



**TOWNSHIP OF RIVER VALE
PLANNING BOARD
May 16, 2005
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".

=====

ATTENDANCE:

Members Present:	George Paschalis	Mayor
	Chris Wahmann	
	Robert Menville	Council Liaison
	Norman Goldman	
	James Hanna	
	Bruce Carillo	Vice-Chairman
	Kenneth H. Koons	Chairman
	Mark Ericksen	
	Maria Sapoppo	Alternate #2
 Also Present:	 Paul Kaufman, Esq.	 Board Attorney
	Joseph Zaniello, P.E.	Board Engineer
	Michael Hakim	Board Planner
	Brian Dempsey	Board Traffic Engineer
 Absent:	 George Shalhoub	
	Eric Anderson	Alternate #1

MINUTES:

March 21, 2005 and April 18, 2005 - A motion for approval of the Minutes of 3/21/05 and 4/18/05 as amended was made by Chairman Koons, seconded by Mayor Paschalis and carried unanimously.

CONCEPT REVIEW:

1. Subway, 655 Westwood Avenue - Amended Site Plan -
Choo Han Kim and Ellen Kim of Ridgefield Park, NJ, applicants came forward. They are proposing a restaurant, and that is why they are present. According to the Code, they need to have variances for the size of the space and seating. The existing space 1,518 sq. ft. Mayor Paschalis asked for an explanation of the establishment and how long people would stay there. They indicated they need an additional 27 parking spaces. Mr.

Kaufman stated it is based on the total number of spaces--currently existing is 32; 7 is for Subway, but they need additional spaces. Mr. Kim stated he wants 28 seats, and each table is 2x2. Mr. Kaufman read from the Ordinance as to the number of spaces required, based on seats and square footage. Mr. Kaufman advised it is in his best interest to get an attorney. Mr. Kim stated he did not have an attorney and was acting as an individual. Mr. Kaufman asked if he knew the standards of proof necessary for a variance. Mr. Kim did not, and Mr. Kaufman explained he needs an attorney to guide him through the process of a variance, such as legal notice. It is in his best interests to hire an attorney to make sure it is done right. His case needs to be legally sufficient, and reiterated it has to be done correctly. Mr. Kaufman asked if he had the consent of the owner in writing, and he did not. The Board had a brief discussion about the Developers Agreement of the project. The plan was dated November, and the Board questioned what happened since then. Mr. Kim explained he was communicating with the franchisee. He has been trying to do this for the past few months. As soon as he gets Board approval, and the construction is completed, it would be one and one-half month for the opening, possibly August. Mr. Koons commented he should really take a closer look at this, because a variance for 27 parking spaces is very hard for the Board to conceive. Mr. Menville questioned the number of spaces. Mr. Zaniello stated the entire building was approved as retail, which is 1 space per 150 sq. ft. Applicant also stated his architect is from Subway, and he may bring him in. Mr. Zaniello stated he deemed it incomplete for a number of reasons. He also must submit the original site plan so you can see what was there. You can't assume there are 15 copies in the file. Mr. Kaufman stated that is why he has to get an attorney, so he knows what to do. All the requests in Mr. Zaniello's review letter must be met. The applicants thanked the Board and departed.

DISCUSSION:

1. Tree Removal Ordinance: The Ordinance was referred to the Board by the Township Council. Mr. Koons stated the Committee is headed by Mr. Menville and reviewed the ordinance, reading sections that were recommended to be amended. Mr. Hanna felt it is a very bland ordinance. Fines should be imposed. Mr. Zaniello raised a number of issues. A discussion ensued about requiring a person who wants to cut down a tree to obtain a permit. Ms. Sappopo gave details of procedures she experience while working in New Milford, where there was a Shade Tree Commission and a Landmark Tree Register; if over 10 trees, it goes to the Planning Board. Mayor Paschalis noted it is the same here, except for sending the DPW out to mark the trees. Mr. Wahmann commented forming a Shade Tree Commission is important; there should be one. Then the Planning Board would not be burdened with this. It should go back to the Township Council first and then come back to the Board. Mr. Menville agreed there should be a Shade Tree Commission. The Board asked Mr. Hakim to comment on the proposed ordinance. Mr. Hakim came forward and stated he had nothing to do with this and did not see it until that evening. It was created without his input, and he can't comment on it since he did not read it, but he said the Advisory Shade Tree Committee has no regulatory authority, but has advisory powers, so perhaps

