

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
March 6, 2017
REGULAR MEETING
MINUTES**

Draft

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
Mark Ericksen	Secretary
Kevin Martin	
Alejandro Alvarez	
Robert Adamo	
Peter Wayne	Class II

Also Present:

Marc E. Leibman, Esq.	Board Attorney
Christopher Statile	Board Engineer
Joanne Allgor	Land Use Administrator

Absent:

Glen Jasionowski	Class I-Mayor
Raymond Harvey	Class I-Mayor's Designee
Scott Lippert	
John Donovan	Councilman

MINUTES: February 6, 2017

The Minutes of the February 6, 2017 Meeting were approved on motion made by Chairman Koons, with second by Mark Ericksen, and carried.

Remand Hearing Bear Brook Builders, LLC vs. 870 Westwood Avenue -Block 1901 Lot 6 revised sub-division plans.

Mr. DelVecchio was present on behalf of Bear Brook Builders, LLC. He stated that back in 2013 we were before the Board to sub-divide the property. After several hearings the Board decided to deny the applicant and in November of 2013 the applicant filed with the Superior Court in Bergen County challenging the denial of the Board's decision. The parties then entered into a Settlement Agreement in January, 2017. In the results of that Settlement the applicant agreed to reduce the sub-division by one lot and to reexamine the cul-de-sac at the end of Blauvelt Street so that the lot owned by Mr. and Mrs. Spillane would no longer be impacted in terms of a thru lot or non-thru lot. In accordance with the settlement agreement we are submitting a four lot sub-division plan with an attachment marked as Exhibit A. We are here this evening to proceed with the Remand Hearing.

Mr. DelVecchio had in his possession an Affidavit of Public Notice which establishes the Board's jurisdiction to proceed this evening in accordance with the Municipal Land Use Law. Mr. DelVecchio proposed to mark the Affidavit of Public Notice as Exhibit A-1. Copies of the transcripts had been submitted to the Board's Attorney for the benefit of those who have not been present for hearings would have an opportunity to review those transcripts. In order for the Board to vote this evening the members will be required to present certification of having listened to the tapes or transcripts provided to the Board's Attorney. Mr. Leibman confirmed certification of the members.

Mr. DelVecchio's intention this evening is to have the Project Engineer explain to the Board the changes that appear in terms of how they changed. Also present is our Landscape Professional who will review the tree removal and replacement.

Mr. DelVecchio called Mr. Missey, Project Engineer. Although previously sworn, Mr. DelVecchio recommended swearing in Mr. Missey again. Mr. Andrew H. Missey was sworn in by Mr. Leibman, Board Attorney.

General public Donald Ferrara of Blauvelt Street asked if he understood correctly that a vote would be taken this evening. Mr. Leibman explained that the application was presented, denied and a law suit took place. This is a Remand Hearing for consideration of the settlement that was approved by the court. Mr. Ferrara asked to review a copy of the revised plans. Mr. Leibman reviewed proceedings of this evenings meeting explaining to Mr. Ferrara that there would be time to comment. Mr. Ferrara commented that everyone is lost here we want to know what's going on he commented on the idea that the Board may vote tonight. We did not get informed that this was happening until about one week ago. Mr. Leibman stated that public notice was sent out and plans have been available for review; that is what the law requires.

Mr. Missey's qualifications were accepted by the Board.

Mr. DelVecchio asked Mr. Missey, in addition to the plans submitted, several documents were prepared by you or under your supervision. Revised preliminary sub-division plan consisting of eight sheets dated January 10, 2017 was marked as Exhibit A-2. Lapatka Associates soil moving plan consisting of two sheets last revised January 10, 2017 was marked as Exhibit A-3. Lapatka Associates Drainage Calculation dated January 10, 2017 was marked as Exhibit A-4. The colorized version of sheet 1 thru 8 of the subdivision plan dated January 10, 2017 was marked as Exhibit A-5.

Mr. DelVecchio addressed Mr. Missey -You heard me identify Exhibits A-2 to A-5 as being prepared by Lapika Associates were they prepared under your supervision. Mr. Missey answered yes, they were and added that he is familiar with the area and the property being discussed this evening. Mr. Missey provided a summary of the changes on the revised plans as part of the Settlement Agreement. Mr. Missey responded that the application now consists of four (4) building lots; the cul-de-sac is now 320 feet in length making it shorter by 95 feet. We no longer propose any frontage on the lot to the north and east commonly known as lot 5 - block 1901. The application continues to propose the low grade detention system; the sewer and water gas and electric extension system on Blauvelt Street as it exists now and a sidewalk on the south side. The reduced area of disturbance is now 2.4 acres instead of 3.4 acres. Impervious surface is now 3/10 of an acre.

