

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES
WORK SESSION
April 2, 2014
7:30 PM**

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", was posted at the Borough Hall on March 31, 2014, and two newspapers, The Record and The Ridgewood News, were notified on March 31, 2014.

ROLL CALL

The meeting began at 7:40 P.M. Mayor Goldsmith asked for a roll call. Council members Abene, Bloom, Gadaleta, Rendo and Rosenblatt were present. Councilman Belgiovine arrived at 7:45 PM. Borough Attorney Paul Kaufman was present as well as Borough Administrator Thomas Richards and Acting Borough Clerk Debbie Dakin.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance which was led Mr. Ciaudelli.

Mayor Goldsmith stated that the meeting should only last 2 hours – that would bring us to 9:40 P.M.

Mr. Kaufman stated that we need to add "Public Comment" to the Agenda. MOTION to add "Public Comment" to the Agenda was made by Councilwoman Abene, seconded by Councilwoman Gadaleta and approved by Mrs. Abene, Mr. Bloom, Mrs. Gadaleta, Mr. Rendo and Mr. Rosenblatt. Mr. Belgiovine was not present for the vote.

Consent Agenda

MOTION to approve the Consent Agenda was made by Councilwoman Abene, seconded by Councilwoman Gadaleta and approved by Mrs. Abene, Mr. Bloom, Mrs. Gadaleta, Mr. Rendo and Mr. Rosenblatt. Mr. Belgiovine was not present for the vote.

Proposed Townhouse (THO) Overlay Zone

Mr. Kaufman stated that we are discussing an Ordinance, not a specific development. Mr. Kaufman gave a brief background of this matter. The Council was asked to consider the Overlay Zone Ordinance prepared by the Planning Board. The Planning Board thought that a townhouse development was acceptable.

Mr. Madden, Planner for the Planning Board, spoke about different types of developments that might fit up in that location (Professional Offices, Retail and Townhouse Development). If you look at Saddle River Grande it did very well in the market place. Every town couldn't have a luxury townhouse development, but Woodcliff Lake could.

Mr. Madden stated that he drafted an Ordinance with certain criteria. Below is a summary.

Density:

It was originally drafted with 8 units per acre. The Planning Board was not happy with that so it was changed to 5.34 dwelling units per acre. He feels that this is appropriate and makes sense. He also stated that this is similar to Saddle River Grande and consistent with luxury townhouse development.

Bulk Standards:

The maximum impervious coverage will mirror the R-30 zone. It was designed to be compatible as possible with the neighborhood.

Building Coverage:

The floor area ratio is 42% which excludes the garage and basement.

Councilwoman Abene asked what the year was that the recommendation of townhouses be incorporated into the Master Plan.

Mr. Madden answered 2008.

Mr. Kaufman asked why the garage and basement was excluded from floor area ratio and if the basement was "sub level". Mr. Kaufman also asked if there was a certain amount of parking spaces required.

Mr. Madden stated that parking has nothing do with it.

Mr. Kaufman stated that he believed that the number of parking spaces by law is based on the number of units – not the bulk of the building.

Councilman Belgiovine asked if we need to define luxury unit and if 42% was the maximum?

Mr. Madden stated that he wanted to show different sizes of floor plans.

Mr. Kaufman stated to Mr. Madden that he is representing the Mayor and Council tonight, not the Planning Board. Mr. Kaufman also stated that he would like to hear the justifications for the Planning Board's recommendations.

Councilman Rosenblatt asked what the specific vote of the Planning Board was and if they were all in agreement.

Height:

Mr. Madden stated that the height was the same as the R-30 zone, 2 ½ stories.

Mr. Kaufman asked Mr. Madden to please state his professional opinion to Council as to height for this development.

Mr. Madden replied that he felt 3 stories are more desirable.

Councilwoman Gadaleta asked Mr. Madden to explain why luxury townhouses would not bring children into the Borough.

Mr. Madden replied that a luxury development is a more mature market consisting of empty nesters that have children that are grown and moved out and that there are no backyards. This would normally not generate elementary school aged children.

Councilman Bloom stated that he had a discussion recently with the Superintendent of Schools and Woodcliff Lake is below 80% capacity.

Mr. Kaufman stated that there is a study from Rutgers University that there is usually 1 school-aged child per 10 units.

Councilman Rendo stated that there are 5 more children registered this year from last year.

