

January 15, 2009

A Regular Session of the Allendale Planning Board was held in the Municipal Building on January 15, 2009. The meeting was called to order at 8:20 P.M. 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. Note for the record that there was no Work Session in January.

The following members answered roll call: Mr. Quinn, Mr. Fliegel (9:10 P.M.), Chief Herndon, Mr. Bernstein, Mr. Sirico and Ms. Sheehan. Mr. Gravina, Mr. Barra, Mr. Tatosian and Mr. Yevchak were absent this evening.

#### Minutes of December 18, 2008

Mr. Herndon moved, seconded by Mr. Sirico, to accept the minutes of December 18th, 2008 as amended Planning Board members unanimously voted aye.

#### Election of Officers and Appointment of Professionals

Due to the fact that this meeting was not well attended, Chairman Quinn and the Board Members agreed to move this item to the next meeting.

#### Resolution Memorilization – John Sebastian, Block 408, Lots 4 & 16

Mr. Dunn stated that the Board had approved the application of John Sebastian at last month's meeting subject to a number of conditions basically consisting of the removal of equipment which had been improperly located on the site by December 25<sup>th</sup>. A letter from the Borough Engineer dated December 18<sup>th</sup> listed a number of conditions on site which had to be met by January 15<sup>th</sup>. Applicant's attorney had indicated that the applicant would comply with these conditions.

Mr. Yakimik, the Borough Engineer, stated that the applicant had to take some soil testing at the site which required a small piece of equipment to remain on site. The testing is complete and the equipment was removed as of an inspection on January 12<sup>th</sup>.

Mr. Dunn has prepared a Resolution of Memorialization. He reported that the 2008 taxes have been paid and a new plat has been submitted to show further compliance. The Borough Engineer has submitted a report dated January 13, 2008. Mr. Dunn said that the resolution indicates that approval is subject to items included in the December 18<sup>th</sup> letter from the Engineer.

Mr. Yakimik referred to two reports he issued both dated January 13<sup>th</sup>, one addressed to the Planning Board and the other addressed to John Wittekind the Construction Official. The letter to the Planning Board addresses items regarding the site plan and the final subdivision plat. Mr. Yakimik reviewed the Minutes of December 18th and commented

that the applicant has cooperated extensively considering that there were two major holidays in the time period since the last meeting.

Mr. Yakimik reviewed his letter and noted that there are half a dozen items which remain outstanding regarding the final subdivision plat. He was in contact with the land surveyor, Mr. Micelli, who said he has revised the plat and Mr. Yakimik expects to receive the plat shortly. There was a request for a boundary survey which has already been submitted and Mr. Yakimik's surveyor will review it next week. He stated that all of these items are minor, however, they are required to be shown on the map to comply with the Map Filing Law. Grading also appears to be in order.

Mr. Yakimik referred to roadway design. He stated that concrete paving will be installed at Elizabeth Drive to delineate the new street. As part of the preliminary approval, the developer has agreed to install concrete curbing along the frontage of Albert Road for Lot 16.01. The line of the road is quite irregular at this point and the applicant's engineer is being asked to provide limits of construction of Albert Road that are needed for adequate grading to transition into the existing part of Albert Road. The developer is only responsible for improvements up to the center line of Albert Road and Mr. Yakimik requested that this be reflected on the site plan. Drainage conditions should remain as they are today on Albert Road. Bruce Whitaker, the applicant's attorney, has discussed this with McNally Engineering who indicated that they will comply with all of the items in Mr. Yakimik's letter.

Mr. Yakimik stated that recent New Jersey Stormwater Regulations were adopted by the Borough two years ago and are difficult to comply with for a development of this size. The DEP requires that the stormwater be treated before it is discharged into the drainage system. There are several ways of doing this and Mr. Yakimik has asked the engineer for approximate maintenance costs for the various options to comply. The applicant's engineer will then be directed as to which system is best for the Borough. Mr. Yakimik described several ways that the system could be maintained and he and the applicant's engineer hope to come to an agreement that would be the most efficient and least costly.

Mr. Yakimik said that the applicant was required to comply with the Borough's Water and Sewer Engineer report dated February 20, 2006. He stated that the inconsistencies between the site plans have been eliminated. There is a Mylar approved by Bergen County which needs to be replaced, signed by the town and filed with the County. Once the items regarding the roadwork on Albert Road and the resolution of the stormwater management issues have been resolved an estimate for performance guarantees can be finalized and will be attached to the Developer's Agreement.

Mr. Yakimik referred to his letter to Mr. Wittekind concerning a follow up visit to the site to evaluate several items raised by the Board at the December meeting. He said that construction operations remain halted and construction machinery has been removed. Once all of the approvals have been obtained, the applicant is advised to apply for a local soil moving permit before moving further soil at the site. An inlet filter should be installed to adequately prevent clogging as a result of sediment. The applicant's engineer

forwarded a picture of the filter that has now been installed and Mr. Yakimik will check this tomorrow.

