

**MINUTES**  
**Regular Council Meeting**  
**Monday, July 13, 2020**  
**7:30pm**

**CALL THE MEETING TO ORDER**

Council President Bromberg called the meeting to order at 7:30pm in the Council Chambers located at 406 Rivervale Road, River Vale, New Jersey.

**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 Criscuolo, Councilwoman Sieg and Council President Bromberg were present. Council members Ben-Yishay and Donovan were absent.

**Also present:** Mayor Glen Jasionowski, Township Attorney Michael Caufield, Business Administrator/CFO Gennaro Rotella, Township Engineer Chris Statile and Township Clerk Karen Campanelli.

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**Mayor's Comments**

Mayor Jasionowski reported that they are continuing to open things up; the fields, basketball courts and tennis courts are open. He added that the local businesses are still suffering particularly those who serve food.

**Council Comments**

Councilwoman Sieg stressed that this virus must be taken seriously and urged everyone to social distance and wear a mask to help reduce the risk.

Councilman Criscuolo had no comments this evening.

Council President Bromberg commented on the tragic death of a 30 year old in Florida who attended a Covid party where they intentionally knew there was an infected person. Council President Bromberg offered his best advice as a health care professional. The first is to wear a mask especially indoors and to be cognizant and not touch your face after you've touched a surface that may be contaminated until you can either Purell or wash your hands.

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**Business Administrator's Report**

Mr. Rotella reported that this Friday there will be a Community Mobile Covid-19 testing event located in the parking lot next to the Tennis Courts. He added that the overflow parking will be across the street; First Responders are from 9:00 to 10:00 and after that the general public till 2:30.

Mr. Rotella is also in the process of scheduling the Flu Shot for the fall to be held at either Town Hall or the Community Center. He next reported that once again we had a phenomenal audit. He thanked the Department heads including the Golf Course for all their work and for the great results.

**Engineer's Report**

Mr. Statile reported that the Road Program is on this evening's Agenda for award at \$790,000 as well as the award for the Restoration of the Bunkers at the Country Club. Mr. Rotella clarified that they authorized

\$450,000 and they are finalizing a Memorandum of Understanding with PSE&G for gas work performed in the north side of Town. He explained that instead of PSE&G paving; they will give the Township the money and the work will then be done by our vendor.

Mr. Statile continued that next week the Township will be receiving bids for the Poplar Road Safety Improvements project. He added that Gennaro will also be cutting a purchase order for drainage work across from Town Hall. Mr. Statile reported on the Fairways at Edgewood development; construction will be starting on the utilities running into the facility so they can then start of the affordable housing building as well as the golf maintenance complex.

**1st Hearing of the Public**

Motion by Councilwoman Sieg; 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 Councilwoman Sieg to close the meeting to the public.

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**RESOLUTIONS**

Motion by Councilman Criscuolo; second by Councilwoman Sieg to approve Resolutions #2020-160 through #2020-168 as a Consent Agenda as follows:

**Resolution #2020-160**

**RESOLUTION APPROVING LIQUOR LICENSE RENEWALS FOR THE JULY 1, 2020 THROUGH JUNE 30, 2021 TERM**

**WHEREAS**, the following liquor license holder has submitted their renewal application through the POSSE ABC portal and paid the required fee as directed by the Division of Alcoholic Beverage Control; and

**WHEREAS**, the following liquor license holder has paid the municipal fee and a Tax Clearance Certificate has been received; and

**WHEREAS**, the applicant is qualified to be licensed per the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Township Ordinances.

**NOW THEREFORE BE IT RESOLVED** that the Township Council of the Township of River Vale hereby authorizes the renewal of the following liquor license for the July 1, 2020 through June 30, 2021 term.

**BE IT FURTHER REOLVED** that the Township Clerk is hereby authorized to issue a liquor license as follows:

**PLENARY RETAIL DISTRIBUTION LICENSE**

#0253-44-008-006	RVK NJ1 LLC (Liquorland) 209 Rivervale Road River Vale, NJ 07624	\$1,500.00
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**Resolution #2020-161**

**RESOLUTION APPROVING THE RE-APPOINTMENT OF THE CHIEF FINANCIAL OFFICER**

**BE IT REOLVED** by the Township Council that Gennaro Rotella is hereby re-appointed as the Chief Financial Officer for a four year term ending December 31, 2023 as per N.J.S.A. 40A:9-140.10.

