



**TOWNSHIP OF RIVER VALE
PLANNING BOARD
July 5, 2005
SPECIAL MASTER PLAN MEETING
MINUTES**

ADEQUATE NOTICE STATEMENT:

A Special meeting of the River Vale Planning Board was called to order at 8:05 p.m. The following statement was read: "This is a Special 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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The Planning Board saluted the flag.

ATTENDANCE:

Members Present:	George Shalhoub	Secretary
	George Paschalis	Mayor
	Chris Wahmann	Vice-Chairman
	Robert Menville	Council Liaison
	Norman Goldman	
	James Hanna	
	Bruce Carillo	
	Kenneth H. Koons	Chairman
	Mark Ericksen	
	Eric Anderson	Alternate #1
	Maria Sapoppo	Alternate #2

Also Present:	Paul Kaufman, Esq.	Board Attorney
	Joseph Zaniello, P.E.	Board Engineer
	Michael Hakim	Board Planner

Absent: None

Master Plan Presentation - Michael Hakim

Chairman Koons announced this was an open public meeting and reviewed from the prior meeting the preliminary Master Plan Presentation by Michael Hakim, the Board's Planner. Mr. Kaufman announced for the record, that this meeting was noticed as an official public hearing on the Master Plan pursuant to the MLUL. We

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published legal notice on 6/14/05 in The Record and gave notice to the Bergen County Planning Board and provided the appropriate Notice to the Township Clerk, as well as delivered Notice to all of the Clerks of the adjoining municipalities as is required under the Municipal Land Use Law.

Mr. Hakim thanked the Board and the public for coming out that evening. As he listened to the concerns at the last hearing, he went back into the Master Plan in preparation for this evening, only to remind himself these justifications were there all along. They were already in your Master Plan. He would like to use that language as the basis and asked everyone to follow along. He indicated he had gone through the Plan in detail, and thought it was necessary to get a feel for the entire document. He thought it important to walk everyone through it and wanted to focus on two key items for you to feel comfortable with the recommendations and accept them as your own and hopefully find them suitable for the next Master Plan, the first one in 30 years for the Township of River Vale. Those two issues specifically targeted the two northern golf courses, Bergen Hills and Edgewood, and the recommendations for both, which take into consideration the character of the land, the zoning, potential future of them, and how we should, in our professional opinion, go forward in the community with a generally accepted objective that the ultimate goal is to preserve those two golf courses. The southern golf course is already preserved. He prepared a presentation and brief presentation. He would go through them, starting with Bergen Hills, talk about their recommendations for them and for the existing zoning, then move on to the Edgewood Country Club. This would make it an organized approach.

Mr. Hakim referred to Page 18 of the Master Plan and proceeded to read Section 3.2.2.3, with the Board following along. The Plan recommends the elimination of the EO Executive Office Building Zone from River Vale's Land use Code. As originally intended, this building zone envisioned the development of a large scale, suburban office park, with large office and flex buildings on large lots of 25 acres or more with sprawling landscapes. This model was deemed appropriate in 1976 when first established, but is no longer desirable in the contemporary land use climate for several reasons. The one property is situated along the West side of the Lake Tappan Reservoir crossed by C1 waters. Also present are freshwater wetlands and possible flood plains, with environmental encumbrances likely prohibiting its development. River vale Road is the site's only access roadway, requiring major improvements, and lastly in the 30 years since enacted, no serious development proposals have

bee entertained by the Township. This is a clear indication that the EO zone is and has been unresponsive to market forces.

Commentary by Mr. Hakim followed. They will be removing a large piece of office zoned property from the Township. In order to compensate, we have replaced some of the office uses in the business district. He showed this on the enlargement. In town there are about five lots recommended for office use as a transition between commerce, retail and residential, and it was recommended it be atop stores. In the mixed use area, in the northeast corner of the Central Business District, directly across from the new Jewish Home, that is recommended for office and affordable housing. Also, there is one other lot at the corner of Cedar and Piermont zoned office, and the recommendation is reinforced that it remain office. So we do compensate by the loss of office land if we remove it from the golf course.

