

**TOWNSHIP OF RIVER VALE
JOIN PLANNING BOARD
June 7, 2017
REGULAR MEETING
MINUTES**

APPROVED

ADEQUATE NOTICE STATEMENT:

A Regular Meeting of the River Vale Joint Planning Board was called to order at 8:00 p.m. The following statement was read: "This is a Regular Meeting of the Joint 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:

Scott Lippert	Chairman
Robert Adamo	Vice-Chairman
Robert Fortsch	Secretary
Michael Beukas	
John Donovan	Councilman
Craig Plescia	
John Puccio	
Susan Vaccaro	
Peter Wayne	

Also Present:

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

Absent: Glen Jasionowski Class I-Mayor

Chairman Lippert in commencing the meeting of the Joint Planning Board, extended deepest thanks and gratitude to all the Planning Board and Board of Adjustment Members for their service and time given to the Planning and Zoning Boards and recognized with sincere thanks, Planning Board

(RVPB 6/7/17 Minutes)

Chairman Kenneth Koons for all his years of dedicated and devoted service he gave to the Planning Board.

MINUTES: **Planning Board 4/3/17 & Joint Planning Board 5/1/17-** A motion for approval of the Minutes of 4/3/17 was made by Chairman Lippert, seconded by Mr. Donovan and carried. Zoning Board Members abstained. A motion for approval of the Minutes of 5/1/17 was made by Mr. Donovan, seconded by Mr. Wayne and carried.

APPLICATIONS:

1. **Michael & Kate Cremonese, 821 Marshall Road, Block 1904, Lot 6** - Application for 6' fence in front, less than 50% open - Application for two (2) bulk variances for a six (6) foot fence all around, less than 50% open, where only a three (3) foot fence is permitted in the required front yard on corner property and must be 50% open - Robert Adamo recused himself and stepped down from the dais. Board Attorney Leibman reviewed the public notice and found it to be in order. Michael & Kate Cremonese, the applicants and owners residing at the property, were sworn in. They are seeking to put up the fence. The previous owners fed deer and their backyard is infested. They have a two year old child and are also worried about ticks and the deer come right up to their door. Photos were included. Trees and shrubs would be added. An example of a fence was given and marked A1. Their side yard is a dead end.

Comments from the Board followed. Mr. Statile commented Cambridge dead ends at their property and Suez is next to it. The variance is for the height of the fence, and there are essentially two front yards. Deer can also jump a six foot fence it was noted. Mr. Puccio commented it should be specified how many feet from the side yard the fence would be. They are not fencing in the front yard. Mr. Statile stated the fence would be approx. 41' from the house and 5' from the right-of-way line. The rear corner of the property would be where the fence ends. Mr. Fortsch suggested a 4' fence with plantings. He would be concerned a police officer cannot see what is going on in the yard. Mr. Donovan respectfully disagreed with the comment. The property is unique with the Suez property next door and Cambridge comes to a dead end at their corner. Mr. Wayne commented a gate should be added for safety and access.

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The matter was opened to the public for questions and then comments. There being none, the matter was closed to the public.

A motion for approval was made by John Donovan and seconded by Peter Wayne. Mr. Leibman marked the exhibit and would attach it to the Resolution. On roll call vote, all members voted yes.

Mr. Adamo returned to the dais.

2. Brad & Nicolette Gifford - 13 Hoiem Court, Block 302, Lot 29.01 - Application for 6' fence in front, less than 50% open - Application for two (2) bulk variances for six (6) foot fence in front yard on corner property side, less than 50% open, where only a three (3) foot fence is permitted and must be 50% open - Brad Gifford, applicant and owner, residing at the premises, was sworn in. They purchased the house, on a corner lot, in 2013, and they would like to extend the current six foot fence that encloses the back yard of their home, 20' into the front yard setback, since it is on a main road. Traffic comes in and turns around in their driveway, and his wife is home all day with the kids. They would like to create more green area for gardening and play area for the kids. A three foot fence would not be aesthetically pleasing in the neighborhood and a six foot fence would maintain it. The photos were described.

Mr. Statile inquired if there are any restrictions on the title property due to wetlands. Mr. Gifford stated there were none. Mr. Statile stated you cannot put a fence in a transitional area in the State of NJ. He would not encourage the Board to further encapsulate the buffer. Mr. Gifford read about what you can and cannot do in the transition area from the NJDEP site. Even though the fence is in the area, they are legally able to have this as long as you don't rip up trees and shrubs. Mr. Statile was well aware of the requirements. He will check with the DEP tomorrow, as no disturbance is allowed in the transition area.

The matter was carried to the next meeting on 7/17/17, with no further notice, upon motion made, seconded and carried on roll call vote. Board Attorney Leibman would review the public notice.