Mr. Kaufman asked Mr. Madden what the minimum lot size is and to please give his professional opinion for this. Mr. Madden replied that he believed that we should not require the 7.5 acres. Mr. Kaufman asked Mr. Madden what do you do with the balance. Mr. Madden replied that it is desirable to have all of the land but you could still the cul-de-sac if you wanted to.

Mayor Goldsmith asked if there was any discussion from Council.

Councilman Bloom had to leave the meeting at 8:25 p.m.

Mr. Kaufman stated that the Council needs to discuss this and get a consensus as to what kind of development you want to have on Pickwick Lane.

Mr. Kaufman asked Debbie Dakin to please pull out the original report and send it to him and the Council. He also told the Council that they should go out and look at other developments out there and see if they could picture it up in this development. Mr. Kaufman also stated that we want the developer to be successful and compatible with the market place. Councilman Belgiovine stated the he doesn't know if you could define luxury, but he felt it should include elevators.

Mr. Kaufman stated that there should be more green space and less parking.

Mayor Goldsmith stated to the Council that you have to decide if you have an interest to do this project or you could state that you feel this should not be done.

Mayor Goldsmith also stated that there could be a concern that townhouses could change Woodcliff Lake and that if we allow townhouses in that area will they also be proposed for another area.

Councilman Belgiovine stated that he feels that this project should include all lots – all or nothing.

Mr. Kaufman recommended the following:

1. Find the initial report for Maser
2. Go look at townhouses
3. After you go look at townhouses, go to Pickwick Lane and see if these could be superimposes onto Pickwick Lane
4. Visualize if you could leave 2 houses or should you include all

Councilman Belgiovine stated that whatever is decided with the Overlay Zone may set a precedent.

Mr. Kaufman asked everyone to remember that this is a model Ordinance that does not apply to another zone and does not help or hurt any application.

MOTION to open to the Planning Board representatives was made by Councilman Rosenblatt, seconded by Councilwoman Abene and unanimously approved.

George Fry, Woodcliff Lake, Planning Board Chairman, stated that the Planning Board spent a lot of time on this matter – over a year. All recommendations were put into a memo from the Planning Board attorney to the Mayor and Council. All recommendations were unanimous from the Planning Board, except the all or nothing matter. That was a split decision. He also

stated that he would be happy to take any questions.

Councilman Belgiovine asked Mr. Fry if there is a reason for 2 ½ stories.

Mr. Dattoli, Woodcliff Lake, Planning Board representative, replied that 2 ½ stories is 35 feet. Globally should conform to R-30 zone which is the tallest height limit in Woodcliff Lake.

Councilwoman Abene asked if 10 feet is considered a story. She also asked if you could have 35 feet in height with 3 stories.

Mr. Dattoli replied yes, but you would have a pitched roof.

Mr. Dattoli also stated with regards to the maximum density in Woodcliff Lake, 8 units per acre does not fit into Woodcliff Lake. 5.34 units per acre are more acceptable to the Planning Board, which consists of Woodcliff Lake residents.

Mr. Dattoli also stated that the FAR of 42% of livable area established nice setbacks of 50 feet and 75 feet.

Mr. Kaufman asked that if they are all set back and buffered and people cannot see them from the road, why should it matter how many units there are.

Mr. Dattoli replied that the Planning Board does not want high density.

Mr. Kaufman asked what the size of each unit is. Mr. Fry stated 3,400 square feet per unit is average.

Mr. Dattoli asked that the Mayor and Council respect the standards that the Planning Board put forward.

Councilwoman Gadaleta thanked the Planning Board for all their hard work and asked if there would be more traffic because of this development.

Mr. Dattoli stated that he had guidance from the planner and that there would not be a significant amount of more traffic.

Mr. Kaufman stated that this is not an easy determination to be made, but one has to be made.

Mr. Dattoli stated that he feels it should be all or nothing.

Mr. Nathin, Woodcliff Lake, Planning Board representative, agrees that it should be all or nothing. He also stated that if you go and look at most townhouses, they are not 3 stories.

Councilman Rosenblatt, former member of the Planning Board, stated that the Planning Board

has vast knowledge of zoning policies and that there should be no politics played in this determination. This should be based on the interests of Woodcliff Lake.

Bert Siegel, Woodcliff Lake, Planning Board representative, stated that he feels the Maser report lays everything out and that Woodcliff Lake cannot be compared to Englewood.

Mr. Kaufman replied to Mr. Siegel that he thinks you twisted some of the things that he said.

Josephine Higgins, Woodcliff Lake, Planning Board representative, stated that she feels that in 5 years we would be proud of this Ordinance. She also stated that the Planning Board listens intently and she is proud of what the Planning Board put together.

