

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
August 18, 2008
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
Mayor Joseph Blundo	Class I
Peter Wayne	Class II
George Shalhoub	
Ron Tucci	
Chris Wahmann	Secretary
Scott Lippert	Alt. #2

Also Present:

Dennis Deutsch, Esq., Board Attorney
Christopher Statile, PE Board Engineer

Absent: Bruce Carillo Vice-Chairman
Mark Ericksen
Jim Tolomeo Alt. #1
Dwight de Stefan Class III (Councilman)

MINUTES: June 16, 2008 - The Minutes of June 16, 2008 were approved as amended on motion of Chairman Koons, seconded by Mr. Shalhoub and carried. (Note: The July 21, 2008 meeting was canceled, and the April 21, 2008 Minutes were approved at the June meeting)

RESOLUTIONS: None

PUBLIC HEARINGS:

Chairman Koons recused himself and stepped down from the dais for the following announcement. Denis Deutsch, Esq. announced for the record that matters of Blue Hill Estates & Pascack Hills Properties each requested an adjournment to the next meeting. Chairman Koons returned to the dais.

1. Blue Hill Estates, 719 & 707A Orangeburgh Road, Block 202.01, Lots 9, 15.01, 16.05 - Preliminary Major Subdivision & Final Subdivision - Carried to the 9/15/08 meeting at request of applicant.

2. Rockland Built Homes, 722 Westwood Avenue, Block 1801.01, Lot 30 - Major Subdivision - Robert J. Mancinelli, Esq. represented the applicant and reviewed from the prior hearing whereat Richard Eichenlaub of RL Engineering testified. Steve Lydon of Burgis Associates would also testify. David Gleassey, P.E., also of R.L. Engineering, 24 Wampum Road, Park Ridge, NJ, appeared on behalf of Mr. Eichenlaub to answer questions on engineering.

Mr. Gleassey was sworn in, qualified and accepted. Mr. Mancinelli reviewed that Mr. Eichenlaub was finished with the bulk of his testimony, but there were questions with respect to the zone boundary, which were satisfied. Lot 30 is in the A Zone and Lot 30.01 is in the A1 Zone. Four variances were for lot width and lot frontage on both lots, and there was a fifth variance for the steep slope, which was created as a result of field work required by the DEP.

Mr. Wahmann noted a sixth variance for lot lines that do not go straight through. Mayor Blundo deferred to Mr. Statile on the variance descriptions. Mr. Statile explained that both are deficient in lot width and lot frontage. He responded there is a steep slope variance and parallel lot line variance, confirming there are six variances. Mr. Gleassey gave details of the work which resulted in the slope mathematically being considered a variance. The ordinance states it cannot be greater than 25%, and they exceed the 25%; they are disturbing 145 sq. ft. Mr. Mancinelli stated the final set of plans would address the parallel lot lines. Chairman Koons inquired about curbing. Mr. Gleassey responded in lieu of installing sidewalks,

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they would contribute to any fund, as there are no sidewalks to either side of them. Chairman Koons asked, and Mr. Statile explained the Township CEO could set up a specific account for same.

Mr. Shalhoub asked for clarification on what work caused the steep slope variance. Mr. Gleassey explained when they were stockpiling the soil and removing same from the wetland area, they moved it behind the barn, and there were some trees they wanted to avoid. They had to remove it, and whoever did the excavation left a very steep, abrupt area, when it could have been graded out as it was previously. The slopes were never upgraded properly. When the surveyor went in, there were 25% slopes. Mr. Shalhoub asked why the applicant couldn't do that to eliminate the variance. Mr. Gleassey indicated the applicant could do this, but it is already on the map. Mr. Statile said they could actually add a shallow retaining wall, but would need another variance for that to repair it.

