

**TOWNSHIP OF RIVER VALE  
PLANNING BOARD  
April 21, 2008  
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
Chris Wahmann	Secretary
Robert Menville	Designee
(For Mayor Joseph Blundo	Class I)
Peter Wayne	Class II
George Shalhoub	
Mark Ericksen	
Ron Tucci	
Jim Tolomeo	Alt. #1
Scott Lippert	Alt. #2

**Also Present:**

Dennis Deutsch, Esq., Board Attorney  
Christopher Statile, PE Board Engineer

**Absent:** Bruce Carillo Vice-Chairman  
Dwight de Stefan Class III (Councilman)

**MINUTES: March 17, 2008** - The Minutes of March 17, 2008 were approved as amended on motion of Chairman Koons, seconded by Mr. Shalhoub and carried.

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Chairman Koons stated to the Board that Mr. Carillo was in a serious auto accident and would not be at the meeting. If anyone would like to send a card, he is sure it would be appreciated.

**RESOLUTIONS:**

**1. JPE Construction, 532 Cleveland Avenue, Block 1510, Lot 22 - Whispering Woods Hearing & Major Soil Movement -** (Mr. Shalhoub recused) chairman Koons noted the Resolution was rather long, 13 pages and asked if all Board Members read it and whether there were any questions. There being none, Chairman Koons moved the Resolution for approval, with second by Mr. Tucci. On roll call vote, Mr. Ericksen, Mr. Tucci, Mr. Shalhoub, Mr. Menville, Mr. Wahmann, Mr. Tolomeo, and Mr. Wayne voted yes. Mr. Koons voted no. Mr. Lippert was not eligible to vote.

**2. Schmidt, 765 Orangeburgh Road, Block 202, Lot 21 See Below -** A motion for approval deemed as read was made by Chairman Koons, seconded by Mr. Wayne and carried unanimously.

**PUBLIC HEARINGS:**

**1. Blue Hill Estates, 719 & 707A Orangeburgh Road, Block 202.01, Lots 9, 15.01, 16.05 - Preliminary Major Subdivision & Final Subdivision -** Chairman Koons and Mr. Wahmann were recused. Mr. Shalhoub acted as Chairman. Mr. Deutsch advised he received a request from the applicant for a one month adjournment of the hearing. He brought it to the attention of Mr. Carillo, who was swerving as the Acting Chair. He made a decision based on the conflicts involved to grant an adjournment. **This matter was be carried to 5/19/08 with no additional notice.** A member of the public voiced his opinion as to his disappointment that this matter has been adjourned several times. Mr. Deutsch advised it was not unusual to grant adjournments based on attorneys' and professionals' comments.

Mr. Koons and Mr. Wahmann returned to the dais.

**2. Rosell's Citgo, 307 Cedar Lane/190 Demarest Avenue, Block 1602, Lot 9 - Change in Use -** Nancy Saccente, Esq. represented the applicant. Al Rosell was the applicant. Notice was provided. Mr. Deutsch advised the Board that this afternoon it was brought to his attention by the Engineer and Land Use Administrator, and apparently this particular site is not on any tax maps as being in any

particular zone. This creates a strange anomaly for this Board. It can not hear a change of use without knowing what zone it is actually in. It leaves no alternative but to adjourn this particular application with a direction to the Governing Body that this needs to be addressed. He cannot advise the Board to continue to hear this application when it does not know what zone it is in. Further without seeing the application, he cannot say whether it belongs at the Planning Board or Zoning Board. Ms. Saccente inquired whether it would be a non-conforming use in any zone, and the response was yes. Since there was no particular zone that this was classified in, the matter could not be heard. The matter was carried to the next meeting if the issue is resolved.

**3. River Vale Country Club, 660 Rivervale Road, Block 701, Lot 4 - Conceptual Hearing** - Mr. Wayne has recused himself and stepped down from the dais. Robert Mancinelli, Esq. represented the applicant. Tom Martin, Design Manager for the permanent structure. The superintendent of the golf course was also available. Mr. Mancinelli advised that the golf course construction has already begun. Mr. Koons asked how it would be anchored. Mr. Martin responded since there are no footings necessary, they have 36" ground stakes. Mr. Statile indicated the ordinance is very clear - a tent is a structure, so essentially it is a building like any other building. Any foundation would be a UCC Code issue. Mr. Mancinelli stated they were told to come to the Board first to see if a site plan was necessary.

