

**TOWNSHIP OF RIVER VALE
PLANNING BOARD
January 16, 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
Bruce Carillo	Vice-Chairman
Chris Wahmann	Secretary
Mayor Blundo	Class I
Peter Wayne	Class II
Dwight de Stefan	Class III (Councilman)
George Shalhoub	
Mark Ericksen	
Jim Tolomeo	Alt. #1
Ron Tucci	Alt. #2 (8:10 pm)

Also Present:

Paul Kaufman, Esq.	Board Attorney
By Dennis Deutsch, Esq.	
Christopher Statile, PE	Board Engineer

Absent: None

Mr. Koons turned the meeting over to Dennis Deutsch, Esq.

REORGANIZATION MEETING

(RVPB 1/16/08 Minutes)

SWEARING IN OF MEMBERS:

The following Board Members were sworn in:

- George Shalhoub as Class IV with term ending 12/31/11;
- Ron Tucci as Class IV with term ending 12/31/11;
- Peter Wayne as Class II with term ending 12/31/08;
- Councilman Dwight de Stefan as Class III with term ending 12/31/08;
- Jim Tolomeo as Class IV Alternate #1 with term ending 12/31/09;

Mr. Tucci arrived at 8:10 p.m., took his oath and was sworn in by Mr. Deutsch.

Election of Chairman:

Mr. Deutsch requested a nomination for Chairman. Mr. Carillo nominated Kenneth Koons as Chairman, with second by Mr. Wahmann. There were no further nominations. Mr. Carillo moved to close nominations with second by Mr. Wahmann. On roll call vote, all members voted yes.

Election of Vice-Chairman:

Mr. Ericksen nominated Bruce Carillo as Vice-Chairman with second by Mr. Shalhoub. There were no further nominations. Mr. Koons moved to close nominations, with second by Mr. Shalhoub. On roll call vote, all members voted yes.

Election of Secretary:

Mr. Carillo nominated Chris Wahmann as Secretary with second by Mr. Shalhoub. There were no further nominations. Mr. Koons moved to close nominations, with second by Mr. Shalhoub. On roll call vote, all members voted yes.

Election of Board Attorney and Board Engineer:

Mr. Deutsch advised under the process, the Township adopted Fair and Open Process, wherein they noticed for the positions of Attorney and Engineer. A number of applications and resumes were received, reviewed by the administration, and distributed to this Board. It is up to the Board to discuss and make nominations for the positions of attorney and engineer for this Board. Mr. Koons stated everyone reviewed the attorneys' and engineers' submissions. Mr. Deutsch further advised they could have a discussion amongst the Board.

Election of Attorney:

Councilman de Stefan made a nomination for the appointment of Dennis Deutsch for his outstanding work as Planning Board Attorney. Mr. Deutsch stated Mr. Kaufman is his partner, and he is aware of this and is in full support of same. Mr. Carillo seconded the nomination. Mr. Koons added his ringing endorsement and commented Mr. Kaufman was very good for the Board, and Mr. Deutsch being the litigation attorney in the firm will be a valuable asset to this Board. Mayor Blundo commented that Mr. Deutsch made it his business on a Saturday for five (5) hours to drive around the entire Borough to gain knowledge of everything that is before the Board. Mr. Deutsch thanked the Board for its support and all the kind comments, and he looks forward to working with the Board.

A motion to nominate Dennis Deutsch, Esq. as Planning Board Attorney was made by Councilman de Stefan, seconded by Mr. Carillo and carried unanimously. Mr. Deutsch took his oath and was sworn in by Mr. Koons.

Election of Engineer:

Mr. Koons stated they received submissions for engineer, and it would be his pleasure to nominate Christopher Statile. A second was made by Mayor Blundo, who commented Mr. Statile has done an outstanding job. His review of the applications has been more than satisfactory and acceptable. Mr. Wayne said he did a wonderful job for this town, and as Superintendent of Public Works we worked together, and he did an outstanding job. Mr. Statile took his oath and was sworn in by Mr. Deutsch.

