

**MINUTES**  
**Regular Meeting of the Township Council**  
**Monday, September 24, 2007**  
**8:00 PM**

**CALL THE MEETING TO ORDER**

Council President Jasionowski called the meeting to order at 8:00 P.M. in the Council Chambers of the Municipal Building located at 406 Rivervale Road, River Vale, New Jersey 07675.

**SALUTE TO FLAG**

Council President Jasionowski asked all in attendance to rise and join him in a Salute to the Flag.

**SUNSHINE LAW STATEMENT**

Council President Jasionowski read the Sunshine Statement into the record, as follows:

*“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 Municipal Office.”*

**ROLL CALL**

Councilman de Stefan, Councilman Matos, Council Vice President Bromberg, Councilwoman Sieg and Council President Jasionowski were present.

Also present: Mayor Joseph Blundo, Robert J. Gallione, Jr., Business Administrator, Holly Schepisi, Township Attorney, Dennis Harrington, Township Engineer, Gennaro Rotella, CFO and Karen Padva, Acting Township Clerk.

**TOWNSHIP COMMUNICATION**

1. Mayor’s Comments

Mayor Blundo reported on the settlement discussion regarding the development of Poplar Road. He stated that for the Township to avoid litigation we must rezone areas of property of Poplar Road to meet COAH needs. The prior administration had been working to minimize the impact and density of the development. Also, the prior administration did purchase 18 acres of property.

The Mayor stated that there are three (3) parcels of land I6B, I6A (John Street) and I7C (off Stanley Place) involved. The deal would be that the Township would drop the appeals and purchase I6A using Open Space and Green Acres funds. The Mayor added that the Township would need an additional 15 million to purchase the other two (2) lots. The Council took action to purchase and save I6A and drop the appeals on the other two lots.

In conclusion the Mayor reported that that the tax office remained open late and attendance was good. The Community Center had its grand opening on September 16<sup>th</sup>; the event was very well attended with former Mayor George Paschalis participating in the ribbon cutting ceremony.

2. Council Comments

Councilman de Stefan had no comments.

Councilman Matos echoed the Mayor’s comments and supported the purchase of parcel I6A.

Councilman Bromberg echoed the Mayor’s comments regarding the purchase of I6A. He also stated that the Council did the best they could considering the circumstances. Councilman Bromberg added that the Freeholders agreed to file a lawsuit regarding the FAA proposed flight plans. He also thanked the EMS and school Superintendent for handling the recent bomb threat.

Councilwoman Sieg had no comments.

Council President Jasionowski thanked the EMS, BOE and the police for the use of the swiftreach system and handling the recent bomb threat. Council President Jasionowski also announced that the Township is trying to post the audio of the Council meetings on the website.

In conclusion, Council President Jasionowski announced the new appointment to the Zoning Board of Adjustment; Robert Adamo, John Donovan and Robert Fortsch. He also announced that the Fire Department is holding its annual Circus fundraiser this weekend.

### **Business Administrator's Report**

The Administrator gave an update on the most recent newsletter; the Ocktoberfest scheduled for October 14<sup>th</sup> and the Mayor's Wellness Campaign. He also gave an update and explanation of the FEMA reimbursements and some of the resolutions.

### **Engineer's Report**

The Engineer gave an update on the Community Center site work project that is going out to bid and the preconstruction meetings underway for the DPW building project.

Mayor Blundo added his thanks to Rich Campanelli and staff as well as Bob Gallione for their work on getting the Community Center open on time.

### **HEARING OF THE PUBLIC**

Motion by Councilman de Stefan; seconded by Councilman Matos to open the meeting to the public.

Council President Jasionowski read the following statement into the record.

*"Each person wishing to address the Council shall step up to the microphone, shall give his or her name in an audible tone for the record. All member of the public are expected to conduct themselves in a proper manner. Any derogatory, abusive or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments."*

Dr. Jeffrey Maftus – 692 Alden Court – Commented on the developments on the Golf Course and Poplar Road. In addition, Dr. Maftus commented on the recent bomb scare, the FAA flight plans, Rivervale Road Sidewalk Project, and water run-off at Woodside School.

Sidney Fliescher – Pine Lake Terrace – commented on the Poplar Road Development projects and safety concerns.

Fran Darakjian – 598 Faletti Way – questioned ordinances on the agenda. Council President Jasionowski answered that Ordinance 190 was put on in error. Mrs. Darakjian also asked if the proposed zoning changes are consistent with the Master Plan.

