

TOWNSHIP OF RIVER VALE
JOINT PLANNING BOARD
January 27, 2021
7:30 p.m.
REORGANIZATION & REGULAR MEETING
MINUTES (VIRTUAL)

Approved 2/24/21

ADEQUATE NOTICE STATEMENT:

In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the River Vale Municipal Office.

The Joint Planning Board saluted the flag.

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ROLL CALL:

Members Present:

Robert Adamo	
Robert Fortsch	Vice-Chairman
Scott Lippert	Chairman
Gregory Lowe	
Matthew Ross	(Alt. #1)
John Puccio	
Susan Vaccaro	Secretary
Peter Wayne	

Also Present:

Marc E. Leibman, Esq.	Board Attorney
Christopher Statile	Board Engineer
Caroline Reiter	Board Planner
Maria Haag	Land Use Administrator/ Recording Secretary

Absent:

John Donovan	Councilman
Glen Jasionowski	Class I-Mayor

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REORGANIZATION MEETING

Swearing in of New Board Members:

- Susan Vaccaro - Class IV
- Peter Wayne - Class II

The Members were sworn in and took their Oaths of Office.

To be sworn in at a later date:

- John Donovan - Class III

ELECTION OF OFFICERS:

Election of Chairman:

Board Attorney Leibman requested a nomination for Chairman. Mr. Fortsch nominated **Scott Lippert** as Chairman, with second by Ms. Vaccaro. There were no further nominations. On roll call vote, all members voted yes on the nomination. Chairman Lippert thanked the Board.

Election of Vice-Chairman:

Chairman Lippert requested a nomination for Vice-Chairman. Chairman Lippert nominated **Robert Fortsch** as Vice-Chairman, with second by Mr. Wayne. There were no further nominations. On roll call vote, all members voted yes on the nomination.

Election of Secretary:

Chairman Lippert requested a nomination for Secretary. Chairman Lippert nominated **Susan Vaccaro** as Secretary, with second by Mr. Fortsch. There were no further nominations. On roll call vote, all members voted yes on the nomination.

Appointment of Board Professionals:

A motion to appoint the following Board Professionals for 2021 was made by Chairman Lippert:

Marc Leibman, Esq., Board Attorney - second by Ms. Vaccaro
Christopher Statile, P.E., Board Engineer - second by Mr. Puccio
Carolyn Reiter, Board Planner - second by Mr. Adamo

All board members voted yes on the nominations.

Approval of the By-Laws:

A motion for approval of the **By-Laws for 2021**, was made by Ms. Vaccaro with second by Mr. Lowe. All members voted yes unanimously.

Approval of 2021 Meeting Dates:

A motion for approval of the **2021 Meeting Dates**, was made by Chairman Lippert with second by Mr. Fortsch. All members voted yes unanimously.

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REGULAR MEETING

APPLICATIONS:

Dharam and Jeet, LLC - Block 1719 Lot 5.01 - 209 Rivervale Road - Bulk/Use Variance

Counsel for the Applicant - David Lafferty, Esq.

Mr. Lafferty presented an overview of the application stating that the applicant is requesting a Parking Variance only as the "Use" is a permitted use. The application is being proposed as a social club. Mr. Lippert questioned why the original application was styled as a "Use" variance. Mr. Lafferty stated that the original application was referenced as a Catering Facility, however the application has since been amended to reflect that the only proposed use for the second floor is as a social club, which is permitted by town ordinance. Mr. Leibman stated that this may have slipped through in the approximate year that the application has been pending. Mr. Lippert stated that the board will hear the testimony and presentation and reserves the right to weigh in on what they think the law is.

