

MINUTES
Council Meeting
Monday, February 11, 2008

CALL THE MEETING TO ORDER

Council President Jasionowski called the meeting to order at 8:00 PM 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, Council Vice President Bromberg and Council President Jasionowski were present. Councilman Matos and Councilwoman Sieg were absent

Also present: Mayor Joseph Blundo, Robert J. Gallione, Jr., Business Administrator, Holly Schepisi, Township Attorney, and Karen Padva, Acting Township Clerk.

TOWNSHIP COMMUNICATION

1. Mayor's Comments

Mayor Blundo commented on the conclusion of the Saturday Budget meetings. He commended the department heads for being very prepared and reasonable with their requests. In addition, the administration was very prepared and the schedule ran smoothly. Mayor Blundo predicted that the overall increase per household will be approximately \$38.00.

The Mayor reported that they are committed to several projects including the 2008 Road Program, a Skate Board Park with Old Tappan, and a more modern fire alarm system with volume control as well as digital voice recordings. Also, there will be updating of equipment for the police, fire and DPW departments.

The Mayor announced that the budget will be introduced at the February 25th meeting and passage is tentatively set for March 24th. In conclusion, the Mayor stated that on March 12th the County will be considering the Township's application for Open Space purchase of Lot I6A for \$1.5 million. The County is also considering allocating funds towards the purchase of I7C and I6B.

2. Council Comments

Councilman de Stefan commented on how well the budget meeting process ran and commended Council President Jasionowski for very good debate. In addition, Councilman de Stefan credited the Mayor, Gennaro Rotella and Bob Gallione for being very well prepared.

Councilman Bromberg commented regarding Pascack Valley Hospital. Councilman Bromberg concurred with the positive comments on the budget process and the possibility on consolidating services with others towns as a cost saving measure.

Council President Jasionowski thanked all the department heads and his colleagues for very good budget debate. In addition, the Council President commended the CFO, Mayor and Bob Gallione for being very well prepared.

BUSINESS ADMINISTRATOR’S REPORT

The Business Administrator gave an update on the Social & Cultural Affairs department and possible performers for the summer music festival at the amphitheater. Mr. Gallione also announced that this Saturday, February 16th there will be a workshop at the Community Center to satisfy Planning and Zoning Board members’ certification with the state. In conclusion, the Business Administrator announced that the revaluation company will be available for appointments and the dates are posted on the bulletin Board.

HEARING OF THE PUBLIC

Motion by Councilman Bromberg; seconded by Councilman de Stefan 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.”

Bob Fortsch – 511 Bernita Drive – commented on the erosion of Holdrum Creek and the possibility of the Boy Scouts doing an Eagle Scout Project there. Mr. Fotsch also commented on the possibility of adding Sunny Hill Terrace to the 2008 Road Program.

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.

RESOLUTIONS –

Motion by Councilman Bromberg; seconded by Councilman de Stefan to approve Resolutions #2008-62 through #2008-69 with the exception of Resolution #2008-66, as follows:

Resolution #2008-62

RESOLUTION APPROVING MINUTES–January 28, 2008

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the January 28, 2008 Regular Meeting of the Township Council are hereby approved.

Resolution #2008-63

RESOLUTION APPROVING RAFFLE LICENSE FOR JEWISH HOME FOUNDATION

BE IT HEREBY RESOLVED, that the following license to conduct a Raffle be issued to:

- NAME: Jewish Home Foundation of North Jersey
10 Link Drive
Rockleigh, NJ 07647
- LOCATION OF RAFFLE: Edgewood Country Club
Rivervale Road
River Vale, NJ 07675
- DATE OF RAFFLE: May 19, 2008 7:00 pm
- I.D. #: 430-4-36720
- RAFFLE LICENSE: RL 292

BE IT FURTHER RESOLVED that said license shall be issued subject to all rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

Resolution #2008-64

Resolution Re: Emergency Temporary Appropriation

WHEREAS, an emergent condition has arisen with respect to the providing for the funding of a Down Payment on a Capital Ordinance and no adequate provision has been made in the 2008 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$30,000,

