



**TOWNSHIP OF RIVER VALE
PLANNING BOARD
August 15, 2005
REGULAR 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 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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The Planning Board saluted the flag.

ATTENDANCE:

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

Also Present:	Paul Kaufman, Esq.	Board Attorney
	By Dennis Deutsch, Esq.	
	Arthur Lorenzo, P.E.	Board Engineer

Absent: Norman Goldman

The Chairman announced that River Vale Developers was carried over to the 9/19/05 hearing date at the request of the applicant's attorney by letter dated 8/12/05 with no further notice and extension of time granted.

MINUTES:

Chairman Koons moved for approval of the Minutes dated 7/5/05 and 7/18/05 with corrections to names as noted by Mayor Paschalis. The motion was seconded by Bruce Carillo and carried unanimously on roll call vote.

CONCEPTUAL REVIEW:

1. **Nicolini, Block 1501.02, Lot 2 - Major Subdivision** - Andy Del Vecchio, Esq. standing in for John J. Lamb, Esq. came forward and presented the application in conceptual review. The property currently has a single family home, and applicant will be proposing a subdivision for three or four lots. They showed four alternatives for concept plans. Tibor Latinscics, applicant's engineer, introduced the concept plans for the two-acre piece of property fronting on Brook Avenue. The first concept provided existing conditions, topography and tree inventory. The second plan showed the entire neighborhood. Option A showed a four lot subdivision with all conforming lots, traditional cul-de-sac, with no property being made a corner lot, and no variances, with the exception that the existing home is 24' from Brook Avenue. Option B showed three lots, substantially larger, with the cul-de-sac along the easterly property line of adjacent Lot 3, turning it into a corner lot, with two frontages. He went on to continue with Options C and D, however, due to the agenda, the Chairman noted the Board would not be interested in C and D at all, so they were disregarded. Mr. Koons questioned why the Board would even want to consider B as presented, when the lots were big enough on B to pull the cul-de-sac over and not make the neighbor a corner lot. Mr. Latinscics commented that in either scenario they comply with 18,000 sq. ft. zones. Mr. Koons questioned why they couldn't pull the cul-de-sac in 10', and now they heard the Board's comments. It did not like C or D, and was not in favor of short cul-de-sacs or making the neighbor a corner lot.

Gary Nicolini, applicant, answered the question by Mr. Carillo of why the trees were cut down. Many of the trees were overpowering the house, so he cut them down, 32 of them, so there could be a play area for his child. After being approached by about five different builders, he decided to investigate subdividing his property. Mr. Del Vecchio stated, as part of the subdivision application, they would be replanting trees. Mr. Nicolini stated he went to the Shade Tree Committee. Attorney Deutsch advised

this is just a concept review, the Board has the right to review the application de novo, nothing indicated this evening could be relied upon, and nothing is binding upon this Board. Mr. Del Vecchio thanked the Board and departed. Ms. Maihack came forward and commented, stating she was the person the applicant spoke with.

PUBLIC HEARINGS:

1. River Vale Developers - Carried to 9/19/05 as stated above, with time extension granted;

2. Jewish Home Assisted Living, Westwood Avenue & Rivervale Road - Amended Subdivision Plan - Michael Cates, Esq. appeared and advised they intended to subdivide the property to carve out the portion designated as a park to be conveyed to the Township. Mr. Deutsch asked if the application was deemed complete. Mr. Cates said they noticed and advertised for public hearing and submitted the proofs. He gave the history of the application, noting in the preliminary approval part of the property was to be designated as a park. The Developers Agreement stated title to the park area should be deeded to the Township. Mr. Cates read that section. Ken Stigner, Licensed Land Surveyor from Vollmer Associates, who prepared the subdivision plan, was sworn in and described the plan. The intent is to carve out the portion for the proposed park area and the line was drawn as shown to accommodate a detention basin and a 5' buffer. Mr. Cates added they are here to implement what was required, and they have done that. Mr. Carillo asked about a curb. Mayor Paschalis explained applicant agreed to streetscape improvements along Rivervale Road and Westwood Avenue. Mr. Cates stipulated as to same, and that it would be done in conjunction with the Township's street improvements.

The matter was opened to the public, but there were no questions or comments. A motion to close the hearing to the public was made by Mr. Koons and seconded by Mr. Carillo.