A motion to nominate Christopher Statile as Planning Board Engineer was made by Chairman Koons, seconded by Mayor Blundo and carried unanimously.

Approval of By-Laws:

Approval of the By-laws was discussed. Chairman Koons asked the Board Attorney to research them, if they are in existence in a written form anywhere, and advise the Board accordingly.

Approval of Meeting Dates:

A motion for approval of the 2008 Meeting Dates was made by Chairman Koons, seconded by Mr. Carillo and carried unanimously.

(RVPB 1/16/08 Minutes)

Mayor Blundo stated the second alternate position is still open and suggested telling friends, and any applicants will be considered.

Regarding the MLUL Class for the Mandatory Certification of Board Members - Mr. Koons extended praise to Damien Gil for working very hard and setting this up for 2/16/08 when they all have to attend. Roger W. Thomas is going to give the class. Everyone will get a test that they have to pass at the end.

A motion to close the Reorganization Meeting and open the Regular Meeting was made by Chairman Koons, seconded by Mr. Carillo and carried.

REGULAR MEETING

MINUTES:

The Minutes of **December 17, 2007** were approved upon motion of Chairman Koons, with second by Mr. Carillo and carried. Mr. Carillo thanked Ms. Verducci for a job well done. He asked if she had to be reappointed, and Mr. Deutsch said it was not necessary.

RESOLUTION:

1. Lord Jesus Christ Bible Church, 716 Rivervale Road, Block 602, Lot 15 - Change in Use - Mr. Deutsch indicated there was a revised Resolution, including a change in Paragraph J concerning replacement trees, which he conferred with Mr. Statile about, and white pines was confirmed. Mr. Deutsch said you cannot reopen a discussion as to new trees. If incorrect, he will make a correction. The Board added language stating it was at the discretion of the engineer. Mr. Deutsch indicated he would have a corrected version to sign at the next meeting, but the Board could approve it as amended tonight.

Mr. Koons moved for approval of the Resolution deemed as read, with second by Mr. Carillo. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Councilman de Stefan, Mr. Carillo, Mr. Wayne, Mr. Ericksen, Mr. Tucci, and Mr. Koons voted yes. Mayor Blundo and Mr. Tolomeo were not eligible to vote.

2. DiBari, 184 Rivervale Road, Block 2101, Lot 63 - Change in Use - Mr. Koons moved for approval of the

Resolution deemed as read, with second by Mr. Tucci. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Councilman de Stefan, Mr. Carillo, Mr. Wayne, Mr. Ericksen, Mr. Tucci, and Mr. Koons voted yes. Mayor Blundo was recused, and Mr. Tolomeo was not eligible to vote.

3. Toci, 184 Rivervale Road Block 2101, Lot 63 - Change in Use - Mr. Koons moved for approval of the Resolution deemed as read, with second by Councilman de Stefan. There were no further questions, comments or discussions. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Councilman de Stefan, Mr. Carillo, Mr. Wayne, Mr. Ericksen, Mr. Tucci, and Mr. Koons voted yes. Mayor Blundo was recused and Mr. Tolomeo was not eligible to vote.

PUBLIC HEARINGS:

1. Blue Hill Estates - requested an adjournment to 2/18/08 (meeting date is 2/20/08) - Chairman Koons recused himself and stepped down from the dais. Mr. Carillo acted as Chairman. Mr. Deutsch announced a letter was received from applicant's attorney, James D'Elia, Esq. of Wells Jaworski, stating amended plans were not yet completed, and respectfully requesting an adjournment to the 2/18/08 meeting with a time extension granted. Mr. Carillo questioned how the public would be notified if this matter were adjourned thereafter. Mr. Deutsch advised if they do not show up at the next meeting they will have to start over; they would be dismissed without prejudice. Mayor Blundo commented he would direct Damien Gil to notify the residents. Mr. Gil indicated he has already been doing this and did so for this last adjournment request. Mayor Blundo agreed with Mr. Deutsch that if they do not appear at the next meeting, they will have to start over and renotice. The new date is actually 2/20/08, and they should be notified.

