

MINUTES
Regular Council Meeting
Monday, March 28, 2022
Council Chambers 7:30pm

CALL THE MEETING TO ORDER

Council President Bromberg called the meeting to order at 7:30pm.

SALUTE TO FLAG

Council President Bromberg asked all in attendance to join him in a Salute to the Flag.

SUNSHINE LAW STATEMENT

Council 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

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg were present.

Also present: Township Attorney Silvana Raso, Township Engineer Christopher Statile and Township Clerk Karen Campanelli.

Council Comments

There were no Council comments this evening.

Engineer's Report

Mr. Statile reported that the bid for the drainage improvements project on Tiffany and Wilson will be ready soon and will include the drainage work on Beechcrest as well. He reported that the bridge replacement project at the Golf Course is complete and came in under budget. Additionally, the parking lot at the Golf Course just had striping done, the barrier free parking spaces and new entrance are also complete and just in time for the April 1st deadline.

He had a meeting with Rich Campanelli to review the list of roads for the 2022 Road Improvements Program. PSE&G continues with their gas main work; Mr. Statile would like to see their work completed by August to allow time to pave the roads. Mr. Statile reported that the soil boring tests were done at the Golf Course for the poles for the Confinement Netting project. He was pleased to report that they went down 30 feet and there was no bedrock. He explained that this information will be provided to the contractor; who then does a design/build for the poles being used in the project.

Mr. Statile reported that at the April 27th Planning Board meeting; the Board will see the schematic plans for the 24 affordable housing units and Group Home at Meskers. He added that at the same meeting the Board will be reviewing the new Police Department for Capital Project review which is required pursuant to Land Use Law. Additionally, the architectural plans for the new Public Safety Complex are being reviewed by Construction Management Company before the project goes out to bid.

He next gave an update that SUEZ continues their work on house connections and will hopefully be done in a month. Mr. Statile explained that SUEZ will probably be paving the roads when the work is complete; and his office will inspect the paving to ensure the work is done properly.

Mr. Statile reported that his office is submitting a 2022 Open Space Grant application for new LED Sports Lighting at the Mark Lane Complex. He is also applying to the PSE&G Energy Saver Program as well to help fund this project. Mr. Statile reported that they will be taking bids for the EMS Park project prior to the second Council meeting in April and hopefully award the job. He next reported that he has an addendum to the Pickleball Courts which is currently out to bid. Mr. Statile explained that he met with some of the

residents on Mark Lane and he has decided to raise the fence which faces the homes to 12 feet; the fencing includes the acoustical barrier.

Mr. Statile reviewed the Fairways at Edgewood project as they are continuing building the townhouses. Council President Bromberg asked if any CO's have been issued. Mr. Statile responded only TCO's and this is because they had trouble getting electric transformers due to a shortage.

1st Hearing of the Public

Motion by Councilman Criscuolo; second by Councilwoman Sieg to open the meeting to the public.

Shayna Bramley—407 Mark Lane—Ms. Bramley introduced herself and stated that she has lived in River Vale for 11 years and has 4 children. The new Pickleball courts will be located 270 feet from her home. Ms. Bramley reported that last week she had a very informative and positive meeting with Gennaro Rotella and Chris Statile. She explained that she and her husband are not here tonight to protest the construction of the Pickleball Courts; and in fact, they very much look forward to playing on the courts.

Ms. Bramley explained that they are here this evening to proactively mitigate any future issues which could occur. She has 5 items; first they are recommending additional stormwater runoff mitigation to be either looked at or added to the current construction documents. Ms. Bramley feels that if mitigation efforts are not included it will likely contribute to the existing flooding of the paths. The second item is the hours of operation. Ms. Bramley explained that as a historical precedence; they highly suggest the Township limit the hours of operation for the new Pickleball courts to those of the batting cages. She stated that the limited hours on the Saturday would start and 9:00am and on Sunday they are closed. Ms. Bramley reported that the decibel level for Pickleball is extremely high and similar to the crack of an aluminum baseball bat.