Mr. Hakim called attention to Page 24, Par. 3.2.5.2, Open Space, Recreation, Parkland - That is the land use category that they are recommending for the majority of the site; probably 80% of the golf course, a small portion remaining as conservation, and the frontage is recommended as a change to single-family residential. All of the existing Township-owned lands dedicated for this use have been included within this land use category. Other lands they recommended are publicly owned lands that have recreation potential. Finally, the majority of privately owned lands held for recreation purposes (i.e. Bergen Hills Golf Club and Edgewood Country Club) have also been included.

The related question, Mr. Hakim continued, is why is single family housing the best decision for the strip along Rivervale Road, what did we base this decision on, and how did we come up with the amount of housing and so forth that it is the appropriate balance. Ultimately we would like to save Bergen Hills Golf Course, but it cannot be saved alongside an EO type development. Should something occur to make a conforming development with an EO zone make sense to an applicant, and should someone come in with an EO application conforming to your zoning, the golf course would be lost. They cannot co-exist. We have to find something that makes sense and still maintain the golf course. The potential economic value of the property that we see, and it is diminished by the factors mentioned, we believe are replaced by residential economic development value for single family along Rivervale Road. If this were to happen, then the golf course could still be preserved. It would represent a continued and established development pattern along this corridor. Mr. Hakim identified a strip along the East

side of Rivervale Road. Giving the formula, using 120' conforming frontage, and providing for continued access to the golf course preserved, a maximum of 14 homes could be developed on conforming 18,000 sq. ft. lots consistent with the surrounding neighborhood. Cherry Brook is behind the recommended residential land. With the C1 setbacks, this distance would permit conforming lots on the 6 acres along Rivervale Road, which would still leave 93 acres for a reconfigured golf course. If this 93 acres proves to be insufficient in size, then at least nine holes could be preserved East of the Cherry Brook, and the remaining land could potentially be used for a _____ (inaudible) facility, which is needed. This solution could certainly preserve the golf course where an EO zone could not and an EO proposal never coming along. You cannot rely on your current zoning to preserve open space. There could be a claim that it is zoned inutility.

Mr. Hakim stated he would like to open discussion on this site and then move forward. Mr. Koons asked if it were A1 zoning, and Mr. Hakim responded yes, like across the street. A discussion ensued about access to the golf course, but that was going away from planning and towards designing. A question arose if the acreage owned by United Acres is included in the 99 acres of the golf course. Mayor Paschalis stated it was 33 acres owned by United Water in addition to the 99 acres. Mr. Menville asked for further clarification for this zone change. Mr. Hakim elaborated and explained there is little likelihood of an office development, which needs a minimum of 25 acres and cannot co-exist with a golf course. Therefore, if they take that away, they need to replace it with something else. In looking forward, residential makes the most sense and would enable the golf course to remain and at the same time coincide with the residential area as you go North. Mr. Menville commented how people on James Lane complain about the golf balls coming on to their properties. Mr. Hakim stated these are problem that could be addressed, and anyone buying a home there knows there is a golf course. He felt it is a small compromise to make on the part of this community that will help protect and preserve this property long into the future. It is a short-sighted belief, that if you rely on the fact that no one has proposed any development, and infrastructure changes become cost-effective. Mr. Menville commented this is not always true and asked if anyone ever considered doing to the golf course what they did to a farm in Hillsdale, that was purchased with grants. Mr. Hakim stated this was included in the Green Acres and Open Space Plan and that is one method that would preserve it. You have to approach this from various fronts. These are all desirable alternatives. You need to proceed on various fronts. If any of these developments do not

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proceed, you need to look at this from a planning perspective as well. If you agree on residential on River Vale Road, and preserve the rest of the golf course. Suppose the County comes in and purchases it, then it would never get developed. Just because the Master Plan says something doesn't mean it will be developed that way. The purpose of the Master Plan is to protect you against private investment interests in pursuing at some means of getting economic value out of this large land holding. We are trying to do that and insure the preservation and continuation of the golf course.