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for Capital Improvement Fund in the amount of \$30,000.
2. That said emergency temporary appropriation will be provided for in the 2008 budget under the title of:

Capital Improvement Fund	\$30,000
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3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Resolution #2008-65

RESOLUTION AWARDING THE LOWER GROVE BASEBALL FIELD LIGHTING PROJECT

WHEREAS, the Township received bids for the for the Lower Grove Baseball Field Lighting project; and

WHEREAS, one bid was received the from Lucas Electric Co., Inc., 415 Mercer Street, Hightstown, NJ 08520 and said bid has been reviewed and approved and is hereby accepted as the lowest bidder at the price of

\$ 39,900.00 (base bid)

WHEREAS, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$ 39,900.00 in the Open Space Account;

NOW THEREFORE BE IT RESOLVED THAT the bid of Lucas Electric Co., Inc. is accepted as the lowest responsible bidder and that the Mayor and Township Clerk are here by authorized and requested to execute a Contract on behalf of the Township of River Vale for the services described in the Specifications for the Lower Grove Baseball Field Sports Lighting project.

Resolution #2008-67

RESOLUTION AUTHORIZING THE MAYOR TO SIGN DEFERRED COMPENSATION PLAN—VALIC

WHEREAS, the Township of River Vale (hereinafter referred to as the "Employer") desires to attract and retain qualified employees to the Employer and, as a means thereof, is contemporaneously adopting an Internal Revenue Code Section 457 Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under such Plan; and

WHEREAS, the Employer desires such Plan to comply with the Small Business Job Protection Act of 1996, the Economic Growth and Tax Relief Reconciliation Act of 2001, and the Job Creation and Worker Assistance Act of 2002 amendments to Section 457 of the Internal Revenue Code, such amendments being necessary to maintain the Plan as an eligible Deferred Compensation Plan within the meaning of Section 457 of the Internal Revenue Code of 1986 (“Code”), as subsequently amended; and

WHEREAS, the Employer also desires such Plan to comply with the regulations promulgated under Code Section 457 (including proposed revisions thereto); and Internal Revenue Service Revenue Procedures 2004-12 and 2004-56; and

WHEREAS, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

WHEREAS, VALIC has been found to possess the necessary administrative, enrollment, and servicing capabilities for the Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Employer does hereby adopt the Plan prepared by VALIC and assigned Plan Document identifier 55-PD-VALIC-110305 by the Director of the Division of Local Governmental Services.

BE IT FURTHER RESOLVED that the Employer is adopting a Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No. 104-88), the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), the Job Creation and Worker Assistance Act of 2002 (United States Public Law No. 107-147), and regulations promulgated under Code Section 457 (including proposed revisions thereto), and Internal Revenue Service Revenue Procedures 2004-12 and 2004-56, and all such provisions are stated in the Plan in terms substantially similar to the text of those provisions in Internal Revenue Code Section 457. The use of the Ruling is for guidance only and the Employer acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED that the Business Administrator shall be designated as the official representative of the Employer and Local Plan Administrator for the Administration of the Plan.

BE IT FURTHER RESOLVED that VALIC shall be retained by the Employer as the contractor under the Deferred Compensation Plan, and VALIC shall educate all eligible employees of the Employer regarding the Plan and shall enroll and service those eligible employees who participate in the Plan. As enrolling agent, VALIC shall be the exclusive agent for its funding options to be offered under the Plan.

BE IT FURTHER RESOLVED that there has been no collusion or evidence or appearance of collusion between any local official and a representative of the contractor in the selection of a contractor for the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute a Service Agreement with VALIC and that such Service Agreement has been assigned by the Director of the Division of Local Government Services the following identifier: 03-SA-VALIC-121201 and to submit all necessary documents to the Director of Local Government Services in the State Department of Community Affairs for approval.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services within the State Department of Community Affairs.