that body could serve the purposes. Further, he read the judge's decision, and gave his opinion of why he struck it down. He felt the Township had a very good ordinance as it was. A further discussion ensued at length regarding the committees and commissions and tree removal. Ms. Sapappo indicated the cost in New Milford for the Shade Tree Commission is approx. \$2,000., and they meet every month and have minutes. Mr. Wahmann stated it has to be more thought out before being brought before the Planning Board now. Mayor Paschalis said he would inform the Council. Mr. Kaufman suggested there be a subcommittee of the Planning Board to make a recommendation to the Council of what the ordinance should be composed of. Mr. Hakim suggested to read the judges decision and old tree removal ordinance, and it can be revised without a great deal of effort to satisfy the judge's concern.

The Board took a recess from 9:20 - 9:35 p.m. A new roll call was taken and remained the same. Mayor Paschalis came in at 9:37 p.m.

PUBLIC HEARINGS:

1. River Vale Developers, Poplar Road, Parcel 16A - Major Subdivision

Chris Wahmann recused himself and stepped down from the dais. Stuart Liebman, Esq. appeared and reviewed from the prior hearing at which they were heard, namely 2/22/05. Test pits were to be performed on I6A, which they did, and they submitted a set of modified site plan and architectural plans. The Site Plan last revised 4/29/05, Architectural Plans last revised 4/8/05. Stormwater Management Plan. Mr. Goldman clarified on the transcript of the 2/22/05 hearing, he was present, but not marked as in attendance, and the day stated was a Thursday, but it was actually a Monday. Mr. Liebman would review same with the court reporter after the hearing and make the corrections as necessary.

Andrew Cangiano, continued under oath. The overall plan, a rendering for an exhibit showing the grading, was marked A15. The Board would follow by looking at A4. (Mayor Paschalis returned at 9:37 p.m.) Test pits were done of the basin on 4/15/05. Mr. Zaniello was present for part of it. As a result, there was a redesign of the basin to drain out freely any groundwater that enters the basin. This was able to be done by a water quality chamber. The detention basis is exactly that. They were able to raise the basin about a foot and a half. Mr. Zaniello would review Par. G, a 6' orifice. Mr. Hakim asked if he believes infiltration would take place, and Mr. Cangiano responded yes. Mr. Hakim had more questions about the contours. If the water in the test pits is ground water, is it his testimony that the basin as he designed it, would keep the basin dry. Mr. Cangiano stated it is designed to handle a heavy storm event. As to the question whether it will always be dry, his response was yes. Mr. Liebman reviewed he was to provide cut and fill projections, and there would be 14,999 cubic yards as indicated on the revised calculation sheet (revised due to a typo). Mr. Liebman had no further questions. There were no questions from the public.

Mr. Zaniello had questions concerning landscaping on Exhibit A12,

which is Sheet 7, now being called Sheet 6. Mr. Liebman offered an explanation for clarification. Mr. Hakim asked if issues in his review letter would be addressed for clarification i.e., where post rail fencing would go, and he addressed other items. Mr. Cangiano answered. Sidewalks are a great concern. Mr. Kaufman advised the plans would have to be submitted to the DEP, and it would be a condition of approval. Mr. Kaufman believes the Planning Board cares, for safety reasons, about people walking along it. Mr. Kaufman stated when they make application to the DEP, they have to give notice and the Township can make any concerns known. The determination for a building permit will be with the Construction Code Official. Mr. Liebman stated for the little stretch of sidewalk, if it is not able to be constructed because of some agency, that contingency will be deemed satisfied and we will move forward. Mr. Cangiano stated currently there are no exemptions for municipal sidewalks. Mr. Koons stated they would have to have them review this for safety reasons. Mr. Kaufman suggested they hold off on this for now until the Board makes a determination. The sidewalk is part of the site plan. The Mayor could write a letter to the Commissioner regarding the exemption.

Mr. Hakim continued with his report. Some items would be addressed by their traffic expert. Mr. Hakim asked about the plantings on the Landscaping Plan. They would make it a little wider. Also, certain housekeeping items needed to be attended to on the Landscaping Plan. The Parking Plan, revised to 4/29/05, was marked A16; the width of the stairways and the sidewalks were discussed. Mr. Hanna stated the placement of the fire hydrant was a concern of the firemen. They would like to have the hydrant at the beginning of the street. He would get obtain this in writing and submit it to the Board. There was no objection.

