discussions. A motion to approve the Resolution deemed as read was made by Mr. Koons and seconded by Mr. Wahmann. On roll call vote, Mr. Wahmann, Mr. Ericksen, and Mr. Koons voted yes. Mr. Shalhoub was recused. Mr. Goldman had not yet arrived

**2. Kearny Federal, 651-653 Westwood Avenue, Block 2206, Lot 13 - Sign** - Chairman Koons moved for approval of the Resolution deemed as read, with second by Mr. Shalhoub. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Ericksen, Mr. Tucci, and Mr. Koons voted yes. The remaining members present were not eligible to vote.

Mr. Goldman arrived at 8:10 pm.

**3. Review of Proposed Amendment to Zoning Ordinance (Ord. #178-2007)** 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. Goldman, Mr. Ericksen, Mr. Tucci, and Mr. Koons voted yes. The remaining members present were not eligible to vote.

**PUBLIC HEARINGS:**

**1. Jewish Home, 685 Westwood Avenue, Block 2101, Lots 2, 3, 28 - Final Site Plan** - Michael Kates, Esq. represented the applicant and provided the Proof of Service and Affidavit of Publication, which were reviewed by Mr. Kaufman and found to be in order. Mr. Kates addressed Mr. Statile's comments in detail. Mr. Statile found the variance diminimus. Mr. Kates provided the Developers

Agreement and further discussed the acoustic barrier on rooftop and the decibel levels. Mr. Kaufman reviewed the conditions of the preliminary approval with the applicant and advised that the Township Council has now had the full document. Mr. de Stefan said the Council could not sign before, not having the full document. Mayor Blundo was satisfied that all the terms have been met, and the project is supported. Mr. de Stefan indicated he also does support the agreement, and in speaking with his colleagues, sees no problem. There would be a \$2,500.00 contribution to the Voluntary Ambulance Service, via a signed contract, as represented by Mr. Kates, to be provided to the Construction Official. A \$75,000. contribution was made. Mr. Kaufman continued with the rest of the letter, stating the remaining items have been done and that applicants appear to have complied with the conditions of prior approvals. Mr. Statile commented applicants are to return to release the performance guarantee, and with respect to the 4/2/07 letter regarding the emergency generator, it shall not exceed 60 decibels, provided by the acoustical consultant. There was also a letter dated 4/11/07 regarding the enclosure of the generator. If they exceed 61 decibels, they will have the barrier. Mr. Kaufman advised if the preliminary approvals are deemed to have been met, then final approval may be given. Mr. Goldman asked for final wording on the sign. Mr. Kates responded it will be Jewish Home Assisted Living, adding he hopes they like the project--it is great for the town.

The matter was opened to public. A gentleman from the public, Kevin, of Block 2101, Lot 30.03, came forward and spoke about the bathroom and sewer line. He now has 3' of water in his basement, which he never had before. He further commented the lights have been going off at 11:15 pretty good and has no problem with that. A fence was proposed, but there are tons of people walking in and out. Garbage from convenience store lot, now owned by Township, has construction debris, which strays all over. It is blowing through there, and he picks it up. Mr. Kates stated he will send someone over there. Kevin further noted that trees died. It was indicated that is part of the punch list. Mr. Kaufman asked Mr. Kates to have his engineer go over and check this out - there is supposed to be no reduced runoff. There were no further questions or comments from the public.

A motion to close the hearing was made by Mr. Koons, seconded by Mr. Goldman and carried unanimously on roll call vote. Mr. Blundo abstained.

Chairman Koons moved for approval of the amended final site plan and variance. Mr. Goldman seconded the motion with a provision that the items outlined are complied with as stated. There were no further questions, comments or discussion. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Blundo, Mr. de Stefan, Mr. Goldman, Mr. Ericksen, Mr. Wayne, Mr. Tucci, and Mr. Koons voted yes.