Mr. Wahmann with a particular application before the Zoning Board, asked about the justification of wiping out golf course accessory buildings. Mr. Hakim responded they are design considerations that go beyond a land use plan and elaborated upon same. This was discussed at length. Mr. Wahmann commented he found the rezoning hard to accept. Mr. Hakim explained they are trying not to force anything, but the potential for the future should not be the loss of the entire golf course because the alternative economic development of office building, but should be economic development of residential along River Vale Road with preservation of the golf course. No one is saying they have to do anything. Mr. Wahmann questioned whether this would be opened up to a suit later on, giving an example. Mr. Hakim felt it was better than zoning a property in utility than the alternative in today's land use climate. Mr. Kaufman clarified his role is planning to tell you what this property could be used as, and to give the Board a vision of what the Town will look like in the future. This is what we are doing here tonight. This is not zoning, that is an act of the Mayor and Council. This is his professional opinion, with your input, and that is all this Master Plan is. Other than giving a justification for a use variance or zoning ordinance in the future, it really has no legal control over the use of the property. It's really basically all we are doing here. We are going way to far in detail. Mr. Koons said it is site specific. Mr. Hakim said yes, it is to the extent that the ultimate land use for a portion of the site is expressed. Mr. Koons understood Mr. Wahmann's position and asked what protection there was from a law suit by the owner, requesting more residential. It is a matter of finding a land use that is acceptable here. Mr. Koons asked what the would be, and Mr. Hakim responded A. Behind that would be determined. Recreation, open space and residential. Mr. Koons asked if they had that and would we have to create a new zone. Mr. Hakim said it would be possible, and more than likely required. Mr. Kaufman clarified we are not drafting a zoning ordinance, only recommending uses. If there was an ordinance it would be crafted

by the planner and attorney and come back to the Planning Board for a recommendation. The only issue is what to do with this property. Mr. Kaufman advised as to the Medici proofs, and that the Master Plan can be used as justification for an application for a use variance. Mr. Carillo asked about the water company's position on this. Mr. Hakim we are doing something else here too. Right now the water company portion of this property is zoned A1, 45,000 sq. ft. lots, which is inappropriate and we are recommending it be watershed conservation. Mr. Koons that doesn't permit golf courses. Mr. Kaufman suggested referring to the use rather than the zone. Mr. Koons felt it was fair to the Board and the public to be recognizant of the zone and the very serious zoning changes could take place. Mr. Hakim agreed, that it would take place later in the process and is not a part of the Master Plan. Currently, an executive office park could be built there, and the golf course could be gone. A discussion among the Board Members and Mr. Hakim ensued with various questions and opinions. Mayor Paschalis referred to Goal #8 of the Master Plan, which states we do not want development on any of these golf courses. There was a discussion of whether this was a new goal. Mr. Hakim stated this was not created in a vacuum, he spoke with many people in the community. Mr. Goldman did not think the economic development on portion was the worst thing in the world. Mr. Koons commented the responsibility of the master Plan is the specific goal by statute of the Planning Board. Mr. Wahmann asked about where it goes after the Board approves the plan. Mr. Kaufman responded the Council - you are petitioning the Council to adopt the zoning ordinance that implements the Master Plan. This is the role of the Planning Board. A discussion ensued. Mr. Koons noted in previous Master Plan recommendations there have been minority reports also. There was noting further on that item, and they proceeded. Mr. Kaufman advised as to the options for opening to the public.