The third item would be to limit access to only River Vale residents upon the grand opening and for the foreseeable future. Ms. Bramley commented that Pickleball has become an extremely popular and in demand sport. Additionally, there are very few Pickleball facilities nearby and she feels it would be appreciative if the River Vale residents would have priority to use the courts. Ms. Bramley reviewed the fourth item which would be to restrict the card reader access and for this item to remain in the current construction plans. She feels it's very important that River Vale be able to monitor who is using the courts and when and to properly issue violations to those who blatantly misuse the courts rules of conduct.

Ms. Bramley reviewed the last item which would be sound mitigation techniques. She highly suggests that all available sound mitigation techniques are immediately included as an addenda to the construction bid documents in order to eliminate any nuisance noise. Ms. Bramley added that she and her husband are both licensed professional engineers with Masters Degrees in Architectural engineering and a study in Acoustics.

She explained that they hired a 3rd party professional consultant and the most qualified person they could find to analyze the proposed courts and provide the Township with sound mitigation efforts. She reported that the person who wrote the report is Bob Unetich; who is a professional engineer, a USA certified Pickleball referee, a USA Pickleball ambassador-at-large, a regular columnist for *Pickleball Magazine* and he administers the Pickleball sound mitigation group on Facebook.

Ms. Bramley asked Bob to prepare a comprehensive unbiased report regarding sound mitigation techniques. She cited some highlights from the report; the first being the recommended use and enforcement of quiet Pickleball paddles and balls. Ms. Bramley noted that the equipment is slightly more expensive; however, it will not jeopardize the quality of play and will help decrease the decibel level. The second, is the use of acoustical sound barriers and recommends the use of absorptive noise barriers on the north and west side of the courts to mitigate the sound. And third is the height of the fence. Ms. Bramley briefly explained that if the height of the Pickleball fence on the north side is increased from 10 feet to 12 feet, and includes the absorptive sound materials, and the use of quiet paddles and balls are incorporated; then any nuisance noise would be mitigated.

Ms. Bramley stated that if all these mitigation efforts were incorporated into the Pickleball court construction documents she would be very appreciative with regard to both their quality of life and future resale value of their home. She expects intermittent loud noises associated with a football games and Town Day events; however, no River Vale resident should be expected to suffer from long high decibel level nuisance noise every day. Ms. Bramley thanked the Council for their time and offered to answer any questions.

Council President Bromberg thanked Ms. Bramley for her very impressive presentation. He commented that he did speak to Gennaro about the project and raising the fence height. Chris Statile added that 10 feet is the required fence height and they are increasing to 12 feet on the side facing the residences and acoustical barriers are included. Council President Bromberg added that they will be using a card reader for access and they are planning on starting off with more restricted hours of limitation to see how things go. With regard to limiting access to River Vale residents only. Council President Bromberg explained that he's not sure because grant money is being used to fund the project and therefore it might have to be open to the public and could not be restricted to only local residents. Ms. Raso responded that it would depend on what the grant states. She hasn't read the grant agreement and can't comment.

Ms. Bramley also noted that there is a parking problem at Mark Lane during a game or Sunday event. She added that this is also a concern and that people be asked to park at Holdrum. Council President Bromberg referenced the concerns about water run-off; which he assured would be accounted for by their Engineer.

Councilman Donovan asked that when the time comes if they could recruit Ms. Bramley to the Planning Board.

Councilman Ben-Yishay referenced Ms. Bramley's comment that the batting cages are closed on Sunday even though Sunday is a big recreation day. Ms. Bramley noted that the batting cage hours are 3:00 through 8:00 Monday to Friday, 9:00 to 8:00 on Saturday and closed on Sunday.

Councilman Criscuolo commented that he's not certain the ordinance is being followed. Ms. Bramley responded that ordinance is not followed as the batting cages are used on Sundays. Councilman Criscuolo added that the ordinance is complaint driven. He also suggested that they look at the ordinance as Sunday is big recreation day especially for travel baseball.

