

**TOWNSHIP OF RIVER VALE  
JOINT PLANNING BOARD  
April 19, 2023  
7:30 p.m.  
REGULAR MEETING MINUTES**

*Approved 5/17/23*

**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.**

=====

**ROLL CALL:**

**Members Present:**

Robert Adamo	
Delix Alex	
Demetria Bogosian	
Mark Bromberg	Mayor
John Donovan	Councilman
Anthony LaSpada	Alternate No. 1
Scott Lippert	Chairman
Matthew Ross	Secretary
Susan Vaccaro	Vice Chair
Peter Wayne	

**Also Present:**

Marc Leibman, Esq.	Board Attorney
Christopher Statile, P.A.	Board Engineer
Maria Haag	Land Use Administrator/ Recording Secretary

**Absent:**

David Karlebach	Board Planner
-----------------	---------------

=====

**REGULAR MEETING**

**Applications**

**Toll NJ 1, LLC - Block 1201 Lot 6.03 - The Fairways at Edgewood  
- Amended Preliminary and Final Site Plan Approval**

Kate Coffey, Esq. of Day Pitney Law, introduced herself as counsel for the applicant. Ms. Coffey explained that the applicant is seeking amended site plan approval. She presented an overview of the application. She stated that she will be discussing the landscape plan for the patios located at the townhouse and quadplex buildings. She stated that the primary difference with the originally approved application is that the original plan included impervious patios, where the patio pavers will now be pervious and will reduce the amount of impervious coverage. She stated that the applicant would like to propose four landscape/patio options to potential buyers. This would allow the applicant to put a process in place for approval. Ms. Coffey stated that no new variances are being triggered by this application.

Ms. Coffey introduced John Peck, a representative of Toll Brothers, and Ken Monroe, a representative of Toll Landscaping.

John Peck, Senior VP of Toll Brothers, NJ - 1220 State Route 31, Lebanon, NJ, was sworn in by Mr. Leibman. Mr. Peck updated the board on the ongoing process of the community. He explained that 66 of the townhouses have currently been sold, 42 units have been occupied, and anticipates the project to be complete by the spring/summer of 2027. He stated that 27 of the 32 quadplex units have been sold, and 17 are occupied. Mr. Peck discussed the aerial photos of the property which were submitted with the application. He also discussed the submitted photos which show the base patio and three upgraded patio options.

Mr. Peck stated that 26% of the overall community is currently occupied. The threshold to elect 2 members to the homeowner's association is 25%. A notice for an election to take place in early June for candidates was sent to the homeowners this week. At that time, Toll Brothers will still have 3 members on the HOA. This condition will remain until there is an occupancy of 75%. At that point the residents will control the HOA.

Chairman Lippert asked Mr. Peck if Toll Brothers took title from the original developer, The Fairways at Edgewood. Mr. Peck confirmed that Toll Brothers is now the owner.

Chairman Lippert opened the meeting to the public for questions of the witness.

Bill Buckley, Lichfield, Ct asked to speak on his daughter's behalf, who is a resident of River Vale. Mr. Buckley was informed that he cannot

speak on his daughter's behalf. Mr. Leibman told Mr. Buckley that he is able to ask questions of the witness. Mr. Buckley asked questions regarding impervious coverage. His questions were answered by Ms. Coffey and Mr. Peck. Mr. Statile explained how the pervious pavers and drainage system would function.

Mr. Adamo asked if the base patio was included in the original application. Mr. Peck stated that every unit included the base patio in the original application. Ms. Coffey stated that the dimensions for the base patios included on the original application included impervious pavers, where as now the pavers will be pervious. Mr. Peck stated that every patio that has been installed to date is pervious. Mr. Statile stated that his office conducted a test and concluded that the paver stones are pervious. Mayor Bromberg stated that this application is an improvement over what was originally proposed for the overall drainage plan.

Keith Loeb, 25 St. Andrew's Circle asked questions about the drainage system and retention tank. Mr. Statile explained the drainage system.

