

TOWNSHIP OF RIVER VALE  
PLANNING BOARD - SPECIAL MEETING  
July 31, 2006  
MINUTES

The Chairman called for a Moment of Silence for the families of Lee Weisbrod, of River Vale and Steven Fagan, of Woodcliff Lake, who were fatally struck by lightning on 7/22/06 in Montvale.

The Planning Board saluted the flag.

**ADEQUATE NOTICE STATEMENT:**

A Special Meeting of the River Vale Planning Board was called to order at 8:05 p.m. The following statement was read: "This is a Special Meeting of River Vale Planning Board. In compliance with the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at River Vale Municipal Offices".

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**ATTENDANCE:**

**Members Present:**

George Shalhoub	Acting Secretary
Chris Wahmann	
Robert Menville	Council Liaison
George Paschalis	Mayor
Bruce Carillo	Vice-Chairman
Mark Ericksen	
Norman Goldman	
James Hanna	
Kenneth H. Koons	Chairman

**Also Present:** Paul Kaufman, Esq. Board Attorney  
Marc Liebman, Esq.  
Christopher Statile, PE Board Engineer

**Absent:** Maria Sapuppo Alt. #1

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**PUBLIC HEARINGS:**

1. River Vale Developers I6A & I6B - (Mr. Wahmann recused) Stuart Liebman, Esq. represented the applicant. Mr. Wahmann recused himself and stepped down from the dais.

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Mr. Shalhoub was appointed Secretary for the meeting. Stuart Liebman, Esq. recalled Judge Harris entered judgment in favor of the plaintiff and remanded the matter for further proceedings before the Board, and the Board is directed to adopt a Resolution of Approval for I6A & I6B subject to site plan issues, and the right to distribute low and moderate income units. No more than 37.5% shall contain low and moderate income units. Plaintiff demonstrated its plan for recycling on I6B. The Planning Board was directed to make a decision by 7/31/06.

The Order for Remand and Judgment was marked Exhibit R1. Plans submitted previously addressed unit mix and recycling. The Preliminary Site Plan for I6A was marked Exhibit R2, last revised 6/29/06. Marked as Exhibit R3 was the revised Architectural Drawings for I6A, Cherry Woods, 8/23/04, last revised 6/28/06. Exhibit R4 was the Preliminary Site Plan for I6B, prepared by Keller and Kirkpatrick, Inc., revised through 6/29/06. Exhibit R5 was the Architectural Drawings for I6B, prepared by Sonnenfeld & Trocchia, dated 12/8/03, last revised 6/28/06.

Mr. Koons questioned why they had so many sheets that did not pertain to the changes. Mr. Liebman responded so we have four complete sets of drawings. Mr. Koons asked if these other sheets are the same as they were before, and Mr. Liebman responded yes. The I6B architectural plans were amended to show the changes to equal no more than 37.5% for low and moderate income units, giving examples of all the buildings, i.e., total of eight units in Building 5 =  $8 \times 37.5\% = 3$ . Therefore they comply with the Settlement Agreement. Three is not more than 37.5%. Therefore they comply with the maximum of the Settlement Agreement. The I6B architecturals also comply with the bedroom mix per the River Vale Code. He recited from the Code and related their compliance. These are the substantial changes of the I6B Architectural Plans. The I6B Site Plans have been revised to show a refuse and recycling note reading same. The containers shall be stored separately in dwelling unit garages and put out on recycling days. It complies with the Code. There were no further changes.

The I6A Site Plan revision made to Sheet 2 was a note added that residents shall use the solid waste enclosures to store refuse and recyclables. They shall comply with Section 186 of the Township Code. On the second sheet a second dumpster location was shown for recycling materials.

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The Landscape Plan was revised to show landscaping around the enclosure. Mr. Liebman state those were the complete changes. He had representatives from both firms if there are any questions regarding the changes.

Mr. Koons asked Mr. Statile if he looked at the plans. Mr. Statile indicated he did, but had no written report. He looked at them and can say they comply with Judge Harris' Order. Mr. Koons clarified the question is were the changes made and are they satisfactory. Mr. Statile said to let the applicant state this. Mr. Liebman called for Mr. Liebman to present his experts as to the changes to certify as to same.

George Paul James, Director of Engineering at Keller and Kirkpatrick, Inc., Licensed Professional Engineer and Planner in NJ was sworn in. Mr. James testified that Mr. Cangiano, who prepared the plans, signed directly under him. He stipulated to the Board that the only changes made to the engineering plans were the changes stated by Mr. Liebman.

Richard Arzberger, Licensed Architect, was sworn in. and testified he reviewed the plans and those were the changes made to the architectural plans, and there were no other changes.

Board Attorney Liebman asked if there were any other witnesses, and the response was no.

Mr. Koons asked for any questions from the Board. There being none, he opened to the public.

Sid Fleischer, 40 Pine Lake Terrace asked about recycling in I6A, expressing concern that there is no way to enforce who is recycling and who is not. The second question was is there supposed to be a second bin for recycling. He feels they will not keep the recycling in their garages until recycling day, and that they will dump it at the same time as the garbage. Mr. Liebman said there is one room set aside in each of the garages where recyclables will be stored. Then they will be carted out to the dumpster enclosure on site for pickup day. There could be recyclables put in the dumpster any day. The refuse will be in the second dumpster enclosure. There is also a homeowners' association. Mr. Fleischer asked will someone be hired to perform this function and charged to the

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homeowners with the monthly maintenance. The response was yes.

