

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
October 17, 2011
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
George Shalhoub	Vice-Chairman
Mark Ericksen	Secretary
Peter Wayne	Class II
Mark Bromberg	Councilmember
Robert Menville	Class I-Mayor's Designee
John Donovan	

Also Present:

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

Absent:

Mayor Blundo	Class I
David Ward	
Scott Lippert	
Alfredo Alvarado	Alt. #1
John Morris	Alt. #2

OPEN TO PUBLIC FOR NON-AGENDA ITEMS: There were no questions or comments. Meeting closed to public.

MINUTES:

The Minutes of **9/19/11** were carried to the next meeting.

PUBLIC HEARINGS:

1. Bear Ban Builders, LLC a/k/a Bear Brook Builders LLC - RE: Block 301, Lot 21 - Preliminary Subdivision Approval - Chairman Koons recused himself and stepped down from the dais. Mr. Shalhoub resumed the chairmanship for this application.

Antimo De Vecchio, Esq. represented the applicant. Plans were hand delivered to the Township Hall on 10/14/11. Mr. Shalhoub commented pursuant to the Bylaws, all documentation has to be received 10 days prior to the meeting. Last month Mr. Del Vecchio was asked if he was bringing a planner, and the Board was supposed to be notified 10 days prior. Mr. Shalhoub continued, stating the Board has not had a chance to review the plans. Mr. Deutsch advised the issue is whether the Bylaws are complied with, not whether a particular employee was in on a particular day, as Mr. Del Vecchio mentioned. Mr. Menville noted for the record that he listened to the tape of the 9/19/11 meeting. However, he is not ready to review the application, as he did not see the plans.

Mr. Del Vecchio stated he understands, but they felt it was important for the Board to have the plans, since they are now able to push homes downward after the test pits, which ties in with the architectural plans. They would give the Board a meeting cycle to review the plans.

Mr. Shalhoub asked to poll the Board. Mr. Deutsch advised he has read from the Bylaws. There is failure to comply with supplying requested information 10 days before the meeting. Any motion with a roll call vote should be framed in the context of the Bylaws. There would be two choices, i.e., despite the applicant's failure to comply with the Bylaws stating that plans are to be submitted 10 days in advance, the Board feels that it can proceed as applicant has requested, or based on the failure to provide the plans 10 days in advance, per the Bylaws, the Board has deemed the applicant is not ready to proceed.

(RVPB 10/17/11 Minutes)

A motion stating the Board was not ready to proceed, based on the Bylaws stating that the plans must be submitted 10 days in advance of the meeting was made by Mr. Menville. Mr. Deutsch clarified the motion, as a result of the failure to comply with the Bylaws, the applicant is deemed not ready to proceed and adjourned until next month.

Mr. Del Vecchio commented if the Board objects to the filing of the plans, they would withdraw the filing of the plans, and proceed with the architect's testimony. Mr. Deutsch responded he has the right to withdraw any plans, but once a determination is made that he is not ready to proceed according to the adequacy of the Board, he cannot continue. Mr. Del Vecchio commented we are putting form over substance. He has a planner present. He would withdraw the plans right now and save the Board a vote on the procedural issue. He would then resubmit the plans at the end of the evening.

Mr. Deutsch advised there are rules to be complied with, and if Mr. Del Vecchio is proceeding with testimony, is he to understand that no testimony would relate to the plans submitted. Mr. Shalhoub stated he had an issue with withdrawing the plans and bringing them back at the end of the meeting.

Mr. Del Vecchio reiterated the planning testimony will not relate to the plans. It would relate to the lot width and frontage variances, and that has not changed. Mr. Menville commented with one days notice we have no way of reviewing the plans.

Mr. Shalhoub called for a second to the motion. Mr. Ericksen seconded the motion. On discussion, Mr. Bromberg asked for attorney clarification, and Mr. Donovan commented he would like see the Board act as a whole and did not see the point in sending everyone home. Mr. Deutsch once again clarified the motion on the table.

There were no further questions, comments or discussions. On roll call vote, Mr. Bromberg, Mr. Menville, Mr. Ericksen, Mr. Wayne, and Mr. Shalhoub voted yes that the applicant was deemed not ready to proceed. Mr. Donovan vote no. Mr. Deutsch advised the Board declared this applicant is not ready to proceed. The matter would be placed on the agenda for next month, Wednesday, November 9, 2011.

(RVPB 10/17/11 Minutes)

Mr. Del Vecchio stated he would deem the plans received as of 10/14/11. Mr. Deutsch advised he had no problem that Mr. Del Vecchio revoked the plans being submitted and allowed them to be re-submitted. Mr. Del Vecchio stated the proceeding tonight was done without the applicant's consent of an extension of time. Mr. Deutsch commented he understands applicant's position was stated for the record.

Mr. Koons returned to the dais and resumed the chairmanship.

RESOLUTIONS: None

DISCUSSION: None

OPEN TO PUBLIC FOR NON-AGENDA ITEMS:

There were no further questions or comments, and the meeting was closed to the public.

PAYMENT OF INVOICES: None

NEXT MEETING: Wednesday, November 9, 2011

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at approximately 8:25 p.m.

Respectfully submitted,

**Mary R. Verducci, Paralegal
Recording Secretary**