

RIVERALE PLANNING BOARD

February 1, 2007

The Workshop/Special/Regular meeting of the Riverdale Planning Board opened on the above date at 7:30 p m Chairman Steven Loesner read the sunshine law.

ROLL CALL: Present: Mayor William Budesheim
Councilman Joseph Falkoski
Bradley Clinton
Al Heimall
Glenn Venza
George Lang
Michael Reilly (Alt. No. 2)
Vice-Chairman Brendan Magennis
Chairman Steven Loesner

Absent: Vincent Pellegrini

Also present is John Barbarula Esquire, Board Attorney.

The Board Secretary stated that member Vincent Pellegrini will be attending school for the next six meetings and Michael Reilly will be taking Mr Pellegrini's position on the board in his absence.

APPLICATIONS IO BE DEEMED COMPLETE OR INCOMPLETE:

1. Application No. BOA09102006 / Kenner Court Associates (EVS Metals) / 1 Kenner Court / Block 19 Lot 8.05

Thereupon Glenn Venza set forth the motion seconded by Al Heimall to deem this application complete as per Paul Darmofalski Engineering Associates, Inc.'s letter dated February 1, 2007 recommending completeness

ROLL CALL: Ayes: Venza, Heimall, Clinton, Lang, Reilly,
Magennis, Loesner
Nays: None
(7 Ayes -0 Nays - Motion Carried)

2. Application No. MSP11202006 / Trammel Crowe Residential / Riverdale Road / Block 10 Lots 8.01, 8.03, 8.04, 9.01 and 13.01 and Block 30 Lots 2 and 31

Attorney Barbarula stated that everyone has received a copy of the letter sent to the board by Paul Darmofalski Engineering Associates, Inc. Mr. Barbarula stated that this application has brought to the attention of Paul, himself and the Municipality that in fact our check list has to be corrected to comply with our Ordinance. Our Ordinance does in fact require that all utilities be in place and the check list should be amended accordingly, however, with that in mind, this application should be deemed complete, and so Mr Barbarula recommends that the board deem this application complete and immediately after that he would ask the board to authorize the revision of the checklist with Paul Darmofalski's recommendations so that the checklist and the Ordinance comply. The revisions would then be forwarded to Mr Barbarula and to Mr Oosdyk accordingly. Because of this error, this is brought to out attention and should be taken care of as soon as possible, to avoid a problem with future applications.

THE RECORD NOTES THAT THE MAYOR IS IN ATTENDANCE AT 7:35 P.M.

Chairman Loesner asked the Mayor if he would explain to the members of the board how the sewer contract will work and maybe satisfy some of the questions in the member's minds. Mayor Budesheim stated that we have proven our case to the developer last November when we pulled the plug on the whole deal because he didn't have all the money up front.

We explained to the applicants that we are not going to be their bankers, we are not going to fund this project, and if the bank is not going to lend them the money, this town is certainly not going to do it. The Mayor stated that this Municipality will not enter into any negotiations or contracts with any neighboring Municipalities for the additional gallonage until we have the money in hand, and it will be for the entire project, there is no phasing. We would be negotiating for the entire 90,000 gallons on the applicant's behalf.

Attorney Barbarula stated that he has had a conversation with the Borough Attorney Mr. Oostdyk and with the applicant's Attorney, Christopher DeGrazia that based upon the unique situation with the sewer contract, Mr. Oostdyk recommended and Mr. Barbarula concurred that before a Resolution is read, if they were to obtain the final, that the Developers Agreement would be entered into to cover this point exactly. This will clear up this issue explicitly. Mr. DeGrazia stated on behalf of his client that he agrees with this procedure.

Chairman Loesner asked for a motion on the completeness review.

Thereupon Councilman Joseph Falkoski set forth the motion seconded by George Lang to deem this application complete.

ROLL CALL: Ayes: Falkoski, Lang, Budenheim, Heimall, Clinton,
Reilly, Venza, Magennis, Loesner
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

Attorney Barbarula stated that the Board Secretary should send a letter to Paul Darmofalski to correct the checklist to comply with the Ordinance. Vice-Chairman Brendan Magennis set forth the motion for Mr. Darmofalski to correct the checklist to comply with the Ordinance. Glenn Venza seconded the motion with an amendment that Paul go over the entire package to make sure everything is coordinated and in complete compliance (checklists and Ordinance).

ROLL CALL: Ayes: Magennis, Venza, Budenheim, Falkoski, Heimall,
Clinton, Lang, Reilly, Loesner
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

Attorney DeGrazia came forward and stated that they realize there are a number of applications in front of this one and therefore requested a special meeting that would comply with the board's schedule. Chairman Loesner stated with the notice requirements it would have to be Feb. 15th or a different date. Ashvani Chuchra stated that there are three changes to the plans that were previously approved. It should not be a very long meeting. The Mayor stated that because of the negotiations the meeting should be held soon because of the time constraints. After discussion the date of February 21, 2007 which is the day before the regular scheduled meeting should be okay. Chairman Loesner stated keep in mind it would be back-to-back nights for the board.

Thereupon Bradley Clinton set forth the motion seconded by Glenn Venza to designate February 21, 2007 at 7:30 p.m. a special meeting to hear the TCR application.

ROLL CALL: Ayes: Clinton, Venza, Budenheim, Falkoski,
Reilly, Magennis, Loesner
Nays: Heimall
Abstain: Lang
(7 Ayes - 1 Nay - 1 Abstain-Motion Carried)

WORKSHOP:

Chairman Loesner asked if anyone in the audience was here for the workshop. No one came forward; thereupon Glenn Venza set forth the motion seconded by Al Heimall to close the workshop portion of the meeting.

ALL IN FAVOR

SPECIAL PORTION OF THE MEETING:

CHAIRMAN LOESNER STATED THE MEETING WILL NOW BE TURNED OVER TO WALTER KALINA FROM CLOUGH-HARBOUR ASSOCIATES.

ADJOURNMENT:

Thereupon Glenn Venza set forth the motion seconded by Al Heimall to adjourn the meeting.

ALL IN FAVOR

Meeting adjourned at 9:21 p.m.

Respectfully submitted by:

Linda Roetman
Board Secretary