Mr. Lafferty presented witness Brij M. Chopra, the managing member of the LLC which owns the property. Mr. Leibman swears in Mr. Chopra. He confirms that this is the same entity that built the building and appeared before the board in 2007 for approvals. The building was completed in 2009 and has two floors. The first floor is being rented as a liquor store, and the second floor was approved to be used as office space. There is also a basement which is unoccupied and only being used for storage. The second floor has not been occupied for the past eight years. Mr. Chopra stated that he has attempted to rent out the second floor space but has been unsuccessful. Mr. Chopra stated he would like to use the second floor as a recreational space for community

members/private events during evening hours, depending on when the event is. There will not be food preparation, only brought in from outside vendors. Currently there are fourteen parking spaces. Only two or three spaces are being used at one time. Mr. Chopra stated that he approached adjacent properties to inquire about using their parking space but was unsuccessful in obtaining their permission. If approved, he would encourage patrons to carpool to events. He stated there is available on-street parking. Mr. Leibman questioned Mr. Chopra regarding his knowledge on the current parking at the liquor store. Mr. Chopra stated that although it is now being rented, he used to operate the liquor store for many years. Mr. Lippert asked Mr. Chopra questions on the type of club, who will be the members, criteria for membership, and if the club will be leased. Mr. Chopra stated he will run the club and will make those decisions. Ms. Vaccaro asked if there will be a membership fee structure. Mr. Chopra stated that he has not looked that far into it yet. He stated that the space will be used as a community outreach space for meetings. Mr. Lippert questioned the purpose of the space as it is unclear. Mr. Fortsch stated that he's a member of social clubs and he is looking for an element of commonality and is unclear on the plan. Mr. Lowe questioned if there would be a fee to be a member and then to use the facility. He asked if there would be a maximum number of members. Mr. Chopra stated that he will limit the members and it will be a community outreach for members of the town. Mr. Puccio asked who would be allowed to use the space and inquired about the time that the space would be used. Ms. Reiter asked for more clarity on the use, hours of operation, if there would be music, and types and frequency of events. Mr. Lafferty responded equating the facility to an Elks Club.

Mr. Lafferty asked Mr. Chopra follow up questions. Mr. Chopra stated that he intends for members to be friends and business associates that he has developed over the years. The maximum number of seating is forty-six on the second floor. Code would not allow more than fifty people.

Ms. Reiter would like examples of types of clubs to compare this to. Mr. Lafferty stated that similar clubs would be an Elks Club or Bergan Irish Club. Mr. Puccio asked about latest hours of operation. Mr. Chopra stated that he will abide by whatever the ordinance allows. Mr. Ross stated the closing hours for retail hours are between 12:00am and 5:00am. Mr. Chopra stated he would agree to any conditions of approval. Mr. Adamo questioned the maximum occupancy that was approved in 2007. Mr. Statile stated that the space was previously approved for office use only. Mr. Leibman referred to condition "H" of the resolution of approval.

Mr. Lippert and Mr. Leibman agreed that this should be a request to modify a prior approval. Mr. Lowe questioned the amount of parking spaces. Mr. Wayne asked who will be controlling the type of events, and questioned overflow parking. Mr. Wayne questioned barrier free/ADA compatibility. Mr. Lafferty stated the traffic expert and architect will address questions. Mr. Reiter asked about a leadership board or board of directors. Mr. Chopra said there will be a classification of members.

Mr. Statile asked Mr. Leibman if the board should be considering "use" if a social club is already an approved use, or deciding on the parking variance only. Mr. Leibman stated that this is a substantial request for a parking variance and the board needs a clearer understanding of what type of social club will be occupying the space. Mr. Leibman asked Mr. Chopra questions to clarify. Mr. Chopra is asked to give more thought on the specifics of the space and to provide more information to the board. Mr. Lafferty stated that the board should be considering the space as a social club with no more than forty-six people.

Mr. Lafferty presented witness Arthur Michaels, Architect, 645 Westwood Ave., River Vale. Mr. Michaels was sworn in, qualified, and accepted. Mr. Michaels prepared an architectural floor plan and shared screens of second floor layout with the board. He explained that the room is 690 square feet, allowing for forty-six occupants. This is considered a small building and therefore the second floor is not required to have an elevator. The second floor will comply with the barrier free code. The building is and will continue to be compliant with egress, fire, and accessibility building codes. The parking requirement is 1 space per 150 square feet and varies under different scenarios. The basement is currently being used for storage and is unoccupied.

Mr. Statile asked Mr. Michaels for total gross square footage of second floor. Mr. Michaels stated that the total is 1734sqft. and that calculates to twelve parking spaces required based on the ordinance.