A motion was made by Mr. Menville to approve the amended subdivision application. The motion was seconded by Mr. Hanna. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Menville, Mayor Paschalis, Mr. Carillo, Mr. Ericksen, Mr. Hanna, Mr. Anderson, and Mr. Koons voted yes.

Regarding the Schmidt application, Mr. Del Vecchio came forward and advised they were awaiting the arrival of their engineer. The attorney for the Tucci application came forward and advised they were awaiting their expert as well. Therefore, the Board took a recess at 8:40 p.m. and reconvened at 9:00 p.m. with a new roll call. All remained present.

3. Schmidt, Orangeburgh Road, Block 202, Lot 21 - Minor Subdivision - Andy Del Vecchio, Esq. represented the applicant in a two lot subdivision, with conforming lots. Mr. Carillo questioned why it was a two-lot subdivision when on a County road, and Mr. Del Vecchio stated it is two lots and read the definition of minor subdivision from Sections 175-3 and 142-3, old and new versions. They did not notify property owners, but notified the County when fronting on a County road. He also referred to the statutory definition in NJSA 40:55D-55. Mr. Deutsch asked a few questions and also checked the definitions to give any further clarifications, but had nothing to add.

Mr. Del Vecchio marked the Minor Subdivision Plan, consisting of two sheets, prepared by RL Engineering with a last revision date of 6/30/05, was marked Exhibit A1. The Environmental Impact Statement prepared by RL Engineering was marked A2; Soil Movement Calculations, prepared by RL Engineering, dated 6/30/05 was marked A3; Jointly, the Metes and Bounds Descriptions and Right-of-Way Dedications (totaling three descriptions) were marked as A4; Stormwater Calculations for each lot dated 2/1/05 A5 and A6; and lastly, 10 Photos dated 3/17/05, were marked A7.

Richard Eichenlaub, RL Engineering, was sworn in and accepted. Mr. Del Vecchio questioned him as to the familiarity with the property and land use regulations in the Township, which he was, and he prepared the aforementioned documents and took the said photographs. Mr. Eichenlaub described the subject lot, whereupon there is an existing home, and showed the two proposed new dwellings. He described the nature of the subdivision and how it complies with the A Zone, requiring 18,000 sq. ft. of area per lot, and they provided just over 20,000 sq. ft. It is a pie-shaped lot with a curvature along the front on Orangeburgh Road. He divided it into two equal pieces of property. They discussed dedication by way of easement with the County, which would provide for a smoother curve along Orangeburgh Road should the County propose

improvements in the future. They also proposed grading for sight distance. The driveway would be in line with the existing driveway. Vehicles would be able to enter from and exit safely onto Orangeburgh Road. The lot areas proposed do not include the dedication to the County. Mr. Eichenlaub continued with the frontage, in excess of what is required, and went on with the remaining bulk schedule, with which they complied. He described the utilities and seepage pits. There will be trees removed from the site, especially on Lot 21.02, within the footprint of the building and the driveway. Along the side of the lot the trees will remain. There is an easement across the northeast corner of the property, which they propose to be outside of.

Mr. Eichenlaub described the soil moving activity. The majority would be in the front to accommodate the grading. Proposed Lot 21.01, 573 c.y. cut; fill 333 c.y.; 240 c.y. to be exported. On Proposed Lot 21.02, the numbers were 1,142; 76, and 1066. 1306 c.y. total is to be exported via 80-90 truckloads, probably going West. The plan has to be approved by the Bergen County Soil Conservation District. Mr. Del Vecchio asked and Mr. Eichenlaub stated, the plans as presented that evening, Al, comply with all the development provisions in the Township. Mr. Eichenlaub believed they were, and commented they addressed additional comments by the Board Engineer. Mr. Hanna had questions regarding the Rockland Electric utilities, which Mr. Eichenlaub addressed. Mr. Koons asked about the driveway locations, and Mr. Eichenlaub stated they would remain as shown on the plan. Mr. Koons would have the Board Engineer give him the note to add to the plan. Mr. Eichenlaub read from the review letter of Schwanwede Hals and addressed the comments. A curb would be provided. Soil logs were not yet provided on Lot 21.1. Mr. Del Vecchio stated they would do so if required by the Board. Sidewalks were not included, but Mr. Koons advised the Board requires sidewalks and curbing along the frontage. Mr. Del Vecchio stated they would discuss this at the conclusion and requested where it is required in the design standards. Mr. Deutsch referred to a certain section, which they would review, and they could come back to that provision prior to conclusion. Mr. Koons and Mayor Paschalis recited such provisions, and Mayor Paschalis noted the newly revised Master Plan calls for same as well. Mr. Koons commented about the tree list, noting 25 would be removed. Mr. Del Vecchio stated they had not yet directed any tree replacement. The last

engineering comments were reviewed. It was noted that Ordinance 169C, the definition of relevant land, was revised.