3. Fred & Laurie Hurst, 515 Brook Avenue, Block 1501.02, Lot 1.02 -Major Soil Movement Application -

(RVPB 6/7/17 Minutes)

Application for Major Soil Movement Permit (in excess of 500 cubic yards) for New In-Ground Swimming Pool - The purpose of the application is to construct a new, in-ground swimming pool with patio, requiring approx. 1,908 cubic yards of soil to be moved on the site and 1,465 cubic yards of soil to be imported on the site. Board Attorney Leibman requested he public notice for review. Applicant did not have the public notice. Mr. Leibman recommended and advised that the applicant be carried to the next meeting. Chairman Lippert commented there is no way to know if the applicant complied with the notice requirements properly, so anything the Board does is useless. Mr. Leibman stated the matter could be carried without a new notice required, provided the notice was properly made. Mr. Statile stated the ordinance states a soil movement notice is only five days.

Fred Hurst, applicant, was sworn in. The Chairman explained the Board had a discussion about the notice and not having a copy of it, and in the absence of same, they have to adjourn this matter until the following meeting to see that it was property made. After a brief discussion, applicant was permitted to leave the meeting to retrieve the notice from home and return. (In the meantime, the Board approved the Minutes of 4/3 & 5/1/17 above and discussed completeness review below).

Reconvening of the Hurst application at 9:10 pm. Sean McClellan NJ licensed NJ Engineer with Lantelme, Karen's & Associates, Engineers, and Chris Statile, Board Engineer, was sworn in. Mr. McClellan presented the application as stated and his site plan dated 12/1/16, consisting of one sheet. The patio would be extended 2'. The unique aspect of the property is the sloping contour in the rear of the property to a swale. The water travels through Mr. Hurst's property and the neighbor to the East. His property would be raised to reduce the size of the wall, and they are putting in a drainage system of pipes with a gravel base. There is 1,465 cubic yards of soil coming in. Mr. Leibman asked if there would be an easement on the adjacent property. Mr. McClellan stated it is contained all on Mr. Hurst's property. Mr. Leibman asked what if a future homeowner doesn't want water running onto their property. Questions and concerns by Board Members followed with clarification as to the neighboring property involved. Applicant confirmed that the main reason for the soil movement is to level off the property vs. putting in the pool. The Board discussed the drainage system. Mr. Statile stated the soil is all sandy there, with no issues. Mr. Statile warned applicant to make sure the soil is

certified clean and not contaminated. Mr. McClellan reviewed Mr. Statile's report and complied with same. There was a typo in the application as to the Lot number, stating 1.01 and corrected to 1.02.

The matter was opened to the public. Cynthia Hanna of Cedar Lane, came forward with questions. She is the owner of the property to the West, Lot 1.01. Talking about the water running off and going into a swale, she asked for the height of the wall. Ms. Hanna was sworn in. She expressed concern about water going over the wall. Mr. McClellan explained the water flows in a path to the East. Ms. Hanna asked what guarantees she has that her structure will not flood. Also, the pipe should have a covering. Mr. McClellan stated it would have grates and must be maintained. Mr. Fortsch asked how they can be assured that a future owner would maintain this. If not maintained, the wall would be ruined, Mr. McClellan responded. Without the wall, it would be the same as it is now, really steep each way, with no usable property. Mr. Puccio commented you could put up two retaining walls. He was concerned that everyone is protected. Mr. Donovan expressed concern about how far her garage was to the property. If the property was lower, the water could be cleared sooner and not have to rise up so high. Mr. McClellan would take out a block of the wall and insert the pipe to slope directly into the drainage system. Mr. Statile was reviewing the suggestion, but needed to see a detail. Mr. Leibman would add appropriate language in a resolution. Ms. Hanna had no further questions and thanked the Board.

Nick Vangelos of 521 Brook Avenue was sworn in and expressed concern about the water flow and how he would be protected while the collection system overflows. He should not have to accept water from his upstream neighbors' properties. Mr. Statile stated he could put in a retaining wall if desired. Mr. Lippert commented he has to be better off with this application, and he agreed. There were no further questions and nothing further from the public.

Mr. McClellan summed up. The system should benefit everyone. Mr. Lippert asked if Mr. Statile would be reviewing a revised drawing and should it be approved as presented. Mr. Leibman would put into a resolution that Mr. Statile must review revised plans, and if not satisfied, the application would not be approved. The vote could be to authorize him to draft a resolution with the conditions as stipulated. A motion was so made by Mr.

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Adamo and seconded by Mr. Puccio. On roll call vote, all members voted yes.

RESOLUTIONS: None

DISCUSSION:

1. **Completeness Review for Zoning Applications; Creation of New Application Form** - Discussion - The Board reviewed and discussed the application form and procedures for deeming the applications complete. The use variance and any "D" variance applications, site plans and subdivisions will go to Mr. Statile for completeness. Other bulk variances such as decks, porticos, porches, impervious coverage pavers, and height less than 10% may be reviewed by the Chairman's designee, along with the Board Secretary.

PAYMENT OF INVOICES: None

NEXT MEETING: Monday, July 17, 2017 at 8:00 pm.

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at approximately 10:00 p.m.

Respectfully submitted,

MARY R. VERDUCCI, PARALEGAL
Recording Secretary