**BE IT FURTHER RESOLVED** by the Township Council that the tenured term of Gennaro Rotella as the Chief Financial Officer for the Township of River Vale commenced on January 1, 2020.

**Resolution #2020-162**

**RESOLUTION AUTHORIZING NOT TO EXCEED LIMITATIONS FOR CHRISTOPHER STATILE FOR THE 2020 NJDOT POPLAR ROAD SAFETY IMPROVEMENTS PROGRAM**

**WHEREAS**, on April 29, 2020 the Township Engineer, Christopher P. Statile, P.A. submitted a proposal for the preparation of bid specifications and the provision of full time inspection and monitoring services of the 2020 Poplar Road Safety Improvements Program as follows:

- **Project Design and Construction Monitoring Services: \$21,500.00**

**WHEREAS**, the Chief Financial Officer has certified the availability of funds in the Capital Account.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of River Vale that not to exceed limitations are hereby approved and established in the amount of \$ 21,500.00 for the engineering firm of Christopher P. Statile, P.A.

**Resolution #2020-163**

**RESOLUTION  
(Certificate of Occupancy Inspection Fee Refund)**

**WHEREAS**, the following individual was planning on purchasing 426 Rivervale Road (Block 1401, Lot 1) and had paid the fees to obtain a Certificate of Occupancy; and

**WHEREAS**, the potential buyer of this property has decided to not move forward with the purchase therefore the CCO inspection fee may be refunded.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of River Vale that the Treasurer is hereby directed to issue a municipal check payable as follows:

**Payable to:**

“Scott McGrath”

**Mailing Address:**

9 Liberty Street  
Wyckoff, NJ 07481

**Refund Amount: \$ 145.00**

**Resolution #2020-164**

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN BERGEN COUNTY SNOW PLOWING AGREEMENT FOR THE 2020-2022 TERM**

**WHEREAS**, the Board of Chosen Freeholders of the County of Bergen is authorized by N.J.S.A. 27:16-33, to cause snow to be plowed from the County owned or County controlled roads; and

**WHEREAS**, it is the desired plan of the County to employ the services of the Township of River Vale for snow plowing operations on County roads located within the Township of River Vale.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Township of River that the Mayor is hereby authorized to sign the above mentioned agreement with the County of Bergen.

**Resolution #2020-165**

**RESOLUTION APPROVING THE 2019 AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R. S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**General Comments**  
**Recommendations**

and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Township of River Vale hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**I HEREBY CERTIFY THAT THIS IS A TRUE  
COPY OF THE RESOLUTION PASSED BY THE  
TOWNSHIP COUNCIL AT THEIR REGULAR  
MEETING HELD ON JULY 13, 2020**

**Resolution #2020-166**

**RESOLUTION AWARDING THE BID FOR THE 2020 ROAD RESURFACING PROGRAM**

**WHEREAS**, on July 9, 2020 the Township received bids for the 2020 Road Resurfacing Program; and

**WHEREAS**, the bid received from Frank A. Macchione Construction, Inc., with offices located at 141 Central Avenue, Rochelle Park, New Jersey has been reviewed and approved and is hereby accepted as the lowest responsible bidder at the price of

**Base Bid: \$ 790,000.00**

**WHEREAS**, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$ 450,000.00 in the Capital Account. The remaining balance to be funded by PSE&G pursuant to the Memorandum of Understanding.

**NOW THEREFORE BE IT RESOLVED** the bid from Frank A. Macchione Construction, Inc. is accepted as the lowest responsible bidder. The Mayor and Township Clerk are hereby authorized and requested to execute a Contract on behalf of the Township of River Vale for the 2020 Road Resurfacing Program as described in the Bid Specifications.