Brian Wentland – 608 John Street – commented on the development on Poplar Road and commended the Council on their decision to purchase I6A.

Stanley Morrow – 566 Wittich Terrace – spoke about the golf course ordinance, COAH compliance and requested the Council get a second opinion. Mr. Morrow also commented on the use and height requirements in the Ordinance.

Howard Lawrence – 607 Montview Place – questioned the status on Interglen Avenue.

There being no further questions or comments from the public; motion by Councilman de Stefan; seconded by Councilman Bromberg to close the meeting to the public.

### **RESOLUTIONS –**

Motion by Councilman Bromberg; seconded by Councilman de Stefan to approve Resolution #2007-197 through 204, as follows:

#### **Resolution #2007-197**

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A ROOFING CONTRACT FOR THE NORTH FIRE HOUSE**

**BE IT RESOLVED**, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign a roofing contract in the amount of \$16,300.00 with Hackensack Roofing Co., Inc. for the North Firehouse.

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**Resolution #2007-198**

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MASONRY CONTRACT FOR THE NORTH FIRE HOUSE**

**BE IT RESOLVED**, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign a masonry contract in the amount of \$16,607.00 with Sieber Masonry, LLC for the North Firehouse.

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**Resolution #2007-199**

**RESOLUTION APPROVING CHANGE ORDER #2 FOR 2007 NJDOT RIVERVALE ROAD SIDEWALK PROJECT**

**WHEREAS**, there were various changes necessary during the 2007 Rivervale Road Sidewalk Project in the Township of River Vale; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of River Vale that change Order #2 for the above mentioned project be approved as follows:

**DECREASES**

Various items as outlined in change order approved by the Township Engineer on September 17, 2007; a copy of which is on file in the Clerk’s office:

	\$ 17,582.25
Original Contract Sum was	\$90, 807.50
Net Increase Change Order #1 (Resolution #2007-179)	\$41,345.75
Net Decrease Change Order #2	\$17,582.25
<b>New Contract Sum</b>	<b>\$114,571.00</b>

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**Resolution #2007-200**

**RESOLUTION CONFIRMING MUNICIPAL ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT FOR SENIOR/COMMUNITY CENTER**

**WHEREAS**, a Bergen County Community Development grant of \$20,000.00 has been proposed by the Township Council for Senior/Community Center in the municipality of the Township of River Vale, and

**WHEREAS**, pursuant to State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

**WHEREAS**, the aforesaid project is in the best interest of the people of the Township of River Vale, and

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid CD funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of River Vale hereby confirms endorsement of the aforesaid project, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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**Resolution #2007-201**

**RESOLUTION CONFIRMING MUNICIPAL ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT FOR SENIOR CITIZEN ACTIVITIES 2007-2008**

**WHEREAS**, a Bergen County Community Development grant of \$3,000 has been proposed by the Township Council for Senior Citizen Activities in the municipality of the Township of River Vale, and

**WHEREAS**, pursuant to State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

**WHEREAS**, the aforesaid project is in the best interest of the people of the Township of River Vale, and

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid CD funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of River Vale hereby confirms endorsement of the aforesaid project, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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**Resolution #2007-202**

**RESOLUTION CONFIRMING MUNICIPAL ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT FOR BARRIER FREE ACCESSIBILITY TO RIVER VALE PUBLIC LIBRARY**

**WHEREAS**, a Bergen County Community Development grant of \$45,000.00 has been proposed by the Township Council for Barrier Free Accessibility to the River Vale Public Library in the municipality of the Township of River Vale, and

**WHEREAS**, pursuant to State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

**WHEREAS**, the aforesaid project is in the best interest of the people of the Township of River Vale, and

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditures of the aforesaid CD funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of River Vale hereby confirms endorsement of the aforesaid project, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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**Resolution #2007-203**

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A DEVELOPERS AGREEMENT BY JOSEPH AND MARIA VALENTE FOR BLOCK 1301 LOT 31**

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is authorized to sign the above mentioned agreement.

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**Resolution #2007-204**

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH UNIREC, INC. FOR OCTOBERFEST EVENTS ON OCTOBER 14, 2007**

BE IT RESOLVED, by the Township Council of the Township of River Vale that the Mayor is hereby authorized to sign the above mentioned contract.

**ROLL CALL VOTE:** Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg, and Council President Jasionowski voted yes. Council Matos was absent.