Pete Shannon, 28 Pine Lake Terrace came forward and said behind his house, right on the line of this property, there are about 15 trees. The line goes right through the trees. Applicant said he was going to replace the trees with 4' pine trees. Mr. Shannon expressed concern for the residents to save a few of the trees. Some of the roots are on his property, and he wants to be protected. Further, there is one driveway that is proposed, and it is dangerous. Cars will come right at the bend of Poplar Lane. About 50 people that will be coming out. He realizes the applicant has his ideas and wants to make money, but they should hear our ideas too. Mr. Shannon said his idea was to try and save some of the trees. Also, they look like tenement houses.

Applicant's attorney, Mr. Liebman, stated it would be a good idea to instruct the public to address only the changes in the drawings, nothing in regard to trees or anything else. Board Attorney Liebman said he hears what he said, but the Board has no idea of what the public is going to say. Maybe it's a good idea to explain to them why we are here. There was a long hearing, applicant appealed, and Planning Board lost. The Court has ordered the Planning Board to approve the application.

Walter Rapawy, Pine Lake Terrace, spoke about the fire safety issues and if they were resolved, and if not, what does the judge propose. Mr. Koons pulled out Judge Harris' comments regarding the burden of emergency responders and read that the judge said 'so what'. Mr. Rapawy said if that is the judge's decision, we should appeal his decision.

Mr. Fleishman asked about sidewalks. Mr. Liebman responded they would be on one side of Poplar Road, and it was not changing, being placed along the northerly side. He wanted to continue to discuss sidewalks and safety, but that was not what they were there for.

A motion to close hearing to the public was made by Mr. Koons, with second by Mr. Carillo. On roll call vote, all members voted yes.

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Mr. Koons announced there would be a brief recess to complete reading the Resolution. The Board took a recess at 9:00 p.m. and reconvened at 9:10 p.m.

Mr. Hanna noted the plan was not updated to show the stairwell. Mr. Liebman represented that there would be a stairwell. Mr. Koons asked if there was any reason it was not shown on this plan. Mr. Liebman responded they only wanted to show the changes per the order. Everything else remains the same.

Mr. Koons deferred to Board Attorney Liebman about voting separately. Judge Harris directed that we vote on the parcels separately. He polled the Board to see if everyone read them. All members said yes. There were two changes - I6A- Page 13, we left a date blank, a period should be inserted at 7/26/06, and the balance of the paragraph should be removed. A similar change was on Page 20, Par. G. Mayor Paschalis had a change on Page 17, 7<sup>th</sup> line, and Page 18, 5 lines from the bottom, should say approved by the Township, not Borough. The same with Page 20.

Mayor Paschalis further provided that an addendum language be added as follows:

"These actions were undertaken on the advice of counsel and his caution that failing to take such actions will place the board in violation of the present Court Order of the Honorable Jonathan Harris, J.S.C. Since the Planning Board has directed the Planning Board Attorney to file an appeal of that decision, the actions taken herein will only take effect if the decision is not reversed.

The actions taken herein in any event will not be deemed a site plan approval until and unless the conditions regarding the agreement of the Township to (1) off-site recreation and (2) a Regional Contribution Agreement are met."

Board Attorney Liebman advised to take a vote if there is an Addendum to the Resolution. A motion was so made by Mr. Koons to include the Addendum in the Resolution. The motion was seconded by Mr. Hanna. Mr. Menville suggested where the language should be added. There was no objection

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to it, and that was where the language was added. On roll call vote, Mr. Wahmann was recused.

Mr. Koons stated with Mr. Liebman's approval, he would propose a motion to deem the Resolution deemed as read. Mr. Liebman advised there was no requirement to read the entire Resolution. The Board can simply take a vote if it approves the Resolution with the Addendum as drafted by Mayor Paschalis.

I6A - A motion for approval of the Resolution deemed as read with the Addendum as read by Mayor Paschalis was made by Mr. Koons and seconded by Mr. Hanna. On roll call vote, all members voted yes. Mr. Wahmann was recused.

Marc Liebman gave the Chairman a copy of the Resolution with the changes made to be signed, so the Board has a copy on record. Mr. Koons signed as Chairman, and Mr. Shalhoub signed as Secretary.

I6B - There were some corrections also, as noted by Marc Liebman, Esq. on Page 13, Subsection E, same as above, Page 20, Par. G, and the Mayor and Mr. Menville noted changes to be made from Borough to Township. Mayor Paschalis noted the change on Page 17, 7<sup>th</sup> line down, remove the word to.

The Mayor asked the Board to consider placing the same Addendum supplement he read into the record earlier for I6A into this Resolution was well. A motion to include the Addendum was made by Chairman Koons and seconded by Mr. Menville. On roll call vote, all members voted yes. Mr. Wahmann was recused.

I6B - Chairman Koons made a motion to approve the Resolution deemed as read with the Addendum as read by Mayor Paschalis. The motion was seconded by Mr. Goldman. On roll call vote, all members voted yes. Mr. Wahmann was recused.

Mr. Koons stated that concludes the hearing. The other items that had been listed on the agenda (Rocco Mupo and Capital Project Reviews for the Community Center and North Firehouse) would be discussed at the regular meeting.

**ADJOURNMENT:** On motion made, seconded and carried, the meeting was adjourned at 9:25 p.m.

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Respectfully submitted,

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Mary R. Verducci, Paralegal  
Recording Secretary