Mr. Lafferty presented witness Lee D. Klein, Traffic Expert/Professional Engineer. Mr. Klein was sworn in, qualified, and accepted. Mr. Klein collected parking information at the site and street on Friday (November 13, 2020) and Saturday (November 14th 2020) evening between the hours of 7:00pm-9:00pm. The greatest number of cars parked at liquor store on Friday were four cars between 7:30pm-8:30pm, and Saturday were five cars at 7:30pm. Mr. Klein determined that approximately eight spaces would be vacant at the time of gatherings and approximately seventeen spaces

would be available on Rivervale Road. Resulting in twenty-five parking spaces available and the social club requiring nineteen parking spaces. Mr. Klein concluded that in his opinion the twenty-five parking spaces would be able to accommodate the needs of the facility.

Mr. Statile stated that surrounding business have their own on-site parking. Ms. Reiter questioned Mr. Klein about changes after the pandemic. Mr. Klein stated that he feels the parking will still be adequate. Ms. Reiter is concerned about safety of people walking on Rivervale Road at night as well as concerns about parking on or near Montview Place which is a residential neighborhood. She would like more clarity on the frequency of events and the potential parking impact on the residential neighborhood and surrounding areas. Mr. Klein stated that there are sidewalks and crosswalks in that area. Mr. Wayne stated that there are no painted parking spaces along Rivervale Road so there is no control as to how people are going to park. Mr. Puccio questioned the hours of 3:30pm-6:00pm when there are many people in the area including runners and children on bikes and their safety on Rivervale Road. Mr. Klein stated he did not survey the area at that time and it wasn't taken into consideration. Mr. Chopra stated that he will follow the restrictions in terms of hours of operation. Discussions continued regarding parking during the week and on weekends and the amount of pedestrians on the road.

There were no further witnesses.

Mr. Lafferty stated that the previous application was for office use on the second floor, but was not limited to office use. He stated that the parking variance is the only variance triggered by this application. He stated that the positive criteria is that the space hasn't been occupied for eight years and that they are proposing a permitted use that would benefit the community.

Mr. Lippert would like more clarification on how the facility is categorized as a social club. Mr. Wayne questioned Mr. Klein about the number of handicapped parking spaces. Mr. Wayne also questioned the structure of the application and would like more answers to the questions that were asked. Mr. Fortsch doesn't like the vague nature of the social club but doesn't feel that Mr. Chopra as the owner of the property would allow any nonsense to take place at the property. Mr. Adamo stated his concern on parking and questions staff parking and valet parking. Board members continued to comment on concerns with the application and parking needs. Mr. Lowe stated that the board members might be

more comfortable if there was a clearer plan. Mr. Lafferty stated that they would be willing to come back with a plan in regards to all specifics addressing all issues, questions, and conditions of operation. Mr. Lippert agreed that this is a good idea. Mr. Lafferty stated that they will work with Mr. Leibman and Mr. Statile to develop criteria that will hopefully be acceptable to the board members.

Ms. Reiter is not able to attend the next board meeting, however Mr. Leibman will communicate with Ms. Reiter prior to the next meeting.

Mr. Leibman advised the matter would be carried to the 2/24/21 Virtual Zoom Meeting, at 7:30, with no further notice. Mr. Lafferty consents to an extension.

There were no members of the public attending this Zoom meeting, therefore witnesses were not opened to the public.

RESOLUTION:

Diedtrich, 112 Terbell Parkway, Block 2106, Lot 2.01 Impervious Coverage/Encroachment - A motion for approval was made by Mr. Lowe, seconded by Mr. Fortsch and carried unanimously. Mr. Adamo voted in favor of the resolution but his vote was unnecessary under by law 1:5-8.

MINUTES:

A motion for approval of the Minutes of 12/9/20 was made by Mr. Lowe, seconded by Mr. Lippert, and carried unanimously on voice vote.

PAYMENT OF INVOICES: Chairman Lippert reviewed and signed

DISCUSSION: NONE

NEXT MEETING:

Regular Meeting - Wednesday, February 24, 2021 at 7:30 p.m.

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 9:34 p.m.

Respectfully submitted,

MARIA HAAG
Recording Secretary