Mr. Deutsch advised the Board should make a motion, which was made by Councilman de Stefan and seconded by Mr. Carillo. Mr. Tucci asked if this was legal. Mr. Deutsch advised the Board has to give a reasonable time period and number of adjournments; there is no set time period. This has been on the agenda at least five times, and his argument to the Court would be it is unfair to the public to keep carrying this. There were no further questions, comments or discussions. On roll call vote, all members voted yes. Mr. Koons was recused.

Mr. Koons returned to the dais.

DISCUSSIONS:

1. Ordinance #192-208 - TH-1 Town Home Zone - Mayor Blundo informed the Board that at the Council Meeting Monday night, the Council did not vote on the Ordinance. The one before the Board will be considered by the Township Council on 2/11/08, but this will not be final. There is an opportunity that the Ordinance will not be moved forward. It will be contemplated by the Council, but not before 2/11/08. Mr. Koons inquired if the Council will be looking to the Board for comments. Mayor Blundo responded if the Board sends comments back to them after the 20th, then it would be fine. The Board should wait until after the Council meeting. Mr. Koons asked, and the Mayor answered then he will notify the Board if it passed, and the Board will have nine (9) days to review the Ordinance before the 2/20/08 meeting. He recommended the Board could start looking at it now, and on the morning on the 12th, Mr. Gil will advise the Board what was recommended and/or changed. Councilman de Stefan commented there will not be any changes, and if there are, he would vote no. Mayor Blundo recommended waiting, because if it does not pass, it would be for naught. There are three members for it, three against it, and two undecided. Mayor Blundo explained the circumstances of the impervious surface and the document before the Board now says 65%.

Chairman Koons recommended the Board Members read the Ordinance, and after the 12th being notified by Mr. Gil. Then they could go through it with a fine-tooth comb. Councilman de Stefan commented they did everything they could to save the golf course. Right now the developer withdrew their application and will proceed building what is in the zone, without saving the golf course.

2. Zoning Committee Report - Mr. Tucci reported about the Zoning Committee and suggested if anyone had any questions for the Committee regarding ordinances that needed to be amended to let him know. Finally, he stated, we will be getting a zoning book that is correct, that a builder and zoning officer can use and rely on. Mr. Koons suggested comments could be relayed from the Board. Councilman de Stefan was on the Committee and stated there should be input from the Board. The Board agreed.

CLOSED SESSION:

(RVPB 1/16/08 Minutes)

A motion to close the Public Meeting and go into Closed Session at approximately 9:45 p.m. to discuss litigation was made by Mr. Koons, seconded by Mr. Carillo and carried.

RETURN TO OPEN SESSION:

A motion to close the Closed Session and return to Open Session at approximately 10:00 p.m. was made by Mr. Koons, seconded by Mr. Menville and carried. A new roll call was taken and remained the same, with the exception of Mr. Shalhoub, who returned as a member of the public.

Mr. Deutsch explained there is a **settlement of the JPE litigation** on terms and conditions agreed upon by the Board in Closed Session, subject to acceptance by applicant's attorney as well. We are not disclosing the conditions, as it would prejudice the Board.

If the agreement is signed, Mr. Deutsch continued, then there would have to be a Whispering Woods hearing, wherein this would be noticed for the next meeting, and the applicant would come in and present the terms and what he has changed in compliance with the settlement agreement. If the Board determines it was as discussed and agreed to this evening, then the Board could authorize him to prepare a Resolution.

A motion to accept the settlement of the JPE litigation was made by Mr. Carillo and seconded by Mr. de Stefan. There were no further questions, comments or discussions. On roll call vote, Mr. Wahmann, Mayor Blundo, Mr. de Stefan, Mr. Carillo, Mr. Wayne, Mr. Ericksen, Mr. Tucci, Mr. Tolomeo and Mr. Koons voted yes. Mr. Shalhoub was recused.

Mr. Shalhoub returned to the dais.

OPEN TO PUBLIC - None

PAYMENT OF INVOICES: None

NEXT MEETING: February 20, 2008

ADJOURNMENT: On motion made, seconded and carried, the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

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