Mr. Whitaker indicated that the applicant agrees to all of the Borough's requirements recited by Mr. Yakimik. He added that all of the taxes would be paid through February 2009.

Mr. Dunn read the Resolution. After discussion by the Board, Mr. Sirico moved, seconded by Chief Herndon to approve the resolution, as amended. On roll call Mr. Quinn, Chief Herndon, Mr. Bernstein, Mr. Sirico and Ms. Sheehan voted in favor.

Review and recommendation – Ordinance No. 09-03 – An Ordinance to Amend and Supplement Chapter 270 of the Code Entitled “Zoning”

Review and recommendation – Ordinance No. 09-04 – An Ordinance to Amend and Supplement Chapter 147 of the Code of the Borough of Allendale Entitled “Land Subdivision and Site Plan Review:

Mr. Dunn stated that both of these ordinances refer to violations of conditions or requirements contained in Resolutions or Developer's Agreements. These ordinances would subject violators of these ordinances to penalties that could be enforced in Municipal Court. Mr. Dunn pointed out that this had been lacking in the ordinance and he recommended approval. Mr. Quinn stated that this puts more “teeth” into the ordinance since in the past there was no vehicle with which to penalize people who ignored requirements contained in the resolutions. Mr. Quinn announced that Mr. Fliegel had joined the Board at 9:10 P.M.

Mr. Sirico moved, seconded by Chief Herndon to approve both resolutions pertaining to Ordinance No. 09-03 and Ordinance No. 09-04. On roll call Mr. Quinn, Chief Herndon, Mr. Bernstein, Mr. Sirico, Mr. Fliegel and Ms. Sheehan voted in favor.

Mr. Quinn reported that there has been correspondence with Mr. Sneikus regarding the Historic Preservation Committee. Mr. Sneikus recommended going through the Mayor and Council initially before coming to the Planning Board. Mr. Quinn has advised Ms. Knapp to distribute any back up information regarding the historic preservation element of the Master Plan to Planning Board members.

Mr. Quinn stated that there had been some correspondence concerning the COAH directive regarding fees for non-residential development. Mr. Dunn was not aware of this correspondence and will look into this further.

Mr. Yakimik stated that the Municipal Land Use Law (MLUL) requires a ten day window before a hearing in which to accept documents or drawings from an applicant. The engineer is expected to review the documents and prepare a review to the Board in a timely manner. In most cases he tries to get a report into the Board via email the Friday before the Work Session and he asked if this is acceptable to the Board. Several Board

Members requested that Mr. Yakimik send any reports to their home email addresses which they will furnish.

Mr. Yakimik said that he normally checks to ensure that there are adequate funds in the escrow account before he prepares his report. He admitted that in the past he has tried to be accommodating to applicants even if there is insufficient escrow or insufficient time to review the plans and he asked for comments by the Board. Board Members agreed that in these cases he should email Board Members and they can address the issue. It was suggested that Mr. Yakimik detail these deficiencies in his review letter and he was advised not to continue working if there is no escrow money. Mr. Dunn stated that applicants should understand from the beginning that professional services are not going to be performed in the absence of escrow funds and the Board needs to be prepared to act.

Mr. Fliegel asked about the status of A&P which was approved in September. Mr. Yakimik stated that the construction commencement date is March 1<sup>st</sup> and there will be a follow up report to the Board in the next several days. He said that he and the applicant's engineer have been working hard to resolve issues that have been open since July and these open items have been reduced significantly.

Mr. Fliegel requested an update on the Whitney project and Mr. Yakimik said that this has been shut down due to the winter weather. Applications have been submitted for the first building to be constructed and he anticipates a utility meeting shortly. Construction should move forward when the weather breaks.

Mr. Fliegel reported that he has been appointed to the Library Board which meets the third Thursday of every month. He would like to participate in both organizations and he asked the Planning Board if they would consider moving their meeting days. Board Members indicated that this would not be acceptable and Mr. Fliegel said that he would put in as much time as possible with both Boards to make it work.

Mr. Fliegel spoke regarding the Certificate of Compliance applications. He has been working with Mr. Bernstein and Mr. Strouch, the new Chairman of the Land Use Committee, to see what can be done to get this matter resolved. It was suggested that Mr. Fliegel ask the Construction Official to supply these applications, however, Mr. Fliegel said that the Construction Official is not required to do this per the ordinance. He said that this procedure is important and he was of the understanding that the only applications not coming to the Planning Board would be when there is a change of ownership in the event that everything stays the same. Mr. Quinn said he would look into this further.

Mr. Yakimik stated that he had just received an application for site plan review for 1 West Allendale Avenue, The Trophy Shop, which will be before the Board in February. They are proposing an additional tenant which could affect parking at this site.

Chief Herndon made a motion to adjourn the meeting; seconded by Mr. Sirico.  
The meeting was adjourned at 9:40 P.M.

Respectfully submitted,

Melinda Dorl