

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
June 16, 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
Robert Menville	Designee
(For Mayor Joseph Blundo Class I)	
Peter Wayne	Class II
Dwight de Stefan	Class III (Councilman)
George Shalhoub	
Mark Ericksen	
Ron Tucci	
Scott Lippert	Alt. #2

Also Present:

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

Absent: Bruce Carillo Vice-Chairman
Chris Wahmann Secretary
Jim Tolomeo Alt. #1

MINUTES: April 21, 2008 - The Minutes of April 21, 2008 were approved as amended on motion of Chairman Koons, seconded by Mr. Shalhoub and carried.

RESOLUTIONS: None

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 was recused and stepped down from the dais. George Shalhoub acted as Chairman. James Jaworski, Esq. represented the applicant. Ira Weiner, Esq. represented the objectors, Kenneth and Barbara Koons. Mr. Jaworski reviewed from the prior hearing.

Richard Eichenlaub continued under oath. The matter was opened to the public. A member of the public, Mr. Higgins, came forward from New York, whose mother lives at 712 Chalmers Court and questioned Mr. Eichenlaub as to the easement to allow landscaping. He had further questions regarding steep slopes and clarification of impervious coverage. Mr. Eichenlaub elaborated upon same using the plan. Further questions were regarding a berm, swale, drainage, detention system, and whether the lot would be a flag lot. Mr. Eichenlaub responded he has sufficient frontage, and there is no flag lot. He further explained the drainage at length. The plan Mr. Eichenlaub was referring to was a colored rendering of what they are proposing for relocating the detention system in the right-of-way of Abbe Court and the detention system at the end of the swale. It was placed on a Grading and Utility Plan. He had no further questions.

Jill Jaroff, 709 Alexander Court, Lot 22, came forward with questions from her husband, Steve Jaroff, who was away. Hers is the property that the easement was granted to. She asked if it was being honored, and Mr. Eichenlaub responded yes. She asked if there was a plan to build a berm there, and the response was no. They are reducing about 75% from that property. She asked if any trees on that property would be removed, and the response was no. Mrs. Jaroff had no further questions.

Janusz Janisiewicz, of 708 Chalmers Court, in connection with his concern about any excess water flowing onto his property, had two questions. He gets water in his basement and asked if you add more water to the ground will it worsen the condition in his basement. Mr. Eichenlaub stated they did soil tests and there was no evidence of water. What they are doing is, and water does run in a West

to East direction, the improvement they are doing in the rear of the properties will certainly be an improvement to the situation. Mr. Janisiewicz asked if they could do something to improve the situation on his property, and Mr. Eichenlaub said he had no problem with it, but would ask his client. He asked to indicate the swale on the plan, and Mr. Eichenlaub had no problem with that as well. There were no further questions.

The matter was closed to the public.

Mr. Jaworski commented the Board and neighbors received copies of the two plans, reduced in size, which were marked into evidence. These showed the relocation of detentions system in the right of way of Abbe Court and the drainage in back of Lots 15.05 in a southerly direction to the rear of Lot 16.05. The Relocated Stormwater Detention was marked A5, and the and Drainage Schematic was marked A6. These set forth the changes made by Mr. Eichenlaub. There were no further questions or comments, and Mr. Jaworski requested the matter be carried until the next meeting. Mr. Deutsch asked for a time extension, and Mr. Jaworski agreed to give a time extension through the next meeting.

Mr. De Stefan moved to allow to be adjourned to the next regularly scheduled meeting, 7/21/08, with second by Mr. de Stefan and carried unanimously. The matter was carried to the 7/21/08 meeting, which, at the end of the meeting, was changed to 7/24/08. Damian Gil would send a letter to the interested resident and post same on the web.

Chairman Koons returned to the dais.

2. Rockland Built Homes, 722 Westwood Avenue, Block 1801.01, Lot 30 - Major Subdivision - Robert J. Mancinelli, Esq. represented the applicant in an application for major subdivision. The property is situated in both the A and A1 Zones. It occupies a little under 95,000 sq. ft., and he would be presenting an application for Preliminary and Final Subdivision approval for two new single family dwellings. The notice and publication documents were found to be in order. There are variances for lot frontage, lot coverage, minimum lot width at setback, and steep slopes for disturbance of slopes over 25%. The dwelling on the property as removed. They are also seeking waivers from design standards and a soil moving application.

Richard Eichenlaub, PE, RL Engineering, was called, sworn in and accepted. Chairman Koons asked for clarification. Photos were requested, and would be distributed and described by the witness. Mr. Eichenlaub displayed the plans, consisting of three sheets, dated 7/26/07, marked A1. One sheet was the Existing Conditions Map, dated 7/26/07, marked, which shows the existing dwelling, a driveway coming off Westwood Avenue, and a barn. The second sheet, showed the proposed improvements for the subdivision. Minor Subdivision, Soil Erosion Plan was marked A2. Mr. Mancinelli clarified they would be using the three-page plan, as A1. Mr. Eichenlaub identified the six photos, describing each, which were marked into evidence, as A2-A7. Mr. Eichenlaub described the plan in detail. Most lots in the rear of the property are heavily wooded.

