

**TOWNSHIP OF RIVER VALE  
PLANNING BOARD  
August 17, 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
Mark Ericksen	Secretary
Ron Tucci	
Peter Wayne	Class II
Dwight de Stefan	Class III (Councilman)
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

David Ward

Alt. #1

(RVPB 8/17/09 Minutes)

Mr. Menville and Mr. de Stefan announced they listened to the C/D of the 6/15/09 meeting and signed the Certification, so that they would be eligible to vote.

**MINUTES:**

The Minutes of **7/20/09** were approved upon motion of Chairman Koons, with second by Mr. Shalhoub and carried.

**DISCUSSION:**

**1. An Ordinance of the Township of River Vale Amending Chapter 142 of the Code of the Township of River Vale, Entitled "Land Use"** - A discussion among the Board ensued. Mr. de Stefan gave an overview and noted the purpose of the Ordinance is to improve the definitions and clean up the Code. Chairman Koons pointed out there are two sets of definitions, and they should be clarified. Also, the Board must clarify the minor subdivision definition. Mr. de Stefan commented it is clear to the Mayor, and all Council Members agree, that the number of lots should be reduced to three (3). Mr. Statile recommended one set of land use definitions, and Mr. de Stefan asked him to outline all definitions to be eliminated or changed. Chairman Koons suggested this be distributed for discussion at the next Board meeting and asked if the Board should vote on the minor subdivision definition. Mr. Deutsch advised the Board should vote on it, which permits the Council flexibility.

Chairman Koons made a motion for the Board to recommend to the Township Council approval of Section 142.3, the definition of minor subdivision, to be construed as three (3) lots, with second by Mr. Menville. There were no further questions, comments or discussions. On roll call vote, all members voted yes. Mr. Statile's recommendations would be considered next month.

**PUBLIC HEARINGS:**

**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. Mr. Shalhoub chaired the meeting for the application. James D'Elia, Esq. represented the applicant. Daniel Steinhagen, Esq. from Beattie Padovano represented Mr. and Mrs. Koons.

Mr. D'Elia reviewed they concluded at the June meeting, and Mr. Deutsch had a list of the issues. Mr. Deutsch advised he codified his list as a summary, which was distributed to the Board to make discussion easier. Any Member inclined to make a resolution of approval would have to add the list of conditions. Mr. Menville advised he listened to the tape of the June 15, 2009 meeting and recalled Mr. Wayne was concerned about the positioning of the clean out and asked him to elaborate.

The Summary of Board Issues prepared by Mr. Deutsch was distributed. The Board discussed with Counsel each of the 20 items, and applicant responded as to their agreement or dissent. Mr. Tucci inquired if new issues could be included and Mr. Deutsch advised no since the hearing was closed. Mr. D'Elia advised whether he accepted the items.

Regarding item 1, the Board discussed whether this would be a preliminary or final application, and it was decided that it would be for preliminary approval. Mr. D'Elia advised there were two separate applications, one for preliminary and one for final with soil. Item 2, regarding whether drain water detention system will be on public right of way is a condition on the Mayor and Council. Item 3 was deferred to Township Council; the Board was not requiring a homeowner's association. The discussion continued. In item 7, the gate is to be shown on the final plan as stipulated. Further, as to item 8, no in lieu payment for sidewalks. They want to put in a sidewalk. Mr. Statile said it would be a sidewalk to nowhere and suggested meeting the sidewalk on Orangeburgh Road. Mr. D'Elia commented there is no legal requirement to extend the sidewalks. He wanted to bring Mr. Eichenlaub, who did not recommend sidewalks on Orangeburgh Road. No as to item 11, and as to item 14, Mr. Statile stated the earth berm should be installed along the eastern portion of the property. They agreed on "0" runoff. Easements were discussed. Trees up to 55 trees at Engineer's discretion was agreed to. As to item 19, Mr. Shalhoub expressed concern about safety and pedestrians. Further, applicant states they already provided landscaping.

It was noted that on Lot 15.02 they have frontage, but as a result of the change in Code, they are 2' shy on frontage. The Board did not have a problem with this. Mr. Statile asked for a change in zoning schedule. Mr. D'Elia said it is on there but did not show as a variance.

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Mr. Shalhoub called for any comments. Mr. Steinhagen wanted to make sure that the tree on the edge of driveway would be moved. It was addressed formally, and Mr. Eichenlaub stated the tree would be moved.

Mr. Steinhagen advised as to his clients' concerns, i.e., lot depth, notes on the plan to be removed, such as the 5' shade tree easement on the minor subdivision plan. Mr. Deutsch advised he understood the consensus is to make an approval of the preliminary subdivision only that the underground detention system will not be split. There would be no homeowner's association. Drainage will be pipes left to the engineer's consideration. Items 5, and 6A,B&C were satisfactory. The gate is to be shown on final plans. The sidewalk to be put in shall be extended to Orangeburgh Road

Mr. Deutsch advised it has been stipulated that a waiver from EIS will be granted. Each seepage pit must be tested and be to the satisfaction of the Borough Engineer. Item 10 is a condition. In item 11, sanitary sewers will be created at the entrance of the project with drainage and "0" runoff behind Lot 16. Items 12 and 14 will not be conditions. There will be easements for purposes of drainage cleanout. In item 15, the Developers Agreement shall include deed restrictions holding the Township harmless for damage from all storm water management devices. Mr. Deutsch continued.

The steep slope has to be dealt with before a motion is made because the Board would not give a consensus along that line. There would also be a condition that the cul-de-sac be removed. As part of the motion there will be a front yard variance.

Mr. Steinhagen commented.

Mr. Shalhoub made a motion for approval of the major subdivision application with variances, waivers, conditions and stipulations as stated, for preliminary minor and major. The motion was seconded by Mr. Menville. A planning variance that gets eliminated was included. There were no further questions, comments or discussions. On roll call vote, Mr. de Stefan, Mr. Menville, Mr. Ericksen, Mr. Wayne, Mr. Tucci, Mr. Lippert, and Mr. Shalhoub voted yes.

Chairman Koons returned to the dais.

(RVPB 8/17/09 Minutes)

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 9/21/09 at request of applicant.

Mr. Deutsch announced that Chemiteck was adjourned and carried to the next meeting with no further notice. Mr. Wayne felt they should renotify. It was decided that if they don't proceed next month, the Board can then mandate that the applicant be required to renotify. Mr. Wayne made a motion, with second by Mr. Shalhoub. The motion was carried unanimously on roll call vote.

**RESOLUTIONS:**

1. Guillermo Heredia, 215 Rivervale Road, Block 1719, Lot 6 (former site of Garlic Jim's) - Mr. Deutsch read the Resolution into the record. There were no further questions, comments or discussions. A motion for approval was made by Chairman Koons and seconded by Mr. Tucci. On roll call vote, Mr. Shalhoub, Mr. Tucci, M. Lippert and Mr. Koons voted yes. Mr. Menville had departed.

**OPEN TO PUBLIC** - None

**DISCUSSION:**

**PAYMENT OF INVOICES:** None

**NEXT MEETING:** September 21, 2009

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

**Respectfully submitted,**

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Mary R. Verducci, Paralegal  
Recording Secretary