

**TOWNSHIP OF RIVER VALE  
PLANNING BOARD  
May 21, 2007  
REGULAR MEETING  
MINUTES**

**ADEQUATE NOTICE STATEMENT:**

A Regular 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".

**The Planning Board saluted the flag.**

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**ROLL CALL:**

**Members Present:**

George Shalhoub	
Bruce Carillo	Vice-Chairman
Chris Wahmann	Secretary
Mayor Blundo	Class I
Peter Wayne	Class II
Norman Goldman	
Mark Ericksen	
Kenneth H. Koons	Chairman
Ron Tucci	Alt. #2

**Also Present:**

Paul Kaufman, Esq.	Board Attorney
By Marc Leibman, Esq.	
Christopher Statile, PE	Board Engineer

<b>Absent:</b>	Dwight de Stefan	Class III (Councilman)
	Maria Sapuppo	Alt. #1

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**MINUTES:**

The Minutes dated April 16, 2007, with two corrections, were tabled until 6/18/07.

**RESOLUTION:**

1. **Jewish Home, 685 Westwood Avenue, Block 2101, Lots 2, 3, 28 - Final Site Plan** - Chairman Koons moved to adopt the Resolution deemed as read, with second by Mr. Goldman. Mr. Koons commented the Developers Agreement says the air conditioning unit is to be screened, and he doesn't think it is. He does not remember the Board waiving it. Mr. Goldman thought it was the opposite. Mr. Statile commented applicant provided proof they were less than 61 decibels. Mr. Koons pulled out the 9/16/06 Minutes. Which said they will baffle and shield the rooftop. Mr. Leibman advised this Board does not enforce the Developers Agreement. Mr. Koons noted this was the final site plan approval. He said he did not think it was an acoustical barrier, but a visual barrier. Mr. Leibman advised it was fine to approve this, as it was not a condition. Mr. Koons said he thought it was a condition of preliminary approval. Mr. Leibman said if you think it was erroneously left out of the Resolution, we need to establish whether it was supposed to be in there or not. He would have to see the transcript of the meeting. The applicant has to be bound by the Developers agreement, which is signed. The Resolution was tabled due to question on screening of air conditioning.

**PUBLIC HEARINGS:**

1. **Pumpernicks, 215 Rivervale Road, Block 1719, Lot 6** - Change in Use (Delicatessen) Russell R. Huntington, Esq. represented the applicant and provided the Proof of Service (white slips and green cards), having previously submitted the Affidavits. They included in their notice an application for a variance. They received Mr. Statile's report. Mr. Koons asked if he read the report concerning parking. Mr. Huntington responded Present utilization indicates that it would not be a problem.

Marc Goldberg, applicant, was sworn in and stated they would have five employees. No feedback was received from the Police or Fire Departments. Parking was discussed at length. Mr. Statile reported on the parking requirement according to ordinance and the ITE. Mr. Menville pointed out that applicant has a 50 seat restaurant. Also, a delivery-pizzeria was opening next door, and the question is will there be enough parking. He would like to find a way for all the commercial businesses to be contained in

that parking lot. Mr. Huntington commented the real estate use is benign, and the two uses may cancel each other out. As each tenant comes in over time, the Board will have the opportunity to have some control over the tenant mix. Mr. Menville commented the only way to have control is to comply with the ordinance. Mr. Carillo said it is very difficult to make it all work. Mr. Koons asked even if they ignore the regulations, how much are they short. Mr. Statile calculated there would be 41 spaces. Mr. Menville stated the Ordinance states we have to take the higher number for restaurants. Mr. Statile stated the real estate office was counted as retail. Mr. Menville commented we did not really envision a restaurant when they took into consideration the calculations. Mr. Carillo suggested waiting for the Police and Fire Department reports.

Mr. Leibman asked Mr. Huntington if he had an objection to carrying the matter for receipt of the reports. Mr. Menville commented they also had the next application at that address. Mr. Huntington said it didn't appear they should ask for a decision tonight, although his client is anxious. Mr. Koons asked their position on a 40-seat restaurant. Mr. Koons indicated the Board is very anxious to have this tenant in the building, but most of the concerns is the parking and parking variance. Mr. Huntington suggested carrying and seeing if they could come up with a way to secure this restaurant for the community. Mr. Koons announced they would continue this and get reports from the Police and Fire Departments. The matter was carried to 6/18/07 with no further notice and time extension granted. Mr. Leibman suggested the applicants remain in the audience to observe, and it was stated they did not know of the next application.