Resolution #2008-68

RESOLUTION AUTHORIZING THE MAYOR TO SIGN DEFERRED COMPENSATION PLAN—AXA EQUITABLE

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Township of River Vale (hereinafter referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, in 2007 the Employer adopted a DEFERRED COMPENSATION PLAN provided by AXA-Equitable and assigned the plan identifier (66-PD- Equitable-053107) River Vale by the Division of Local Government Services; and

WHEREAS, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement an additional employee deferred compensation plan and

WHEREAS, the Employer solicited written proposals from two or more contractors for a Deferred Compensation Plan that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37; including AXA Equitable and AIG Valic.

WHEREAS, the following contractors submitted written proposals:
AXA Equitable Life Insurance Company (hereinafter referred to as “AXA Equitable) and AIG;
and

WHEREAS, the Township of River Vale reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was deemed that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of River Vale that the Mayor is hereby authorized to execute the Service Agreement (bearing the identifier: 66-SA-Equitable-053107 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services.

BE IT FURTHER RESOLVED that Business Administrator is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

BE IT FURTHER RESOLVED that the Township of River Vale is adopting a deferred compensation plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provision added by reason of The Small Business Job Protection Act 1996 (United State Public Law no.104-188), the Tax Payer Relief Act 2001 (United States public law no.105-34) and the Economic Growth and Tax Relief Reconciliation Act 2001 (United states public law no.107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue code section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED that a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

Resolution #2008-69

RESOLUTION CONFIRMING APPOINTMENT TO THE PLANNING BOARD

BE IT RESOLVED by the Township Council of the Township of River Vale that Scott Lippert be appointed as 2nd Alternate to the Planning Board to fill an unexpired two (2) year term expiring on December 31, 2008 is hereby confirmed.

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, and Council President Jasionowski voted yes. Councilman Matos and Councilwoman Sieg were absent

Councilwoman Sieg joined the Meeting at 8:30 PM

Motion by Councilman Bromberg; seconded by Councilwoman Sieg to approve Resolution #2008-66, as follows:

Resolution #2008-66

RESOLUTION OPPOSING REVISIONS TO THE WRONGFUL DEATH STATUTE

WHEREAS, liability claims against municipalities are already increasing 10% per year; and

WHEREAS, the proposed revisions to the Wrongful Death Statute will add another 6% to 10% to this cost; and

WHEREAS, under the current wrongful death law, family members can already collect substantial compensation for actual losses such as medical bills and lost income as well as loss of companionship; and

WHEREAS, this bill will also allow juries to award substantial additional compensation for “emotional distress;” and

WHEREAS, this bill is contrary to the principles in Title 59; and

WHEREAS, without the limitations in Title 59, it would be very difficult for state, county and local government to respond to a wide range of emergency situations; and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of River Vale that we urge the legislature to exempt Title 59 entities from any expansion of the Wrongful Death Statute.

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, Councilwoman Sieg and Council President Jasionowski voted yes. Councilman Matos was absent

Ordinances 1st Reading

Motion: Councilman de Stefan

2nd: Councilwoman Sieg

Ordinance #192-2008

REVISE AND SUPPLEMENT CHAPTER 142 OF THE CODE OF THE TOWNSHIP OF RIVER VALE, CREATING A NEW ZONE, ENTITLED TH-1 TOWN HOME ZONE (T.H. Zone)

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: TH-1 Town Home Zone (T.H. Zone).

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, a portion of 6 and a portion of 9 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 TH-1 Town Home Zone (T.H. Zone).

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 “TH-1 Town Home Zone.” Said new section shall read as follows:

***** TH-1 Town Home Zone (T.H. Zone).**

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 and the following additional definitions shall apply with respect to the additional terms set forth in this section:

AGE RESTRICTED DWELLING OR UNIT — A Townhouse as hereinafter defined, designated for permanent occupancy by households composed of at least one (1) permanent resident, whom is a head of the household and has attained the age of 55 years and in which actual occupancy and use are confined accordingly, consistent with all federal and state standards, laws, rules and regulations.

COMMON RECREATION AREAS — One or more parcels of land and/or water within a development site, designed and intended primarily for the use and enjoyment of the residents therein. Such areas may contain such complementary structures and improvements for active or passive recreational pursuits as are necessary and appropriate for the benefit and enjoyment of the residents of the development.