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**Resolution #2007-205**

Motion by Councilman Matos; seconded by Councilman Bromberg to approve Resolution #2007-205, as follows:

**RESOLUTION FOR PAYMENT OF BILLS**

BE IT RESOLVED by the Township Council of the Township of River Vale, County of Bergen, State of New Jersey, that the Business Administrator be, and hereby is authorized to pay the following claims:

RESERVE ACCOUNT claims in the amount of:	\$ 4,223.76
CURRENT ACCOUNT claims in the amount of:	\$ 338,555.70
CAPITAL ACCOUNT claims in the amount of:	\$ 41,839.87
OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$ 8,560.00
TRUST ACCOUNT claims in the amount of:	\$ 13,914.51
DOG TRUST ACCOUNT claims in the amount of:	\$ 17.20
RECREATION TRUST ACCOUNT claims in the amount of:	\$ 405.46
PRIVATE DUTY ACCOUNT claims in the amount of:	\$ 11,378.04
HOUSING TRUST ACCOUNT claims in the amount of:	\$ 7,457.88

**TOTAL CLAIMS TO BE PAID** **\$ 426,352.42**

BE IT FURTHER RESOLVED by the Township Council of the Township of River Vale that the following claims have been paid by the Business Administrator prior to the Bill List Resolution in the following amounts:

CURRENT claims in the amount of:	\$ 5,447,733.23
PUBLIC ASSISTANCE TRUST claims in the amount of:	\$ 2,209.00
CAPITAL ACCOUNT claims in the amount of:	\$ 0.00
STATUTORY ACCOUNT claims in the amount of:	\$ 496,021.02
OPEN SPACE TRUST ACCOUNT claims in the amount of:	\$ 31,091.60
OTHER TRUST ACCOUNT claims in the amount of:	\$ 0.00
COMMUNITY DEVELOPMENT ACCOUNT claims in the amount of:	\$ 0.00
<b>TOTAL CLAIMS PAID</b>	<u><b>\$ 5,977,054.85</b></u>

**TOTAL BILL LIST RESOLUTION** **\$ 6,403,407.27**

**MANUAL DISBURSEMENTS  
BILL LIST FOR SEPTEMBER 24, 2007**

8/29/2007 – Wire Transfer Payroll	\$ 238,773.65
9/13/2007 – Wire Transfer Payroll	\$ 257,247.37

**TOTAL STATUTORY ACCOUNT DISTRIBUTIONS** **\$ 496,021.02**

**ROLL CALL VOTE:** Councilman de Stefan, Councilman Matos, Councilman Bromberg, Councilwoman Sieg, and Council President Jasionowski voted yes.

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**Resolution #2007-206**

Motion by Councilman Matos; seconded by Councilman de Stefan to approve Resolution #2007-206, as follows:

**RESOLUTION CONFIRMING APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT**

**BE IT RESOLVED**, by the Township Council of the Township of River Vale that Robert Adamo be appointed to the Zoning Board of Adjustment to fill an unexpired term ending December 31, 2008 is hereby confirmed.

**ROLL CALL VOTE:** Councilman de Stefan, Councilman Matos, Councilman Bromberg, Councilwoman Sieg, and Council President Jasionowski voted yes.

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Motion by Councilman Matos; seconded by Councilman Bromberg to approve Resolution #2007-207, as follows:

**Resolution #2007-207**

**RESOLUTION CONFIRMING APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT**

**BE IT RESOLVED**, by the Township Council of the Township of River Vale that John Donovan be appointed to the Zoning Board of Adjustment to fill an unexpired term ending December 31, 2007 is hereby confirmed.

**ROLL CALL VOTE:** Councilman de Stefan, Councilman Matos, Councilman Bromberg, Councilwoman Sieg, and Council President Jasionowski voted yes.

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Motion by Councilman de Stefan; seconded by Councilman Matos to approve Resolution #2007-208, as follows:

**Resolution #2007-208**

**RESOLUTION CONFIRMING APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT**

**BE IT RESOLVED**, by the Township Council of the Township of River Vale that Robert Fortsch be appointed to the Zoning Board of Adjustment to fill an unexpired term ending December 31, 2008 is hereby confirmed.

**ROLL CALL VOTE:** Councilman de Stefan, Councilman Matos, Councilman Bromberg, Councilwoman Sieg, and Council President Jasionowski voted yes.

