

November 20, 2008

A Regular Session of the Allendale Planning Board was held in the Municipal Building on November 20, 2008. The meeting was called to order at 8 PM by Mr. Quinn, Chairman for the Board. The requirements of the Open Public Meetings Act were met by the required postings and notice to publications.

The following members answered roll call: Mr. Quinn, Mr. Fliegel, Mr. Gravina, Chief Herndon, Mr. Bernstein, Mr. Sirico, Mr. Thomas and Ms. Sheehan. Mayor Barra, Mr. Tatosian and Mr. Yevchak were absent this evening.

Minutes of October 16 Regular Session and Special Meeting of November 11, 2008

Mr. Sirico moved, seconded by Chief Herndon, to accept the minutes of October 16th, as amended, and the minutes of November 11, 2008. Planning Board members unanimously voted aye.

Final Subdivision – John Sebastian, Block 408, Lots 4 & 16

Mr. Dunn stated he spoke with Bruce Whitaker, attorney for the applicant who indicated he could not attend tonight's meeting. Preliminary approval for the subdivision had been granted by the Board over a year ago and Mr. Sebastian is hoping to complete the process this year. He has requested that a Developer's Agreement be completed, however, Mr. Dunn said there were outstanding engineering issues and it is not ready for final approval. Mr. Dunn said that the Borough Engineer, Mr. Yakimik, must identify what items remain outstanding and he will contact Mr. Whitaker with that information.

Mr. Yakimik stated that he had received a plat of the subdivision showing the boundary lines, right of way lines and property lines; however, it fails to show the physical improvements that are to be constructed on the site. The plan would normally include the site plan consisting of six pages of detailed engineering drawings that were approved at the time of the preliminary approval. The applicant's engineer contacted Mr. Yakimik to schedule a meeting to review these issues; however, it wasn't until this morning that they could meet. Mr. Yakimik explained the outstanding issues to the applicant's engineer who agreed with him and indicated he would forward a complete plan within the next couple of days. A schedule was worked out whereby Mr. Yakimik will be able to recommend a final approval to the Board with a report by the December meeting. A performance guarantee estimate is also essential for final approval of the Developer's Agreement and the applicant's engineer will prepare in time for Mr. Yakimik to review before the December meeting. Mr. Yakimik stated that he would continue to deem this plan incomplete at this time.

Mr. Quinn asked Mr. Yakimik if he could send a formal letter outlining specific requirements of the Borough's check list to the applicant so there is no question about what has to be done. Mr. Yakimik indicated he would prepare a letter tomorrow citing a

section of the code regarding incompleteness. Mr. Dunn stated that he finds it troublesome that the Board always seems to be chasing the applicant for information.

Mr. Bernstein asked Mr. Yakimik to summarize where the Board is and how it should handle this application going forward. Mr. Yakimik stated that the application was given preliminary approval about a year and a half ago. Mr. Sebastian returned in January to seek relief from the preliminary approval in the area of wetlands and he filed an application for a Letter of Interpretation (LOI) from the Department of Environmental Protection (DEP). Following a review, the Planning Board decided that relief could be granted to the applicant. The preliminary approval had a number of conditions that had to be met such as perfecting the plans along with other engineering comments. The final approval is a recap to ensure that all of the conditions cited at the time of preliminary approval have been completed by the applicant at the time of final approval. It also triggers the drafting of a Developer's Agreement, performance guarantees and the final signing of the plats and documents so that construction can commence on the major subdivision. The performance guarantees outlined in the Developer's Agreement have to be posted with the Borough CFO; the Developer's Agreement has to be signed by the Borough and the final plat has to be signed by the Chairman of the Planning Board and filed with the Clerk's Office in Bergen County. Any variances that were needed were granted at the time of preliminary approval.

Mr. Yakimik stated that his letter of October 13th requested application documents that were presented to him that evening. Site plans were requested, which they are addressing, and it was noted that there were other miscellaneous items connected with construction taking place at the site. Mr. Yakimik had observed that Rockland Electric had installed a utility pole, a transformer and some overhead electric cables at the site. The Borough code specifically states that all utilities shall be constructed underground. He said that this is a violation of the approval and the code and he recommended that a clause be added to the Developer's Agreement that this be removed with a time constraint or the applicant would be subject to some type of action on behalf of the Borough. The Board could consider requesting a bond to cover this.

