

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
May 18, 2009
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
George Shalhoub	Vice-Chairman
Robert Menville	(departed 9:00pm)
Peter Wayne	Class II
Mark Ericksen	Secretary
Ron Tucci	
David Ward	Alt. #1

Also Present:

Dennis Deutsch, Esq.	Board Attorney
Christopher Statile, PE	Board Engineer
Lauren Roehrer	Land Use Administrator

Absent:

Bruce Carillo	
Chris Wahmann	
Dwight de Stefan	Class III (Councilman)
Scott Lippert	Alt. #2

David Ward was sworn in as Alternate #1 with the term ending 12/31/09 by Board Attorney Deutsch.

MINUTES:

The Minutes of **April 20, 2009** were approved upon motion of Chairman Koons, with second by Mayor Blundo and carried.

PUBLIC HEARINGS:

1. 1. Blue Hill Estates, 719, 707 & 707A Orangeburgh Road, Block 202.01, Lots 9, 15, 15.01, 16.05 - Preliminary Major Subdivision, Final Subdivision and Minor Subdivision - (Kenneth Koons recused) - Chairman Koons recused himself and stepped down from the dais, turning the chair over to Vice-Chairman Shalhoub. James D'Elia, Esq. represented the applicant. Ira Wiener, Esq. appeared on behalf of Kenneth and Barbara Koons.

Mr. D'Elia reviewed from the prior hearing and discussed Mr. Statile's report. Mr. Eichenlaub was also present. Mr. Deutsch advised although he believed the matter was already opened to the public, they should open now so there are no questions or issues.

The matter was opened to the public for questions of Mr. Eichenlaub, the engineer. Janusz Janisiewicz, 708 Chalmers Court, Block 204, Lot 7 came forward and expressed his principal concern was regarding the drainage. He questioned who, how and when with respect to maintenance of the drainage system. Mr. Eichenlaub explained and depicted on the plan the drainage system in the rear of the property. There is a berm and inlet, and the owner of Lot 15.02 would have to clean it out as needed. Mr. Janisiewicz asked who would provide maintenance. Mr. Eichenlaub advised the homeowners would have to. The berm is on the rear property line. There will be restrictions placed on the deed that they cannot build or obstruct it, and it must be kept open for the purposes of drainage. Mr. Janisiewicz reviewed the plan further and commented on the removal of the inlet, requesting it remain. Mr. Eichenlaub stated it would serve no purpose.

Mayor Blundo commented the Deed restrictions will clearly provide for this maintenance, and the Township does have mechanisms if a pooling situation occurs. The homeowner is summoned if it is not remediated in a certain amount of time. Mr. Deutsch requested an affirmation of the Deed restrictions by the applicant. Mr. Shalhoub asked about the landscaping and root systems in connection with

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the drainage, which were clarified. There were no changes to the plans from the prior meeting, but final plans

Marzena Janisiewicz questioned the distance of the berm from the property line. It was clarified there was 7' for the roots of the trees to branch. She would prefer the drain closer to the house, but then Mr. Shalhoub noted more trees would have to be removed.

Matt Higgins, Highland Mills, NY expressed concern about the water table asked how far from the property line does the berm end, and Mr. Eichenlaub stated the berm ends at the end of the property line. It is marked on the plan. Mr. Higgins asked about test pits. They will be done on individual lots. Mr. Statile said at the time the seepage pits are constructed they do test pits. Mr. Eichenlaub added that they already did two test pits a year ago and forwarded them to the Board. They hit no water. Mr. Statile had no problem with same and stated Mr. Eichenlaub will perform test pits for each lot and if not satisfactory, Mr. Eichenlaub must design a suitable plan or the lot is not buildable. Mr. Higgins continued with other questions.

Steve Jaroff, 709 Alexander Court, came forward and questioned the drainage shown on the plan. Mr. Eichenlaub responded.