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**ORDINANCES 1<sup>st</sup> Reading**

**Motion:** Councilman de Stefan

**2<sup>nd</sup>:** Councilman Bromberg

**Ordinance #183-2007**

**AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE,  
IN THE COUNTY OF BERGEN, NEW JERSEY,  
PROVIDING FOR THE RECONSTRUCTION OF A  
SUPPORT SLOPE AT THE MUNICIPAL COMPLEX IN**

**AND FOR THE TOWNSHIP OF RIVER VALE AND  
APPROPRIATING \$345,000 THEREFOR, AND  
PROVIDING FOR THE ISSUANCE OF \$327,750 IN  
BONDS OR NOTES OF THE TOWNSHIP OF RIVER  
VALE TO FINANCE THE SAME**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of River Vale, in the County of Bergen, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$345,000 including the sum of \$17,250 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$327,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is to provide for the reconstruction of a support slope at the park located at the Township's Municipal Complex, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local

Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$327,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$45,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is hereby approved.

**ROLL CALL VOTE:** Councilman de Stefan, Councilman Matos, Councilman Bromberg, Councilwoman Sieg, and Council President Jasionowski voted yes.

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**ORDINANCES 2<sup>nd</sup> Reading**

\*\*\*\*\*NO MOTION MADE – ORDINANCE #189-2007 DEFEATED\*\*\*\*\*

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 142 OF THE CODE OF THE TOWNSHIP OF RIVER VALE, CREATING A NEW ZONE, ENTITLED R-2 TOWN HOME ZONE (T.H.).**

**BE IT ORDAINED** by the Mayor and Council of the Township of River Vale that Chapter 142 entitled “Land Use” of the River Vale Code is hereby amended as follows:

**Section I:** Section 142-221 of the Code of the Township of River Vale entitled “Zoning Districts and Map” is hereby amended to include the following additional zone: R-2 Town Home Zone (T.H.).

**Section II:** The Zoning Code and Zoning Map of the Township of River Vale are hereby amended to designate Lots 5, 5.01, 5.02, 7, 8 and portions of 6 where shown on the Zoning Map, in Block 701 on the Tax Map of the Township of River Vale as included in its entirety in the newly created R-2 Town Home Zone (T.H.).

**Section III:** Under Article LII of the Code of the Township of River Vale, entitled “Use of Buildings and Permits” is hereby amended to include a new subsection entitled “R-2 Town Home Zone.” Said new section shall read as follows:

**\*\*\* R-2 Town Home Zone (T.H.).**

**1. Definitions:** Definitions shall be in accordance with Part I, Article I “General Provisions” of Chapter 142 of the Township of River Vale Land Use Ordinance.

**2. Uses:** In the R-2 Town Home Zone (T.H.), only the following uses are permitted:

A. Any use permitted in the R-2 Town Home Zone in accordance with all required conditions of that zone.

B. Uses as defined in Section 3 below.

### **3. Requirements for R-2 Town Home Zone (T.H.).**

#### **A. Use and Occupancy Restrictions:**

1. Principal permitted uses in a T.H. shall include one (1) or more multi-family residential buildings with said dwelling units specifically designed and intended for and limited to occupancy for residential purposes only.

2. Bedroom distribution.

Every development in the T.H. shall establish a distribution for the number of bedrooms such that: (a) a minimum of 46% shall be one-bedroom units; (b) a minimum of 46% shall be two-bedroom units and (c) no more than 8% shall be three-bedroom units. Except as otherwise set forth in Section 3(h) below, through its corporation, association or owners, the land and buildings in any T.H. shall be restricted, by bylaws, rules, regulations and restrictions of record, to the preceding restrictions on bedroom distribution.

3. Notwithstanding anything herein to the contrary, any development consisting of more than five units in the T.H. shall comply with the standards and procedures set forth below relating to lower income housing requirements. All residential developers in T.H. building more than five units must meet the requirements of the lower-income housing obligation set forth below. No division, site plan approval or building permit shall be granted to a developer having a lower-income housing obligation pursuant to this section unless the developer participates in the production of lower-income housing pursuant to this article:

a. Minimum phasing schedule. All developers who are required to build lower-income units pursuant to this Section, whether on the tract or elsewhere, shall construct a minimum percentage of twenty percent (20%) of lower-income housing units on the property.

b. Certificates of occupancy for the remaining free-market units shall not be issued unless the developer has obtained certificates of occupancy for the lower-income units in compliance with the above schedule.

c. No cash contribution alternative will be accepted in lieu of construction of the required lower-income housing.

d. The Township may appoint an Affordable Housing Official who will be responsible for monitoring and implementing the provisions of this article and assuring that the lower-income units remain affordable to lower-income households.