**2. DMF Pizza 215 Rivervale Road, Block 1719, Lot 6 -** Change in Use (Delivery Pizza) - Anthony Iacocca, Esq. represented the applicant. Brian Fitter, Managing Member was present. Mr. Iacocca provided the Proof of Service. They desired to lease Baseline Associate's property for pizza takeout and delivery, know as Garlic Jim's Famous Gourmet Pizza. The store is primarily a dinner store, and the hours of operation, per the franchise agreement, are 11:00 a.m. to 11:00 p.m., but his intention is 4:00 p.m. to 11:00 p.m. He is primarily a dinner store, not a lunch store. The layout is very similar to a Domino's Pizza. A person can place an order at the counter. The total time for a pizza is nine minutes. There will be two to four

people in operation, in addition to the delivery people. Two of them would be high school kids taking orders on the phone. There are no seats. They handed out photos of the lobby and customer view of the kitchen. Mr. Statile referred to the definition of restaurant. Mr. Fitter explained what you see is the delivery person, and they actually take their own pizzas out of the oven and go. The others shown are phone people. The franchise is from California. He would have to show that this is not a lunch area, then he would be issued 4:00 p.m. to 11:00 p.m. hours. Mr. Statile read the restaurant definition which states the food is consumed in the building.

Given the surprise tonight to have two applicants for the same strip mall, Mr. Koons suggested this applicant and the prior applicant should confer, noting they need parking and this applicant does not. Mr. Koons said they would ask Mr. Leibman's opinion as well. Mr. Leibman said they may need a use variance as well, and he asked Mr. Statile for a report from his planner. Also reports from the Police and Fire Departments were needed. This way things can be sorted that out before the hearing, and if there is no variance, he can confer with the other counsel. Mr. Iacocca said they would prefer a single application. Mr. Leibman called for Mr. Huntington to come up. Mr. Fitter said he is presently out of work and subject to time periods set by the franchise. Then, Mr. Leibman said, why don't you confer with your attorney, and the Board will hear the applications separately. He was asked to carry to 6/18/07, with no further notice and time extension granted. Applicant and his attorney agreed. Mr. Statile would provide the Board with his report and copy the applicant.

**3. Papamichael, 187 Rivervale Road, Block 2206, Lot 17 - Change in Use (Bagel Store)** - It was noted that this was the site of the old Claudia's, next to Cousin's Pizza. The applicant, Constantine Papamichael, was represented by counsel. This was a former hair and nail salon, and they now proposed a deli. There would be four employees and the hours 6:00 a.m. to 5:00 p.m., selling bagels, sandwiches and deli-type products. There would be no seating. Mr. Papamichael sworn in. The Board asked, and applicant did not have a site plan. Mr. Menville inquired of Mr. Statile, how many spaces were there for the salon. The Board asked for a floor plan, as they would like to see what it would look like. Mr. Papamichael described the proposed layout and indicated he was out of work and would

like to get this approved, and tomorrow is the deadline. It would be a simple layout, with no counter tops, no sitting. The area is 900 sq. ft. Mr. Menville stated when the salon, pizzeria and dry cleaners were filled, there were still open spaces in the back.

The matter was opened to the public, but there were no questions. Mr. Koons moved to close the hearing with second by Mr. Menville. Mr. Carillo moved to approve with second by Mr. Menville, subject to final floor plan being provided to the Board for review next month. Mr. Leibman amended subject to providing a site plan and floor plan to be approved by the Board's engineer. This is for a change of tenancy. Mr. Menville seconded the amendment to the approval. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Menville, Mr. Goldman, Mr. Carillo, Mr. Wayne, Mr. Ericksen, and Mr. Koons voted yes. Mr. Leibman asked them to send the plans to Mr. Statile and if approved, the Board would provide a Resolution next month.

The Board took a 10 minute recess at approx. 9:15 p.m.

**4. O'Neill, 700/705 Orange Court, Block 101, Lots 22 & 23 - Major Subdivision and Soil Moving** - Mr. Koons recused himself and stepped down from the dais. Mr. Carillo chaired the meeting for this application. Antimo Del Vecchio, Esq. represented the applicant. Applicants filed for major subdivision for four new homes, with a soil moving permit, resulting in a net export of approx. 25,058 cyds of soil. Since then, they revised their plans and submitted revised drawings, with intent to subdivide the property into three lots. Mr. Wahmann asked if they renoticed, and Mr. Del Vecchio stated no. Two of the homes will remain. There will be only 1,623 cubic yds, and they are still requesting a variance from steep slope ordinance and lot width for three lots. The notice complies with Pelmar vs. Lacey (lesser included application if going downward, and no renotice needed) Mr. Leibman agreed. Mr. Leibman summarized for the record that the previous application was for five lots with four new homes, now three lots with one new home. Mr. Wahmann asked why it is still a major. Mr. Statile answered the depth of the lots exceeds 200'. Mr. Carillo indicated he could only give the applicants 35 minutes. Mr. Del Vecchio wanted to get through the engineer, and he did not bring the planner.