OPEN SPACE — Any parcel or area of land or water essentially unimproved and approved by the Township to be set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land. It may include common recreation areas, fields, woodland areas, parks, playgrounds, golf courses, tennis, squash and similar courts, skiing and skating facilities, nature trails, lakes and swimming pools, camping facilities and other similar open space, including walkways and sidewalks.

PLAN — The written and graphic provisions for development of a

development, including a plat of a subdivision; all covenants relating to use, location and bulk of buildings and other structures; intensity of use or density of development; public and private streets, ways and parking facilities; common open space; and public facilities. The phrase "provisions of the plan," when used in this section, shall mean the written and graphic materials referred to in this definition, the developer's agreement, the minutes and resolutions of the Planning Board, the application and the plan itself.

TOWNHOUSE — A building or structure designed for or occupied by no more than one family or household and attached to other similar buildings or structures by not more than two party walls (which shall be of masonry or other approved fire-rated construction) extending from the foundation to the underside of the roof and providing two direct means of access from the outside. Furthermore, each such dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse.

2. Uses: In the TH-1 Town Home Zone (T.H. Zone), only the following uses are permitted:

- A. Townhouses
- B. COAH Units, as set forth below
- C. Age Restricted Units

D. When incidental to a primary use within a TH-1, indoor and outdoor common areas, recreational areas, and community facilities provided for the exclusive use of its residents, and subject to the following regulations:

1) Common recreation areas intended for recreational purposes shall include facilities for active and passive recreation particularly suitable for residents.

2) Any multipurpose facility shall be designed and equipped to meet the social and recreational needs of the anticipated residents of the TH-1. 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.

3) Attached common garage structures and indoor and/or outdoor areas devoted to off-street parking.

4) One double-faced ground type sign identifying the development may be located at each entrance to said development provided such sign meets all the requirements of Article LIII of this code, with the following exception:

a) Any such sign located within the TH-1 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.

- E. Open Space.

3. Requirements for TH-1 Town Home Zone (T.H. Zone).

A. Use and Occupancy Restrictions:

1. Principal Permitted Uses. Except as otherwise set forth below in Section 4 COAH Obligations and Section 5 Age Restricted Housing Obligations, principal Permitted Uses in a T.H. Zone 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 for Fair Market Units.

Except with respect to affordable housing units as set forth below in Section 5 and age restricted housing units as set forth in Section 6, every development in the T.H. Zone shall establish a distribution for the number of bedrooms such that: (a) a minimum of 40% shall be one-bedroom units; (b) up to 60% may contain two-bedrooms and (c) no more than two units shall be three-bedroom units. Except with respect to affordable housing units as set forth in Section 5 and age restricted housing units as set forth in Section 6, through its corporation, association or owners, the land and buildings in any T.H. Zone shall be restricted, by bylaws, rules, regulations and restrictions of record, to the preceding restrictions on bedroom distribution.

3. Federal Fair Housing Act. The T.H. Zone 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.

4. COAH Obligations. Notwithstanding anything herein to the contrary, any development consisting of more than five units in the T.H. Zone shall comply with the standards and procedures set forth below relating to affordable housing requirements of N.J.A.C. 5:94 and 5:95 and N.J.A.C. 5:80-26, which contain COAH's Round 3 substantive and procedural rules, as amended and/or revised ("COAH Obligations"). All residential developers in T.H. Zone building more than five units must meet the requirements of the affordable housing obligation set forth below. No division, site plan approval or building permit shall be granted to a developer having an affordable housing obligation pursuant to this section unless the developer participates in the production of affordable housing pursuant to this article:

a. Minimum Phasing Schedule. Any developments consisting of more than five units in the T.H. Zone shall contain a minimum percentage of twenty percent (20%) of affordable housing units on the property. By way of example, in the event a developer was to construct a total of 59 housing units on the property, 12 such housing units must be affordable housing. All affordable housing units shall be distributed throughout the T.H. Zone in a spatially even manner.