The matter was opened to the public and Mr. Wahmann, 611 Poplar Road, came forward as a resident asked about a CN-1, but Mr. Cangiano had never heard of it, and it had nothing to do with the application. John Rea asked about drainage, noting Pine Lake has overflowed onto Poplar Road. Mr. Cangiano stated the design would reduce the amount of flooding and retention, less than the undeveloped condition. A discussion ensued regarding drainage and pitch. Mr. Zaniello asked for a note and details on the plan.

Gordon Meth, P.E., PTOE, Senior Project Manager with Greenman-Pedersen, Inc., of Lebanon, NJ. Mr. Liebman produced a curriculum vitae as Exhibit A17. Mr. Meth gave his credentials, education an experience and was accepted as a traffic engineering expert. Exhibit A18, the 4/11/05 report of Brian Dempsey, was marked. They could increase the width to 18'. The garage is for the residents only. All spaces would be assigned, and control would be restricted by a mechanical door with access by residents via keypad device. The 18' is sufficient for this type of activity. The striping could be extended for uniform aisle width providing a 25' aisle width is maintained. The spaces would be 19' for a consistent 24' width, adding a 1' on each side. Sight Distance is defined as a design of road speed. The "Green Book" NJ Transportation Details Manuals, has policies

for safe design. The posted speed limit is 25 mph and changes to 35 mph at the driveway. Mr. Meth discussed the elements of sight distance. The sight distance is 271' according to the ASHTO source he has been quoted. They measured it to be 335'. In both instances discussed they have more than sufficient. Mr. Liebman had no further questions. The sight distance stationing was shown on the Sight Distance Profile Plan displayed by Mr. Meth.

Mr. Hakim had a question for Mr. Meth. He asked for him to allay their concerns about conflicting movements for vehicles and pedestrians for the first 100' of Poplar Road where vehicles could enter and exit the driveway at Poplar Road, and the concern is for safety in that area, and specifically, if there is only 30' from the stop bar, etc., would anyone be waiting to turn in. Mr. Hakim indicated there are a lot of conflicting movements and would anyone ever back out onto Poplar Road. Mr. Meth responded the maximum queue leaving the driveway, even in maximum conditions, would never be more than one vehicle because of the vehicles leaving per hour. If necessary, an additional stop bar could be added per the Board Engineer's review letter, and applicant would not have a problem with that.

The matter was opened to the public. Sid Fleischer, 40 Pine Lake Terrace, asked if anyone did a traffic study, and Mr. Liebman explained there were. Mr. Koons asked if Pine Lake Village was included in our calculations. That information would have to be provided at the next meeting, since they did not have the reports with them. John Reas came forward. There being 14 spaces per building, plus handicapped spaces, and 14 surface parking spaces designated for visitors, he expressed concern about overflow of cars. Mr. Meth indicated they meet RSIS standards, and all visitor spaces would be in the surface parking area. He further asked about traffic study. Chris Wahmann asked what effect the traffic of the driveways coming out of 6A would have on the traffic coming out of another driveway on Poplar. Mr. Meth said he was not aware of any other driveways in the proximity of this driveway and there would be no impact. Mr. Wahmann asked if he would look into it further. Mr. Kaufman suggested letting them answer at the next meeting, since it is 11:15 p.m., and they are coming back next month anyway. The witness should clarify what studies he used. Is the question are you willing to show the driveways on the South side. Mr. Liebman advised they will look in the field and provide any information as to whether there are any other driveway and whether there would be any difficulty. They would not be amending the plan. It was agreed to. Brian Dempsey was also present as the Board's traffic engineer, and he came forward, but did not testify due to the lateness of the hour.

Mr. Kaufman announced the matter was carried to the 6/20/05 with time extension granted. The public will be given an opportunity to give their opinions. He would expect that this application would conclude and we should vote on I6A and I6B. Mr. Liebman agreed they would be done. Mr. Kaufman would prepare a Certification for each member of the Board for the

foregoing applications, and those that sign will be eligible to vote.

PAYMENT OF INVOICES - None

NEXT MEETING DATE: June 20, 2005 - Regular Meeting

CLOSED SESSION DISCUSSION - None

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

Respectfully submitted,

Mary R. Verducci, Paralegal
Administrative Secretary