Mr. Del Vecchio asked if the plan was constructed as depicted on the drawings, the homes could be constructed with safe and sound engineering standards, soil removal and safe construction, and Mr. Eichenlaub responded yes. Mr. Koons indicated he would like to have some indication of how far the house on Lot 21.02 would be horizontally from the lines of Rockland Electric. Mr. Eichenlaub said they would be over 50'. A discussion ensued regarding same. Mr. Del Vecchio asked for his best estimation of the calculation. The tower at the base is about 20', and they would be about 57'. Mr. Koons stated they probably could give it a little more accurately.

Mr. Carillo inquired if Mr. Dempsey should review this, and Mayor Paschalis commented it was a good idea to confirm the safety of the driveways. Mr. Del Vecchio commented he was a little perplexed, when there was no requirement, the Board Engineer provided two review letters, and this application has been around since June, and why get another departmental review now. Mr. Deutsch noted they did not comply with the request of the soil logs and the failure of the applicant to comply with that request, so the Board could make a fully informed decision. He asked if he was willing to waive the 45-day requirement at this time while Mr. Eichenlaub provides the information to the Board. Mr. Del Vecchio addressed same. He did not see where the soil logs were required, but Mr. Eichenlaub would have them taken. They are confident they would provide them to the satisfaction of the Board Engineer. They would provide 2005 utility response letters as requested.

Mayor Paschalis asked if they were against hiring an additional expert. Mr. Del Vecchio responded if the Board wants to on its own do what it wants to at its expense, then they would not have anything to say. If the Board expected them to pay for it or cause additional delay, they would then have something to say. The Board was asking the applicant to pay. Mayor Paschalis was greatly concerned about the safety and felt the Board's traffic expert should review same. Mr. Koons noted the County made a mistake on this road before, and the Board is asking the applicant to pay. Mr. Deutsch and Mr. Del Vecchio discussed the issue.

Mr. Deutsch advised if the applicant is not willing to consent to an extension of time for the Board to make a decision. If the Board does not vote, it could be deemed as passed. If according to the Master Plan, the Board feels it needs more time to review and it may not conform to the safety standards, and an extension is not given, the Board should vote tonight. Mr. Koons asked Mr. Del Vecchio if he would consent to an extension of time. Mr. Del Vecchio asked for clarification and was not clear as to why a traffic expert was needed when the Municipal Engineer reviewed this. Mr. Deutsch asked if the County approved the plans. Mr. Del Vecchio stated Mr. Timsak was preparing an R1 letter. Mr. Koons commented the Board could also speak with Mr. Timsak to share what it wants done. Further, he was told by Schwanwede Hals that they do not review sight distances when the County is involved. Mr. Carillo commented this is the first time for the new engineer and this Board reviewing this. Mr. Lorenzo stated, upon being questioned by Mr. Deutsch, that this is a cursory review, and he would not feel comfortable with this, being new to the Board and this application to provide a competent opinion tonight.

Mr. Del Vecchio stated they did not have a problem with the Board Engineer looking at the sight distances and would provide them with the time to do so. Mr. Deutsch stated the question is whether the applicant will give the extension for the Board to have this reviewed, and they do not have the right to say who is hired. Mr. Del Vecchio disagreed, and he did not feel it proper to charge the applicant's escrow account. Mr. Del Vecchio said he would consent to an extension of time through the September meeting; however, if the escrow account is charged for another expert, they would contest any of the charges under the MLUL. Mr. Deutsch advised it was his opinion they did not have a say in how the escrow is used.