Richard Eichenlaub, Wampum Road, Park Ridge, was sworn in and accepted - A1 was marked at the February hearing, which was the Affidavit of Service; Revised Major Subdivision Plan dated 4/25/07 was marked A2, the Soil Movement Plan was marked A3, \_\_\_\_\_ was marked A4, and Drainage Calculations, revised 1/2007, was marked A5. Mr. Eichenlaub testified he visited the site and was familiar with the property and neighborhood, zoning ordinances and standards and variance provisions of the RSIS as they may apply to the property. He described the existing conditions, referring to Sheet 2 of the plans. The property is located at the West end of Orange Court, the last road off Orangeburgh Road, just prior to entering NY State. The property consists of 48,000 sq. ft. of property, Lots 22 and 23 combined, both residential lots. To the left is a power and utility easement owned by Rockland Electric. To the North is Rockland County, and to the East are two additional residential lots. Here are current improvements- Lot 23 has an existing residential dwelling, detached garage and pool. Lot 22 has an existing dwelling and attached deck with driveway, the only improvement. The property exhibits steep slope features, as provided on the map on Sheet 5 of 5 on A2. There was a table of steep slopes at the bottom of the sheet. Mr. Del Vecchio advised the plan provides for far less steep slopes than the original plan. Previously, virtually the entire site was being disturbed; now they are just disturbing steep slopes to get the driveway in on Lot 22. They made efforts for minimal disturbance.

The nature of soil moving activity is removal of under 1,600 cubic yards of material, and there will be some regrading. The majority will be exported from the site, but some will be used for the grading of the driveway.

Mr. Eichenlaub described how the lots comply with the bulk limiting schedule. The minimum size required is 18,000 sq. ft. The lots comply, but need a variance for lot width. Mr. Del Vecchio asked how they could be made to comply with lot width. Mr. Eichenlaub explained this would be done by extending the cul-de-sac, additional disturbance of steep slopes, roadway, in order to establish conforming lots. It would lessen the lot area slightly. It would increase the soil movement and need for detention in the public roadway because of increase in impervious area. Mr. Del Vecchio asked if these lots meet with all the requirements of the RSIS standards, and Mr. Eichenlaub

responded yes. Mr. Eichenlaub illustrated the proposed footprints on the plan. They would require retaining walls in the rear. Mr. Shalhoub questioned the witness as to the walls.

Mr. Eichenlaub described the drainage for the proposed 22.01 lot. They would tie into the existing catch basin to the East of them. The neighbors to the East experience ice runoff from the slopes, and they propose a drainage system. They would comply with most items of Mr. Statile's review letter. With regard to the 2,000 gallon seepage pits, they could comply, but they would simply be putting water back into the ground and adding to a condition that presently exists. He explained the alternative to correct the water problem that presently exists. It was suggested that an extension of Orange Court would eliminate the variance, but he proposed an alternative, as he did not see any benefit from the extension. Mr. Del Vecchio had no further questions of Mr. Eichenlaub, and he was made available for questions by the Board.

Mr. Carillo asked if they had any problems with complying with Mr. Statile, and they did not. Mr. Statile commented. Mr. Wayne asked and Mr. Eichenlaub explained they would be putting drainage system behind the retaining walls, giving details. Mr. Goldman questioned how the utilities would come in. Mr. Eichenlaub stated under ground. Mr. Carillo noted the time constraints. Mr. Wayne asked about the drain along the two property lines, and how that would work if the ground was frozen. Mr. Eichenlaub said the water was coming up from under ground; it was not surface water. They are looking to help the neighbors out. It is crushed stone and a pipe. There is nothing built on top of it. It will be the homeowner's responsibility to maintain.

The matter was opened to the public on motion of Mr. Menville and seconded by Mr. Goldman. Jim Anagnost, of 716 Orange Court, came forward and stated they had a severe drainage problem for 15 years. Mr. Leibman advised at this time, the witness is examined by the public. At the conclusion, the public can set forth their concerns. The time now is for the public to ask questions of the witness about his testimony. Mr. Anagnost was sworn in and questioned the witness about the soil being moved. He was concerned about the vibration of the trucks. There would be a performance bond by the developer. But it would not

(RVPB 5/21/07 Minutes)

cover the individual property. Those were his concerns. Next, Peter Ferrari, 695 Montgomery Lane, came forward and stated these houses are outdated like his above, and he asked if the developer now is held responsible for anything in the future. He was informed it is the next person's responsibility. There were no further questions from the public, and the matter was closed on motion of Mr. Goldman and second by Mr. Menville.