**Resolution #2020-167**

**RESOLUTION AWARDING THE BID FOR THE RIVER VALE COUNTRY CLUB  
BUNKER RENOVATION PROJECT**

**WHEREAS**, on July 9, 2020 the Township received one bid for the River Vale Country Club Bunker Renovation Project; and

**WHEREAS**, the one bid received from Robert W. Wogisch Landscape Contractor, Inc., with offices located at 169 Lakeview Avenue, Ringwood, New Jersey has been reviewed and approved and is hereby accepted as the lowest responsible bidder at the price of

**Base Bid: \$ 105,687.00**  
Alternate #1: \$ 49,491.00  
Alternate #2: \$ 22,464.00  
**TOTAL: \$ 177,642.00**

**WHEREAS**, the Chief Financial Officer has certified that funds are available in an amount not to exceed \$ 177,642.00 from the Public and Private Programs Account and Open Space Account.

**NOW THEREFORE BE IT RESOLVED** the bid from Robert W. Wogisch Landscape Contractor, Inc. is accepted as the lowest responsible bidder. The Mayor and Township Clerk are hereby authorized and requested to execute a Contract on behalf of the Township of River Vale for the River Vale Country Club Bunker Renovation Project as described in the Bid Specifications.

**Resolution #2020-168**

**Authorize Implementing the Provisions of the Governor's Executive Order 150  
Regarding Opening of Retail Establishments in the Township of River Vale  
Pursuant to Township Permitting Requirements**

**WHEREAS**, the Governor of the State of New Jersey has declared a state of emergency to exist as a result of the spread of the COVID 19 virus in New Jersey; and

**WHEREAS**, in an effort to inhibit the transmission of the virus the Governor has previously issued executive orders prohibiting the operation of what he has identified as non-essential businesses, which included retail sales establishments selling food and other goods; and

**WHEREAS**, on June 3, 2020 the Governor issued Executive Order 150 (hereinafter "E.O. 150" which is submitted herewith and made a part hereof by reference) which states that given the reduced risks of COVID-19 transmission outdoors, the State can begin to allow restaurants, bars, and other food or beverage establishments to provide in-person service at areas designated for food and/or beverage consumption ("outdoor dining") in accordance with CDC and DOH safeguards, while recognizing that indoor dining still poses a higher risk of transmission at this time than outdoor dining; and

**WHEREAS**, E.O. 150 indicates that in order to continue to attempt to limit the spread of COVID-19 and thus to protect public health, retail establishments can only open to the public to offer outdoor dining where such food and/or beverage consumption is conducted in a way that ensures critical Statewide health standards are met; and

**WHEREAS**, consistent with E.O. 150, on June 3, 2020, the New Jersey Department of Health, issued Executive Directive 20-0140 (hereinafter "E.D. 20-0140" which is submitted herewith and made a part hereof by reference) which provides the specific health practices which are required to be followed by retail dining establishments wishing to conduct business outdoors; and

**WHEREAS**, consistent with E.O. 150, on June 3, 2020, the Department of Public Safety, Division of Alcoholic Beverage Control issued SR 2020-10 (hereinafter "ABC 2020-10" which is submitted herewith and made a part hereof by reference) "Establishing Temporary COVID 19 Permits To Expand Licensed Premises"; and

**WHEREAS**, E.O. 150 specifically recognizes that municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and

potentially into shared spaces in a way that comports with public safety, and

**WHEREAS**, permission from the Zoning Officer is required for any restaurant requesting to expand their service area for outdoor dining consistent with the regulations of Chapter 142 of the Township Code; and

**WHEREAS**, parking areas on private property in addition to sidewalk area may be available to restaurants for outdoor seating; and

**WHEREAS**, the Township also desires to re-open retail services in Township of River Vale consistent with the provisions of E.O. 150, E.D. 20-0140, ABC 2020-10, in the context of the Township's issuance of permits which will ensure that the re-opening will comport with public safety;

**Now therefore be it resolved by the Township Council of the Township of River Vale, County of Bergen and State of New Jersey as follows:**

1. The requirement to obtain a permit from the Zoning Officer pursuant to Chapter 142 allowing a restaurant to expand their service area and permit outdoor dining is temporarily suspended until November 1, 2020 at which time the suspension may be continued by resolution of the Governing Body or otherwise lapse depending upon the state of emergency related to E.O. 150.