Mr. Lorenzo commented in looking at the plan, and the proposed County right-of-way line, he would like to see profiles of the two driveways showing the widening of the road down to the two driveways. Mr. Del Vecchio stated in answer to the first question, they would grant the extension through the September meeting date. On the second question, he read from the MLUL regarding escrow charges, which creates a limit. Mr. Deutsch advised the applicant has indicated he would give an extension, with no

notice requirement. The issue of the escrow does not have to be resolved this evening. He would review this, and Mr. Del Vecchio agreed. At this point there was no deficiency in the escrow account, and the Board would not have to resolve it this evening. Mr. Koons asked about the curbing and sidewalks. Mr. Del Vecchio stated they would review this and come back at the September meeting, and they agreed to consent to an extension of time through the September meeting. The document signed stated if there was no quorum, there would be an automatic extension through the next meeting. Mr. Del Vecchio asked for the October meeting date to be inserted. October 17th was confirmed and inserted.

The matter was opened to the public for questions or comments. Audrey Maihack, 690 Edwards Street came forward and asked about the soil to be removed and the height of the retaining wall. Mr. Eichenlaub explained it would not impact the neighbor, and they would not see the wall. It was to retain the soil, and it would be about 3-1/2'. There were no further questions from the public, and the matter was closed to the public on motion of Mr. Carillo and second by Mr. Menville.

It was stated that new plans and the following items would be provided, as recited by Mr. Del Vecchio: power line dimension, a response on curbs and sidewalks, driveway profile on Orangeburgh Road, letters from utility companies, and a traffic opinion regarding sight distances.

A motion to retain a professional to review the traffic and sight distance was made by Mayor Paschalis and seconded by Mr. Carillo. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Menville, Mayor Paschalis, Mr. Carillo, Mr. Ericksen, Mr. Hanna, Mr. Anderson, and Mr. Koons voted yes. Mr. Del Vecchio noted his objections on the record.

4. Tucci, 597 Hudson Avenue- Doll House Site Plan - Mr. Hanna, Mr. Wahmann and Ms. Sapuppo recused themselves and stepped down from the dais. Mr. Hanna and Ms. Sapuppo departed. Attorney Christopher Botta, Esq. represented the applicant and reviewed from the prior hearing. They resubmitted their site plans, dated 6/10/05, revised to 6/27/05, by Thomas Skrable, Engineer, 65 Ramapo Valley Road, Mahwah, NJ. The application is presented under a conditional lot ordinance. Mr. Skrable, previously sworn, was called to testify as to the revised plans, marked A2.

Mr. Skrable was re-sworn in by the Board Attorney. He pointed out the change to the impervious coverage and added a breakdown of the calculations. By taking a little off the patio they would be under 30% instead of over. Because of the topography in the area, they were asking for a variance if they could not meet the 20' height, and by amending the ridge line, they removed that variance as well. The application is now going forward with no variance relief except for existing lot width and area. Mr. Koons inquired about the block wall, noting he never saw them that high. They are 8", and final details would be provided to the Board Engineer prior to construction. Mr. Deutsch asked, and Mr. Skrable stated, the revised impervious coverage is 29.99%, and the height 20.0'.

The matter was opened to the public for questions of Mr. Skrable. Mike Fornutale, 234 Rockland Avenue, questioned the 20' and read from the Ordinance regarding maximum height. Mr. Deutsch swore him in. The Board reviewed same. Mr. Deutsch advised as to the appropriate Ordinance which permitted this. Mr. Fortunale stated the height of his home was 17', and in interpreting the Code, the proposed home should not exceed this. Mr. Skrable clarified his calculations and elevations as shown. The elevations of his lot are lower than the subject site. Mr. Menville referred to Mr. Zaniello's report, which supports the interpretation of Mr. Skrable. Mr. Deutsch read from notes that as long as the height is 20', there is no height variance. Based on those notes and the letter of the engineer of 4/8/05, there is no height variance, and the engineer's letter is what the Board is relying upon. Mr. Maihack, 690 Edwards Place, came forward and stated he would like another interpretation, since Mr. Zaniello is no longer here. There were no further questions from the public.

Jon Fellgraff, Licensed Architect, 130 Kinderkamack Road, Park Ridge, NJ, was sworn in, gave his credentials and was accepted. Mr. Fellgraff classified the house as a Cape Cod, with three bedrooms. Sheet A showed the floor plans. On the first floor, was a master bedroom, kitchen, dining room, living room and bath, and on the second floor were two bedrooms and a bath. The plans were marked A3A, B & C. Sheet B showed front, rear and side elevations, and Sheet C the basement. Mr. Koons questioned the elevations, which were clarified by Mr. Fellgraff and discussed. One correction would be the risers for the steps. This would

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be modified not to exceed the coverage, by adjusting the patio size. The matter was opened to the public for questions of Mr. Fellgraff. There being none, a motion to close to the public was made by Mr. Menville, seconded by Mr. Carillo and carried.