Mr. Yakimik stated that there is machinery existing on the property which was the subject of an outstanding summons issued by the Construction Code Official that still hasn't been resolved with the Developer. Mr. Yakimik added that he was at the site today and found that a road is being constructed. The applicant has removed some of the topsoil for the road and has parked a tandem dump truck at the site. Mr. Yakimik recommended that the Construction Code Official issue a stop work order for this action and he asked Mr. Dunn if the Board has a right or jurisdiction to impose anything as a result of these violations.

Mr. Dunn stated that the applicant has already paid for a preliminary subdivision approval which is often used by a Developer to make improvements on the property without the need for posting a bond. This doesn't mean that the applicant is not subject to building, code and permit requirements of the Borough for soil removal, road opening permits, tree removal, etc. Any of these violations would need to be enforced and do not

relate directly to the Board's approval process. It is the Construction Code Official's job to enforce these ordinances. Mr. Dunn stated that the next step is a complete plat to satisfy the requirements of the Borough Engineer.

Mr. Fliegel made a motion to deem the application incomplete for final approval and carry it to the next formal meeting of the Planning Board in December, seconded by Mr. Bernstein. Planning Board members unanimously voted aye.

Mr. Yakimik left the meeting at this time.

Resolution of memorialization – 475 Franklin LLC – Block 1809, Lot 14

Mr. Dunn read the resolution to the public and Mr. Bernstein reviewed the changes he recommended. Mr. Bernstein made a motion to adopt the resolution, as amended, seconded by Mr. Sirico. On roll call, Mr. Quinn, Mr. Fliegel, Mr. Bernstein, Mr. Sirico, Mr. Thomas and Ms. Sheehan voted in favor.

Review and recommendation – Proposed Historic Preservation Ordinance

Mr. Quinn stated that members have now had time to review this ordinance which had been distributed at the last meeting. He thought that the criteria section was most important to the Planning Board. Mr. Quinn asked that the Borough Planner comment on this ordinance.

Ed Snieckus, the Borough Planner, stated that a Historic Preservation Commission can act on two different levels either as an advisory board or as an independent Historic Preservation Commission. This ordinance seems to be referring to an advisory board that offers recommendations to the Boards and the governing body. He pointed out that a number of the items provided in this ordinance are consistent with a similar ordinance in Westwood.

Mr. Snieckus said that the ordinance referred to the issue of a possible conflict in the type of language or inconsistency between mandatory conditions and recommendations provided by the Commission. He said that this must be made clear so that any sort of mandatory conditions from the Commission are only recommendations to the Boards or the governing body for consideration. He will note in memo form where this occurs in the ordinance.

Mr. Snieckus commented on several definitions included in this ordinance. He said that the definitions are a good start but they should be expanded to include detail when referring to items such as a historic district. Specific resources within the district should be considered such as identifying the key resources which makes a district historic. Specific language identifying key items within the district that establish the character of the district need to be added because this would help with the definition and weigh the impacts to the critical issue. Contributing factors to the historic district are additional definitions that should be included along with non-contributing factors. He suggested

that additional language be included to assist in defining a historic landmark to help the Commission and the other Boards and entities to understand what the historic landmark actually means. He will also work on the definition of historic landmark site. Mr. Snieckus indicated that more information is needed on specific reference sources regarding the Secretary of the Interior standards.

Mr. Snieckus was asked about the process involved in creating a historic element and how it relates to an amendment of the Master Plan. Individual sites and historic districts will have to be included in the Master Plan and Mr. Snieckus suggested two different options. One option would be to have the Planning Board consider the ordinance as a preliminary historic element because it is a function of the Master Plan. This forms a basis for a starting point that could be modified before the ordinance was accepted and after the ordinance was approved the Master Plan would be adjusted again to conform. In other words, procedural rules are formulated including what the Commission would be responsible for and who appoints the various members of the Commission. Specific sites, as recommended by the County, are enough to get the element started which would be reviewed in order to develop a list and formally designed as historic sites. Mr. Snieckus said that the other option would be to give the Commission an idea of how to proceed and then the Commission's role would be to formulate the rough draft of the element which would be forwarded to the Planning Board for approval.

