

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
June 15, 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
Joseph Blundo	Mayor
Peter Wayne	Class II
Mark Ericksen	Secretary
Ron Tucci	
David Ward	Alt. #1
Scott Lippert	Alt. #2

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)

MINUTES:

The Minutes of **5/18/09** were approved upon motion of Chairman Koons, with second by Mr. Shalhoub and carried.

DISCUSSION:

1. **An Ordinance to Amend, Revise and Supplement Chapter 142-232 of the Code of the Township of River Vale, Currently Entitled "EO", Executive Office Zone** - Mayor Blundo gave an overview of the ordinance which would appeal River Vale Country Club Zoning rescinding the Executive Office Zoning providing for no building on the golf course for 50 years. The Council feels comfortable with this, and as law provides, we are taking feedback from the Board.

Chairman Koons noted as part of the change in zoning there were some agreements, and he asked if they were signed. Mayor Blundo said they were not yet signed, as there are lienholders, and they are asking everyone to agree. There are no applications on the Meskar site. This change in the zoning is a belt and suspenders approach to insure no one is going to build on it. Chairman Koons commented but until they sign it we have nothing. Mayor Blundo responded the only missing piece is we need the two lienholders to agree on the 50 year conservatory that would put the golf course in a condition that it would not be built upon in 50 years. Until then we cannot move forward. For now we are removing the EO which is the only way the golf course could be built today, and the only way we can honor this. In this economy he did not anticipate anyone coming forward to do this, and we are doing everything we can do to seal the deal we agreed to. Chairman stated the Board can comment on it. It all must come into place or the deal is off.

Mr. Shalhoub asked and Mayor said he would have to check to see if it was a golf course zone. It would be a good comment for the Council to see what this property would be zoned for if this was removed. Mr. Lippert read country club, golf course. Mayor said right now they are conforming, as opposed to executive office, and we believe this will protect the property while we are working on finalizing this. Mr. Tucci was concerned that this would be spot zoning. Mayor Blundo said they paid attorneys who advised this is satisfactory. Mr. Tucci referred to the restaurant and said perhaps there should be something written in to that effect.

Mayor Blundo stated the Township Council was seeking feedback, the pros and cons, and anything they should contemplate before they move forward. Mr. Deutsch advised there should be a memo in writing from the Land Use Office

or Board Secretary to the Township Council setting forth the comments and recommendations. In addition, Mr. Statile, wrote a compliance report with six comments, and the planner's recommendation was that it is consistent with the Master Plan. Mr. Deutsch expanded upon the memo, adding definitions for golf course, restaurants, etc. Chairman Koons asked how we can zone it golf course when we do not have such a zone, and Mr. Deutsch advised the Town can create a zone as long as it is consistent with the Master Plan, and the planner did state it was consistent. The Mayor hoped feedback would be forthcoming as soon as possible for the next Council meeting. Mr. Statile indicated the Council could extend it, and Mr. Deutsch advised the Council may pass it without the Board's comments. Mr. Statile's memo could be expanded upon and forward to the Council. Board comments could be sent to Mr. Statile via email as well. The Mayor will take these comments to the Council and ask them if they would wait another month for the Board to take action on Mr. Statile's letter.

2. An Ordinance of the Township of River Vale Amending Chapter 142 of the Code entitled Land Use - The Board reviewed the Ordinance. Mr. Deutsch advised that the Council made certain recommendations for this ordinance to be adopted in conformance with what this Board asked the Council to do. It is the Limiting Schedule. All Board members read it. Mr. Shalhoub questioned if lot frontage was at the street. Mr. Statile said it was from the front property line. A question arose as to a minor subdivision being described as six lots as opposed to three. Chairman Koons asked if the Board wished to vote on the Ordinance, subject to the amendment of the six lots for a subdivision. Chairman Koons moved to adopt the recommendation that the number of lots for a minor subdivision be limited to three lots. The motion was seconded by Mr. Wayne and carried unanimously on roll call vote.

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. Deutsch advised the hearing was concluded. Mr. D'Elia stated at the end of the last meeting the Board asked for an amendment to the plan, which they now have, dated 5/26/09. Mr. Eichenlaub was present to identify the changes. Mr. Deutsch advised the parties could then sum up and asked for clarification of which members present were eligible to vote, confirming there was a quorum. Mr. Lippert was not present at the next meeting, and would have to listen to the tape. Mr. de Stefan was not present but was also not present at the last meeting. Mayor Blundo advised he was absent for some meetings and asked for a list of dates that Mr. Menville was present on his behalf. Mayor Blundo and Mr. Lippert would read the transcript. Mr. Deutsch would provide a summary for the Board at the next meeting and also distributed a copy of his notes to Board Members. Mr. Wiener commented the ordinance change could impact the application. Mr. D'Elia confirmed with the new provision, they are conforming on lot frontage; otherwise, there would be a variance, but they provided language in the catch-all phrase in their notice. Mr. D'Elia requested confirmation that the requirement for frontage on a cul-de-sac bulb is 75', or in the alternative, they would ask for a de minimus variance of 1.1'.