There were no further questions, comments or discussions. A motion to approve the signage as shown on the plan revised 1/3/07, with the approval of two internally illuminated entrance and exit signs, was made by Mr. Koons, seconded by Mr. Goldman. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. de Stefan, Mr. Ericksen, Mr. Wayne, Mr. Tucci, and Mr. Koons voted yes.

**2. O'Neill, 700-705 Orange Court, Block 101, Lots 22 & 23 - Major Subdivision and Soil Moving** - Carried to 5/21/07 at request of applicant with no further notice.

**3. Saoud, 460 Cedar Lane, Block 1301, Lot 1 - Minor Subdivision** - Mr. Tucci recused and stepped down from the dais and then departed. James Major appeared on behalf of the applicant. Mr. Rotunda, applicant's engineer, was present. They appeared before, lacking the affidavit of service, now filed. Mr. Kaufman asked for the white slips and copy of the notice. Mr. Statile's report was dated 4/11/07. Mr. Kaufman advised let the record show the notice indicated there would be a public hearing on 3/19/07, and on 3/19/07 the application was carried until tonight. The form appears to comply with the statute. Mr. Kaufman advised Mr. Major to proceed with the hearing (for the first time). Mr. Major presented the application and advised the plans changed after the soil removal permit was changed, and one house will be built on speculation. The reason for the minor subdivision, is that the conveyance is to the family, but if a minor subdivision, it could be built on speculation. They will apply for County Planning Board approval. There are two houses currently, and they only plan on constructing one for now, the second later. Further there is an old garage on the property.

(RVPB 4/16/07 Minutes)

Mr. Kaufman advised it was listed as a major subdivision, and there is no demolition permit or application for the new homes. There is an application to subdivide the property into two parcels, each of which can be developed, and he would recommend the applicant call Mr. Rotonda, their engineer, who is experienced before the Boards.

Mr. Rotonda, Professional Engineer and Planner, with offices in Ramsey, NJ, was sworn in, gave his credentials and experience, was questioned by Mr. Kaufman and accepted. Mr. Rotonda testified there are freshwater wetlands delineation, with flood plain maps, and an existing dwelling and garage exist on the property at present. Flood Plain Category 1 requires a 200' buffer. The existing roadway is 30' wide. They propose two lots. Lot 1.01 has an identical plan when it was approved for soil movement. Both lots comply with bulk and zoning requirements for the zone. The other lot is large due to wetlands and flood plan. It is across from the Hillsdale Pool.

He received the comments of Mr. Statile dated 4/11/07. Mr. Rotonda said there is a decrease in impervious because of the parking lot area. They are seeking DEP approval. The houses are shown as a building envelope for site plan approval. They agree with most items in the letter. Mr. Kaufman recited items 4 through 18, to which Mr. Rotonda said they have no problem with. He commented with respect to item #8, regarding sidewalks and curbs around the entire tract. That will be between the County and the Township, and they would like to defer to the County, but it will be a "catch-22" situation. There will likely be widening, and the County will most likely want it widened 30' with sidewalks further back. Mr. Koons stated this Board always requires sidewalks and curbs and for widening to take place. Mr. Statile asked if the Board wanted the widening. The County no longer necessarily widens the roads anymore, but they will take the easement.

Mr. de Stefan asked if there was a safety issue and felt sidewalks were needed. Mr. Rotonda agreed, but suggested a minimum to the swim club. Mr. Goldman noted a conflict with underground utilities on the plan. Mr. Rotonda could correct that. He also corrected the plan per Mr. Statile.

Mr. Major had nothing further. Mr. Goldman asked for clarification on curbing and sidewalk. Mr. Kaufman advised it will be along the entire perimeter of the property as suggested by Mr. Statile. He asked the applicant if he would put in the curbing and sidewalks along Piermont and Cedar. Mr. Major and Mr. Rotunda conferred with Mr. Saoud. The final answer was yes, they agreed to the curbs and sidewalks all the way around. Mr. Statile saw no need for widening. The County will now listen to the Board.