The matter was carried to 6/18/07 with no further notice and time extension granted. Mr. Del Vecchio stated he would have his planner at that time.

Mr. Koons returned to the dais.

**5. Saoud, 460 Cedar Lane, Block 1301, Lot 1 - Minor Subdivision** - Counsel for the applicant continued from the last hearing. Since that time both the engineer, Gene Rotonda, and he were in receipt of a letter dated 5/18/07 from Mr. Statile. He would indicate to the Board that the items contained therein they would comply with, and there were other items dealing with the County. Mr. Rotonda stated there was a correction on the plan of impervious a 28.9% impervious coverage, not 41%. Mr. Wahmann referred to the letter, asked why they did not move the house forward. There is a right-of-way widening easement, and the house on proposed Lot 1.02 is not necessarily the final location. Instead of 53.6', it is 49.2'. This is a schematic for now. Mr. Koons commented the Board is entitled to at least the location of driveway and house locations, not just a blanket statement that if they are in the envelope they are all right.

Mr. Rotonda stated Lot 1.01 is exact; Lot 1.02 may have a slight configuration. They did not design the house, but it has a similar front. Mr. Goldman stated the ordinance says they cannot be the exact same houses. Mr. Rotonda said they do have different designs. Mr. Koons was concerned that what the Board is being told is not what it is going to get. They would like some statement on the plan that the architecture would be dissimilar. Mr. Rotonda responded there would be no problem with that. Mr. Koons commented the driveway locations should be where they are, so if next to any bedrooms, they will not be a disturbance. Mr. Menville asked if the applicant would put up a split rail fence. The attorney stated they would prefer to stay with the wetlands markers and have the DEP to deal with on

the horizon. They are not completed with the DEP or the County as per Mr. Statile. The engineer would put a note on the plan. The attorney asked if this could be dealt with at site plan approval instead of committing now. The Board agreed. Mr. Koons asked for a note that they would repair or add pavement to the curb line. They agreed. Also it was agreed that a note would be added about the dissimilar architecture. There were no further comments from the Board and no comments from the public.

A motion to close the hearing was made by Mr. Koons and seconded by Mr. Menville. There were no further questions, comments or discussions.

Mr. Koons moved to instruct the Board Attorney to prepare a favorable Resolution for the subdivision for next month's hearing with the items discussed and the items outlined in Mr. Statile's letter. The motion was seconded by Mr. Goldman. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Menville, Mr. Goldman, Mr. Wayne, Mr. Ericksen, and Mr. Koons voted yes. Mr. Carillo was not eligible to vote.

**6. Pascack Hills Properties, 634 Orangeburgh Road, Block 302, Lot 29** - Russell R. Huntington, Esq. represented the applicant. Mr. Statile reviewed the changes and prepared an amended report, to which the applicant had no disagreement. Robert Costa, previously sworn, was available to explain the changes since they were last before the Board. The biggest concern with the County was the dedication. They went back to the County and have a letter from Erik Timsak, which was sent to Mr. Koons, copies to Mr. Statile, Mr. Stabile and himself. The County is willing to take a dedication along Orangeburgh Road, 2,390 sq. ft. The remaining property will only be an easement. That changed the lot sizes and affected the two lots facing Orangeburgh Road. Mr. Wahmann asked if C1 would affect the project and wanted proof and a report from Mr. Statile. The Board discussed utilities and requested for notes to be placed on the plan regarding the current pavement, underground utilities and dissimilar architecture. They agreed with same. There were no further questions, comments or discussions and no questions from the public. The matter was carried to the 6/18/07 meeting with time extension granted and no further notice.

**DISCUSSION:**

(RVPB 5/21/07 Minutes)

**1. Release of Performance Bond for Baldanza Construction (Peterson Farm Court)** Mr. Statile reported. \$2,250.00 was received and deposited. Mr. Koons moved to release the performance bond, with second by Mr. Wahmann. On roll call vote, all members voted yes.

**2. Ordinance #187-1007** - It was indicated that this Ordinance was first read by the Council on 5/14/07 and reviewed by the Zoning Board. Retail businesses carry a broad section, Mr. Koons commented, noting it needs to be tightened up a little. The Board explored the definitions contained in retail. The recommendation could be that it is specifically spelled out. Mr. Carillo said it needs to be very specific. Mr. Koons commented it needs to be held over for further discussion. Mr. Carillo stated this is a good time to fine-tune this, with everything that is going on at four corners and the applications before the Board this evening. It needs to be completely more specific. At Mr. Menville's suggestion, Mr. Carillo was put in charge of making the recommendations.

**Payment of Invoices:** None

**Next Meeting:** June 18, 2007

**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