2. Restaurants and event halls may apply to the Township Zoning Officer for a temporary zoning permit for outdoor dining, without fee, which shall be reviewed and approved subject to the following requirements:

**Outdoor Dining – Process**

- The Township Zoning Official is hereby granted the authority and discretion to approve Outdoor Dining Plan and Outdoor Retail Display Applications pertaining to restaurants and retail establishments which existed at the date of the adoption of this resolution, subject to the review and approval as established herein, in order to permit said establishments to relocate existing tables/seats and/or locate new tables/seating to outdoor locations, subject to the following requirements and restrictions. The Zoning Officer may further consult such other Officials he deems appropriate, e.g. Fire, EMS, Police.
- Applicants who wish to relocate existing approved table/s seats to other locations on site, or to locate newly acquired tables/seats outdoors, shall be required to submit an Outdoor Dining Plan application and a drawing depicting the proposed layout and location of the tables/seating outside of said establishment. This drawing shall also include, but not be limited to, depicting the following:
  - Written permission from the property owner for the submission of application
  - Confirmation of the number of existing, approved table/seats
  - A depiction of all aisles
  - Routes of ingress and egress
  - A litter control plan, indicating how and where litter will be disposed
  - Clearances/distances between tables and between the seating area outside and the curb line, building frontage, etc.
  - A brief written narrative describing the proposed method of food and beverage service, as well as how the proposed plan conforms to all safety and precautionary measures relating to social outdoor distancing and COVID-19 related issues
- Any approval of outdoor dining shall be subject to the following provisions:
  - No outdoor dining shall be permitted until an application has been received and approved. A temporary zoning permit may be issued by the Township Zoning Officer allowing outdoor dining. The temporary zoning permit shall bear the caption "Temporary Zoning Permit - COVID" and shall include a statement that "This Temporary Zoning Permit shall lapse on November 1, 2020 unless otherwise extended"
  - No tables or seats shall be permitted to increase the currently approved capacity for the premises
  - Subject to hours of operation of 7:00 AM to 11:00 PM
  - No permanent structures shall be permitted for an outdoor dining area.

- Liability insurance indemnifying the Township of River Vale shall be required.
- All permits issued in accord with this resolution may be revoked or modified by the Zoning Official, in his discretion, in order to protect the general welfare.
- All venues serving food and/or beverages shall abide by the directives contained in the June 3, 2020 Order of Judith Persichilli, Commissioner of the New Jersey Department of Health, 20-014, which is attached hereto and incorporated herein as if set forth in full.

**Outdoor Retail Display Areas – Process**

- The Township Zoning Official is hereby granted the authority and discretion to approve Outdoor Retail Display Plan Applications pertaining to retail establishments which existed at the date of the adoption of this resolution, subject to the review and approval of the entities established herein, in order to permit said establishments to locate outdoor display areas to outdoor private locations, subject to the following requirements and restrictions.
- Applicants who wish to locate outdoor retail display areas shall be required to submit an Outdoor Retail Display Area Plan application and a drawing depicting the proposed layout and location of the outdoor display area of said establishment. This drawing shall also include, but not be limited to, depicting the following:
  - Written permission from the property owner for the submission of application
  - A depiction of all aisles
  - Routes of ingress and egress
  - A litter control plan, indicating how and where litter will be disposed
  - Clearances/distances between outdoor display areas and curb lines, building frontages, etc.
  - A brief written narrative describing the proposed method of serving customers, as well as how the proposed plan conforms to all safety and precautionary measures relating to social outdoor distancing and COVID-19 related issues
- Any approval of outdoor retail display shall be subject to the following provisions:
  - No outdoor retail display area shall be permitted until an application has been received and approved. A temporary zoning permit shall be issued by the Township Zoning Officer. The temporary zoning permit shall bear the caption “Temporary Zoning Permit - COVID” and shall include a statement that “This Temporary Zoning Permit shall lapse on November 1, 2020 unless otherwise extended”
  - Subject to hours of operation of 7:00 AM to 9:00 PM
  - No permanent structures shall be permitted for an outdoor retail display area. The provisions of this resolution shall be terminated with any proclamation from the Governor of the State of New Jersey that the state of emergency has ended, and all relevant ordinances of the Borough shall be applicable once again.
  - All permits issued in accord with this resolution may be revoked or modified by the Zoning Official, in his discretion, in order to protect the general welfare.
  - Liability insurance shall be required.

