

RIVERALE PLANNING BOARD

March 1, 2007

The Workshop/Regular meeting of the Riverdale Planning Board opened on the above date at 7:30 p m Vice-Chairman Brendan Magennis 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

Absent: Vincent Pellegrini
Chairman Steven Loesner

Also present is John Barbarula Esquire, Board Attorney.

WORKSHOP:

Vice-Chairman Magennis asked if there was anyone in the audience for the workshop portion of the meeting. No one came forward, thereupon Al Heimall set forth the motion seconded by Glenn Venza to close the workshop portion of the meeting
ALL IN FAVOR

APPROVAL OF MINUTES:

January 25, 2007 Meeting

Thereupon Glenn Venza set forth the motion seconded by George Lang to approve the January 25, 2007 minutes as written

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

February 21, 2007 Meeting

The Board Secretary stated she had received the transcripts for the February 21st meeting today, and if the members would like physical copies or have them e-mailed to please let her know.

Thereupon the minutes from the February 21, 2007 meeting will be carried until the March 22, 2007 meeting to allow the members time to read the transcripts.

February 22, 2007 Meeting

Thereupon Glenn Venza set forth the motion seconded by Al Heimall to approve the February 22, 2007 minutes as written

ROLL CALL: Ayes: Venza, Heimall, Clinton, Lang,
Reilly, Magennis
Nays: None
Abstain: Budesheim, Falkoski
(6 Ayes – 0 Nays – 2 Abstain - Motion Carried)

RESOLUTIONS:

1. Application No. CNC12042006 / 34 Paterson Hamburg Turnpike / Block 6 Lot 17 / Brooks Nicklas and Wendy Farber

The Resolution was reviewed by the board prior to the meeting. Thereupon Al Heimall set forth the motion seconded by George Lang to approve the Resolution as written.

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

2. Application No. CNC12052006 / 24-26 Paterson Hamburg Turnpike / Block 6 Lot 18 / Brooks Nicklas and Wendy Farber

The Resolution was reviewed by the board prior to the meeting. Thereupon George Lang set forth the motion seconded by Glenn Venza to approve the Resolution as written.

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

3. Application No. MSP11202006 / Trammel Crowe Residential / Riverdale Road / Block 19 Lots 8.01, 8.02, 8.03, 8./04 and 13.01 and Block 30 Lots 2 and 31

Councilman Falkoski stated that the minutes are a part of the Resolution and he has not been able to read through the transcripts and so he felt the Resolution should be carried until the board had time to read through the transcripts. The Board Attorney stated the board has forty-five days to act on the resolution. Glenn Venza stated that this resolution should be tabled as well as the minutes. The Mayor stated the Borough is on the clock here with this Resolution. Vice-Chairman Magennis stated that the minutes are actually verbatim transcripts and can't be changed anyway. They are clearly spelled out. The Mayor stated that you can't change actual testimony.

Thereupon Councilman Joseph Falkoski set forth the motion seconded by George Lang to approve the Resolution as written with the transcripts of the meeting to be attached to the Resolution.

ROLL CALL: Ayes: Falkoski, Lang, Budesheim, Heimall,
Clinton, Reilly, Venza, Magennis
Nays: None
(8 Ayes - 0 Nays - Motion Carried)

ORDINANCE NO. 1-2007:

Vice-Chairman Magennis stated that the Mayor and Council has provided Ordinance No 1-2007 to be reviewed by the Planning Board to either recommend or not recommend the Ordinance to be sent back to the Mayor and Council. This is an Ordinance to change some of the R-40 zones to R-120 zones. The Board Attorney stated that the Ordinance is self-explanatory. R-120 would be 120,000 sq. ft. This is consistent with the Master Plan and the steep-slope ordinance in the Borough. Councilman Falkoski stated the Highlands Commission is developing a Master Plan which will be mandatory for anyone that is in the preservation area. This Borough is in the Planning Area of the Highlands Act. The Highlands have looked at this particular spot and have looked at that as a protection zone overlay which means that if we decide to accept the Master Plan that they are developing, the Highlands will automatically protect that area and preserve it. The area is environmentally sensitive. This will create the zone and protect it at the same time. Glenn Venza asked if there were any other areas in the Borough that we might want to protect in the same fashion. Councilman Falkoski stated this is really the last area in town that we would want to protect in this fashion. Mathews Avenue was mentioned and that has been taken care of. There is an area over on Evans that can't be included because the Riverdale Master Plan will not permit it, because of the moderate

density. Vice-Chairman Magennis stated that the Master Plan presented by Clough Harbor had color-coated that area and it was not the same as the areas that are designated in the proposed Ordinance. After discussion, Vice-Chairman Magennis called for a motion to open the portion of the meeting to the public. Bradley Clinton set forth the motion seconded by Glenn Venza to open this portion of the meeting to the public.