Mr. Hakim proceeded with the Edgewood Country Club. The question is are we doing something excessive to benefit it by proposing an assisted care facility along the northern side of Piermont Avenue, approximately 400' deep. It is over 50% larger than it needs to be to support an 18-hole golf course. Its underlying, unrealized value is that it is currently zoned A1, 40,000 sq. ft. residential lots, which could yield up to 134 lots, if fully developed. Such a development would not be in the best interests for River Vale given to the high cost of servicing residences, especially. If the club were to reconfigure their cost to and develop the remaining property for single family lot, they could maintain the golf course and up to 50 homes, which would also not be in River Vale's best interests. Therefore, they recommend

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the uses that would yield valuable ratables 2300' long strip along the North side of Piermont Avenue, which would leave 136.5 acres for a generous reconfigured golf course and country club. The net result is the club would retain its economic development value in the property in the golf course and country club could be maintained, a win-win. With single family development, the Town could only lose, with all the costs. Mr. Wahmann asked if there could be some COAH ratables. Mr. Hakim had not addressed it here, but depending what came in there could be some ratables.

Mr. Hakim referred the Board to turn to Section 3.2.5.5 Assisted Care Facility. The primary uses that either exist or are envisioned for this land use category include the existing Spectrum for Living home for the disabled, the Jewish Home, which is under construction and a consolidated band of property approximately 400' deep along the northern side of Piermont Avenue. A portion of the Edgewood Country Club currently occupies this latter property. Land uses envisioned for this property include such facilities as assisted living, congregate care, skilled nursing, and long-term medical care. The Plan recommends that the HDD Housing District for the Disabled regulations be revised to accommodate and enable all of these uses, and that it be assigned to govern land use in these three locations. The HDD zone currently only governs the Spectrum for Living site. The Plan for these properties also designates open space, recreation, and park land as legitimate secondary uses for the underlying land use and building zone, and as such considers this category as having an ORP Overlay designation. They are clearly encouraging the continuation as it exists today. Single Family use is inappropriate in environmental sensitive area. He referred to 3.2.3.3, Low Density Single-Family Residential. The only specific change recommended for this district, A1, is to remove the zoning designation for inappropriate areas. It was removed from the proposed land use plan.

One additional comment and twist to the recommendation is for the strip along the North side of Piermont Avenue. Mr. Hakim asked them to read the Communities Facilities Text on page 46, and look at the graph, Figure 6, immediately following page 46. They suggested alternative, that the northwest corner of River Vale Road, currently part of the golf course, be considered for a potential community facilities site. There is clearly a need for community facilities. This solution might solve more community issues and would diminish a little bit the strip along Piermont Avenue, in favor of one larger lot at that intersection for a community facility. Mr. Hakim stated someone could come in with a residential application for Edgewood Country Club, and he showed a

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recent plan dated 2/1996 for 134 homes. You would have 134 homes to service, school the children, etc., and would have a major impact on the community. They suggest a reasonable use is a potential assisted care use. You would satisfy the requirement for same and justify removing the single-family designation and preserve the golf course.

A discussion ensued. Mr. Hanna commented this did not protect the residents on the South side of Piermont Avenue. Mr. Kaufman asked if he had a problem adding senior house. Mr. Hakim responded it would be no problem. Mr. Kaufman advised you could add a new zone if you wanted to. Mr. Hakim noted there are two multi-family zones, with completely different densities, and you could do the same here. Mr. Koons stated he believes in consistency. Mr. Kaufman advised to create a zoning ordinance, there would have to be a planning basis for the density and bulk requirements in the ordinance itself. The problem is that the Land Use Law requires that the Master Plan or a re-examination be enacted every six years. If you don't do it the presumption of validity attached to your zoning ordinance is lost.