MOTION to open to the public was made by Councilman Rosenblatt, seconded by Councilwoman Abene and unanimously approved.

Darlene Schnure, Woodcliff Lake, stated that she has been a resident for 27 years and that Woodcliff Lake has changed significantly she they bought their house. At that time they were not aware of the Mt. Laurel lawsuit, the Tice Center mall was built, Centennial was built and there is a lot of noise from traffic and dumpsters in the corporate buildings. Their property is isolated and they need relief. Buyers do not want to buy.

Joe Valenzano, Pickwick Lane, Woodcliff Lake, believes that the Ordinance should encompass all lots and that we cannot give economic power to 1 or 2 people that do not want to sell. Many people cannot sell their homes so they are abandoning them. We need to do what is the best economic interest of the people of Woodcliff Lake.

Lisa Yakomin, Woodcliff Lake, she agrees Al Dattoli and Bert Siegel's comments. She also believes it should be all or nothing. She asked that the Mayor and Council think of the Overlay Zone as a whole. Please put those blinders on and not think of any specific development. She also stated that she believes some houses are not being sold because of their price, not their location. She also stated that the condition of the house might keep it from being sold. She asked Council to please look at the Overlay Zone on its own merits. She believes that there are inherent problems with doing the Overlay Zone and that it is a bad idea.

Richard Jigarjian, Stonewall Court, Woodcliff Lake, stated that he believes that all houses could be sold if they are priced properly. When he thinks of luxury, he thinks of a gated community with a pool and amenities. He also stated that you are going to get renters, not buyers. Also, he believes that people move to Woodcliff Lake for their school system and empty nesters are not going to pay Woodcliff Lake's taxes if they are not using the schools.

Joe Langschultz, Woodcliff Lake, Planning Board representative, stated that he has been on the Planning Board for 10 years and that there is a need for townhouses. The Planning Board spent a lot of time on this and there are residents that want to downsize and stay in Woodcliff Lake.

Susan Menze, 11 Pickwick Lane, Woodcliff Lake, stated that they have been talking with the developer since the beginning. They have children and they want to stay in Woodcliff Lake. If they sell to this developer, they need to get enough to be able to stay in Woodcliff Lake. She asked that the Council have compassion that the homeowners need to protect themselves.

Gary Menze, 11 Pickwick Lane, Woodcliff Lake, stated that he thinks there is a misunderstanding. They want to stay in Woodcliff Lake because they want to keep their children in the school system and that there is no 5 against 2. Everyone has to think what is best for their family.

Mayor Goldsmith stated that there is no project before the Planning Board or before Mayor and Council.

Cheryl Dispoto, Woodcliff Lake, believes we are heading in the right direction and that it should be 5.34 units per acre. She also stated that she believes it should be all or nothing and that this development should conform to the character and nature of Woodcliff Lake. Ms. Dispoto also asked Mr. Dattoli why these townhouses are going to be labeled luxury.

Mr. Nathin replied that only the planner labeled them luxury.

Roger Gross, Woodcliff Lake, stated that he believes that society is moving in this direction. He also stated that he believes that the Planning Board did a reasonable job and he encourages the expansion of the Overlay Zone, and with change there are winners.

Ron Zarella, County Road, Woodcliff Lake, stated that he is selling and wants to stay in Woodcliff Lake. He further stated that the Planning Board is very passionate. Mr. Zirello asked the Mayor that with the settlement of BMW our taxes are going to go up and if we go through with the Overlay Zone will it help keep our taxes where they are.

Mr. Kaufman replied that he believes it is net positive with the Borough because with a townhouse development there are usually less children.

Bonnie O'Keefe, Woodcliff Lake, stated that she believes it is not a good fit for Woodcliff Lake. She loves Woodcliff Lake and believes it to be a beautiful town but we are building too much.

Joseph Valenzano, Woodcliff Lake, stated that he agrees with Chairman Fry and Mr. Siegel. The Planning Board had this for a long time and has been under consideration for a long time. He also stated that people are arrogant saying that he is fleeing Woodcliff Lake. It is nobody's business how much he sells his house for, how much he might make on the sale of his house and if he stays in Woodcliff Lake or not. It is not about 5 against 2 and nobody is placing burden on anyone. He further stated that all or nothing is disrespectful and ignorant and not fair.

Lisa Yakomin, Woodcliff Lake, stated that there are no guarantees if children would be moving into the development or not. You cannot speculate on who will buy these townhouses. There

also will be a drain on fire, police and ambulance.