e. No certificate of occupancy shall be issued for a lower-income unit without the written approval of the Mayor or his designee or the Affordable Housing Official. Such approval shall be denied unless the unit is subject to an individual or master deed containing a covenant running with the land which assures that the unit will remain affordable to lower-income households for a period of at least 30 years.

f. No lower-income unit shall be sold or resold, rented or re-rented without the written approval of the Mayor or his designee or the Affordable Housing Official. In order to obtain such approval, the seller or lessor shall be required to demonstrate that the proposed sale or lease complies in all respects with the provisions of this article.

g. Every development subject to the requirements of this article shall contain equal numbers of low- and moderate-income units. The lower-income units shall be subject to price stratification such that the average price of said units shall, as best as practicable, be affordable to households at 57.5% of median income. At least 1/3 of all units in each bedroom distribution (pursuant to N.J.A.C. 5:93-7.3) shall be affordable to low-income households. Pricing of units shall be stratified to insure that there are a variety of sales prices or rental rates pursuant to N.J.A.C. 5:93-7.4.

h. Bedroom distribution.

Every development subject to the requirements of this article shall establish a distribution for the number of bedrooms in the lower-income units such that: (i) At least 30%

shall be two-bedroom units; (ii) At least 20% shall be three-bedroom units; and (iii) No more than 20% shall be efficiency and/or one-bedroom units.

i. Prices and rents; increases; improvements.

(i). Initial prices and rents. The initial price of a lower-income owner-occupied housing unit shall be established so that after a down payment of 10%, the monthly principal, interest, taxes, insurance and condominium fees do not exceed 28% of an eligible gross monthly income. Initial rents, excluding utilities, shall be set so as not to exceed 30% of the gross monthly income of the appropriate household size. Gross monthly income shall be calculated based upon the uncapped Section 8 income limits published by HUD. The following criteria shall be considered in determining rents and sale prices:

(A) Efficiency units shall be affordable to one-person households.

(B) One-bedroom units shall be affordable to one-and-five-tenths-person households.

(C) Two-bedroom units shall be affordable to three-person households.

(D) Three-bedroom units shall be affordable to four-and-five-tenths-person households.

(ii). Annual indexed increases. Sales prices and rents of lower-income units may increase annually based on the percentage increase in median income as determined from the uncapped Section 8 income limits published by HUD.

(iii). Eligible capital improvements. Property owners of owner-occupied lower-income units may apply to the Affordable Housing Official for permission to increase the maximum price for eligible capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household. In no event shall the maximum price of an improved housing unit exceed the limits of affordability for the larger household.

(iv). Resale procedure. Persons wishing to sell lower-income units shall notify the Affordable Housing Official of the intent to sell. If no eligible buyer enters a contract of sale for the unit within 90 days of notification, the Township shall have the option to purchase the unit for the maximum price permitted based on the regional increase in median income as defined by HUD. If the Township does not purchase the unit, the seller may apply for permission to offer the unit to a non-income-eligible household at the maximum price permitted. The seller shall document efforts to sell the units to an income-eligible household as part of this application. If the request is granted, the seller may offer low-income housing units to moderate-income households and moderate-income housing units to households earning in excess of 80% of median. In no case shall the seller be permitted to receive more than the maximum price permitted. In no case shall a sale pursuant to this section eliminate the resale controls on the unit or permit any subsequent seller to convey the unit except in full compliance with the terms of this article.

(v) Foreclosure.

(A). A judgment of foreclosure or a deed in lieu of foreclosure by a financial institution regulated by state and/or federal law shall extinguish controls on lower-income units, provided that there is compliance with Subsection (B) of this section. Notice of foreclosure shall allow the Township to purchase the lower-income unit at the maximum permitted sale price.

(B). In the event of a foreclosure sale, the owner of the lower-income unit shall be personally obligated to pay into the Lower-Income Housing Fund any surplus funds, but only to the extent that such surplus funds exceed the difference between the maximum price permitted at the time of foreclosure and the amount necessary to redeem the debt to the financial institution, including costs of foreclosure.

j. Affirmative marketing program.

(i). Every development subject to the requirements of this article shall submit an affirmative marketing program designed to disseminate information regarding the availability of low- and moderate-income units. The program shall include at least the following:

(A) Advertisements in local newspapers, including the Sunday Post, Bergen Record, Herald News, Paterson News, Jersey Journal and Hudson Dispatch.

(B) Notifications to local agencies and organizations, including the public

welfare departments and social services boards in Bergen, Passaic and Hudson Counties, the Health and Welfare Council of Bergen County, the Human Services Planning Council of Bergen County, the Fair Housing Council of Bergen County, the Bergen County Chapter of Urban League and the Bergen County Housing Authority.