The meeting was closed to the public for questions of the witness.

Ken Munroe, Assistant Vice President for Toll Brothers Landscaping, 186 Mills Road, Monroe, NJ was sworn in by Mr. Leibman. Mr. Munroe reviewed the four different types of landscaping/patio options and various elements being offered to the buyers of the units. Mr. Munroe explained the shade structures and type of roof included with the structures. He stated that the pergolas will have louvers with sensors that have the ability to open and close. He explained that there is a gutter system in place to collect rain water.

Mr. Wayne asked how close to the property line the patios are to Piermont Avenue. Mr. Munroe explained that the patios would go out thirteen feet further towards Piermont Avenue and are consistent with the original application. The cottage units do not have pergola options. Ms. Coffey stated that no additional variances are required with this application.

Councilman Donovan asked Mr. Munroe to explain the drainage system with the pergolas. Mr. Munroe explained the system and where the rain water would go.

Chairman Lippert opened the meeting to the public for questions of the witness.

Mr. Buckley asked for clarification regarding the pergola drainage system. Mr. Munroe explained the drainage system and how it would function. Mr. Munroe explained that the louvers in the pergolas would be controlled by a remote or switch that would allow them to close when it

rains. This will protect the various patio features including patio furniture.

Mr. Statile stated that when a structure has a "closed roof" it now becomes an accessory building. Conversations continued between Mr. Statile and Ms. Coffey as to whether the application would require a variance approval for closed roof structures. Discussions continued with the board members regarding the closed roof on the pergolas and the pergolas then being considered accessory buildings.

Ms. Coffey discussed Mr. Statile's review letter and the process going forward for zoning approval. If the amended application is approved, the zoning applications submitted would reflect one of four types of patios and pergolas included on the amended site plan. Any applications deviating from what is being proposed tonight or non-conforming applications submitted by future unit owners would require approval from the HOA and would then need to appear in front of the Joint Planning Board for variance approval. Discussions continued among the board members. Mr. Lippert stated that any application submitted by a unit owner would require HOA approval for conforming as well as non-conforming applications. The board was in agreement. Ms. Coffey stated that the applicant is in agreement. Mayor Bromberg stated the importance of having the protocol in place.

Mr. Adamo asked if the site plan should include the largest patio option available for all of the units. He asked for a site plan showing the units with the largest patio option to create less of a burden for the Zoning Officer and building department. Mr. Statile explained that a zoning application would be reviewed by the Zoning Officer for every patio being installed regardless of the size of the patio. Mr. Peck explained the process for the submittal of an application. He explained that the township will have a record of which option is being installed at each unit. Mr. Adamo stated that it would be beneficial to have a map/site plan indicating exactly what will be installed at each unit. Mr. Peck explained that an as-built survey is submitted for every unit for the township's record. Mr. Adamo stated the importance of calculating the impervious coverage of the patios at the maximum size to avoid future drainage concerns. Ms. Coffey stated that the impervious coverage has been reduced because the patios on the amended site plan are now pervious. Mr. Peck stated that 66 units have already been sold with patio options being chosen by the purchasers. He explained that most of the purchasers are not choosing the highest-level patio option.

The board members questioned why patios that were not included in the original approval have already been installed. Mr. Leibman explained that the original interpretation did not consider the pergolas accessory buildings due to the fact that they had open roofs. He also explained that the information for the patios and materials was not available at the time of approval. He stated that these conditions can now be presented as a condition of approval for an amended site plan. He

explained that the process can now be streamlined and will lessen any approval process burden on the Zoning Officer. He also explained the importance of having an as-built survey on file. Ms. Coffey stated that the goal was to create consistency. Mr. Leibman stated that it would be beneficial to know what the impervious coverage on the overall site would be at the end of the project.

Mayor Bromberg asked for approximate statistics on upgrades to date. Mr. Munroe stated that although he doesn't have an exact number of which options have been chosen, most purchasers have chosen option number two.