Mr. Shalhoub asked about the inlet. Mr. Eichenlaub explained the inlet would be slid over to be on one property, not both.

There were no further questions from the public.

Mr. D'Elia reviewed Mr. Statile's report in detail, line by line, with their response and discussion by Mr. Statile and Mr. Eichenlaub. As to reorientation homes, they want the homeowner to have some discretion over the placement. Mr. Statile wanted a radial driveway off the street, and they agreed. The next topic reviewed was landscaping and trees. All shown on the plan will be installed, Mr. D'Elia stated. Mr. Statile asked the Board for direction on the landscaping plan so he could figure the cost in the performance bond. Mr. D'Elia said the bond should be placed on the landscaping plan, not the individual plot plan. They oppose it. Mr. Eichenlaub stated they would provide shade trees or pines every 40'

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along the North side of the roadway and questioned which. Mr. Deutsch stated there were to be 15. Mr. Shalhoub clarified the Board would look for shade trees. Concrete curbing was agreed to. They oppose sidewalks on both sides, and the extension of a sidewalk, stating it is not required by the RSIS. Mr. Shalhoub asked about concrete curbing along Lot 9, which they will take up with the County, who requires sidewalks. Mr. D'Elia continued with the report. The sanitary sewer easement was discussed. A discussion ensued regarding Lot 16.05. Soil plans could be provided with plot plans. Cross Maintenance Easement Agreements were agreed to. As for the last item, they requested clarification of the 30' wide easement, which will remain as it exists. They stopped at 9:25 p.m. and would continue next month. Mr. D'Elia requested a vote next month.

Mr. Deutsch advised the Board needs to see the final revised plans. Further, he needs to prepare a summary for the Board, and they should get the plans in as soon as possible so that he can be prepared to present this to the Board. He has to work off the plan to prepare the presentation. They still have to open up to the public to comments as well. Mr. D'Elia would return with revised plans. Mr. Tucci said the cul-de-sac issue is still an issue. Mr. Deutsch advised realistically they may or may not be seeing a vote next month. The public will have an opportunity to comment. The matter was carried to 6/15/09.

Chairman Koons returned to the dais.

2. Chemiteck 2006, LLC & Palisades Plaza Park North, 634, 644, 650 & 654 Rivervale Road, Block 701, Lots 5, 5.01, 5.02, Part of 6, 7, & Part of 8 - Preliminary Subdivision Approval, Final Subdivision Approval, Preliminary Site Plan Approval & Final Site Plan Approval - Mr. Deutsch advised there is an issue with respect to one of the property owners giving authority for the application to move forward. Without same, the Board does not have jurisdiction to hear this. It should be resolved by next month. Applicant requested an adjournment until 6/15/09. Chairman Koons announced the matter was carried to 6/15/09 with no further notice.

3. Edgewood Country Club, 449 Rivervale Road, Block 1201, Lot 6 - Preliminary and Final Site Plan Approval - (Ron Tucci recused) The publication documents were found to be in order. Andrew Featy, Esq. from Herten Berstein,

represented the applicant, for Site Plan Approval, preliminary and final, with variances and waivers. Mr. Tucci questioned whether the other towns were notified, and it was clarified they had, in fact, served the three towns affected. Mr. Featy stated the club wants to make improvements which would be an asset to the community, providing an open space ratable. They want to create two new structures and would explain why it would be an asset to the community. Exhibits A1 and A2 were the application and publication documents.

George Derrick, Langan Engineering, Elmwood Park, NJ was sworn in, qualified and accepted as a licensed NJ Professional Engineer and Planner. Mr. Langan testified they mounted boards from the application. Exhibit A3 was an Aerial Photograph dated 2007. Mr. Langan explained it was an enlargement of the photo showing two sites of the applicant seeking variances, consisting of a maintenance building and a new improved pump house.

Mr. Tucci questioned whether he should be recused since he resides at River Vale at Holiday Farms, which is located within 200' of the site. He was listed on the Property Owner's List. Mr. Featy stated they served everyone on the list. Mr. Tucci recused himself and stepped down from the dais.