(C) Posting of notices in the Township Hall.

(D) Delivery of notices to the Municipal Clerks of all municipalities in Bergen, Passaic and Hudson Counties

(ii). The affirmative marketing program shall commence at least 90 days before issuance of either temporary or permanent certificates of occupancy and shall continue until all low- and moderate-income units are under contract of sale or lease. Applicant selection shall be on a random basis.

4. The T.H. shall comply with all applicable requirements of the Federal Fair Housing Act and all amendments thereto, except as noted above, and all applicable rules and regulations of the U.S. Department of Housing and Urban Development (HUD) regarding such use, ownership and occupancy and shall further comply with all applicable HUD rules and regulations for self-certification of compliance with the Act and with HUD ' s rules and regulations. The residency restriction applicable to the development may be reviewed by the Township Attorney for compliance with the Federal Fair Housing Act.

5. Permitted accessory uses in a T.H. may include, but shall not be limited to, attached common garage structures and indoor and/or outdoor areas devoted to off-street parking and to active and passive recreation. In addition, one double-faced ground type sign identifying the development may be located at each entrance to said development provided such sign is limited to eighteen (18) square feet in area on each side and is mounted no greater than four (4) feet above finished grade on a freestanding wall or a structure not exceeding six (6) feet in height above the ground level. The design, location and landscaping of such sign shall be as approved by the Planning Board.

**B. Area and Density Requirements.** The following requirements shall apply to any tract proposed for T.H. development:

1. Minimum Tract Area. There shall be a minimum tract area of three (3) acres having a minimum road frontage of Two Hundred (200) feet.

2. Maximum Density and Number of Units. There shall be no more than fifteen (15) dwelling units per gross lot acre within the T.H..

3. Maximum Building Coverage. The total ground floor area of all buildings, including accessory buildings and common garages shall not exceed forty (40%) percent of the gross tract area.

4. Maximum Impervious Coverage. The total coverage of the tract by all buildings, paved or other hard surfaces and parking areas, but excluding drainage structures and detention and retention basins, shall not exceed seventy-five (75%) percent of the gross tract area.

**C. Setback and Height Requirements.** The following setback and height requirements shall apply to the development of the T.H.:

1. Limiting Schedule

Minimum front setback:	20
Minimum side yard setback (feet) <sup>2</sup>	25
Minimum rear yard setback (feet) <sup>2</sup>	25
Minimum distance between buildings:	20
Maximum building height	3 stories or 40 feet (whichever is less)
Minimum buffers (to be planted in accordance with Article XVII):	
To adjacent single-family lot (feet)	25
To adjacent commercial lot (feet)	25

2. Height further defined. No building shall exceed three (3) stories, and no building shall exceed a height of forty (40) feet measured from the average finished grade to the midpoint of the roof. Where individual buildings are separated by fire walls, the height measurement shall be taken around the exposed building perimeter between fire walls. A walk-out or exposed basement level containing dwelling units or portions thereof shall not be counted in the number of stories.

3. Lot Depth: The minimum lot depth shall be two hundred (200) feet.

4. Balcony Projections into Required Yard. No balcony shall project greater than five (5) feet into the minimum rear yard or side yard

#### **D. Amenities.**

1. The T.H. may include indoor and outdoor common areas, recreational areas and community facilities provided for the exclusive use of its residents.

2. Areas intended for recreational purposes shall include facilities for active and passive recreation particularly suitable for residents.

3. Any multipurpose facility shall be designed and equipped to meet the social and recreational needs of the anticipated residents of the T.H.. This may include exercise rooms, hobby and craft rooms, lounge areas, meeting rooms, card rooms, rooms providing support facilities for outdoor recreational facilities or other similar facilities, all as required to meet the needs of the residents.

4. Elevators shall be provided as required by the Uniform Construction Code, although one elevator may service more than one building where buildings are separated by fire walls but are otherwise interconnected.

#### **E. Roadways and Parking Standards.**

1. The requirements of the Residential Site Improvement Standards (RSIS) shall apply to the development of the T.H., except as set forth below.

2. Private streets and roadways shall be permitted within the T.H. and shall be designed and constructed in accordance with the River Vale Development Ordinance and the RSIS standards, where applicable.

3. All requirements of the River Vale Land Development Ordinance relating to parking lot design, except as otherwise regulated herein or superseded by the RSIS, shall be applicable to the T.H.