Ms. Bramley clarified the difference between a noise and a nuisance as per the New Jersey Department of Environmental Protection; there are both noise and nuisance codes. She explained that the River Vale Code; Chapter 159, section I and II are very specific to being a nuisance code and not a noise code. Ms. Bramley cited a section of the code. She added that living at Mark Lane she has heard loud, unnecessary and disturbing noises and they have never complained because the noise was never prolonged. Ms. Bramley also expected there to be intermittent noise when they moved next to a park. Her concern is that Pickleball is a prolonged noise event with 70 decibel cracks all day long.

There was further discussion that the courts would not be lite, the estimated hours would be on the weekdays 8:00 to 5:00 and how to enforce the use of quiet paddles and balls. Ms. Bramley noted that Ridgewood requires the use of quiet paddles and balls; however, it is hard to enforce. Councilman Criscuolo added that this policy would be very hard to enforce and monitor. Ms. Raso added that requiring the use of quiet paddles and balls is not unreasonable; however, the issue is if a complaint is made regarding not using it a police officer would be called to inspect Pickleball equipment and make a determination of compliance. Ms. Raso explained that this is a concern to the Council. Council President Bromberg stated that they will be having more fine-tuned discussions with the Administrator and he really appreciates all the information Ms. Bramley provided.

Council Donovan thanked Ms. Bramley and added that there is a lot for them to take in that perhaps they were not aware of. They also have a lot of faith in Chris Statile that issues are taken care of properly. Councilman Donovan commented that they will look at the issues, take her input and hopefully be pleased with the outcome.

Ryan Krauchick—506 Cedar Place--stated that his concerns are regarding 272 Cedar Lane; the Pet Lodge Day Spa. He reported that he and his neighbors feel that the noise and activities at the Pet Lodge have greatly intensified and are going beyond what they were originally grandfathered with regard to their the non-conforming use. Mr. Krauchick referenced a meeting from September 1985. There was a public hearing; requested by the owner of that time, who was looking to construct an addition to the primary residence of the location which also the location of a kennel. He further commented that during the meetings there was a clear scope of the facility and what the Town viewed as acceptable at that time.

Mr. Krauchick added that at these 1985 meetings residents did attend and voiced their objections to the expansion because there was no way to mitigate if it was residential or kennel. Also, at that time it was cited that noise from the facility was the biggest concern. Mr. Krauchick does recognize that there is a grandfathered nonconforming use variance on the property. He noted that the use of the facility has substantially changed and in turn the noise has intensified. Mr. Krauchick referred back to the 1985 meeting when the owner stated that the dogs are inside most of the day and only let out twice a day in 2 hours blocks.

Also, at that time the Board requested the owner to adjust the hours for good neighborliness.

He next gave an update of the changes that have occurred. The kennel post Covid did reopen and expand the business to include an outdoor service. Mr. Krauchick reported that there are now 25 or more dogs every day, on the property for 9 ½ straight hours. He explained that this has been very disruptive to his family, he can't relax outside with his children and he has to run fans and air filters when he's inside his house to help block out the noise. Mr. Krauchick wants to make the Town aware that the Pet Lodge has put up fencing and expanded their outdoor facility; which is also advertised on their website. He also cited the Town ordinances designed to protect the residents from prolonged noises that disturb the quiet and comfort of any person in the vicinity. Additionally, Mr. Krauchick noted health concerns, property values and nuisance noise which is at 50 to 70 decibels every day. He has also called the Police multiple times in the middle of the night and is unable to joy his property. Mr. Krauchick added that his entire neighborhood feels the same way. He is looking for some protection and to use some of these ordinances to help with 9 ½ hours of barking.

Council President Bromberg asked Mr. Krauchick for a copy of his research. He also questioned what Mr. Krauchick was told when he called the Police. He responded that the dogs are brought in but in an hour they are let back out. Mr. Krauchick stated that they have tried to be neighborly and called multiple times and unfortunately the responses they received were not empathetic. He further explained that when they bought their house this was not the situation; it was only 2 hour blocks during feeding time.

Council President Bromberg thanked Mr. Krauchick and told him that they will look into this issue.