Mr. Derrick continued. The buildings do not increase the intensity of the site, but just modernize and upgrade the facilities. The maintenance building is a very simple one, 15' high, well set back, with just electrical and no plumbing. Presently, this is an open area with outside storage. The irrigation pump house, closest to the road, was discussed next. Drawing 20.01 was shown and marked A4, dated 3/4/09. Access will be from the existing maintenance road, with no new access to Piermont Road. There will be a paved drive to access the pump house. There are three trees to be removed and replaced in accordance with the ordinance. The water quality will be much better, and the building will take that water and distribute it around the golf course. New underground electric service will be needed. The noise levels are very low.

Drawing 26.01 was dated 3/4/09 and showed Building Elevations and Floor Plan. Mr. Koons asked about containment wall. Mr. Derrick advised they were in case of a leak. There are sealed metal storage tanks for

fertilizer, with no odors, delivered to the site. They already exist in the existing maintenance building in the central portion of the site, and are being moved. Mr. Koons asked why it could not go back further away from Piermont Road. Mr. Derrick stated the pump station needs to be near the source. Chairman Koons was concerned about the view and the noise. There would be two, sixty horsepower pumps. They are concrete block buildings with siding over them. Chairman Koons was concerned about the noise level and asked for the decibel. Mr. Statile noted there was a wood roof. Mr. Derrick stated there was insulation and another roof.

Chairman Koons asked why it had to be so high and would it be screened. He also asked about the stone. Mr. Derrick stated they prepared illustrations marked Exhibit A6, Irrigation Pump House, Edgewood Country Club, showing a stone base, similar to the existing homes on the other side of the project. Also, there was vinyl siding and a hip roof. The building is just under 16' high. Chairman Koons asked if it had to be so high. Basically, they were trying to make it blend in with a residential neighborhood.

The next exhibit A7, Irrigation Pump House, consisting of a series of photos taken of Piermont Avenue, was displayed. The building is buffered from the roadway. There was no driveway. Exhibit A8 was another photo of the Irrigation Pump House. A9 depicted a view of the conditions that you would see from the residential homes on Piermont Avenue. It is buffered and fits into the area. Chairman Koons noted the colored renderings looked better than the black and white renderings. Sheet 20.01 showed the trees, followed by a discussion about Spruce trees. They have to replace 17 trees because of the trees they are taking down. Chairman Koons commented he would like to see less of the building, and he would appreciate if they could look at the height and do anything they could to minimize this.

Mayor Blundo inquired about the chemicals that are being shipped in. This would be later answered by the superintendent. For now Mayor Blundo asked about the sound. Mr. Statile stated it could be insulated and soundproofed. Mr. Deutsch asked for a stipulation, and applicant would stipulate that it would not be audible at the property line. The Chairman asked for a proposed color scheme. Mr.

Derrick explained they would be subdued colors—beige and grey.

Mr. Statile inquired about water pressure for the residents. Mr. Derrick stated they made an application to United Water with their demands for increased pressure. It is presently 88-90 psi. The tanks are filled with liquid fertilizer and pumped out. The hours will be 10am-4pm. Mr. Deutsch inquired about water pressure due to sprinkler systems. The Mayor asked what documentation we could obtain from United Water about water pressure.

Paul Dotti, 22 Oweno Road, was sworn in, employed as Golf Course Superintendent by River Vale Golf Course and questioned about water pressure. The water pumps 1,800 gallons per minute. Mayor Blundo was concerned about fighting a fire. Mr. Statile spoke of a pressure sensitivity switch that would shut it off. Mr. Dotti explained the irrigation process now undertaken for all golf courses, which goes through small pipes. They try to minimize throwing it into car paths. Approx. 20 gallons per nights go through the system, and it saves on labor, is safer and it is state-of-the art. There are no insecticides.