Steve Lydon, P.P., of Burgis Associates, 25 Westwood Avenue, Westwood, NJ, was sworn in, qualified and accepted. Mr. Burgis was hired by the applicant to prepare a planning analysis and reviewed Mr. Eichenlaub's plan, the Land Use Ordinance and Master Plan. Mr. Lydon introduced Exhibit A8, an aerial photograph, which he displayed on an easel. It is a recent photograph, as dwellings shown across the street were recently constructed and are now for sale. These lots are among the few remnants that are long and deep and go back to the river. It is oversized, being two acres in size. Nine non-water company lots out of the 11 do not conform with the lot frontage requirement in the zone. Further, there are a number of lots in this area with more than one dwelling on them. There are treed buffers outside the perimeters of the lot and dwellings adjacent to the property. He displayed and gave an overview of a series of seven photos he took today, marked A9(A) - A9(G). There are a number of properties to the East and West with multiple dwellings and flag lots. Photo (C) shows a second dwelling on a back lot, as shown on Mr. Eichenlaub's drawing. Mr. Tucci commented two dwellings on one lot are prohibited by the ordinance after a certain date. Mr. Lydon did not check with the tax office.

Mr. Lydon introduced another exhibit, marked A10, with four photos (A) through (D). There are four mailboxes shown in (D), indicating four dwellings, as reflected in the

aerial photograph. Having dwellings behind dwellings is not unique to this area. There are four tax lots off a private lane, so he did not want to trespass to take photos of the dwellings. Mr. Lydon continued. The total number of buildings post development would be reduced by one. The lots are oversized for the zones. For Lot 30 they would be seeking two variances for lot frontage and width. The rear lot, proposed Lot 30.01, would have the same need for variance relief. Because they are a flag lot situation, the rear lot line of Lot 30 does not need a variance. Lot lines need to be parallel to the street, but the Lot 30.01 rear lot line does have a 90 degree bend. The requirement is important in a traditional lot, but in this application, they are proposing a 75,000 sq. ft. lot.

Mr. Wahmann asked how much is usable, and Mr. Lydon responded front and side yards are usable, but he did not calculate the DEP requirement for the 300'. Mr. Wahmann asked if 18,000 sq. ft. would be usable. Mr. Gleassey explained they did not calculate that yet, but are in parity with 18,000. Sq. ft. Mr. Mancinelli said the plan is the same as Mr. Eichenlaub's plan, Sheet A2, only colorized, and it was marked A11. Mayor Blundo asked how the fire truck would get down the lane. Mr. Mancinelli said the Board indicated it would get a review letter from the Fire Dept. Mr. Statile commented on fire truck access and that it was unlikely it could turn around or back up.

In support of their request for variance relief, Mr. Statile stated this application is furthering several goals of the Master Plan, such as preserve the natural environment, and area preservation of wetlands and trees. It stabilizes the Township's housing and protects watershed lands and drainage basins. Statutory criteria required to be demonstrated included the positive and negative criteria. As for the positive criteria, the lot is presently vacant with unusual characteristics. It is the largest of the lots East of Peters Place until you get to the water company lot out to Westwood Avenue. It is the widest lot of the 11 lots not owned by the water company. They did not create that situation of it being as long and narrow as it is. The negative criteria are also met, in that there is no substantial detriment upon the neighbors. Two oversized lots will be created--one in the A Zone and one in the A1 Zone. They are only looking for two variances per lot, plus the lot line with the 90 degree bend. Proposed Lot 30 is allowed to cover 25% with building; they

are covering only 18%. Lot 30.01 is required to have 30,000 sq. ft., and they have over 75,000 sq. ft., covering 5.28% with building, with impervious coverage of 14.275% when 40% is allowed. Mr. Wahmann asked what percentage is usable. Mr. Lydon said they did not do the calculation, but lots not owned by the water company are in this A1 Zone also. They are there for certain environmental reasons. They accomplish what they are seeking by having a 75,000 sq. ft. lot in a 40,000 sq. ft. zone.