Vincent Saporito—504 Cedar Place—is here this evening for the same issue and also represents the neighborhood for the record.

Councilman Donovan questioned when the new owner bought the property. Mr. Krauchick responded in 2017 but the dramatic change occurred during Covid when people purchased dogs and then returned to work.

There being no further questions or comments from the public. Motion by Councilman Criscuolo; second by Councilwoman Sieg close the hearing of the public.

RESOLUTIONS

Motion by Councilman Criscuolo; second by Councilman Donovan to approve Resolutions #2022-98 through #2022-100 as a Consent Agenda as follows:

Resolution #2022-98

RESOLUTION APPROVING MINUTES MARCH 14, 2022 COUNCIL MEETING

BE IT RESOLVED, by the Township Council of the Township of River Vale that the minutes of the March 14, 2022 Regular meeting of the Township Council are hereby approved.

Resolution #2022-99

RESOLUTION

(TRANSFERS)

WHEREAS, there exists a need to make transfers in the 2021 Budget Appropriations Reserves, and there exists balances from which to make said transfers,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of River Vale that the Chief Financial Officer hereby be authorized to make the following transfers to the 2021 Budget Appropriations Reserves.

Inside CAP:

From:

Streets and Roads OE	\$ 8,000.00
Solid Waste & Recycling	\$ 20,000.00
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Total	\$ 28,000.00

Inside CAP:

To:

Clerk OE	\$ 8,000.00
<u>Accumulated Leave</u>	<u>\$ 20,000.00</u>
Total	\$ 28,000.00

Resolution #2022-100

Payment of Bills

BE IT RESOLVED by the Township Council of the Township of River Vale that the Business Administrator is hereby authorized to pay the following claims:

CURRENT ACCOUNT claims in the amount of:	\$	514,115.16
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	30,042.88
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	51,642.02
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:	\$	2,920.00
FEDERAL/STATE GRANT ACCOUNT claims in the amount of:	\$	24,979.45
ANIMAL TRUST ACCOUNT claims in the amount of:	\$	778.20
SNOW REMOVAL TRUST ACCOUNT claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:	\$	784.00
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:	\$	43,556.64
UNEMPLOYMENT TRUST ACCOUNT claims in the amount of:		
HOUSING TRUST ACCOUNT claims in the amount of:		
JUNIOR POLICE ACADEMY TRUST ACCOUNT claims in the amount of:		
GOLF COURSE UTILITY CAPITAL ACCOUNT claims in the amount of:	\$	106,160.10
OPEN SPACE TRUST ACCOUNT claims in the amount of:		
CAPITAL ACCOUNT claims in the amount of:	\$	184,423.27
PLANNING BOARD TRUST ACCOUNT claims in the amount of:		
SPECIAL TRUST ACCOUNT claims in the amount of:		
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS TO BE PAID	\$	959,401.72

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 ACCOUNT claims in the amount of:	\$	3,288,898.19
RESERVE CURRENT ACCOUNT claims in the amount of:	\$	290,446.46
GOLF COURSE UTILITY OPERATING ACCOUNT claims in the amount of:	\$	72,601.23
RESERVE GOLF COURSE UTILITY OPERATING ACCT claims in the amount of:		
TRUST ACCOUNT claims in the amount of:		
ANIMAL TRUST ACCOUNT claims in the amount of:		

UNEMPLOYMENT TRUST claims in the amount of:		
RECREATION TRUST ACCOUNT claims in the amount of:	\$	172.39
PAYROLL AGENCY TRUST ACCOUNT claims in the amount of:	\$	1,481.66
PRIVATE DUTY TRUST ACCOUNT claims in the amount of:		
TAX SALE REDEMPTION TRUST ACCOUNT claims in the amount of:		
TAX SALE PREMIUM TRUST ACCOUNT claims in the amount of:		
JUNIOR POLICE ACADEMY TRUST ACCOUNT claims in the amount of:		
UCC CODE ENF TRUST ACCOUNT claims in the amount of:	\$	36,554.00
UTILITY CAPITAL ACCOUNT claims in the amount of:		
CAPITAL ACCOUNT claims in the amount of:	\$	21,670.75
BUILDERS ESCROW ACCOUNT claims in the amount of:	\$	18,790.88
SPECIAL TRUST ACCOUNT claims in the amount of:	\$	90.00
ZONING BOARD TRUST ACCOUNT claims in the amount of:		
TOTAL CLAIMS PAID	\$	3,730,705.56
TOTAL BILL LIST RESOLUTION	\$	4,690,107.28