Discussions continued among board members. Ms. Coffey confirmed that any patios that have been installed to date are consistent with the four options being presented.

Ms. Coffey stated that there are no more witnesses.

Mr. Leibman stated that the board should discuss the pergola structures. The applicant stated that every townhouse has the option to have a pergola. The board members continued to discuss the patio drainage systems. Councilman Donovan asked if the units along Piermont Avenue have the option for pergolas. The applicant confirmed that those units will not have pergolas.

Mr. Leibman reviewed the accessory building ordinance with the board. The board decided that variance relief would be required for approval of the pergolas along with the amended site plan approval.

The board continued discussions. Councilman Donovan and Mr. Adamo stated the importance of having the resolution include the specific types of materials being used. If materials are not available, then comparable materials approved by the HOA should be used.

Mr. Adamo stated that the pergola would have a temporary roof, and the definition for a structure should be interpreted as the structure having a permanent roof. Chairman Lippert agreed. Mr. Leibman explained that it may be better to require variance relief rather than having the board interpret the definition.

Chairman Lippert opened the meeting to the public for statements or testimony about the application.

Mr. Buckley asked if the original drainage report was modified for this application. Mr. Peck stated that it was not. Mr. Leibman swore in the witness, Bill Buckley and allowed him to make a statement. Mr. Buckley stated that drainage studies should be provided. Mr. Peck stated that a base patio is provided with every unit. Mayor Bromberg stated that the impervious coverage is now less than the original application. Chairman Lippert stated that a lot of time was spent on the original application discussing drainage.

There being no other questions; the meeting was closed to the public.

Mr. Peck stated that Toll Brothers doesn't not like to make rules or regulations in regards to generators. He stated that the HOA would ultimately be responsible for deciding what is best for its community once there is 75% occupancy. Toll Brothers will not be making the decision on behalf of the HOA. Chairman Lippert discussed the various concerns in regards to generators. Ms. Coffey stated that Toll Brothers would prefer to have the HOA decide what is appropriate and best for the homeowners once there is more resident representation. Mr. Peck stated that temporary generators may be an option in the future, however the site is not designed for permanent full house generators.

A motion to approve the application for amended site plan approval with the conditions that the written criteria for the options for patios and pavers be included as an exhibit with the zoning application to the building department; that the resolution includes the specific types of pavers being used and if not available, then substantially similar materials approved by the HOA will be used; and that the resolution includes a variance for the pergolas, provided they meet the guidelines; was made by Chairman Lippert. Mr. Leibman added that the applicant will need to submit design specifications for the pergolas that will be attached to the resolution. The motion was seconded by Ms. Bogosian. Mr. Lippert asked if there were any discussions. Mr. Adamo asked for a condition that states that the accessory structures do not encroach on any setbacks that were previously accepted, and that the cottages will not have pergolas. Chairman Lippert agreed. On a roll call vote, all in favor, the motion carried.

### **Business Matters**

#### ***Triano - Block 301 Lots 17 & 17.02 - 697 & 701 Blue Hill Road***

- Chairman, Secretary, and Township Engineer signed final subdivision mylar

#### ***Bear Brook Builders, LLC - Block 1901 Lot 6 - 870 Westwood Avenue***

- Chairman, Secretary, and Township Engineer signed final subdivision mylar

**Resolutions** - None

### **Minutes**

A motion for approval of the minutes of February 15, 2023 was made by Mr. Wayne; seconded by Mr. Ross; all in favor, the minutes were approved.

Meeting opened to the public for any non-agenda items; there being none; the meeting was closed to the public.

**Payments of Invoices:** Chairman Lippert reviewed and signed

**Next Meeting:** Regular Meeting - Wednesday, May 17, 2023 at 7:30 p.m.

**Adjournment:** The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

---

MARIA HAAG  
Land Use Administrator/Recording Secretary