Sheet 1 of 2 of the Subdivision Plat was marked A1, and marked by Mr. Wahmann as the Acting Secretary for the meeting. He outlined the lot and asked how much usable area he has on the lot and suggested it was 13,000 in useful area. They are selling a 60,000 sq. ft. lot with a lot less useful area, and it could pose as a safety area. He would like to see them go past the permit markers to preclude them from passing into the wetlands. He would like to see something permanent in there. Mr. Kaufman asked Mr. Statile for a list of conditions.

There were no interested parties in the public.

The matter was continued to next month for revision of drawings to include sidewalks and curbs.

The Board took a recess from 9:35-9:45 p.m., and reconvened with a new roll call. Mayor Blundo and Mr. Tucci had departed.

**4. Pascack Hills Properties, 634 Orangeburgh Road, Block 302, Lot 29** - Russell R. Huntington, Esq. represented the applicant and advised they had County approval. Mr. Kaufman advised the Board was in receipt of the Proof of Publication and Affidavit of Service, and they comply with statutory compliance, but they do not pass on substantive aspect of the notice. Mr. Huntington provided the County approval/Developers Agreement, which is unsigned. Mr. Statile said it does not get signed until the local Board acts. Mr. Kaufman advised that the record should show that the Joint Report was issued on 3/4/07 and 3/2/07 and Mr. Huntington also provided the County Soil Approval. Mr. Huntington said it meets the definition of a minor subdivision. Mr. Koons commented it is a major because of the work in the road and expressed concern about children walking to school along this dangerous curve. Mr. Huntington said it was a catalyst for improvement by the

County. Mr. Koons did not agree. Mr. Goldman said they have gone through this; they always get sidewalks and curbs, and they are not going to waiver on this, at least he is not. Mr. Huntington read the definition of minor subdivision and said the improvements themselves were not off-tract. Mr. Koons said they always ask for curbs, sidewalks and road improvements on County roads. A discussion ensued between attorneys and the Board.

Robert Costa, Engineer, and Planner, 325 South River Street, Hackensack, NJ was sworn in and said Mr. Kaufman in that would have to have the map filed--the difference between minor and major. The curb exists. You can certainly build a sidewalk without removing the curb. Mr. Kaufman asked if his client had a problem with a sidewalk along the County road. Mr. Costa responded the client would put in the sidewalk. Mr. Kaufman asked him to speak with his client to see the practical difference between the minor and major (it is not worth arguing over). The client had a problem with the major vs. minor. Mr. Kaufman asked would he perfect it by map instead of deed. Mr. Huntington asked him to clarify. Mr. Kaufman explained the Board's desire is to classify it as a major, and if they could tell us the practical difference, it is not worth fighting over a title. Mr. Huntington said the other question he had about the major, was he needs to understand the consequences, and if there would be any other substantive or documentary requirements on this map as it is now submitted. Mr. Kaufman deferred to Mr. Statile. Mr. Huntington commented it is the necessity of having to go back to the County with a whole new string of requirements and notice for a major. Mr. Kaufman felt the notice was adequate. The Board is questioning whether it should be classified as a major. Mr. Huntington then he would like to amend their application for preliminary and final major.

Mr. Koons asked where the curb would go. Mr. Costa said it is shown as "future curb line by others", a dotted line. Mr. Costa showed details and there were restrictions put on this parcel as a result of the other subdivision to the South, which created lots, and it could appear that it was all done together. Mr. Wahmann questioned whether they should even be in here with the C1 waterway and wanted verification, review and comment by Mr. Statile.

Mr. Huntington questioned Mr. Costa. He is the engineer for the project and prepared the plan. The subject

area around the property is all residential. To the South is a new subdivision, with two houses already built. The two houses they are proposing, Lots 29.03 and 29.01 would front on the existing roadway and one would front on Orangeburgh Road. Mr. Huntington showed a photo board containing 18 photographs, all labeled, marked A1, which fairly represent existing conditions at the site. The photos were taken by Mr. Stabile, who told Mr. Costa he did so.