The engineer's report has been received; we will address pages 4 - 8 of that report which consists of comments and review discussions at this point. The first 3 pages reiterate what our prior application consisted of. Our proposal consists of moving 6290 cubic yards of soil for dwelling foundations, utilities, seepage pits and roadway work. Of that amount 5240 cubic yards are to be exported off-site. We estimate 400 truckloads of soil movement over roads in River Vale a difference of 75 truckloads estimated in the engineer's report (475 truckloads) The building lots will be constructed one at a time. There will be no steady stream of trucks at one time. Mr. Statile asked how he would know that. Mr. DelVecchio commented that we agree that no more than one foundation would be built at a time.

Mr. Missey referred to the 3rd paragraph page 4 under Groundwater of Mr. Statiles letter having to do with dewatering operations. We will be meeting with the Bergen County Conservation District to discuss the erosion control plan in accordance with state standards. The soil stockpiling will be addressed at that meeting as well as discharging of dewatering fluid. This will be included in the compliance plan that will be submitted to the Board and engineer's office.

Mr. Missey moved on to page 5 of the engineer's report General Comments. Item 1. is agreed to. Item 2. will be addressed by the builder. Generators and sump pumps will be provided and included on the plans. Item 3. is agreed to the grade will be flattened. Item 4. is agreed to. Item 5. we will work with Mr. Statile pertaining to a permanent marker system.

Number 6. on page 6 Item a. retention tanks - Mr. Missey stated that only roof run-offs enter this system there is not that much increase in the rectangular volume of stone. This will be included in our compliance plan. Mr. Koons asked how the drywells would work if the ground is saturated. Mr. Missey explained that the wells are two feet above the seasonal ground water level. Mr. Statile confirmed that the drywells would work. The applicant is slightly raising the grade. For clarification, Mr. DelVecchio stated that we would increase the amount of stone in accordance with Mr. Statile.

Number 6, on page 6 Item b. detention system - Mr. Missey understands that the systems maintenance agreement will be with all four property owners and will be noted. Construction details for the central detention system will

be addressed on the plan. The system will be water tight. We will comply with Number 7 and Number 8 on page 8 of Mr. Statiles letter.

Number 9. and Number 10 on page 7 we are in agreement.

Number 11. -Mr. Missey commented on for clarification the sump pumps will connect to the detention basins.

Roadway - Number 12. through 16. are agreed to. Number 17. -Mr. DelVecchio explained sidewalk placement as required by the RSIS.

Number 18 - we will have 18 inches of cover at the location of lot 6.01 ample for turf and vegetation.

Number 19 - fire hydrants - we agree that the locations be reviewed by the Fire Chief.

Number 20 - Number 24 on page 8 - Mr. Missey states we are in agreement or have no comment on.

Mr. Koons opened the meeting to questions from the Board.

Robert Adamo had a question pertaining to the Homeowners Association and drainage. Mr. DelVecchio stated that the Homeowners Association will be responsible to maintain the drainage structures as required. Mr. Adamo - if the members of the HOA decide not to pay the bills what would be the ramifications to the project. Mr. DelVecchio action would be filed to seek retribution. Mr. Adamo states that there is a share of resources as well grass being cut, sidewalks shoveled etc. He asked what would happened if the drainage structure is not maintained say for 2,3,4 or 5 years. Would roof leaders start backing up, would sump pumps not work. Mr. DelVecchio responded that it may not have a problem for 10 - 20 years he does not have an answer to the question. There has to be an annual certification that the system is being maintained. Mr. Missey stated that a system that is not maintained continues to operate at a minimum of 5 years if not 10. Silt is not as much of a concern as grit is from inclement months. Mr. Statile commented on the jelly-fish system and silt.

Mr. Adamo because of the seepage pits and ground water on a sub-division is it customary for Mr. Statile's office to do an inspection. Mr. Statile responded we would do an inspection when we are done. Mr. Adamo - does it include the roof footing drains. Mr. Statile - everything. Mr.

Adamo - will footing drains be pumped. Mr. DelVecchio - yes. Mr. Adamo asked what the limit of roadway is to be disturbed to make utility connections. Mr. Missey responded up to the Matner Court intersection - all repaved.

Mr. Adamo asked what would be placed on top of the jelly-fish drainage. Mr. Missey responded shrubbery would be appropriate.

