

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
June 19, 2006
MINUTES**

The Planning Board saluted the flag.

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".

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ATTENDANCE:

Members Present:

George Shalhoub	
Chris Wahmann	Secretary
Robert Menville	Council Liaison
George Paschalis	Mayor
Bruce Carillo	Vice-Chairman
Mark Ericksen	
Norman Goldman	
James Hanna	
Maria Sapuppo	Alt. #1
Kenneth H. Koons	Chairman

Also Present: Paul Kaufman, Esq. Board Attorney
Christopher Statile, PE Board Engineer

Absent: None

MINUTES:

Chairman Koons moved for approval of the Minutes of 5/15/06 with one amendment. The motion was seconded by Mr. Carillo and carried unanimously.

RESOLUTIONS FOR APPROVAL:

1. Hayden, 707 Westwood Avenue, Block 2101, Lots 5 & 6 - Subdivision - Mr. Kaufman advised there was one change to add, "applicant can submit a minor subdivision plot or do by a Subdivision Deed". A motion for approval as amended by Mr. Kaufman was made by Mr. Carillo and seconded by Mr. Hanna. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Goldman, Mr. Carillo, Mr. Hanna, Mr. Ericksen, and Mr. Koons voted yes. Mr. Menville, Mayor Paschalis and Ms. Sapuppo were not eligible to vote.

DISCUSSION:

1. River Vale Community Center, 630 or 632 Rivervale Road - Ed Arcari, of Arcari and Rubino Architects, of Little Ferry, appeared and presented the application for a new community center is proposed for the current community center, which will be demolished. Mr. Arcari referred to Drawing 8.102, the Floor Plans, which showed meeting rooms and closet space, common lobby, restrooms, kitchen, macadam, and parking spaces. Everything is handicapped accessible, and there would be sidewalks around the back. Mr. Kaufman asked if it was consistent with the Master Plan. Mr. Arcari did not know; Mr. Statile answered it is consistent with the Master Plan. As for a MLUL goal, it provides sufficient space for the appropriate recreational uses, and the goal is met by this project.

Mr. Hanna asked what the interior was like. The response was a wood frame building, with painted sheet rock interior and vinyl flooring. Mr. Goldman asked for the capacity of the building, which was expected to be various, considering boy scouts, girl scouts and seniors. The maximum occupancy is to be listed and posted, 100 persons for each room. It would be built to Code. First Friends would be returning there. Mr. Hanna asked him to check the numbers and the Fire Code. He asked if the building was sprinklered, and the answer was no, but that was something that should be looked into. Mr. Koons commented the toilets are undersized in number. Mr. Kaufman advised the Board has the right to make recommendations on this capital improvement and move the Governing Body to consider that recommendation. Mr. Koons would like him to check that it conforms to the Code. Mr. Kaufman advised that we should advise the Governing Body it is the Board's recommendation to increase the number of toilets. Mr. Arcari would follow up with the Mayor the next day as to same. Further, the Fire Dept. had the plans, but they did not hear back from them yet. Mr. Hanna suggested prior to any action, it be

submitted to the Board of Fire Officers to review the access. Mr. Kaufman indicated it is an independent review, and made a notation.

Mr. Koons called for a motion to approve, subject to the comments. Mr. Wahmann asked the Chairman if there was any rush. The Mayor indicated he wanted the project to get underway. Mr. Menville commented a special meeting of the Council would be held the next evening as to the demolition, and they would like to get the project completed by the Fall. Mr. Kaufman outlined the conditions - add North arrow to the site plan, submit to Board of Fire Officers, and mountable curbs in parking area which are ADA compliant. Ms. Sapuppo suggested a walkway in addition to the concrete pad on exiting in the back, in consideration of handicapped and seniors. Walkways from the back of the building to the front was added. Mr. Hanna commented that there was only a path there and no walkway. Mr. Koons asked, and Mr. Arcari stated there would be a fire extinguisher in the kitchen.

Mr. Kaufman advised the Board is charged with reviewing capital projects, making recommendations to the Governing Body and informing them whether it is consistent with the Master Plan. The Chair was open for a motion. A motion to submit to the Mayor and Council with Planning Board recommendations, was made by Mr. Carillo with second by Mr. Goldman. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mayor Paschalis, Mr. Goldman, Mr. Carillo, Mr. Hanna, Mr. Ericksen, and Mr. Koons voted yes. Mr. Menville abstained. Ms. Sapuppo was not needed to vote. Mr. Carillo asked when the final plan would be submitted to the Planning Board. Mr. Paschalis informed him Mr. Arcari would be back at the next meeting with plans for the North Firehouse.