3. Contingent upon their full compliance with E.O. 150, E.D. 20-0140 and upon their first having obtained a temporary permit from the Township to do so, dining and retail store establishments may re-open and provide services within the physical boundaries and in accordance with the conditions approved by a permit issued by the Township.

4. Contingent upon their full compliance with E.O. 150, E.D. 20-0140, upon their first having obtained an ABC 2020-10 Temporary COVID-19 Permit to Expand Licensed Premises, and upon their first having received a temporary permit from the Township to do so, State/Township liquor licenses may conduct alcohol beverage services within the physical boundaries and in accordance with the conditions approved by a permit issued by the Township.

5. Failure of any dining or retail establishment to comply with any of the foregoing conditions may result in the revocation of the temporary permit issued by the Township.

6. No authority to operate retail establishments outdoors shall take effect before June 15,

2020.

7. All temporary permits which may be issued by the Township of River Vale hereby, shall terminate upon the termination of the applicable terms and conditions of E.O. 150 or upon further formal action of this Council, or November 1, 2020 whichever comes first.

8. To the extent that any Local Ordinance (except for police ordinances governing the consumption of alcohol in public places) may be construed as containing language which conflicts with E.O 150, E.D. 20-1040, ABC 2020-10 or with any Township Permit which may be issued to retail dining establishments, they are hereby suspended.

9. The Mayor and all members of the Administration are hereby authorized to take all actions necessary to effectuate the purpose of this Resolution.

**ROLL CALL VOTE**

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

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**Ordinances for 1<sup>st</sup> Reading**

**ORDINANCE #370-2020**

**Motion to Introduce:** Councilman Criscuolo

**Second:** Councilwoman Sieg

**AN ORDINANCE AMENDING CHAPTER 142 OF THE CODE ENTITLED LAND USE ARTICLE LVIII LIMITING SCHEDULE RESIDENCE DISTRICT**

**WHEREAS**, the Township of River Vale seeks to update and clarify its residential bulk regulations; and

**WHEREAS**, the River Vale Joint Planning Board recommends clarifying the front yard setback bulk standards based on variance applications that it has considered in the past; and

**WHEREAS**, the Township’s 2011 Reexamination Report references that the Township has reviewed its bulk standards and recommends that the Planning board formally finish developing bulk standards.

**Purpose:** This ordinance revises the required Front Yard Setback in the “A,” “A-1,” “B” and “B-1” Residential Zone Districts. This ordinance removes reference to setbacks of existing buildings on the street, and provides one required front yard setback for each zone district. The ordinance also clarifies required front yard setback for corner lots in residential zone districts.

**§142-263E(1), “A” Residence District as follows:**

(1) Front Yard

- (a) Minimum Front Yard Setback: 35 feet. On corner lots, the setback shall be not less than 35 feet for each intersecting street right-of-way line. Where the front yard setback complies along one frontage, the secondary frontage may be reduced to 20 feet.

**§142-264E(1), “A-1” Residence District as follows:**

(1) Front Yard

- (a) Minimum Front Yard Setback: 35 feet. On corner lots, the setback shall be not less than 35 feet for each intersecting street right-of-way line. Where the front yard setback complies along one frontage, the secondary frontage may be reduced to 20 feet.



**§142-265E(1), “B” and “B-1” Residence Districts as follows:**

(1) Front Yard

(a) Minimum Front Yard Setback: 25 feet.

(b) On corner lots, the setback shall not be less than 25 ft. from each of the intersecting streets right-of-way line. Where the front yard setback complies along one frontage, the secondary frontage may be reduced to 15 feet.

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

**ROLL CALL VOTE**

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

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**ADJOURNMENT**

Motion by Councilman Criscuolo: second by Councilwoman Sieg to adjourn the meeting at 7:45pm.

ATTEST:

Karen Campanelli, Township Clerk

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Council President Mark Bromberg