MANUAL DISBURSEMENTS
BILL LIST FOR March 28, 2022

3/15/2022		
2 Transfer Payroll	\$	363,411.95

TOTAL STATUTORY ACCOUNT DISTRIBUTIONS	\$	363,411.95
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ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

Ordinances for 1st Reading

Motion to Introduce: Councilman Donovan

Second: Councilman Criscuolo

ORDINANCE #395-2022

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY AMENDING CHAPTER 248 OF THE CODE ENTITLED "WIRELESS COMMUNICATIONS FACILITIES"

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 248 Article II is amended as follows:

§ 248-2. Small Wireless facility siting permit required; consent to use rights-of-way required.

A (2) All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the Applicant's siting permit application under the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119, et. seq., and the administrative regulations adopted thereunder, ~~Chapter 382, Article V, Street Openings~~, Chapter 214, Streets and Sidewalks, Article II, Section 9 Fees of the Code of the Township, and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the applicant and the applicant has supplied copies of such other permits or approvals to the Township Clerk for inclusion with the applicant's application documents; and

§ 248-6. Duration.

No siting permit issued under this ordinance shall be valid for a period longer than ~~twelve~~ twenty four (24) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the Applicant, the Mayor, upon consultation with the Construction Official, may extend the siting permit for a period of up to twelve (12) months so long as construction has begun at the time that the Applicant's request for an extension is made.

§ 248-9. Escrow fee for third-party professionals and consultants.

A (1) For applications whose proposed Small Wireless Facility deployment(s) will not require a street opening permit pursuant to ~~Chapter 382, Article V~~ Chapter 214, Streets and Sidewalks, Article II, Section 9 Fees of the Code of the Township of River Vale: \$5,000.00.

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

Ordinances for 2nd Reading and Public Hearing

Motion to Adopt: Councilman Criscuolo

Second: Councilman Donovan

Motion by Councilman Ben-Yishay; second by Councilman Donovan to open the public hearing on Ordinance #394-2022.

There being no questions or comments for the public; motion by councilman Criscuolo second by Councilwoman Sieg to close the public hearing on Ordinance #394-2022.

ORDINANCE #394-2022

AN ORDINANCE OF THE TOWNSHIP OF RIVER VALE, IN THE COUNTY OF BERGEN, NEW JERSEY AMENDING CHAPTER 105 ARTICLE III OF THE CODE ENTITLED "TOWNSHIP FEE SCHEDULE" SECTION B "RECREATION" CAMP FEES

BE IT ORDAINED by the Township Council of the Township of River Vale that Chapter 105 Article III is amended as follows:

§ 105-5. Fee Schedules.

B. Recreation:

<u>Camp</u>	<u>Fee (per camper)</u>
Camp Have Some Fun	
Monday to Friday	\$395 \$415
Monday, Wednesday and Friday only	\$355 \$370
Tuesday and Thursday only	\$310 \$325
Kindergarten Camp	\$290 \$315
Safety Town	\$95 \$115

This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ROLL CALL VOTE

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg voted yes.

2nd Hearing of the Public

Motion by Councilman Ben-Yishay; second by Councilman Criscuolo to open the meeting to the public.

There being no questions or comments from the public. Motion by Councilman Criscuolo; second by Councilman Donovan to close the hearing of the public.

ADJOURNMENT

Motion by Councilman Ben-Yishay; second by Councilman Criscuolo to adjourn the meeting at 8:23pm.

Council President Bromberg

ATTEST:

Karen Campanelli, Township Clerk