Richard Eichenlaub, applicants engineer, continued under oath and described the changes to the plan, bearing a last revision date of 5/26/09, per the directions of the Board at the last meeting, including, but not limited to adding a Tree Removal and Replacement Table on Sheet 9 of 9 showing 28 trees to be removed, with an additional 11 shade trees as requested. The White Pines along the rear were replaced with Spruce. The sanitary sewer easement is on Lot 16.05, done under the original subdivision. Mr. Statile had a brief question about the drainage and stated his objection was that all sanitary sewers run out to the right-of-way. Mr. Shalhoub stated they would have to go onto Lot 16.04 to service same. Mr. D'Elia would address this in his closing statement. Mr. Eichenlaub added there would be a 15' drop curb on the Koons property.

The matter was opened to the public for questions of the engineer on the changes. Janus Janisiewicz, of Chalmers Court, requested that the difference between the double inlet be a full one foot below the berm. Mr. Eichenlaub said it could be done. Steve Jaroff, 709

(RVPB 6/15/09 Minutes)

Alexander Court, asked for continuation of the trees along the swale. Mr. Eichenlaub said they were not proposing additional trees on top of the berm or on the back side. The existing swale would be maintained "as is".

There were no further questions from the public or the Board. The sewer line would be capped at the new Abbe Court invert at the end.

Mr. Deutsch read from his written notes, Board Issues, as to the conditions. Also it was noted sidewalks not being installed, as they applied for a waiver. They also would not contribute to the sidewalk fund. Mr. Deutsch advised the Board has the right to ask questions and inquired if 9.01 was obviated, but it was indicated it was still an issue. There would be one landscaping plan for the entire site, but Mr. D'Elia was still objecting. The landscaping for each lot would be at the homeowner's discretion. There will be a plot plan coming before the Board for approval. He believes bonding for it is not necessary. Mr. Shalhoub commented they needed to put some type of value on it. Mr. D'Elia disagreed. Mr. Statile stated the Ordinance has a Checklist that requires a Landscaping Plan. He recommends to the Township Council a bond that could be \$5,000. or \$10,000. Some type of a handle must be provided so he could put a value on it. Mr. D'Elia said they provided a landscaping plan showing over 600 plants. Mr. Statile stated one tree constitutes a landscaping plan for completion. Also Mr. Deutsch included the request for lowering the inlet for a full 12" drop.

Mr. Wiener commented. He asked if the sewer should be capped at both ends. Mr. Statile said you could put a clean out on one side. He also asked if they could save the tree at #1195, and they would try. Further, he asked if Mr. Statile could be the Field Engineer. Mr. Deutsch advised it is the practice at present.

The matter was opened to the public for comments. Steve Jaroff, 709 Alexander Court, requested consideration that the trees along the lower swale be made a condition of approval. There were no further comments from the public.

Mr. D'Elia summed up. They were able to come up with a plan that is very helpful as far as Mr. and Mrs. Koons are concerned, resolving many issues for a very long time, and Mr. Deutsch has a list of 20 items. Happily, they

submitted their revised plan and as the frontage ordinance turns out, a hardship or C2 variance may be justifiable. Mr. D'Elia stated they think this is a better alternative. Everyone should be responsible for their own drainage on their own lot. The system is pretty straight forward, with a berm, swale, and a collection of water coming to a drainage point. It is easily maintainable individually rather than forming a homeowner's association, for the cleanout of leaves. With respect to the minor subdivision, followed by the major, if the Board is so inclined to approve both applications, there would be a waiver and variance that would last a few seconds. They don't mind a gate installed by the Koons, only after transfer of title to the property. They strongly oppose the in lieu payment regarding the sidewalk. They are prepared to put in a sidewalk, but not on Orangeburgh Road, a prior subdivision; however, they don't believe a sidewalk is necessary. The engineering was mostly about drainage, and Mr. Eichenlaub did a very competent job, covering all his bases. They will comply with Bergen County Soil Conservation District, add a silt fence, berm, and any other soil measures as required by them. They discussed the landscaping issue. The swale between 16.02 and 16.05 was discussed, as was the rotation of the pipe, leaving the two grand issues: the cul-de-sac bulb and the sanitary sewer on Lot 16.05. The Board will make its decision. The Board has already approved it to be built in that location and did not raise an issue in its prior application. As for grading, this is the best location for the pipe, or we will be going up hill, or it will come out of the middle of the basement floor, and they object to that. As for the bulb, the client went back and forth, and he does not believe there are safety issues. The change will create a much greater obligation for Lot 16.03. It is a great application. They have conforming lots, a great landscaping plan and drainage plan, and he asks for the Board's approval.

Mr. Wiener gave closing comments and thanked the Board for its attention throughout this application, which has gone through many twists and turns. His clients support the application and it is a much better application for the Township. They were able to come to an agreement with the developer resulting in this much better plan. With the few comments made, they do not take issue with any of the other items, but he did want to suggest that with having the minor and major, it is conceptually better, and they have no objections to a one or two-part resolution.