Mr. Wayne inquired about the rear lot owner not having enough curb space to put out their branches, recycling and garbage, and an easement was discussed. Mr. Lippert asked if they going under C2, and Mr. Lydon said they are also going under C1. Positive criteria were mainly that the lots are oversized. Mr. Mancinelli said the applicant can also go with another potential development, such as multiple dwelling, rather than two, nice size homes. Chairman Koons asked what multiple dwellings they would seek. Mr. Mancinelli said if denied, they could come back with another proposal altogether. Mr. Lydon added on this particular side of the road there is a ban of buildings that would be introducing a new design criteria, and having one 18,000 wide stem would not be out of character for the area.

Chairman Koons asked him to elaborate on the hardship. Mr. Lydon responded it is a 2+ acre lot, with 200'+ excessive depth. It is an area where, because of the nature of these properties, with Westwood Avenue and the river so far apart, there are parallel developments, as can be seen from A8. The lot is greatly in excess of what the zone requires. They can meet all the zone criteria and have an undersized property. The size of the lot is the basis of the variance. Chairman Koons disagreed, and believes it will seriously affect the Zone Plan. A hardship is not created. There are many long, oversized lots.

Chairman Koons stated we need to hire a planner for the Board's benefit. There is a planner in Mr. Statile's office. They did not present any testimony that multiple dwellings are legal or non-conforming. The Board should have the benefit of a professional planner that represented the Board and let them give an opinion. Mr. Lydon reiterated nine out of 11 lots do not meet the zone criteria. Chairman Koons stated the Board needed advice from a planning consultant as to whether this is an

appropriate development. Mr. Deutsch asked if there was an objection on Mr. Mancinelli's part. Mr. Mancinelli commented he was surprised the Board would consider someone from their own professional's office, but was not actually making an argument--it was just a question. Mr. Deutsch advised he had to ask. Mr. Statile said Ms. Reiter is a professional planner and is also an employee of the firm. Mr. Mancinelli had no objections.

The matter was open to the public for questions of Mr. Statile. Mr. Jacobs, of 17 Westwood Avenue asked for the width of the rear of the property. Mr. Statile responded 215' across. Mr. Jacobs clarified his question, and Mr. Gleassey answered his question responding with 115'. There were no further questions.

Mr. Mancinelli asked for confirmation of what was required of them for the next meeting, besides showing the lot lines. The Board would follow up with the Fire Chief and Police Dept.

Chairman Koons moved to retain Carol Reiter, as a professional planner after listening to applicant's planner, with second by Mr. Wahmann. Mr. Tucci inquired why one was needed. Chairman Koons explained because the variances were different and based on surrounding conditions, and we should have the benefit of a professional planner to indicate to them the aspects of whether or not these are positive reasons for the granting of the variance. The matter was carried to the 9/15/08 meeting with time extension granted by Mr. Mancinelli, who would also fax a letter to that effect.

3. Pascack Hills Properties, Rivervale Rd/Colonial Rd & Winding Way, Block 502, Lot 1 and Block 502, Lot 12 - Major Subdivision - Carried to the 9/15/08 meeting at request of applicant.

DEVELOPER'S AGREEMENTS:

1. Kern, Spring Street & Cedar Lane, Block 1501.02, Lots 32 & 32.01 - major Subdivision - Chairman Koons moved, with second by Mr. Shalhoub, that the Developer's Agreement be signed and carried and until all members have read it. Mr. Deutsch advised he read it.

DISCUSSIONS: None

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OPEN TO PUBLIC - Paul Tolin, 588 Colonial Road, River Vale, asked a question on Pascack Hills and commented regarding notification by the developer that he was not going to be present that evening. The attorney sent a letter on Friday that they were not going to appear. Mr. Deutsch advised the letter is not mandated, but is a courtesy to the neighbors. Today the Board found this out at 3:00 p.m. The Mayor requested Damian Gil to send a letter as he did on Blue Hill. He could send an email if there is not enough time to send a notice out. Mr. Deutsch advised they are not obligating the municipality; the Mayor is going overboard to accommodate the public, so if some reason someone does not get a letter or email, the Board, Township or Mayor are not to be blamed.

PAYMENT OF INVOICES: None

NEXT MEETING: September 15, 2008

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**