

**TOWNSHIP OF RIVER VALE  
JOINT PLANNING BOARD  
August 7, 2017  
REGULAR MEETING  
MINUTES**

**APPROVED**

**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:**

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

**Also Present:**

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

<b>Absent:</b>	Glen Jasionowski	Class I-Mayor
	John Puccio	

**APPLICATION**

**Stern - 528 Alosio Drive - Block 2201 Lot 18.14 - fence -  
continued application**

Scott and Beth Stern were previously sworn. Mr. Stern reported that he discussed the application further with the neighbors. A 10 page Exhibit was marked as Exhibit Scott 1. Mr. Stern referred to page 1 property survey showing what was previously there and what is proposed as marked up in color by Mr. Sartori, zoning official. Mr. Lippert asked if there is a limit to height of the bushes. Mr. Statile responded no, the concern is with visibility adding that shrubs don't constitute fences. Mr. Stern stated that the bushes were there. Mrs. Stern met with the zoning official who stated that high bushes were not permitted in the right-of-way and encroaching on a fire hydrant. Mr. Lippert asked if a 5 ft. high fence 75% open was proposed. Mrs. Stern replied yes. Mrs. Stern referred to the green area on the Exhibit stating that it was 5 ft. and consistent and discussed with the neighbor.

Mrs. Stern referred to page 3 of the Exhibit stating that plants planted in the right-of-way are now gone. The proposed fence will include a gate for utilities access.

Page 4 of the Exhibit - bushes were tall and demolished by deer; Mrs. Stern commented that her son could pass through them. A large spruce tree blocks the site.

Page 4 of the Exhibit - the side by side photo shows what we are looking for. A 3 ft. fence would not serve the purpose for safety.

Page 6 of the Exhibit - shows bushes that were there they were planted in the right-of-way which the Stern's cleared out and now have clear visibility. They would like a 5 ft. fence with 75% privacy whereas a 3 ft. fence is permitted. If the fence is placed 10 ft. into the property we could have a 6 ft. fence but it would encroach onto the property too much. Mr. Beukas asked if the proposed fence would be near the shade tree. Mrs. Stern responded behind the shade tree.

Neighbor Francis Ssekandi previously sworn came forward. Mr. Lippert inquired if Mr. Ssekandi understood the proposal presented. Mr. Ssekandi responded yes and would like to make a few things clear stating that the existing plants were agreed to by the previous owners and himself and neither violated the ordinance. Mr. Lippert responded that they are in the right-of-way. Mr. Ssekandi wants to keep 3 bushes that he said are his. Mr. Lippert states that the applicant is proposing a 5 ft. 75% privacy fence. Assuming if the Board does not agree to this now based on

20 ft. setback then the ordinance is clear on the 25 ft. setback. If the Board votes no, need to follow the ordinance. Mr. Statile stated that a survey stake needs to be placed on the property line. Mr. Plescia commented on the existing fence property line. Mr. Statile responded that you can't depend on that. Mr. Lippert added that the Board would request stakes be placed.

Mrs. Stern referred to page 10 of the Exhibit - allowing 6 ft. recess into the property to accommodate the neighbor. Mr. Statile commented that no fence can be placed in the public easement or right-of-way as per ordinance without Mayor and Council approval.

Mr. Stern commented that they were told by the zoning officer that they can place a fence and how ridiculous the entire matter turned out.

Councilman Donovan commented that this is unique property and it is unfortunate he feels "beat-up". We do everything we can. Listed on the survey is a 10 ft. utility easement no a 10 ft. right-of-way.

Mr. Lippert added we are bound to follow the law. Mr. Statile explained the easement. Mr. Plescia recommended placing a small sign on the fence for utility access.

Councilman Donovan commented on SFAH Zoning - 2 front yards a side yard and rear yard.

Mr. Fortsch commented that we have had varying heights in the past; you can get what you need with a 4 ft. fence and plantings.

Board Attorney Leibman stated that he would attach the Exhibit containing the exact location of the fence to the resolution for clarification. Five (5) ft. fence is okay where three (3) ft. is permitted. Condition that a six (6) ft. fence never be placed, stakes along 530/528 boundary line, connect the fence with the neighbor's fence in the rear, no concrete posts, approval of the Mayor and Council, sign on the gate of the fence for utility location and access and no trees to be removed.

A letter needs to be sent to the Mayor and Council requesting to be heard at a public hearing.

A motion by Chairman Lippert, seconded by Craig Plescia to approve the application as discussed and conditioned; 25%

visibility, 75% privacy and 5 ft. high; on roll call vote, all those eligible voted yes; the motion carried.

## **RESOLUTIONS**

Gifford - 13 Hoiem Court - Block 302 Lot 29.01 - fence

A motion by Robert Fortsch, seconded by Peter Wayne to adopt the resolution; on roll call vote, all those eligible voted yes; the motion carried.

Ortiz - 555 Piermont Avenue - Block 1301 - Lot 8 - addition

A motion by Peter Wayne, seconded by Robert Adamo to adopt the resolution; on roll call vote, all those eligible voted yes; the motion carried.

Foster Family Trust - 721 Orange Court - Block 101 - Lot 19 - legalize existing structure

Carried

## **DEVELOPERS AGREEMENT**

Rivervale Homes, LLC - Orangeburgh Road - Block 601 - Lot 7 - minor subdivision

Board Attorney Leibman reported that the subject subdivision is 6 - 8 years old. New owners are ready to move forward however, zoning official Sartori reported that the property is not being maintained. Mr. Leibman's recommendation is to table the Developers Agreement.

A motion by Chairman Lippert, seconded by Michael Beukas to table the Developers Agreement to a later date; on voice vote, all in favor, the motion carried.

## **DISCUSSION**

Proposed September agenda reviewed.

Portico - Mr. Fortsch held discussion on "open" porticos never allowed to be enclosed. Board Attorney Leibman requested copies of previously approved applications pertaining to porticos for his review. He recommended having Mr. Statile's office draft an ordinance to become part of the zoning code regarding the non-enclosure of porticos so no application would then be required moving forward.

MINUTES: July 17, 2017

The Minutes of the July 17, 2017 Meeting were carried.

PAYMENT OF INVOICES: None

MEETING OPENED TO THE PUBLIC FOR ANY NON-AGENDA ITEMS

No public comment

Meeting Closed

**NEXT MEETING:** Monday September 18, 2017 at 7:30 pm.

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

**Respectfully submitted,**

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**Sylvia Kokowski**  
**Recording Secretary**