Mr. Deutsch advised he would not be present at the next meeting, and that the Board could proceed with his replacement, but he preferred to be present. He asked if they wanted to consent to wait until the next month. Mr. D'Elia advised his clients wanted to proceed next month with a vote. A transcript would be available for August for Mr. Deutsch. Transcripts would also be given to Mayor Blundo for the hearings at which he was absent. The matter was continued to 7/20/09 with a time extension granted.

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 - adjourned to next meeting at request of applicant, as applicant is not ready, with no further notice required.

3. Edgewood Country Club, 449 Rivervale Road, Block 1201, Lot 6 - Preliminary and Final Site Plan Approval - (Ron Tucci recused) Mr. Tucci recused himself and stepped down from the dais. Andrew Featy, Esq. from Herten Berstein, represented the applicant. George Derrick, Langan Engineering, was present to describe the changes to the plans.

Mr. Derrick continued under oath. The first exhibit was marked A8, Flooring Plan and Building Elevations, with a revision date of 5/29/09. This showed the pump house building, and they reduced the height to 16.25'. They added building materials and colors. Finally, they added a pressure transducer to the pump house, and if ever it was too low, it would be shut off and stop pumping. Mr. Featy advised the flow test from United Water was submitted to the Board with correspondence. Mr. Statile submitted a review letter dated 6/11/09, based on the revised plans.

Exhibit A9 was the Irrigation Pump House, with the same revision date. Mr. Derrick stated this showed the site plan drainage and grading with additional evergreen trees and spruce trees for screening as requested by the Board. Chairman Koons noted a space in the landscaping screening, visible from the street, and asked if he could move one spruce 10' to the East to provide more screening, and they

agreed. This would be left to the field engineer to accomplish. Mr. Featy said they would agree as long as it did not interfere with the piping, and they wanted to screen it as best as it could. They also agreed to comply with Mr. Statile's recommendations in paragraph 5 on page 5, by adding an interior smoke and heat detection in the pump house for remote access and monitoring in the event of a fire. On paragraph 5 on page 4 they agreed to the Knox box system as well.

Mayor Blundo asked why this location was necessary so close to the street. Mr. Derrick stated the source of water is from the street, and you want to reduce pressure by boosting the water. Mayor Blundo referred to a \$20,000-\$30,000 comment, but it was clarified that was for a chain link fence, not to save money by putting it next to the road. Mr. Wayne asked if the pond was staying, and the response was yes, they are going to maintain it. It is governed by the DEP. Chairman Koons thanked them for being cooperative. Mr. Statile had no further comments.

There were no questions from the public. Chairman Koons moved for approval with the conditions as stated and that the Board Attorney prepare a memorializing Resolution for the next meeting, but it is approved tonight. On roll call vote, Mr. Shalhoub, Mayor Blundo, Mr. Ericksen, Mr. Wayne, Mr. Ward, and Mr. Koons voted yes.

4. Seth Lombardi, 683B Westwood Avenue, Block 2101, Lot 58 - Change in Use Application - Ms. Reisch represented the applicant. Mr. Lombardi would like to turn the space into a hair salon per the information contained in the packet and requested any questions. Mr. Deutsch swore in Seth Lombardi, the applicant and proceeded to questioning. There would be four to six chairs. Mr. Statile submitted a review letter. Ms. Reisch had no problems with same. Chairman Koons asked for the floor plan, which was submitted, and noted absence of the toilet. Ms. Reisch commented the toilet was installed by the landlord subsequent to the preparation of the floor plan. Mr. Lombardi noted the dispensary would be located where the old bathroom is. One floor plan was made by the owners and one was made by Mr. Lombardi. There was a handicapped bathroom depicted as well. There are two sinks for washing hair, a bathroom sink and one sink by the dispensary. Mr. Shalhoub stated the bathroom was not ADA compliant. They

(RVPB 6/15/09 Minutes)

would take it up with the landlord. Mr. Deutsch advised it would be a condition of approval.

There were no further questions from the Board and none from the public. Mr. Statile commented other than the repair of the exterior sidewalks, he had no further questions. Mr. Ericksen expressed concern about the lunch station being near the hair coloring station. Ms. Reisch said it is not a public lunch room and is only utilized by the licensed hair stylists. The hours of operation would be in compliance with Blue Laws, as they would be open on Sundays. The lighting is adequate. Signs would be in accordance with Township regulations. That is part of their Lease. Mayor Blundo suggested they check them carefully. Mr. Statile commented they require four spaces, and there is plenty of parking.

There were no further questions or comments. Mr. Lippert moved for approval with second by Mr. Shalhoub. On roll call vote, all members voted yes. They thanked the Board.

RESOLUTIONS: None

OPEN TO PUBLIC - None

PAYMENT OF INVOICES: None

NEXT MEETING: July 20, 2009

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

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