4. No parking of recreational or commercially registered or used vehicles, mobile homes, trailers or boats, shall be permitted on the site.

5. Garaged parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet long.

6. Parking spaces or driveways serving individual dwelling units shall not be entered directly from any street. This shall not preclude driveways and parking spaces being accessed from interior development streets within the T.H. tract. Parallel parking along interior development streets within the T.H. tract shall be permitted consistent with the River Vale Land Development Ordinance and as set forth below; if such is silent, then such shall be permitted consistent with the RSIS and local emergency services recommendations.

7. There shall be a minimum of 1.75 parking spaces for each residential unit.

8. Width of Right-of Way (if provided). All width of right-of way access roads which give access to the subject site shall have a width of not less than forty (40) feet if there is no curbside parking. In the event of one-side parking, right-of way access roads shall have a width of not less than fifty (50) feet. In the event of two-side parking, right-of way access roads shall have a width of not less than fifth (50) feet.

9. Interior access roads. All Interior access roads which give access to the subject site shall have a width of not less than twenty four (24) feet if there is no curbside parking. In the event of one-side parking, Interior access roads shall have a width of not less than

thirty (30) feet. In the event of two-side parking, Interior access roads shall have a width of not less than thirty six (36) feet.

#### **F. Buffer and landscaping.**

1. Tree restitution and reforestation shall be in accordance with Part 6, Article XXXVII of the Township of River Vale Land Use Ordinance. Shade trees and other landscaping shall be provided in all site plans where deemed appropriate by the planning board. All shade trees shall have a minimum diameter of two and one half (2.5) inches measured three (3) feet above the ground and with all landscaped plants shall be of various species approved by the approving authority. Trees shall be planted thirty (30) to fifty (50) feet apart and parallel to, but no more than ten (10) feet from, the curb line and shall be balled and burlapped, nursery grown, free from insects and disease and true species and variety. Stripping trees from a lot or filling around tree drip lines on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted with trees to reestablish the character of the area and to conform to adjacent lots. Dead or dying trees shall be replaced by the developer during the next recommended planting season. Parking lots shall be planted as required below.

2. A landscape plan prepared by a certified landscape architect, certified by the New Jersey Board of Landscape Architects, or other qualified individual, shall be submitted with each site plan application. Landscaping shall be provided to promote a desirable visual environment, screen parking and loading areas, provide windbreaks for winter winds and summer cooling for buildings, streets and parking, and to mitigate adverse visual impacts.

3. Landscaping in parking areas shall be provided as follows:

(a) Landscaped strips of a minimum four feet in width shall be provided between all parking lots and property lines, and a minimum 10 foot landscaped strip shall be provided between all buildings and property lines.

(b) Landscaped areas should be located in protected areas such as along walkways, in center islands, or at the end of parking bays and shall be distributed throughout the parking area to mitigate the view of the parked vehicles without interfering with adequate sight distance for vehicles or pedestrians. The landscaping shall consist of hardy, low maintenance varieties of trees, and shrub plantings, as well as trees of a minimum 8 feet in height.

(c) One shade tree with a minimum diameter of two and one-half (2 1/2) inches measured three (3) feet above the ground, shall be provided for every ten (10) parking spaces. Trees shall be staggered and/or spaced so as not to interfere with driver vision and shall have branches no lower than six (6) feet.

(d) All landscaping and plantings shall be maintained continually in accordance with provisions of the site plan approval for the development. Plantings which do not live shall be replaced within six months, but no longer than the next growing season. Notwithstanding this provision, all applicants must continually meet the provisions of site plan approval with respect to the maintenance of landscape plans.

#### **G. Utilities.**

1. All utilities within the development shall be placed underground from the service point locations surrounding the site.

**H. Other Improvements and Design Standards.** The development plan for the site, its developed facilities and the interior of residential units in the T.H. must be specifically designed in accordance with all applicable building codes of the State of New Jersey.

1. Each dwelling unit shall be equipped with central heating and air-conditioning systems with independent controls for each.

2. Each dwelling unit shall contain plumbing and gas or electric connections for a clothes washer and dryer.

3. Smoke alarms shall be installed in each dwelling unit in the T.H. in accordance with the requirements of the Uniform Construction Code (N.J.S.A. 52:27D-119).