As for variances, Chairman Koons stated they need to submit proofs. Mr. Derrick testified there are three variances surrounding the buildings. Golf courses are permitted uses, but accessory buildings apply to residential lots. Presently they have one club house and eight accessory buildings. When they add these there will be ten. The buildings are larger than the accessory buildings schedule. They have a building that is going to be 16' and 17-1/2' in height, needing a variance. There are six variances needed—three for each building. Mr. Derrick set forth the need for the variance. Mr. Featy noted they are way under the impervious coverage. The lot is 40,000 sq. ft. By granting these variances it would permit the owner to maintain his property in a more efficient manner, provide a desirable visual effect, and create open space. There would be adequate buffering. In terms of the front yard set back, they are exceeding that. He examined the Zoning Ordinance of the Township, as well as the Master Plan and opined that the variances will not be detrimental because they would not increase the intensity of use. Trees will be replanted in accordance with the Township Ordinance.

On the negative criteria, Mr. Derrick stated these variances would not have adverse negative impact on the neighboring properties. The only residences are across the street—apartment buildings and single families. The Board can grant these variances under these proofs.

As for the waiver, it has to do with the wetlands, and they had an expert prepare a report 3/24/09, certifying there are no wetlands activity. The Board can grant that waiver in his opinion. There were no other variances required. Chairman Koons asked if they had any exceptional narrowness, shallowness, and the response was they did not.

Mr. Statile questioned Mr. Dotti as to his irrigation of the ponds. Mr. Deutsch discussed how the Board would be satisfied as to the water pressure, fire protection and safety. If they just bring a letter, it might not suffice.

Mr. Derrick reviewed and responded to Mr. Statile's report. The fence is not structurally damaged. It is rusty and brown. They will maintain the fence and it blends in with the environment. Everyone should take a look at it.

Chairman Koons discussed the order for the next meeting. Mr. Deutsch asked if they would like to carry next month with a time extension or close tonight with very serious concerns of the Board which were not addressed in total. Mr. Featy consulted with his client and stated they would adjourn and carry until the next meeting, addressing the issues of sound and water pressure.

There were no further questions from the Board. The matter was opened to the public. Ron Tucci, 55 Holiday Court commented he would like to see the fence stay as is and not replace it unless it falls down.

The matter was carried to the next meeting, 6/15/09.

Mr. Tucci returned to the dais.

RESOLUTION:

1. Resolution Authorizing Planning Board to Defend the Board in the matter of Rockland Built Homes, Inc. vs. Planning Board of the Township of River Vale - Chairman Koons moved for approval of the Resolution, deemed as read,

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with second by Mayor Blundo. On roll call vote, Mr. Shalhoub, Mayor Blundo, Mr. Ericksen, Mr. Wayne, and Mr. Koons voted yes. Mr. Tucci voted no.

2. Nicolini, 517 Brook Avenue - Chairman Koons moved for approval of the Resolution, deemed as read, with second by Mr. Ericksen. On roll call vote, Mr. Shalhoub, Mr. Ericksen, Mr. Wayne, and Mr. Tucci voted yes. The remaining members were not eligible to vote.

3. Pumpernicks III, LLC, 215 Rivervale Road, Block 1719, Lot 6 - Change in Use - Chairman Koons moved for approval of the Resolution, deemed as read, with second by Mr. Shalhoub. On roll call vote, Mr. Shalhoub, Mayor Blundo, Mr. Ericksen, Mr. Wayne, Mr. Tucci, and Mr. Koons voted yes.

DISCUSSION - Mr. Deutsch advised a new Ordinance was published, a substantial change to the Zoning Board uses, adopting a Zoning Ordinance table that was never established. There are some changes that have been made which can affect every application, and Mr. Deutsch advised the Board to review same.

OPEN TO PUBLIC - None

PAYMENT OF INVOICES: None

NEXT MEETING: June 15, 2009

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

Respectfully submitted,

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