Mr. Huntington continued. Mr. Costa described the topography and existing conditions on the site. A slight berm area is in the front. There is a flood area, and they went and took photos today, but did not get them back yet. This particular property was not flooded, and with this storm, any issues would have certainly been visible. They are creating two building lots and are adhering to design standards which he is familiar with. It is difficult to do so with the curve. It is almost impossible to get a square lot line. Lot 29.01 is as rectangular as it could be.

The Board asked for the zoning book, and Mr. Statile read from it as to definitions. Mr. Koons asked Mr. Costa if he had the rear yard required on Lot 29.02 for the southwest corner. Hoiem Court is the new street, but the front door would be on Orangeburgh.

Mr. Costa testified was familiar with the zoning ordinances for the Township of River Vale, and the subdivision as presented addresses and complies with each of the requirements of the bulk standards and the C1 standards and regulations, upon which he spent a great amount of time. Mr. Koons said he wants the driveways to be as shown. Mr. Costa commented on the utility service, available on Hoiem Court and Orangeburgh Road. It is a simple application, and all they are doing is taking a subdivision already out there, and developing the opposite side of the street.

Mr. Costa continued. All utilities will be underground and meeting contemporary engineering standards. There were no topographical concerns. There was 600 yards of soil to be removed, relatively small, based on excavation. The lot grade would be left essentially as is. Mr. Kaufman asked how many trucks and the route. Mr. Costa responded about 50, and onto County roads to where sale of soil leads them.

(RVPB 4/16/07 Minutes)

The transition buffer is a 50' limit along the easement to the Township.

They discussed the dedication to the County in detail. It will not affect the size of the houses, except for coverage, and they could make them smaller. Mr. Huntington said they could make the road widening by Deed in lieu of easement, but they would prefer the later due to time elapsing. Mr. Costa commented the lots are currently 30,000 sq. ft. +, and just taking the current house down and adding on to make it a really large house would not conform to the zoning. Mr. Huntington said the approval is by easement, but he wanted to know the wishes of the Board, since there is concurrent jurisdiction. Mr. Kaufman suggested writing to the County Director of Planning and advising them the Board would like the property conveyed by fee instead of easement and see what their response is.

Mr. Huntington asked, and Mr. Costa described the provisions made for stormwater management. There will be brick paver driveways, and the houses with the drainage measures will meet with the applicable state and municipal regulations for runoff. There are no provisions on this site for quality management. He described the buffers. Environmental impacts were discussed. No new ones were proposed; it is already used as residential. It would not fail to meet contemporary design and engineering standards. It brings the whole development into conformity by creating three new homes, one fronting on that street. The plans meet the current standards. Mr. Goldman noted only two were sealed. Mr. Costa would see to it.

Mr. Kaufman asked Mr. Statile whether he had an opinion on a waiver for an EIS. He responded he wants a waiver from DEP and a test for seepage pits. Also, he would like to see an LOI.

Mr. Goldman requested clarification concerning the darkened area on Orangeburgh Road. They will modify the plan from "by others" to Richard Stabile. Further, Mr. Goldman commented regarding the schematic print of buildings, and it was noted if they make a major change, they have to come before the Board. Mr. Kaufman stated there are site plan issues. If the building coverage exceeds the ordinance, they have to file an application before the Board of Adjustment.

(RVPB 4/16/07 Minutes)

An ample discussion about markers took place. Mr. Koons also noted a tree placed directly on the property line - Mr. Kaufman said they could move it. Mr. Costa is to provide a tree replacement plan.

At 11:00 p.m. it was announced that the matter would be carried. Applicant's attorney indicated they would take some of the things discussed tonight under advisement that were not originally contemplated. The numbers may change, and they can not do anything to put them in the C1.

**DISCUSSION:** None

**Payment of Invoices:** None

**Next Meeting:** May 21, 2007

**Adjournment:** On motion made, seconded and carried, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

---

Mary R. Verducci, Paralegal  
Recording Secretary