There were no further witnesses. Mr. Botta gave a closing statement, stating the requirements of the ordinance have been met, and there were no variances. It is a unique ordinance enacted prior to the current zoning code. They would correct the riser/step issues, they would make it conforming as a condition of approval. Mr. Deutsch advised this should be subject to the approval of the Board's engineer.

Mayor Paschalis stated he would want to open to the public one more time for comments. Mike Fornutale asked the Board Attorney to read the height ordinance paragraphs once again. Mayor Paschalis suggested having Board Attorney review this. Mr. Deutsch did not know what the timing was, and asked for an extension of time if applicable, for Mr. Kaufman to review and either confirm the Board's reliance on Mr. Zaniello's letter or make another recommendation. Mr. Botta commented they relied upon the 20' provision with discussions with Mr. Kaufman. Mr. Menville suggested a vote be taken tonight subject to such confirmation. Mr. Koons agreed, adding that the Board could instruct the Board Attorney to prepare a favorable Resolution while this is being confirmed. Mr. Deutsch advised he would suggest a favorable Resolution be prepared if the Board desires, with applicant agreeing to an extension if necessary, affording the Board Attorney time to review this. Mr. Botta agreed, since a Resolution would not be passed until the next meeting anyway.

A motion was made by Mr. Carillo, directing the Board Attorney to prepare a favorable Resolution for the next meeting, seconded by Mr. Menville. On roll call vote, all Mr. Shalhoub, Mr. Wahmann, Mr. Menville, Mayor Paschalis, Mr. Carillo, Mr. Ericksen, Mr. Hanna, Mr. Anderson, and Mr. Koons voted yes. Mr. Deutsch clarified the Board is directing him to prepare a favorable Resolution. There would not be a vote until there is a clarification from Mr. Kaufman. If it is a favorable vote, applicant would receive the Resolution at the next meeting. So, at the next meeting the Board could vote in favor of it and pass a Resolution as well, or it can vote against it.

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Wendy Fornutale, asked if anything was going to be replaced as far as trees. This could not be fully answered in the absence of Mr. Zaniello, and Mr. Koons stated he did not have a tree ordinance stated that question would also have to be addressed by checking the statutes and ordinances for the next meeting. Mr. Skrable answered the question, stating there are no further trees proposed to be removed, and they show foundation landscaping, a cherry tree and some shrubs along the foundation. He is sure the owner intends to do more, but he was not sure of the specifics. Ms. Fornutale noted Mr. Zaniello had concerns about the grade of the driveway. It was indicated Schwanede Hals would confirm there is sufficient drainage. Mr. Skrable responded they did soil logs, which were great, and they added a seepage pit, which could handle almost a 100 year storm, giving details, and there would be no flooding in the basement; it is over-designed. Mr. Fornutale gave comments on the application and that it was stated on 7/15/99 at the Zoning Board that the height should be 17'. Applicant was fully aware of this, but continues to submit applications on the conditional use. She did not recall any discussion stating that 20' was the required height.

Mayor Paschalis agreed that the Board would find out how it came to the 20', and noted if the applicant meets the conditions of the Dollhouse Ordinance, it is approved; if not, it is denied. Mr. Botta stated at the June meeting, it was stated (by the Board Attorney) that the height requirement is 20'. He would have Mr. Skrable review it again. Mayor Paschalis confirmed it was discussed. Ms. Fornutale spoke against the home, stating applicant is not building a house fitting on the lot, and it is an issue of profit. The public did not get to address the height. Audrey Maihack, 690 Edwards Street, was sworn in and commented it was brought up at the last meeting that it was 20', that Wendy did not get a chance to talk, because the meeting was ended. Mr. Botta stated they would have additional testimony if necessary. There were no further questions, and the matter was closed to the public.

The motion made was voted on, and on roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Menville, Mayor Paschalis, Mr. Carillo, Mr. Ericksen, Mr. Hanna, Mr. Anderson, and Mr. Koons voted yes.

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Closed Session Discussion: None

Payment of Invoices: None

Mayor Paschalis announced that Marc DeCarlo would be departing the Borough and moving on to other ventures.

Adjournment: On motion made, seconded and carried, the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Mary R. Verducci, Paralegal
Recording Secretary