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

c. Cash Contribution Alternatives. No cash contribution alternative will be accepted in lieu of construction of the required affordable housing.

d. Affordable Housing Official. 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 affordable units remain affordable to affordable households. No certificate of occupancy shall be issued for an affordable unit without the written approval of the Township 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 affordable households for a period of at least the minimum required by COAH.

e. Sales, etc. No affordable unit shall be sold or resold, rented or re-rented without the written approval of the Township 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 and COAH Obligations.

f. Pricing of Units. Every development subject to the requirements of this article shall contain a number of low- and moderate-income units consistent with COAH Obligations. All units subject to the requirement of this Section shall be subject to price stratifications as set forth in the COAH Obligations. Pricing of units shall be stratified to insure that there are a variety of sales prices or, as the case may be, rental rates pursuant to N.J.A.C. 5:80-26, as amended or revised.

1. Rents or sale prices of units shall be established in accordance with the Uniform Affordability Controls set forth in N.J.A.C. 5:80-26.

2. In establishing prices and rents, the Uniform Housing Affordability Controls rely on the regional income limits determined as follows:

(a) Median income by household size shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households in each housing region. This quotient represents the regional weighted average of median income for a household of four. This regional weighted average is adjusted by household size based on multipliers used by HUD to adjust median income by household size.

(b) The price and rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income tax credit regulations shall be indexed pursuant to the regulations governing low income tax credits.

g. Bedroom distribution. Every development subject to the requirements of this article shall establish a distribution for the number of bedrooms in the affordable units in accordance with the Uniform Affordability Controls set forth in N.J.A.C. 5:80-26, as amended or revised.

h. Affirmative marketing program. Every development subject to the requirements of this article shall submit an affirmative marketing program designed to disseminate information regarding the availability of affordable income units. The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold. The program shall include at least the following:

(a) One advertisement will be published in at least the following newspaper(s) (and any other newspaper(s) deemed necessary by the Township) of general circulation (or at the within the housing region:

The Record
Community Life

(b) The advertisement will include the following:

- (1) The location of the units;
- (2) Directions to the housing units;
- (3) A range of prices for the housing units;
- (4) The size, as measured in bedrooms, of the housing units;
- (5) The maximum income permitted to qualify for the housing

units;

(6) The business hours when interested households may obtain an application for a housing unit; and

(7) Application fees, if any.

(c) One advertisement will be broadcasted on the following regional radio and/or cable television station(s) (and any other such station deemed necessary by the Township):

Cablevision of New Jersey

(d) Additionally, all newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in at least the following (and any other such newspapers deemed necessary by the Township):

The Record
Community Life

(e) Applications will be mailed to prospective applicants upon request.

(f) The following is the location of applications, brochure(s), sign(s), and/or poster(s) currently used as part of the affirmative marketing program:

(1) The county administrative building and/or the county library for each county within the housing region;

(2) The municipal administrative building(s) and the municipal library;

(3) The developer's sales/rental office.

(g) The following is a current list of community and regional organizations that will aid in soliciting low- and moderate-income applicants:

Religious Groups
Tenant Organizations
Civic Organizations

(h) The following is a description of the random selection method that will be used to select occupants of low- and moderate-income housing:

Each applicant upon submission of an application will be designated a number. Two categories will be created: one for low-income households and one for moderate-income households. A blind drawing will be undertaken: one each for low- and moderate-income households who are eligible for the specific affordable units.

(i) A waiting list of all eligible candidates will be maintained in accordance with the provisions contained in N.J.A.C. 5:80-26 et. seq.

(j) Households who live or work in Housing Region 1 shall be given preference for sales and rental units constructed within this Housing Region. Applicants living outside this Housing Region will have an equal opportunity for units after regional applicants have been initially serviced.