Mr. Alvarez pertaining to lot 601 can you assure with these filters if not cleaned that water will not run off to neighbors. Mr. Missey stated that it would not run off to the neighbors - ever.

Mr. DelVecchio referred to sheet 7 of 8 pertaining to all the landscaping on lot 603 Mr. Spillane property would not be fair to Mr. Spillane to place a grass paver area in an area that is now going to have a conforming cul-de-sac where before it had a dead-end without any turn around for emergency access. Mr. Wayne suggested leaving 4 feet for planting and then place grass pavers. Mr. Koons commented that you can place a 4 - 5 ft. buffer and still put the pavers in.

Mr. Leibman asked Mr. Statile if the cul-de-sac was fully conforming. Mr. Statile replied yes. Discussion ensued on emergency vehicles. Mr. Missey commented that it is a better situation then it is now at the end of Blauvelt Street. Mr. Koons stated we have an opportunity to do something about that; it is a question of the Board whether to do something about it or not. It doesn't mean that because we have a bad situation at the end of Blauvelt that we shouldn't try to improve it. Mr. DelVecchio stated that we comply with the RSIS and went to great lengths to try and make the neighbor happy by increasing the landscaping in that area. A 4 ft. planting strip will not be sufficient. Mr. Koons replied that he is concerned with emergency vehicle ingress and egress.

Mr. Adamo asked what the turnaround radius is for a fire truck. Mr. Statile responded 45 or 100 ft; it depends on the truck being used. Mr. Wayne stated that a ladder truck would have to back out.

Mr. Leibman summarized - the prior application was to install grass pavers in the cul-de-sac. Does the Board think it is a good idea to have pavers running down the Spilland property for easy access for a fire truck or place

more plantings? The consensus of the Board was for plantings not pavers.

Chairman Koons opened the meeting to the public for questions of the engineer, Mr. Missey.

Donald Ferrara 811 Blauvelt Street referred to the plan and asked if a house was facing Westwood Avenue. Mr. Missey answered that the rear of the house he was referring to faces Westwood Avenue. Mr. Statile added that area is a through lot; a through lot has a frontage on two streets. That house will have an address on Blauvelt Street. Mr. Ferrara stated no trucks on Blauvelt Street. Mr. Missey responded that's correct all truck traffic will go through Westwood Avenue.

Mark Stern 791 Matner Court spoke with the use of an interpreter. Question - with regards to the underground detention system there must be a maintenance agreement. Mr. Leibman stated that the applicant's attorney would prepare a Homeowners Agreement for my review. There will also be a Developer's Agreement between the Planning Board and the applicant. Question - how is the agreement enforced. Mr. DelVecchio commented on compliance, Mr. Statile has to certify to the state that maintenance is done and receive certification until the HOA is fully functioning. Mr. Leibman advised that any records can be requested through an OPRA request at the town hall.

Christopher Strather 800 Blauvelt Street Block 1901 Lot 38. Mr. Strather asked if sidewalks are required by law and necessary. Mr. Koons responded that school kids would have to walk in the street. Mr. DelVecchio added that sidewalks were not originally on the drawings but the Board showed a preference to have them added. Mr. Strather referred to a dead end corner on the plans and asked if that area was public property. Mr. DelVecchio stated that it was part of a right-a-way.

Carrie Windt 800 Blauvelt Street asked if the jelly-fish system was a common approach to manage water. Mr. Missey responded that other projects use the same technology. Technology that has overtaken other devices because of efficiency. Ms. Windt asked if this type of system is used in a development like this on personal property. Mr. Missey replied yes. Mr. Statile added that the system is tested by the state. Ms. Windt stated that the property is elevated and asked what is the protection for soil erosion. Mr. Missey replied we are maintaining grades. Mr. Koons

clarified the question as will Ms. Windt be 18 inches lower than grade. Mr. Missey stated that we are not altering grades we will reduce run off in the north westerly direction. Ms. Windt asked what happens if there is water flow during construction. Mr. Missey - we will use temporary measures. Mr. DelVecchio added that it has not been decided which house will be built first.

Donald Ferrara asked about grade plans at his location. Mr. Missey - we don't plant to raise the grades directing run off south. Mr. Ferrara asked if the jelly-fish system is the same as discussed at previous meetings. Mr. Missey said yes and permissible with the state.