Mr. Joseph Petracca, 116 Highland Avenue came forward. Mr. Petracca stated that he is the owner of three of the properties that are included in the new ordinance No. 1-2007. Mr. Petracca stated that he bought a piece of property from the Borough and built a foundation on the property to move a house to that location and after getting permission from the police chief at that time, somehow there was a miscommunication and the house did not get moved. Mr. Petracca stated that it would have only taken ten minutes to move the house to the new location, but it was not done because somebody pulled their strength and the house was never done. My house is my paradise, I pay taxes on my home and my land, hoping that someday I would be able to do something with the land. Somebody always pulls their strength, it doesn't matter that this is all a Republican Party, and Mr. Petracca stated that he believes in the Constitution and he believes we should have a two party system. Mr. Petracca stated he believes people should have a choice to vote. Mr. Petracca stated he does not like that way he is being hurt. As far as he is concerned, he stated, he loves Riverdale just as much as anyone or more, to him it has been home for thirty years, and now he tried to build a contract with TCR to build million dollar homes on the mountain because it is beautiful. He stated he did a lot of work in Smoke Rise and they are all beautiful homes. Gentlemen stated Mr. Petracca, this is a small town and we can't waste land for open space, we need to make room for future people. Mr. Petracca stated he loves the mountain he lives on, and he believes other people should have the same right. Mr. Petracca stated he loves children and he would like to have things progress and have a place for the children to play. Mr. Petracca stated that the land should be shared by everyone, and not closed off because of this ordinance. The land should not be left empty and TCR had made a deal that his land would become a soccer field for the children. I wanted to build three houses on my land for my three children. Now I can't because of this ordinance that would make it impossible to build the three houses. Mr. Petracca stated he suffered in this town for the past thirty years because he is not one of the boys. Mr. Petracca stated the Constitution states that he is entitled to be different. Mr. Petracca stated he does not know most of the people on the board, however; he does not hate you, he does not know you. But by God, He stated, if he has to live in Riverdale, he wants to be able to build homes in Riverdale for his children, and he does not want his land that he has sacrificed paying taxes for all these years to now be unbuildable. Mr. Petracca stated his taxes on this vacant land have been raised 300%. Mr. Petracca stated he is as broke as anyone could ever be, but he will not quit fighting for his rights. Mr. Petracca begged the board to leave the land as is and deny the ordinance. Mr. Petracca stated he will go to the Governor if necessary. I would like to remain in Riverdale and hope that I see a democracy where all men are created equal practiced in Riverdale, stated Mr. Petracca.

No one else came forward, thereupon Councilman Joseph Falkoski set forth the motion, seconded by Glenn Venza to close the public portion of the meeting.

ALL IN FAVOR

Thereupon Glenn Venza set forth the motion seconded by Al Heimall to recommend the Ordinance be sent back to the Mayor and Council with a favorable review.

ROLL CALL: Ayes: Venza, Heimall, Budesheim, Falkoski,
Clinton, Lang, Reilly, Magennis
Nays: None
(8 Ayes - 0 Nays - Motion Carried)

APPLICATIONS TO BE DEEMED COMPLETE OR INCOMPLETE:

1. Application No. SMP01232007 / Riverdale Square / Route 23 North / Block 40
Lots 4.03, 4.04 and 4.05

The Board received a letter dated February 15, 2007 from Paul Darmofalski Engineering Associates, Inc. recommending completeness. Thereupon Al Heimall seconded by George Lang.

ROLL CALL: Ayes: Heimall, Lang, Budesheim, Venza, Clinton,
Reilly, Magennis
Nays: None
Abstain: Falkoski (lives within 200')
(7 Ayes – 0 Nays – 1 Abstain - Motion Carried)

Vice-Chairman Magennis stated if anyone in the audience is here for the Belyea application, the date of the hearing will be April 5, 2007. The notices are in order, and therefore no new notices will be issued.

SITE PLAN APPLICATIONS:

1. Application No. MSP09102006 / Kenner Court Associates (EVS Metals) / 1Kenner Court / Block 19 Lot 8.05

The Board Attorney stated that all of the notices were in order. Vice-Chairman Magennis stated that if there is anyone here from the public, this application will be carried to the March 22, 2007 meeting. No new notices will be sent.

ADJOURNMENT:

Thereupon Bradley Clinton set forth the motion seconded by Glenn Venza to adjourn the meeting.
ALL IN FAVOR

Meeting adjourned at 7:59 p.m.
Respectfully submitted by:

Linda Roetman
Board Secretary