Darlene Schnure, Woodcliff Lake, stated that she is not making a killing on it and is doing it because she cannot sell her house.

George Fry stated that he has listened to all the comments made and that it was the Planning Board's job to come up with design standards. There is no application before the Planning Board. This zoning change would be in conjunction with the Master Plan. Demographics are changing the needs for Woodcliff Lake.

Richard Jigarjian, stated that demographics have not really changed and that property values are going to go down. He further stated that he did not move to Woodcliff Lake for townhouses.

MOTION to close to the public was made by Councilman Rosenblatt, seconded by Councilman Belgiovine and unanimously approved.

Mayor Goldsmith stated that it is too soon to put it on for the April 7th Mayor and Council meeting, but that it should be put on for the April 22nd meeting.

Mayor Goldsmith stated that the police department wants to purchase 2 new police vehicles this year. Council decided to hold off on this request so that they can do some research regarding this request.

ADJOURNMENT

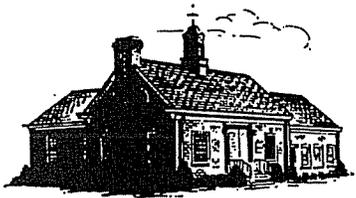
MOTION to adjourn was made by Councilwoman Gadaleta, seconded by Councilman Belgiovine and approved unanimously by voice call vote.

Meeting was adjourned at 9:50 PM.

Respectfully submitted,



Deborah Dakin
Acting Borough Clerk



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, P.O. BOX 8619, WOODCLIFF LAKE, NEW JERSEY 07677

JEFFREY R. GOLDSMITH, Mayor
THOMAS RICHARDS, Borough Administrator

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING THE BOROUGH OF WOODCLIFF LAKE TO ENTER INTO A SETTLEMENT AGREEMENT

RESOLUTION No. 14-76a

April 2, 2014

WHEREAS, the Borough of Woodcliff Lake has been served with a Complaint in the matter captioned Borough of Park Ridge v. Borough of Montvale, Borough of Woodcliff Lake, Office of the Bergen County Prosecutor and Matrix Consulting, LTD. in the Superior Court of New Jersey bearing Docket No. BER-C-341-13 (the "Litigation"); and

WHEREAS, the complaint alleges that the Bergen County Prosecutor, the Borough of Montvale, the Borough of Park Ridge and the Borough of Woodcliff Lake entered into an undated Memorandum of Understanding ("MOU") whereby the parties agreed to retain the services of a consultant, Matrix Consulting, LTD to perform a study to determine the feasibility of consolidating the law enforcement services provided by the Borough of Park Ridge, Borough of Montvale and Borough of Woodcliff Lake, said services to be paid for by the Bergen County Prosecutor; and

WHEREAS, the complaint further alleges that Matrix Consulting, LTD performed the study but was not paid in full for its services; and

WHEREAS, in response to the Complaint the Defendants each filed cross and counterclaims against each other, including the Office of the Bergen County Prosecutor's cross-claim alleging it was not responsible for the payment of the feasibility study performed by Matrix Consulting, LTD and that the municipalities were liable for the repayment of all monies previously paid to Matrix Consulting, LTD by the Bergen County Prosecutor; and

WHEREAS, the parties have proposed to settle the Litigation by each municipality contributing a payment of seven thousand (\$7,000.00) dollars to Matrix Consulting, LTD; and

WHEREAS, the Office of the Bergen County Prosecutor has agreed to forbear any claim for payment that might be due for monies it previously paid to Matrix Consulting, LTD; and

WHEREAS, the Borough believes it is in the best interests of the Borough to settle the Litigation.



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, P.O. BOX 8619, WOODCLIFF LAKE, NEW JERSEY 07677

JEFFREY R. GOLDSMITH, Mayor
THOMAS RICHARDS, Borough Administrator

201-391-4977
Fax 201-391-8830

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Woodcliff Lake that the Mayor is hereby authorized and directed to settle the Litigation and to execute any agreements in furtherance thereof.

ROLL CALL:

Introduction: Mrs. Abene
Second: Mrs. Gadaleta
Ayes: Mrs. Abene, Mr. Bloom, Mrs. Gadaleta, Mr. Rendo, Mr. Rosenblatt
Nays: None
Abstain: None
Absent: Mr. Belgiovine

CERTIFICATION

I, Deborah Dakin, Acting Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of April 2, 2014.

DEBORAH DAKIN
Acting Borough Clerk