5. Age Restricted Housing Obligations. Notwithstanding anything herein to the contrary, any development consisting of more than five units in the T.H. Zone shall comply with the standards and procedures set forth below relating to age restricted housing obligations. All residential developers in T.H. Zone building more than five units must meet the requirements of the age restricted housing obligation set forth below. No division, site plan approval or building permit shall be granted to a developer having an affordable housing obligation pursuant to this section unless the developer participates in the production of age restricted housing pursuant to this article:

a. Minimum Phasing Schedule. Any developments consisting of more than five units in the T.H. Zone shall contain a minimum percentage of sixteen percent (16%) of age restricted housing units on the property. By way of example, in the event a developer was to construct a total of 59 housing units on the property, 10 such housing units must be age restricted housing. All age restricted housing units shall be placed

together as a separate unit within the T.H. Zone.

b. Use and Occupancy Restrictions Applicable to Age Restricted Housing:

1. Principal permitted uses for the age restricted housing units shall include one (1) or more multi-family residential buildings with said dwelling units specifically designed and intended for and limited to occupancy by households composed of at least one (1) permanent resident fifty-five (55) years of age or older and with children under the age of 19 being expressly prohibited.

2. Through its corporation, association or owners, the land and buildings for the age restricted housing units shall be restricted, by bylaws, rules, regulations and restrictions of record, to permanent use and occupancy by persons of fifty-five (55) years of age or older, subject to the following exceptions, consistent with the requirements of the Federal Fair Housing Act, as amended, all units shall meet the age requirements herein.

(a) A spouse or other person under the age of fifty-five (55) years who is residing with a person who is fifty-five (55) years of age or over and qualified to reside in the unit may reside in the age restricted housing.

(b) An adult under fifty-five (55) years of age may reside in a unit in the age restricted housing if it is established that the presence of such person is essential to the physical care of one or more of the occupants of the same unit who are qualified to reside in the unit. A certified letter from a medical doctor must be provided indicating the necessity of such care.

(c) Children over the age of nineteen (19) shall be permitted to reside in the same unit with a parent if the parent is fifty-five (55) years of age or over and qualified to reside in the age restricted housing unit.

3. The age restricted housing 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.

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

1. Minimum Tract Area. There shall be a minimum tract area of five (5) 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. Zone and a maximum of fifty-nine (59) dwelling units per development.

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 (including brick pavers and/or loose-placed stone patios) and parking areas, but excluding drainage structures and detention and retention basins, shall not exceed sixty-five percent of the gross tract area (such calculation to include all Open Space included in the proposed Site Plan).

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

1. Limiting Schedule

Minimum front setback (feet)	10; or 30 feet if adjacent to a County Road
Minimum side yard setback (feet)	10; or 30 feet if adjacent to a County Road
Minimum rear yard setback (feet)	10; or 30 feet if adjacent to a County Road
Minimum distance between buildings:	10 feet, subject to public safety issues as determined in good faith by the Planning Board
Maximum building height	3 stories or 35 feet (whichever is less)
Minimum buffers	
To adjacent single-family lot (feet)	25 feet
To adjacent commercial lot (feet)	10 feet

2. Intentionally Deleted.

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

4. Balcony Projections into Required Yard. Only one (1) balcony per unit located either in the rear yard or side yard in the T.H. Zone shall be permitted. No balcony shall project greater than five (5) feet into the minimum rear yard or side yard.

D. Amenities.

1. The T.H. Zone 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. Zone. 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. Zone

2. Private streets and roadways shall be permitted within the T.H. Zone 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. Zone. All driveways for each Unit shall be a minimum in length to accommodate an oversized vehicle (i.e., a van or SUV), while leaving at least two feet between the front of the vehicle and the garage for such unit.

4. No overnight parking of recreational or commercially registered vehicles and no parking of 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 not created by the development plan. This shall not preclude driveways and parking spaces being accessed from interior development streets within the T.H. Zone tract. Parallel parking along interior development streets within the T.H. Zone tract shall be permitted consistent with the RSIS and local emergency services recommendations.

7. There shall be a minimum of one and three quarter (1.75) parking spaces for each residential unit containing one bedroom, a minimum of two (2.0) parking spaces for each residential unit containing two or three bedrooms and a minimum of the greater of RSIS standards or .3 guest parking spaces for each residential unit.