Mr. Eichenlaub gave a brief overview of what the applicant wants to do on the lot. The rear of the property is the Hackensack River. Approximately half is in wetlands and C1 boundaries of the Hackensack River. They are looking to redevelop the southerly portion of the property with two new swellings. One with frontage on Westwood Avenue and one in the ear, with access via strip of land from Westwood Avenue. Lot 30.01 is the rear lot. Proposed Lot 30 is in the A zone and proposed lot 30.01 is the A1 zone; both lots are in compliance for lot area. Lot width variances are required for both lots. In the A zone, 120' is required; lot frontage for A1 is 150'. Mr. Eichenlaub reviewed the zoning table. Another variance is required for steep slopes. The prior owner had been required to remove fill from the rear area, and because of the requirements of the State they had to disturb some of the steep slopes. They are seeking to disturb approx. 145 sq. ft. or 10.8% of the steep slope area. If they did not have to go in and groom the area per the State, they would not have had to disturb the steep slopes. That addresses the four bulk variances for the two lots and the steep slope variance. Mr. Statile requested discussion on the bulk variances. This was a flag lot.

Mr. Eichenlaub continued. All utilities are existing and they would add new lines. There is brand new service line for the sewer. Anything that was servicing the barn would be removed. He described the seepage pit locations in detail. Mr. Eichenlaub continued with tree removal and

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replacement. They would be removing 8 on Lot 30 and 86 on Lot 30.01. The size of the proposed houses was as follows: For Lot 30 is 3,600 sq. ft, and 3,950 sq. ft. for Lot 30.01. They are seeking four design waivers.

It was 10:05 and Chairman. Koons indicated they would only be going to 10:15 pm. Mr. Mancinelli said they would rather stop and continue at the next meeting than rush through for ten minutes.

They would confer as to the meeting date to assign to this application.

DISCUSSIONS:

1. River Vale Board of Education Land Exchange Proposal Letter RE: Land Swap - Mr. Deutsch advised the developer requested an advisory opinion from the Board, stating that it is not in conflict with the Master Plan. This Board can not say yes or no to the land swap. It has no jurisdiction over the land swap. If an application is made, and this is the proper Board, then this Board has the jurisdiction to hear the application. No one has the right to rely upon an advisory opinion given by this Board. It can only rely on a formal recommendation or resolution.

Mr. Koons wanted to make it clear that an application is not before us to do the subdivision and land swap; they can do this without us. Mr. Lippert said it is not up to the Planning Board; it is up to the Board of Education; it is a policy making decision. Mr. Deutsch advised if a plan comes to the Planning Board and the Planning Board finds it is in conflict with the Master Plan, it is a reasons for a denial.

Mayor Blundo said he did some research. In his opinion, part of this deal complies and part of it doesn't. He would have trouble accepting a letter from the developer stating it is not in conflict with the Master Plan.

Mr. Koons asked why it is only advisory on or part, when it is clear that it involves a subdivision. If it is a subdivision, then we have jurisdiction. Mr. Deutsch advised if they engage in some type of exchange, then it is a subdivision, which results in an illegal or improper subdivision of property and the exchange becomes illegal.

Mr. Lippert commented we have no right to do anything at this point. The decision is with the Board of Education at this time. If they move lot lines, then it is a subdivision.

The Board discussed an advisory letter and agreed that Mr. Deutsch should send a letter back to the developer. Mr. Tucci expressed concern about leaving something out in a letter to a builder. Mr. Statile commented the Board is getting too involved in the mater and the Master Plan at this juncture. Mr. Deutsch advised the Board could send a letter based on the Master Plan, and include any other concerns reserve the right to make any amendments or additions and will not allow any developer to put this Borough I the corner.

Chairman Koons moved that the Board direct its attorney to prepare an advisory letter to express the concerns of Board, in response to a letter from Russell Huntington, Esq., of Huntington Bailey, stating that as part of the approval of the approval process by the Department of Education, it is necessary to obtain an advisory opinion letter from the Board, stating that the proposal will not interfere with the Master Plan of the municipality. Mr. de Stefan said all these issues raised by the Board tonight are part of the Master Plan. Also, Mr. Huntington indicated there would be lot line changes. Mr. Deutsch would issue the letter based on the comments made. On roll all vote, all members voted yes.

Chairman Koons expressed that the Board welcomed input from the public. A member of the public asked if the Board felt the public should go to the Board of Education, and Mayor Blundo stated it would be the forum to address it.

Paul Tolin, Rivervale Road, expressed great concerns of himself as well as other members of the public. He commented the Board of Education is supposed to make decisions on education of the children not on land. He attended a Board of Ed meeting, and all but one Board Member voted yes at the meeting for the land swap. He wants to stop this. Judy Feldman, 588 Colonial Road, with an emotional appeal, read an extensive letter from the residents against the matter. They respectfully asked the Planning Board to reject any proposals for a land swap and/or subdivision by Pascack Hills Properties. A resident

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named Jeff read a lengthy statement about the benefits of living in River Vale, and the detriments of the proposal.

Mr. Tolin asked, and the Mayor responded the letter of Mr. Deutsch would be posted on the bulletin board and added to the website.

OPEN TO PUBLIC - None

PAYMENT OF INVOICES: None

NEXT MEETING: July 21, 2008 - Meeting date changed to July 24, 2008 due to vacation schedules.

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at approximately 10:15 p.m.

Respectfully submitted,

Mary R. Verducci, Paralegal
Recording Secretary