Discussions on the Master Plan Re-examination document continued. Mr. Koons questioned page 54, noting the absence of a skate park and a swim club as a weakness. The Board was polled as to whether to remove this. Mayor Paschalis supported a discounted rate at Stonybrook. The Board agreed to take this out. Mr. Koons referred to lot coverage restrictions and what we could do to improve them. Mr. Hakim noted with one, two or three limitations, the applicant could get around them, so more were suggested. It was noted the Township did not have floor area ratios. Mr. Hakim stated with a multitude of limitations you could protect against some applicants circumventing the attempt. The Board discussed the suggestion of combining the firehouses on Page 49 and the OEM on 52. Mr. Hanna's objection was to the site. Mr. Hakim stated each of the suggestions would have pros and cons, and this was submitted to the Fire Department and Municipal Facilities Committee. He did not receive any objections. The Board said it should not be site specific for the Fire Department. Mr. Hakim removed the language.

Mr. Koons moved to open the matter to the public, with second by Mr. Carillo. Mr. Kaufman swore in the members of the public as they came forward. H. Theodore Stempel, 558 Westwood Avenue commented there were a few things they did not address, i.e., the fire stations, Chief Rinaldi tanked the Council for a \$250,000. Expansion, and said in the long run it would save the town a lot of money because we are not going to build one, big fire house, so he suggested taking it out of the Master Plan. Further, he commented

about the assisted living and asked if the rezoning is revenue neutral, i.e., do the taxes get reduced or increased. Mr. Kaufman advised the taxes are based on the assessed valuation of the property, based in part upon its use, not necessarily the zoning. Mr. Stempel noted the B zone can have larger homes than in the A zone, so you could have larger houses on smaller lots. Mr. Hakim explained this was just a recognition of existing lot sizes. The only differences in the residential configuration of A and B in the southern part of town is the recognition of existing lot sizes. There are places where they do not conform with the zoning, and we were just suggesting it be designated as the existing zone. Page 9, Par. 1, continued from Page 8 was reviewed and read by Mr. Hakim, and he noted this was a common suggestion in the Master Plan. Mr. Koons asked why change the zoning when it might be that these development patterns will change. Attention was called to the top of Page 21 also. Mr. Hempel said he would like to see the sentence removed on the top of Page 21, on lines 3 and 4, ending with "replaced with the B Residential Zone". The Board directed Mr. Hakim to remove the language discussed. Mr. Stempel discussed private garbage removal. JJ Clancy, 261 Rockland Avenue, stated there is no application before the Zoning Board as commented on by Mr. Wahmann. Mr. Kaufman advised any other discussion other than the Master Plan is inappropriate. Mr. Clancy commented he feels that they are creating an entirely new Master Plan, and you should be careful what you put into the wish list, as it will come back to haunt you. Another important aspect that should not be left to later on is the economic plan. On all previous reviews, whenever there was a zoning change, the tax assessor was involved, to give the pros and cons as far as the ratables are involved. The public has to know what this Master Plan is going to cost them. We don't even have a tax bill yet. Mr. Hakim proposes to take 22 from the Edgewood Country Club, and that would be a non-conforming golf course. Mr. Kaufman advised it was not taking it, but rather rezoning it. He is continuing the golf course use, but recommending an additional use. Mr. Clancy said the ordinance states the golf course must be 164 acres. Mayor Paschalis said they will change the ordinance that says it is non-conforming. Mr. Clancy discussed the mixed-use business district and asked if they were proposing apartments above stores. Mr. Hakim explained it would be affordable housing. Mr. Clancy expressed concern with same, specifically parking and landscaping. Mr. Hakim stated this would be in a mixed-use zone. Mr. Kaufman said the RSIS does permit shared parking analysis, and Mr. Clancy's concerns involve site plan, and the Board could require it in this type of development. Mr. Clancy noted the plan allows home occupations. Mr. Hakim the State permits it on County roads, and the Town could permit it with

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controls. Mayor Paschalis thought it was taken out. It was the consensus of the Board to take it out. Mr. Hanna asked what type of business was being restricted. Mayor Paschalis stated the concern was a home that has offices on a quiet residential street. Mr. Hakim was directed to take it out. Karen Landau, 623 Montview Place, said she agreed with Mr. Clancy to have the Tax Assessor at these meetings the next time. If anyone has any objections to any part of this plan, she thinks it is great to be able to revisit it at any time, and to protect the people of River Vale in the golf course area to have massive amounts of homes built, please pass this tonight. A motion is to close the meeting to the public was made by Mr. Koons, seconded by Mr. Carillo and carried.