PUBLIC HEARINGS:

1. Locajo, Inc., 207 Rivervale Road, Block 1719, Lot 5 - Change in Use - Carried to 7/17/06 at request of applicant;

2. Durie Properties, Orangeburgh Road, Block 601, Lot 10 - Soil Moving Permit - Carried to 7/17/06 at request of applicant;

3. River Vale Developers Extension of Approval for I7C - (Mr. Wahmann recused) Carried to 7/17/06 at request of applicant, since Mr. Liebman was on vacation. Mr.

Kaufman advised he received a letter from Mr. Liebman with certain documents. He found the submission was not compliant with the terms and conditions the Board adopted in February. The Resolution also provided that the extension of I7C was only through tonight, and an application was made for a further extension. The applicant's attorney is on vacation, the applicant is not appearing tonight, and they requested an adjournment of the hearing. Because Mr. Liebman is on vacation, his advice was to adjourn to next month. By its terms, the Extension of the I7C expires tonight. There should be a hearing, but there is not automatic extension.

Mr. Koons made a motion to adjourn I7C to 7/19/06, and the granting of same should not be construed as the granting of an approval. The motion was seconded by Mr. Carillo and carried unanimously, with Mr. Wahmann recused.

4. Bergen County Utilities, Brook Avenue Access Road, Block 1601, Lot 3 - Informational Discussion - Nancy Skidmore, Waters McPherson, represented the applicant and advised they were appearing to present details of the minor improvements the BCUA intends to make at its pumping station, i.e., new emergency generator and lightning rods. Their engineer was present to outline the improvements.

Keith Weisman, Engineer, was sworn in. He was responsible for the electrical site plan. Mr. Kaufman asked how close the emergency generator was to any residences. There was no indication on the site plan as to where it was. Mr. Koons said they needed to submit a site plan that shows exactly where on Brook Avenue it is. He wants it, and the Board needs a site plan with minimal distances showing the residences. Mr. Kaufman added so the Board can see where it is situated and the residents it may affect. Ms. Skidmore stated it is directly West of Cedar Lane. She asked for the matter to be carried until the next meeting. Briefly, Mr. Weisman answered a few questions from the Board and stated there is an existing generator and gas lines. The matter was carried to 7/17/06.

5. Bergen Hills/River Vale Country Club Village - Conceptual - The Chairman informed the Board that the Township was approached by a buyer that wants to purchase Bergen Hills Country Club. This buyer is willing and able to sign off on no development of the golf course to build a senior project and provide a recreation field. This is a

concept hearing. Rose DeVito, Esq. of David Watkins, Esq. office appeared in the concept review. She gave an overview of the project and had the engineers who prepared the plan present for any questions. The applicant is River Vale Country Club Village. The Principals are Jason Kim and John K, potential purchasers of Bergen Hills Golf Course, and they would like to maintain the golf course for a minimum of 30 years and take a five-acre lot and build age-restricted housing, half of which would be single family dwellings. A portion would be maintained by the Township, and a recreational field, a soccer field, would be built. The applicant proposed to benefit the community by having this project, preserve the golf course and will save River Vale residents millions of dollars overall. She thanked the Mayor for allowing them to come in.

Douglas Doolittle, McNally Engineering, Professional Engineer and Land Surveyor came forward and gave an overview of the plans. The property in question is located on the East side of River Vale Road, where the fire house is. He illustrated the proposal on the plan. They are proposing to construct senior housing, age 55 and over, of 55 one-family units. Four single family houses would be razed. They can develop at 15 units per acre, but it works out to be 10.8. Mr. Doolittle showed fire egress and how fire trucks can turn around. Mr. Menville asked how many units would be COAH units. Mr. Doolittle did not know. Mr. Statile stated they are all market-rate units. Mr. Kaufman asked what they did to take the COAH Growth Share Obligation into consideration. Mr. Doolittle responded right now there are only eight parking spaces for visitors, but they realize they have to expand that. The Board questioned parking for the sports facility, extra parking spaces, COAH units, Growth Factor, and Lighting Plan. Ms. DeVito was asked to touch on the proposal to keep the golf course for 30 years, but she said they could make it a bigger number. It was reviewed that they were razing the four single family homes and the old library, and it would be a great improvement. Mayor Paschalis commented it is to a scale that is much more desirable than a dormitory type proposal. Further, Mr. Hanna expressed concern about fire safety access.