Donna Burns 808 Blauvelt Street asked if the jelly-fish at lot 6.01 is one large one. Mr. Statile stated that jelly-fish services the road. Ms. Burns asked how is it proposed to get in and out during construction. Mr. Leibman responded that constructions vehicles need to come off Westwood Avenue which is the construction access. Mr. DelVecchio added that the Board has control; excavators, soil, dirt movement all through Westwood Avenue. Mr. Koons added that this would be part of the Developers Agreement. Mr. Shalhoub added that anything having to do with major work would use Westwood Avenue. Donna Burns commented on jelly-fish being used in an area so close to a flood zone. Mr. Missey replied that it has an equal effect, water quality filter and sealed tank. Ms. Burns asked if the system prevented flood plans. Mr. Missey explained it as a low grade detention system to address storm water management. Ms. Burns has a concern with the construction of 4 homes and removal of trees as well.

Donald Ferrara asked about cement trucks. Mr. Leibman stated that the Developer's Agreement would have provisions. The developer has to post substantial bonds for this.

Marryann Martin - 783 Manhattan Court - would new tree plantings hold water. Mr. Koons advised that this would be addressed during tree testimony.

The Meeting was Closed to the Public

Mr. Lawrence Tenzca prepared calculations and visited the property. He reviewed tree removal and replacement impact. Mr. Tenzca reported that 162 trees would be removed; 259 trees required to replace. Multi-stemmed bonafied trees are planned; proposing larger trees. Mr. Tenzca explained how

the tree replacement plan was developed. He stayed with species of maples, river birch, and spruce. Eight to ten foot - 3 - 3 ½ inch caliber. Mr. Koons asked if Colorado spruce can be used at the back of lot 602 and green giant evergreen spruces next to the Spillane lot line for screening of car lights.

Robert Adamo commented on maintenance of new trees and if it is necessary to have an irrigation system for them. Kevin Martin asked if there was discussion about an underground sprinkler system. Mr. DelVecchio stated that some irrigation will be installed for turf areas.

Mr. Statile mentioned a tree restoration plan. Mr. Leibman suggested including locating of trees in the Developers Agreement.

Chairman Koons opened the meeting to the public.

Mary - Matner Court thought trees were to help drainage they absorb water. Trees are being removed, new plantings don't absorb that much water. Mr. Tenzca commented that the new trees need time to grow; 269 are being replaced. Mr. DelVecchio stated that the 48 inch oak tree will remain.

Carrie Windt asked if trees can be trimmed / cut if overhangs on her property. Mr. DelVecchio stated that they can be clipped but if the tree dies it will create a deterrent issue. Mr. Leibman recommended the applicant consult with neighbors where trees encroach.

The meeting was closed to the public.

Mr. DelVecchio stated that they have concluded their presentation.

Chairman Koons opened the meeting to the public to make a statement comment.

Donald Ferrera - 811 Blauvelt Street suggested a win, win, lose, lose situation for people who live in the area. He is against taking a vote this evening. In any case asked for a "no" vote. Mr. Koons stated that this is a settlement agreement case issued by the court.

Donna Burns on behalf of her parents - 808 Blauvelt Street - poor planning, aesthetics, flooding concerns - we are in a flood zone building 4 homes and removal of trees extreme concern.

Michael Spillane 878 Westwood Avenue Blk 1901 lot 5 thanked the members of the Board.

Carrie Windt thanked the members of the Board. She is worried about pools of water, the HOA, 4 new homes and neighborhood and the impact on all of us.

Chairman Koons motioned to close the hearing, second Kevin Martin; all in favor; none opposed, motion carried.

Chairman Koons summarized that the Board will instruct Mr. Leibman to prepare a resolution for next month's meeting to be voted on to give revised plans that they spoke of and we spoke of.

Mr. Leibman - in January the Board revised its By-Laws no vote was taken a resolution of approval is prepared. He recommended that the revisions and changes are done and reviewed by the Board Engineer Mr. Statile.

Mr. DelVecchio stated a concern. We are coming back under this procedure that you are stating resolution compliance / By-Laws doesn't want inadvertence. Mr. Leibman advised that nothing would delay the approval we have a month for the resolution to be voted on. Mr. Koons commented that there are required changes to the plan.

Mr. DelVecchio - concern - if inadvertence on the plan that doesn't cause another one month delay. Mr. Leibman commented that there are multiple checks and balances to be considered.

No further discussion.

A motion by Chairman Koons, second by George Shalhoub to prepare a favorable resolution for next month; on roll call vote, all in favor, the motion carried.

PAYMENT OF INVOICES: None

MEETING OPENED TO THE PUBLIC FOR ANY NON-AGENDA ITEMS

No public comment

Meeting Closed

NEXT MEETING: Monday April 3, 2017 at 8:00 pm.

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned.

Respectfully submitted,

Sylvia Kokowski
Recording Secretary