Chairman Koons said the golf course is a non-conforming use and questioned whether they had the authority to approve same, or would it have to go to the Board of Adjustment. A discussion ensued. Mr. Mancinelli thought the only issue the Board was going to look at was a site plan. Mr. Deutsch advised he felt the Chairman was correct, if they were expanding a non-conforming use, it would go to the Zoning Board, but they needed a denial letter. Chairman Koons asked and Mr. Martin stated the material was flame resistant. However, Mr. Koons did not think the Planning Board had jurisdiction. Mr. Statile said the golf course was a permitted use. Chairman Koons stated the golf course does not have a C/O for a golf course. Mr. Deutsch reviewed the ordinance, and the zone was "EO" Executive Office, with reference to accessory buildings,

provided they not be used for residential purposes. Based upon same it would be a permitted use.

The tent would be placed on ground with no utilities, lighting, water or gas. They would store carts and tractors. The life expectancy was 20 years. For water runoff, it would be up to the client. Mr. Koons was concerned about water runoff and stated possibly gravel would be needed. Mr. Deutsch advised applicant was inquiring if a formal site plan was required, which was discussed. Mr. Mancinelli was looking for direction. Applicant would apply for permits. They did not need a site plan, and the Construction Department would defer to Mr. Statile for more information and to monitor the water, etc.

Mr. Wayne returned to the dais.

**DISCUSSIONS:**

**1. Pool Company - Request for Interpretation** - Jim Tolomeo and Denis Deutsch, Esq. recused; Holly Schepisi was substituted for Mr. Deutsch as Board Attorney. Mr. Statile advised they were in the process of releasing the bond and the sign on the building is pre-existing. He recalled it was the Board's intention to slide the sign back into the private property, which it is, and he wanted clarification. It was confirmed that this was how it was supposed to be and as shown on the plan to be relocated.

Mr. Deutsch and Mr. Tolomeo returned to the dais.

**2. Schmidt - Request extension with respect to elements of approval** - Antimo Del Vecchio, Esq. represented the applicant. Mr. Deutsch reviewed that it was approved in 2005 for a minor subdivision. The applicant is seeking an extension of the time period for filing the subdivision deeds, which has expired. Mr. Del Vecchio explained the details, stating a copy of the map was sent last week to Mr. Statile for his review and approval, and now they are appearing. Mr. Deutsch advised anything other than the approvals granted at that time, i.e., COAH, etc., have to be complied with. Chairman Koons commented it was approved as a minor, but treated by everyone as a major. Mr. Del Vecchio stated they had no choice because the Resolution stated the plat has to be approved. The only difference is filing by map or deed, and they don't have the option of filing by deed now anyway. A discussion followed. Mr. Del Vecchio advised it is a minor, but they are treating it as

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a major, and as soon as they receive the map, they will sign it. There is a choice to perfect the subdivision by deed or map, but here they must do it by map.

The Resolution above was moved. Chairman Koons inquired of the Board Members if they read the Resolution for the Subdivision Reaffirmation and moved it for approval, deemed as read. The motion was seconded by Mr. Wayne, and was carried unanimously on roll call vote.

Chairman Koons stated he asked Mr. Deutsch to prepare By-laws for the Board and to include language and recommendations for when plans have to be submitted prior to a meeting and when the engineer has to put in his report. The plans have been coming in later and later, and Mr. Statile does not have enough time to review them. The Board then has complicated issues before it at the meeting with not enough time to evaluate the plans prior the meeting. Mr. Koons suggested plans be in 14 days prior and then a report the Monday before the packages go out. If any Board Members had any other recommendations, they should contact Mr. Deutsch or Mr. Koons.

**OPEN TO PUBLIC** - A member of the public, residing at 506 Cleveland Avenue had a question when the next meeting would be for Rosell's Citgo, and he was advised 5/19/08.

**PAYMENT OF INVOICES:** None

**NEXT MEETING:** May 19, 2008

**ADJOURNMENT:** On motion made, seconded and carried, the meeting was adjourned at approximately 9:15 p.m.

**Respectfully submitted,**

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