Mr. Kaufman advised the hearing has been closed to the public. The Board now has to decide what to do at this time, to vote on the Master Plan. A motion to vote on the Master Plan was made by Mr. Menville. Mr. Hanna asked what is the rush to vote tonight. Mr. Kaufman advised there are issues with COAH. Mr. Hanna asked for the COAH deadline, which was stated as July 22nd. Mr. Hanna stated a lot of information came out tonight that he is not comfortable with, such as houses in front of the golf course, and choosing the site along the northern portion of Piermont Avenue, because the people have a residential area and they will look at commercial. Mayor Paschalis stated it is not automatically going to happen. Mr. Hanna explained if we are doing this to save the golf course, we could sell off the property and still have an 18-hole golf course, but what did we gain is his feeling. It may not save the golf course. Mayor Paschalis disagreed, and his concern was to avoid this and this is a step well taken. Next week we can continue this discussion, but it is important to take this proactive step. Mr. Hanna asked what happens if we do not make the deadline. Mayor Paschalis stated he would rather not discuss it tonight. The motion is the next step after this, assuming the motion passes, would be a motion to approve or disapprove the Master Plan. If not approved, you have to discuss what you will do next. Mr. Wahmann asked, and there was a brief discussion about an explanation for the votes. Mr. Kaufman advised the people that vote no should be required to state their reasons for the Mayor and Council, not the people that vote yes. Mayor Paschalis stated to Mr. Hanna to vote on the merits of this proposals which represents the goals and objectives. If this changes, we could bring this up again in the future. Mr. Hakim stated it could be a conditional approval for making all the changes from this and the previous meeting. Mr. Kaufman suggested distributing black-lined copies to everyone. The vote is to vote positively or negatively tonight. On roll call vote, the vote was as follows:

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Roll Call:

Ayes: Mr. Wahmann, Mr. Menville, Mayor Paschalis, Mr. Carillo,
Mr. Goldman, Mr. Hanna, Mr. Anderson, Mr. Erickson, and
Mr. Koons
Nays: None
Abstain: None

The motion to vote on the Master Plan carried.

A motion to approve the Master Plan as amended in tonight's and the prior meeting was made by Mr. Menville and seconded by Mayor Paschalis. On discussion, the Board talked about the amendments. On roll call vote, the vote was as follows:

Roll Call:

Ayes: Mr. Erickson, Mr. Menville, Mayor Paschalis, Mr. Goldman,
Mr. Anderson, and Mr. Koons
Nays: Mr. Wahmann, Mr. Carillo and Mr. Hanna
Abstain: None

The vote was 6-3. Mr. Kaufman advised that anyone who voted not submit their reasons in written form to the Council. Mr. Menville stated the Council meets next Monday night. Mayor Paschalis thanked Mr. Hakim. Mr. Hakim would make the amendments. Mr. Kaufman advised the changes made should be able to be tracked by any member of the Board to make sure that all the changes were in fact made. Mr. Hakim asked if we could go to a final document and C/D's, with a separate working document that highlights the changes. Mr. Kaufman suggested not going to a final until everyone reviewed the changes. Mr. Hakim asked should there be an interim transmittal. Otherwise, there could be an Amendment if any additional changes after the final. It was noted there were two liaisons to communicate with Mr. Hakim. Mr. Hakim noted when going to print he would like to go to a two-sided document to save paper. There were no further questions comments or discussions.

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

Respectfully submitted,

Mary R. Verducci, Paralegal
Recording Secretary