

MINUTES
Joint Planning Board and Council Meeting of the Township Council
Monday, December 10, 2007
7:00 PM

CALL THE MEETING TO ORDER

Council President Jasionowski called the meeting to order at 7:05P.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 Vice President Bromberg 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 – Township Council

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

ROLL CALL – Planning Board

Kenneth Koons, Bruce Carillo, Mark Ericksen, Norman Goldman, George Shalhoub, Chris Wahmann, and Peter Wayne. Robert Menville and Ron Tucci were absent.

Also present: Mayor Joseph Blundo, Robert J. Gallione, Jr., Business Administrator, Planning Board Attorney Dennis Deutsch, Planning Board, Christopher Statile Township Engineer, Michael Hakim, Michael Kauker, Holly Schepisi Township Attorney and Karen Padva, Acting Township Clerk.

TOWNSHIP COMMUNICATION

1. Mayor’s Comments

Mayor Blundo gave a brief description and history of Ordinance #191-2007.

2. Council Comments

Councilman Matos had no comment
Councilman Bromberg had no comment.
Councilwoman Sieg had no comment.
Council President Jasionowski had no comment.

DISCUSSION ORDINANCE #191-2007

Chris Wahmann had several questions regarding the senior housing certification. Mr. Kauker stated that 20% is set aside in the new zone and he also clarified that the Town didn’t have 3rd round COAH certification. The Township Attorney stressed that the original application did not address any COAH requirements. Councilman Matos questioned whether the Township had any legal right to waive their COAH obligations. Mr. Kauker answered that the Town could do it however it would subject itself to multiple lawsuits. Additionally, Mr. Kauker stated that the Town can no longer RCA out its COAH obligations; the units must be built in town.

*****Councilman de Stefan joined the meeting at 7:25PM*****

Mayor Blundo stressed that COAH requirements are not the only concerns with regard to this ordinance. Councilman Matos questioned the Town's status on COAH if nothing gets built at this site. Mr. Kauker answered that the Township would be short on its COAH requirements and units would have to be built elsewhere in Town. Councilman de Stefan questioned the possibility of a builders remedy suite if the Town does not have its round 3 certification. Michael Hakim answered that the Town could be vulnerable to a suite and the golf course would be a prime target. Michael Kauker added that most other towns in Bergen County have the same status with COAH. River Vale has been proactive and this development would satisfy part of the Township COAH obligation.

*****Michael Kauker left the meeting at 7:35pm*****

The Planning Board had additional questions about the possibility of the property being subdivided. The Township Attorney added that the applicant would have to go before the Planning Board for a major subdivision application. Ms. Schepisi stated that language could be added to Section 4 of the ordinance that the planning board memorialize the subdivision prior to the application. Chris Statile stated that the zoning ordinance needs to be established and in place first. It was further discussed that there needs to be better delineation of the pieces of property and that this ordinance could be superseded by municipal land use law. Also, Mr. Deutsch recommended not having the ordinance site specific because of the possibility that it could be challenged in the future. Chris Wahmann requested that in Section B-1 be changed from 3 to 5 acres.

Kenneth Koons expressed concern that anyone with 5 acres could sue under those circumstances because the development was permitted elsewhere in town. Mr. Deutsch stressed that it needs to be compliant with the Master Plan. Mr. Hakim explained that an applicant must demonstrate the benefits of what is being requested and it must be consistent with the Master Plan. He does not see this ordinance as spot zoning; the site is already zoned for senior housing you are just expanding it. Mr. Hakim added that in New Jersey, the municipality controls land use. This particular zone offers many opportunities with regard to recreation, COAH compliance, open space preservation and senior housing. Also, it can be demonstrated that this site would be beneficial and consistent with the master plan and is very much on solid ground.

The Planning Board had further questions and concerns about the limiting schedule, walk out basements, roof height, impervious coverage, berms and buffers, the placement and size of trees, the distance between the buildings, setbacks from the road, and the length of the driveways. It was suggested that a landscape plan be submitted to the Planning Board along with the application. Mr. Hakim expressed concerns that the 10 foot setbacks are not sufficient. The Township Attorney added that the Planning Board will have the ability to make changes when the developer applies for site plan approval. Ms. Schepisi also showed the Council and Planning Board the site plan and architect's rendition of what the development will look like.

Council President Jasionowski questioned traffic patterns with regard to the development, community center, soccer field and firehouse. Mr. Deutsch added that the Planning Board is not responsible to determine what is more lucrative to the Township only that the plan be consistent with the Master Plan.

Mayor Blundo commented that this site will be developed and there have been many adjustments as it has evolved. The site could be built with senior housing without the golf course being protected and the Township not having a good position with COAH.

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 members 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."

John Donovan – 63 Rivervale Road – questioned where in the ordinance the soccer field was listed and he suggested that the whole agreement be codified. Mr. Donovan commented on the COAH requirements and suggested strengthening the language to give the Planning Board more power to make decisions.

The Township Attorney stated that during the regular portion of the Council meeting the Council will be addressing a resolution regarding the terms of proposed purchase agreement.

Joseph Massin – 68 Holiday Court – questioned the location of the senior units within the complex and the buffer between the complex and the soccer field.

George Mulford – 66 Holiday Court – Mr. Mulford questioned how much taxes the golf course presently pays and what the abatement would be. The Mayor answered that presently the Golf Course pays approximately \$450,000; that would be reduced by 25% to \$330,000. With the addition of the new development the Town would collect approximately \$1.1 million in property taxes.

Bob Fortsch – 511 Bernita Drive – commented on the impervious coverage and adhering to the restrictions. He also expressed his concerns about the lighting and buffers with regard to the soccer field. Mr. Fortsch added that he did not feel the additional children in the schools would be an issue.

Michael Maretera – 634 Midvale Court – expressed his concern about the impact on the neighborhood and the setbacks.

David Watkins – 285 Closter Dock Road, Closter – commented on the impervious coverage, soccer field and setbacks. Mr. Watkins added that most of the problems discussed could be easily resolved. In addition, he remarked that every change that is made puts this project in jeopardy. Mr. Watkins stressed the important issues of the soccer field and the preservation of open space in the Township.

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

ADJOURNMENT

Motion by Councilman Bromberg; seconded by Councilman de Stefan to adjourn the meeting at 10:10pm

ATTEST:
Karen Padva
Acting Township Clerk

Glen Jasionowski
Council President