4. Each occupant shall be responsible for the disposal of household garbage, recyclable materials and refuse as required in other residential districts, provided, however, that a

Homeowners' Association may assume the responsibility to arrange for the disposal of the solid waste and recyclables produced within the T.H. in accordance with applicable municipal codes. At least four (4) solid waste pickup locations shall be provided for each sixty (60) units, or as an alternative, a minimum of two (2) separate compacter locations shall be provided on the site. Such facilities shall either be located within a building or parking garage or, if located out of doors, be totally enclosed by a seven (7) foot high masonry wall compatible with the architectural styling of the building(s) and in conformance with applicable bulk standards, landscaped, and with a gate or entry on one (1) side. Such enclosure(s) shall provide suitably sized containers approved by the Township for the collection of solid waste and recyclables.

5. A safe and convenient system of walkways accessible to all occupants shall be provided within the development, and along all public roadways and publicly owned driveways. The site plan shall show the locations of all pedestrian walkways and sidewalks, and be in accordance with the RSIS.

6. Lighting plans for the entire development shall be submitted with the site application. Artificial lighting shall be provided along all walks and interior roads and driveways and in all off-street parking areas, depending upon anticipated nighttime use, with sufficient illumination for the safety and convenience of the residents of the T.H. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential area. Light fixtures shall not be greater in height than twenty (20) feet. Illumination levels shall average not more than one footcandle over the site, and at no point shall they exceed three and one half (3.5) footcandles.

7. On-site security and maintenance service systems may be provided in the T.H.

#### **I. Ownership and Management of Common Areas, Elements and Open Space.**

1. The landowner shall provide for and establish an organization for the ownership and maintenance or, if held under a condominium form of ownership, for the maintenance alone, of all common areas, elements and open space for the benefit of residents of the development. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise (except to an organization conceived and established to own and maintain the open spaces for the benefit of such development), without first offering to dedicate the same to the Township of River Vale or other government agency.

2. The regulations of N.J.S.A. 40:55D-43 b. and c. shall be applicable to the maintenance of the open space.

3. If any open space, easements or common areas on the tract are dedicated to and accepted by the Township, the area of such portions of the tract shall nonetheless be included in calculating the permitted density of the development.

4. As a condition of the approval of a proposed development, the Planning Board shall require of the organization established or to be established to own and/or maintain common open space, any other common areas or elements or the structures located within the development that it adopt certain binding rules and regulations or bylaws with respect to ensuring the objectives and purposes of reasonable maintenance. If, as a condition of Planning Board approval, certain provisions are required to be included within the rules and regulations or bylaws, such provisions shall not be changed without the prior approval of the Planning Board.

5. The maintenance and continual operation of all storm water management devices and systems shall be the responsibility of the organization responsible for the maintenance of open common space within the development, or the residents of the T.H. development.

#### **J. Conditions of Preliminary Approval.**

As a condition of preliminary approval of the development, the Board may provide for final approval of the plan and construction of the project in whole or in one or more sections or stages.

**Section IV.** All ordinances or portions of ordinances, which are inconsistent with this Ordinance, shall be repealed as to their inconsistencies only.

**Section V.** If any provision or paragraph of this Ordinance shall be held invalid by any court of

competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

**Section VI.** This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181 (b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

**Section VII:** This ordinance amends various portions of the Code of the Township of River Vale. All parts of this section and other parts of the Code shall remain in full force and effect unless specifically amended by this Ordinance.

**Section VIII:** This ordinance shall become effective immediately upon passage and publication in accordance with law.

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**HEARING OF THE PUBLIC**

Motion by Councilman Bromberg; seconded by Councilwoman Sieg to open the meeting to the public.

John Donovan – 63 Rivervale Road – commented on the defeated Ordinance pertaining to the Golf Course.

Dr. Jeffrey Maftus – 692 Alden Court – questioned the Township Attorney’s bills and other items on the bills list.

Joe Massin 68 Holiday Court – commented that he is still on the Zoning Board and conflicts of interest. He also questioned the status of the trees of Piermont Avenue.

The Business Administrator answered that Rich Campanelli has been in contact with the County regarding the condition of the trees.

Robert Fortsch – 511 Bernita Drive – Thanked the Council for his appointment to the Zoning Board and also commented on the possible development of the golf course.

There being no questions or comments from the public; motion by Councilman de Stefan; seconded by Councilman Matos to close the meeting to the public.

Motion by Councilman de Stefan; seconded by Councilman Matos to adjourn the meeting to closed session. No action will be taken.

**ADJOURNMENT**

Motion by Councilman de Stefan; seconded by Councilman Matos to adjourn the meeting to at 10:30pm.

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Glen Jasionowski  
Council President

ATTEST:  
Karen Padva  
Acting Township Clerk