

**TOWNSHIP OF RIVER VALE  
PLANNING BOARD  
September 17, 2007  
REGULAR MEETING  
MINUTES**

**ADEQUATE NOTICE STATEMENT:**

A Regular Meeting of the River Vale Planning Board was called to order at 8:05 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:**

|                  |                         |
|------------------|-------------------------|
| George Shalhoub  |                         |
| Bruce Carillo    | Vice-Chairman (8:22 pm) |
| Chris Wahmann    | Secretary               |
| Mayor Blundo     | Class I                 |
| Peter Wayne      | Class II                |
| Norman Goldman   |                         |
| Mark Ericksen    |                         |
| Ron Tucci        | Alt. #2                 |
| Kenneth H. Koons | Chairman                |

**Also Present:**

|                         |                |
|-------------------------|----------------|
| Paul Kaufman, Esq.      | Board Attorney |
| By Marc Leibman, Esq.   |                |
| Christopher Statile, PE | Board Engineer |

|                |                  |  |
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| <b>Absent:</b> | Dwight de Stefan | Class III (Councilman)<br>(at a Council meeting) |
|                | Maria Sapuppo    | Alt. #1  |

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**Kern and Pumpernicks applications** - Mr. Statile suggested making an announcement that these applications would not be

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heard because they noticed for tonight, but were not scheduled for hearing tonight. An announcement was so made.

**MINUTES:**

The Minutes dated August 20, 2007 were approved upon motion of Chairman Koons, with second by Mr. Goldman and carried.

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**RESOLUTION:**

1. **Brij Chopra, 209 Rivervale Road, Block 1719, Lot 5.01 - Site Plan** - Not ready; carried to next meeting.

2. **LC Developers, 140 Brookside Avenue, Block 21-3, Lot 11 - Final Major Subdivision** - Chairman Koons moved the Resolution for approval deemed as read. Mr. Wahmann seconded the motion and suggested adding language to reflect that a monument is to be erected, including monumentation in accordance with the Map Filing Act. The language was added. On roll call vote, Mr. Shalhoub, Mr. Wahmann, Mr. Menville, Mr. Carillo, Mr. Goldman, Mr. Wayne, Mr. Ericksen, and Mr. Koons voted yes.

3. **Belsole, 70 Lindy Avenue, Block 2401, Lot 7 - Preliminary and Final Major Subdivision** - Mr. Leibman explained the application originally said minor, but it is a Major Subdivision, and the correction was made. The last revision date was 9/13/07. Mr. Koons moved for approval of the Resolution deemed as read, with second by Mr. Goldman. Mr. Wahmann said they should add the monument language here as well. Mr. Statile said they have to file the final plat. Mr. Menville certified that he listened to the tape and was eligible to vote. On roll call vote, all members voted yes.

**PUBLIC HEARINGS:**

1. **Spillane, 878 Westwood Avenue, Block 1901, Lot 5 - Major Soil Moving** - Applicant was advised he needs to first make an application to the Zoning Board for an extension since the variances lapsed, before he can apply for soil moving. Mr. Leibman suggested he make the application at the same time. Mr. Spillane commented he was never told he only had 12 months. Mr. Menville explained it was part of the approval. Mr. Spillane said he had legal counsel, and the Board advised him to consult with him. Mr. Statile advised that the time limit is not a MLUL provision; it is strictly on a town-by-town basis. Mr. Leibman recommended a motion. Mr. Koons moved that the

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Board does not have jurisdiction, and that the matter is remanded back to the Zoning Board. Mr. Menville seconded the motion. There was no further discussion, and the motion carried unanimously.

**DISCUSSION:**

**1. Ordinance #189-2007 - New R-2 Town Home Zone -**  
There was no discussion because there were changes.

The Board stated it should direct the Zoning Officer to investigate the new gym in town. Mr. Koons said he did not recall them coming before the Board. The Zoning Officer was present - Mike Ceritori, Construction Official in the Township. They received an approval from the Zoning Board in July for a use variance, as fitness was not permitted at that time. Also, Mr. Goldman brought up Absolute Fitness, who never returned to the Board. Mr. Ceritori would investigate same.

The Board took a five minute **recess** at 8:40 p.m. on motion of Menville, second by Mr. Koons and carried, at which time Mr. Menville said the Mayor & Council would be ready with the Township Attorney to make a presentation to the Board on Poplar Road in Closed Session. Ordinance #189-2007 would not be discussed as it is being changed.

The Board reconvened at 8:45 p.m. for the above discussion.

**OPEN TO PUBLIC** - The matter was opened to public to speak in general on motion of Chairman Koons, with second by Mr. Carillo. The following person came forward: None

**PAYMENT OF INVOICES:** None

**CLOSED SESSION:**

A motion to go into Closed Session to discuss pending litigation was made by Mr. Koons and seconded by Mr. Goldman. Mr. Koons said Mr. Wahmann is recused, but he does not want to be recused. Mr. Leibman advised to protect the Board, if he recused himself all along, he should recuse himself. Mr. Menville said he was jeopardizing the Board. Mr. Wahmann did not want to and felt his civil rights were being jeopardized. Mr. Tucci suggested terminating the meeting right now. Mayor Blundo said action is necessary, as any opportunities the Township has for a potential settlement expires in a week. Mr.

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Wahmann announced for the record that he recused himself and left the room. The Board went into Closed Session at 8:48 p.m.

**RETURN TO OPEN SESSION:**

A motion to return to Open Session was made by Mr. Koons, seconded by Mr. Menville and carried. Chris Wahmann returned but was recused on Poplar Road. The Board returned to Open Session at 9:12 p.m.

**Motion on Poplar Road** - Chairman Koons moved for approval of the settlement per motion framed by Mr. Leibman, pursuant to the terms discussed in Closed Session and provisions. The motion was seconded by Mr. Menville. On roll call vote, all members voted yes. Mr. Wahmann was recused.

**Next Meeting:** October 15, 2007

**Adjournment:** On motion made, seconded and carried, the meeting was adjourned at 9:15 p.m.

**Respectfully submitted,**

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