Board Members agreed to select the first option and while the governing body is working on the ordinance they should be working on the pertinent section of the Master Plan even though it will require an adjustment in the future. This option will move the process along faster. The Board would propose that Mr. Snieckus draft an ordinance and then formulate the document based on the Bergen County review. The Board would then discuss various recommendations with Mr. Snieckus in order to weigh the proposal and develop an efficient initial historic element. A resolution will be needed to enter into a contract with Mr. Snieckus.

Mr. Snieckus was asked about the designation process and he stated that the initial historic element will have recommended sites and districts. He referred to his earlier comments on definitions which referred to key sites, contributing sites and non-contributing sites within the same district. Changes to key sites would be restrictive and there would be less control over areas in contributing and non-contributing sites. He said that the Commission may want to consider bringing in special consultants to advise the Board because it is important to have an element with designations that can withstand challenges.

Mr. Quinn opened the meeting to the public for comments or questions on the historic preservation ordinance and guidance regarding the process of having a Planner draft up an amendment to the Master Plan.

George LaHood, 115 West Allendale Avenue said that he is interested in acquiring property for One People, Inc., which is a non-profit organization. He stated that he is opposed to a historical designation because it will increase the cost of maintaining,

repairing or using properties for charitable purposes. He is referring to the Fell House and he asked how this ordinance would affect the acquisition of this property.

Mr. Quinn stated that the Board is listening to input from the public in order to formulate a resolution and he said that Mr. LaHood seems to be concerned about the impact of potential renovations on properties that are designated historic. A Board Member said that the Board is asking Mr. Snieckus for an estimate to make recommendations to the Master Plan and it has nothing to do with specific sites. Mr. LaHood explained that this ordinance would give the Board additional power which he may have to challenge in the future. Mr. Quinn said that Mr. LaHood will have another opportunity to comment because any element of the Master Plan is open for public comment.

Tom Robbins said he is a member of the Historic Preservation Commission. He as well as the other members would prefer the first option described by Mr. Snieckus, however, there is a criteria that has to be established before the Commission can be authorized to provide evaluations. Mr. Snieckus said that he was offering an initial step to establish the additional framework and there may be sites that are not included which means that the element will have to be amended later. No designations are being recommended at this point. Mr. Robbins stated that the Commission has taken the 1982 County survey and has conducted a site search of each of the homes throughout Allendale and have added other houses not on the survey. They have put together an Excel spread sheet which will allow the Commission to make further recommendations and he said that the Commission will share this information with Mr. Snieckus and the Board. Mr. Snieckus said that a recommended list of homes and an explanation of the criteria to be used needs to be included in the ordinance.

Diane Knispel introduced herself as a member of the Historic Commission. She stated that the Commission has added other homes to the 1982 survey that were not listed because they were not 100 years old at the time but qualify today.

Mr. Snieckus was questioned about procedure. He stated that the element will contain an inventory of properties that would include photos and recourses that have already been compiled. After the ordinance is approved there may be some designations that will be different from recommendations.

Mr. Robbins stated that once the homes were surveyed and the criterion was established they were going to eliminate some homes that may have been altered or have lost their historical characteristics. Board Members felt it was premature to talk about criteria until there is a draft element of the Master Plan. The Land Use Committee reviewed the proposed ordinance at a Council Meeting and decided to send it to the Planning Board who has recommended that it be reviewed by the Borough Planner.

Thomas Gray, 143 Myrtle Avenue said that there is a State Register of Historic Places in addition to the National Register and not all sites have both designations. Mr. Quinn said that this element will be an expanded version; however, he would expect the Planner to incorporate State and National information.

There were no further comments from the public.

It was stated that the Planning Board is taking the lead by retaining a planner and authorizing the Planner to submit a proposal. The Planning Board is only involved in the historic element of the Master Plan at this point and the Council is working on crafting the ordinance which they will forward to the Planning Board for review and recommendation. No expense is being incurred by the Borough and the Board is just getting an estimate.

The Board agreed to authorize Mr. Snieckus to prepare an estimate to cover the work involved in creating the initial step of the historic element of the Master Plan. The proposal must then be referred to the Council for approval and this can be done simultaneously by means of sending a copy of the estimate to the Council.

The Board moved to authorize an estimate from Mr. Snieckus to create the historic element of the Master Plan. Planning Board Members unanimously voted aye and the motion carried.

The meeting was adjourned at 10:05 PM.

Respectfully submitted,

Melinda Dorl