The Board took a recess from 9:13 - 9:25 p.m., to be followed by a Closed Session. Upon reconvening, a new roll

(RVPB 6/19/06 Minutes)

call was taken. Maria Sapuppo departed; all other members remained.

Closed Session Discussion: 9:25 p.m. - A motion to close the Public Meeting and go into Closed Session to discuss litigation was made by Mr. Koons, seconded by Mr. Hanna and carried. A motion to return to Open Session was made by Mr. Koons, seconded by Mr. Hanna and carried.

Return to Open Session: The Board returned to Open Session at 9:40 p.m. Mr. Menville departed.

PUBLIC HEARINGS CONTINUED:

6. **Price Construction, Graney Dr., Block 301.01, Lot 3.01 - Subdivision** - Mr. Prigoff, attorney for applicant appeared and informed the Board that they met with Fire and Police Chiefs and came up with revised plans submitted to the Board, which eliminated the problems with the cul-de-sac in a very satisfactory way. Instead of having pavers in the center of the island for reducing the width of Graney Drive, they are on the outside of the island, allowing fire trucks having full access and meeting requirements under Stormwater Regulations. The Fire Dept reviewed and approved this. Mr. Latinscics distributed the letter. The Police Chief said whatever was fine with the Fire Dept. was fine with him. They also changed the configuration of the sewer line. Mr. Latinscics explained in addition to the pavers, they also revised the grade--4% maintained throughout the cul-de-sac, with grading modifications to maintain that. They further relocated the sanitary sewer line, resulting in plan revisions to Sheet 3, dated 6/6/06, entitled Cul-de-Sac and Sewer. Mr. Kaufman asked Mr. Statile if he was satisfied, and he indicated he was not totally happy with the sanitary sewer line and explained why. Mr. Latinscics stated they would comply with Mr. Statile.

Mr. Koons asked if they were to move the houses back 15' with 15' of gravel and the same amount of pavers, would it eliminate the variances. Mr. Latinscics indicated no. The Board discussed with Mr. Latinscics moving the houses back 15', then 10'. Mr. Latinscics said it would be less of a problem, depending on the DEP. Mr. Kaufman asked if the applicant had an objection to moving the houses back 10'. The response was no. He further asked, what about a 10' addition to the driveway being gravel or other impervious material. Mr. Statile requested markers put on

the trees as to where they could not disturb. Mr. Goldman asked how they intended to handle utilities. Mr. Latinscics stated they would be underground, but were awaiting response from utility companies as to Graney Drive. Mr. Carillo asked if they did test holes, and they did, and found good sand conditions where the houses are. The far rear is wetlands. Mr. Kaufman advised any application for a building permit must have all tests submitted to the Borough Engineer for review.

Mr. Goldman asked about damage to roadway in #10, and if the engineer is asking for a repaving. Mr. Kaufman advised there will be a Developers Agreement which will provide if any damage is done public streets, the application would be required to ameliorate, as determined by the Borough Engineer. It will be a recorded document. They agreed to comply with his entire report. Mr. Statile asked if the Board wanted any additional plantings in the front of the house. Mr. Kaufman stated this is a hardship case as there are environmental constraints.

There were no further questions from the Board and none from the public. Mr. Koons moved for approval of the application, subject to compliance with Mr. Statile's report and all approvals from the required agencies. The motion was seconded by Mr. Carillo. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mayor Paschalis, Mr. Goldman, Mr. Carillo, Mr. Hanna, Mr. Ericksen, and Mr. Koons voted yes. (Mr. Menville and Ms. Sappupo were not eligible to vote and had departed)