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 three (3.0) 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 not less than 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. With respect to any subject site in the T.H. Zone which has a property line bordering a County Road, a soil berm of at least four (4) feet high and ten (10) feet wide (or such reasonable alternative as determined by the Planning Board) shall be installed within the setback area along the length of the property line bordering such County Road and parallel to, but no more than ten (10) feet from the curb line or such reasonable alternatives as determined by the Planning Board. A staggered row of coniferous trees (or reasonable alternatives as determined by the Planning Board) having a height of at least ten (10) feet (measured from the base of each tree) shall be installed on such berm. Such trees shall be located to create an unbroken visual screen and to otherwise maximize the visual screening of the development on the subject site from any County Road.

3. 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 for approval by the Planning Board, in its reasonable discretion. 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. Landscaping shall include a "year-round" visual screening landscape buffer

4. Minimum Landscaping standards 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 three (3) inches measured three (3) feet above the ground, shall be provided for every five (5) 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. Zone must be specifically designed in accordance with all applicable building codes of the State of New Jersey.

1. Each development in the T.H. Zone shall have an architectural theme with variations in design to provide harmonious, theme-related earth tone colors in the style and architectural character commonly referred to as Early Colonial, New England Colonial Georgian, Federal, Queen Anne or Jeffersonian. Landscape plantings, building orientation on the lot, topography, natural features and building design shall all be considered for the total T.H. Zone development. Staggering unit setbacks, utilizing different exterior materials, changing rooflines and roof designs, altering building heights and types of windows, shutters, doors and façade orientation, and other creative design techniques are encouraged and will be considered by the Planning Board during its review process. The applicant shall provide building elevation renderings to show that a minimum of 30% of the exterior of each building is comprised of a brick, stone material, or a differential material composition than the balance of the building.

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

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

4. Each dwelling unit shall contain sprinkler systems for fire prevention and risk reduction. Smoke alarms shall be installed in each dwelling unit in the T.H. Zone in accordance with the requirements of the Uniform Construction Code (N.J.S.A. 52:27D-119).

5. 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. Zone in accordance with applicable municipal codes.

6. 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 (which call be continuous throughout the development per the RSIS), and be in accordance with the RSIS.

7. 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. 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 and shall be aimed and shielded in a manner that shall not direct illumination on adjacent lands. Fixtures should be of the cut-off type to prevent glare from normal viewing angles and represent an architectural "period" or theme consistent with building exteriors. 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. Lighting shall provide a minimum Uniformity Ratio of 20:1 (Maximum: Minimum) on all paved surfaces used for motor vehicles.

Lighting plans shall include photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures, and if applicable or required, designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures.

Computer generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale consistent with site plans. Iso-footcandle contour line style plans are also acceptable.

Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky. The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed three footcandles.

Flags of the United States or New Jersey State may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.

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

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

1. A Homeowner's Association or Condominium Association shall be established to provide and maintain 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. A Homeowner's Association or Condominium Association shall be established to provide and maintain the continual operation of all storm water management devices and systems within the 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.

Council Discussion:

Councilman de Stefan and Councilwoman Sieg had no additional comments regarding Ordinance #192-2008. Councilman Bromberg had various questions regarding parking, the numbers of bedrooms and COAH requirements. Mayor Blundo also addressed residents concerns regarding parking during catered events at the golf course. The Mayor stated that parking during events would be valet only and that from April through September 30th there would be no catered events; only if tied to a golf outing.

ROLL CALL VOTE

Councilman de Stefan, Councilman Bromberg, and Councilwoman Sieg voted yes. Council President Jasionowski voted no. Councilman Matos was absent

HEARING OF THE PUBLIC

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

Robert Adamo – 466 White Birch – Suggested that town home should be defined in the ordinance and had various comments regarding parking, elevators COAH requirements and possible school over crowding.

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.

Motion by Councilman Bromberg; seconded by Councilman de Stefan to adjourn the meeting to closed session to discuss the Stasko litigation (8:50 pm). No action will be taken.

ADJOURNMENT

Motion by Councilman de Stefan; seconded by Councilman Bromberg to adjourn meeting from closed session at 9:15 pm

ATTEST:
Karen Padva
Acting Township Clerk

Glen Jasionowski
Council President