7. Kearny Federal, 651/653 Westwood Avenue, Block 2206, Lot 13 - Site Plan/Sign Application - bifurcated - Michael Hubner, Esq. reviewed from the prior hearing the issues that were raised, particularly with respect to reconfiguring the parking lot. As a result of the replacement sign, there is some variance relief requested. Mr. Wahmann asked about the Medicine Shop neon sign. Mr. Hubner did not know about this. Mr. Kaufman advised this application is not for the Medicine Shop, and the applicant did not notice for it. Mr. Kaufman asked Mr. Statile if the revised plans addressed the comments in his letter, and he responded yes, the big issue was the reconfiguration of the parking lot, and he is satisfied with the reconfiguring. Mr. Kaufman asked if there were any variances, and Mr. Prigoff responded bulk variances no, just for the sign. The engineer stated the sign was 36" to the top. The

monument sign is 9' to the top. 67% of the sign is Kearny Federal; 33% is the tenant, Medicine Shop. Mayor Paschalis noted the sign is internally illuminated and violates the ordinance. Mr. Kaufman noted a variance is needed for that also. Mayor Paschalis stated the preference was external illumination. The applicant had no problem with changing it to external. Mr. Statile outlined the other variances for height--the required is 4', and they are providing 5'4" for more than a 4' area and more than 10' on all sides; the required setback is 5' from the street, and they are proposing 2'. The side yard is 8' proposed; 10' required.

Applicant's engineer explained why he needed a variance for the front yard. They also needed 2' for the front yard. The engineer did not know whether they could eliminate the variances. Mr. Kaufman suggested they bifurcate the application tonight for the application and the signs. Mr. Hubner had no problem with it. Landscaping was discussed next. Mayor Paschalis stated as long as the on-street trees are in compliance. He felt it was a great improvement. Mr. Statile said they were pushing for a few more plantings between the two parking areas. It was stated that five trees would be added. Mr. Hubner stated they would come back with a plan for signage.

A motion to open to the public was made by Mr. Koons and seconded by Mr. Carillo. There were no interested parties, and the matter was closed to the public.

A motion for approval of the site plan was made by Mr. Koons subject to the conditions, bifurcation of the site plan and sign application and compliance with Mr. Statile. The motion was seconded by Mr. Carillo. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mayor Paschalis, Mr. Goldman, Mr. Carillo, Mr. Hanna, Mr. Ericksen, and Mr. Koons voted yes. (Mr. Menville and Ms. Sappupo were not eligible to vote and had departed)

8. Absolute Fitness, 220 Rivervale Road, Block 1801, Lot 9 - Change in Use & Sign - Fred Pisani, Esq. represented the applicant, Creative Realty LLC, d/b/a Absolute Fitness, to do one-on-one training at the facility, and a sign variance to install a sign and panel into an existing sign with internal lighting. Mr. Pisani stated this was a use variance. Mr. Kaufman advised he was before the wrong Board. Mr. Paschalis stated it was a change of use. Mr. Kaufman reviewed the notice and asked

Mr. Statile if he reviewed the application and what the variances were. Mr. Statile reviewed same. Mr. Kaufman stated we do not have a plan that shows the amount of space to be used in the building and the allocation of the building. Mr. Pisani stated they spoke with the Building Official, Mr. LePore, before filing, and he said to take any survey and draw on it.

Mayor Paschalis asked if he were using the entire building for the on-on-one fitness, and the applicant said yes. Mr. Koons asked if they were eliminating the landscaping business, and applicant responded only for parking of trucks. Mr. Kaufman stated the Board needs to see a formal plan showing exactly what it is they are intending to use. At this time the application is incomplete. The Mayor was concerned about their using the parking lot for parking for something other than the businesses at the premises, and he felt it was a use variance since it was not permitted. Mr. Pisani stated they were permitted to park there and landscaped it. Mr. Kaufman asked if they went to the Zoning Board, and they responded no. Mr. Kaufman advised they need to go to the Zoning Board. It is up to the Board to determine if it is complete or note, but his opinion it is not, since there is an incomplete plan. Or applicant could ask the Board to make a determination on whether the use of the parking lot is a permitted use. The third alternative is to go to the Zoning Board for an interpretation. If they want to stay here and see if they can find jurisdiction, they must submit the proper plan. Mr. Pisani asked if they could come in on a concept, and Mr. Kaufman stated they could.

Mayor Paschalis stated if it were just for the fitness center, it would handled like the other change of use application. Mr. Statile commented it appeared to him that the application is for a change in the sign. Mayor Paschalis commented the inside is office space. Mr. Kaufman commented this discussion shows the Board does not know the facts or what the application is for. If applicant wants just a health center, they should come back with those drawings. If applicant wants the other use too, then they should go to the Board of Adjustment.

PAYMENT OF INVOICES: None

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

(RVPB 6/19/06 Minutes)

Respectfully submitted,

Mary R. Verducci, Paralegal
Recording Secretary