

May 21, 2009

A regular meeting of the Allendale Planning Board was held in the Municipal Building on May 21, 2009. The meeting was called to order at 8:10 p.m. by Mr. Quinn, Chairman, who announced that the requirements of the Open Public Meetings Act have been met by the required posting and notice to publications.

The following members answered roll call: Mr. Quinn, Mr. Barra, Mr. Fliegel, Mr. Yevchak, Mrs. Sheehan and Mr. Zambrotta. Mr. Bernstein, Mr. Sirico, Mr. Herndon and Mr. Gravina were absent. Also present was Mr. Dunn, Board Attorney.

Mayor Barra commented that although Chief Herndon is not present this evening, he wanted to publicly acknowledge that Chief Herndon has just celebrated his 40th anniversary as a police officer in the Borough of Allendale. Chief Herndon has been a long time member and an active participant with the Planning Board. Mr. Quinn said Chief Herndon has been a guide and great help to him during his years on this board, and he echoes the Mayor's sentiments.

Mr. Fliegel moved, seconded by Mr. Barra, to approve the minutes of April 16, 2009 as amended by Mr. Quinn. On roll call, all members present voted in favor.

Minor Subdivision – Borough of Allendale
Block 701, Lot 19 and Block 1906, Lots 17 & 18 (Former Levin/Grimaldi properties

Mayor Barra said since this is an application by the Borough and he will be making a statement on behalf of the applicant, he will recuse himself and move from the dais.

David Bole, Borough Attorney, was present representing the Borough. He said he will present two witnesses, Mayor Barra and Thomas A. English from Dewberry.

Thomas English, Director of Survey for Dewberry was sworn. He said he prepared the minor subdivision plat on behalf of the Borough of Allendale. He said the entire tract consists of about 21 acres. It is known as Lot 19, Block 701 and Lots 17 and 18 in Block 1906. To the west is Yeoman's Lane and Heather Court. To the east is the Borough of Saddle River. The subdivision containing the existing three lots will create two new lots. Lot 19, Block 701 is a conforming building lot and the remainder of the property which will be called lot 17.01 in Block 1906 will consolidate the remainder of the property preserved under the New Jersey Green Acres program. Both lots are conforming to the zoning code and there are no variances required.

Mr. Bole said currently the Borough has title by reason of a tax foreclosure of judgment to property formerly owned by Mr. Levin, his company, and Ms. Grimaldi, who owned former lot 18; Mr. Levin owning lots 17 and 19. The Borough currently has title to the

entire tract. There are no variances required. There are no plans to build on the property at this time and there is no extension of municipal facilities involved.

Mr. Dunn said there is no public hearing required for this minor subdivision.

Mayor Vincent J. Barra was sworn as the next witness. Mr. Bole asked him to explain the background and the purpose of this subdivision. Mayor Barra said the two lots owned by Mr. Levin and one owned by Ms. Grimaldi were in default on taxes for well over 15 years. When the Borough discovered this, the decision was made to enter into foreclosure proceedings. Mr. Levin was given several opportunities to try to pay the taxes, which were substantial, but he did not. Ultimately, the Court decided that it should revert to the Borough for back taxes.

The Borough now owns the entire parcel and to the best of its knowledge these are wetlands. They have been designated so by various organizations such as the Army Corps of Engineers and the Department of Environmental Protection. Attached to the application is a map indicating the wetlands areas. The Passaic River Coalition, who have been very instrumental with the Borough in preserving open space such as Orchard Commons, have been looking at this piece for many years. They had made offers to Mr. Levin which he refused. When the Passaic River Coalition found out that the Borough was going to foreclose, they indicated they would like to work with the Borough and keep this property forever open space which was the Borough's general inclination particularly since it is wetlands.

The Passaic River Coalition is obtaining grants from Bergen County Open Space as well as the Green Acres Program and the Borough will partner with them on proposed lot 17.01 which is the bulk of the property. There have been discussions and a draft of an agreement which hopefully, when the Planning Board approves this, will culminate in a contract and an ultimate joint partnership with the Passaic River Coalition.

The property will be maintained under the Green Acres program and the Bergen County Open Space program as forever open space. The Borough will be compensated for a portion of the back taxes through those grants. Mayor Barra said there is no intent of the Passaic River Coalition and the Borough of Allendale at this time to do anything with the property except to maintain it in its present natural state. There is no intent to put trails or any other type of recreational facilities on the property. The intent is to keep the property in its present condition.

Mayor Barra said he believes the property will serve the purpose from a wetlands perspective of acting as a reservoir for a lot of the drainage that exists in the Borough. There is no intention of doing anything with the small lot that was carved out from this property, 19.01. Part of the reason for carving it out is that it made more sense to have a rectangular piece of property with the Passaic River Coalition because they were not coming up with the total amount of dollars in back taxes. The Borough felt in fairness to the residents of Allendale, that it should retain that parcel with the Borough exclusively,

so that will not be part of the joint partnership with the Passaic River Coalition. The Borough has no intention to do anything with that lot.

Mayor Barra concluded that he believes it is a great thing for the Borough in partnering with the Passaic River Coalition in that it can maintain this as open space and at the same time recoup over \$300,000 for the taxpayers of Allendale with respect to this property. He therefore urged the Planning Board to approve this application.

Mr. Quinn asked if this lot can be built upon. Mayor Barra said the Borough Engineer has visited the property and he said it is “questionable”, but since there is no intent for the Borough to do anything with it, there have been no additional studies nor is anything further contemplated. Mr. Quinn asked if there is anything on the property today. The Mayor said there is a playhouse that is technically on Borough property. The owners will be told they have to remove it.

Mrs. Sheehan asked if the Passaic River Coalition will protect this property in the future. The Mayor said there will be deed restrictions. When grant money is accepted from Bergen County Open Space or Green Acres, recreational facilities cannot be placed on the property. For example, the Borough cannot put a ball field or playground on Orchard Commons Park. It can only be used as a passive park. There will be deed restrictions and the basic agreement that the Borough has with the Passaic River Coalition is that the property will be retained in its present state and the Borough will be responsible for the maintenance, although there probably will be none. It will be in the agreement that if the Passaic River Coalition ceases to exist, it will revert entirely to the Borough and the Borough will own it 100%. It is in the Passaic River Coalition charter that its purpose is to preserve open space and wetlands.

Mrs. Sheehan asked if someone will cut the grass. Mayor Barra said the Borough DPW has been doing it and will continue to do so.

Mr. Yevchak asked about the clean-outs that are on the property. Mayor Barra said they will probably be closed off and covered as they serve no purpose.

Mr. Yevchak asked what will protect the town if the Passaic River Coalition changes its charter. Mayor Barra said since the Borough is a partner it will have a say in what happens. In addition, the Passaic River Coalition is not paying the money to the Borough. The money is not from them but from grants. It is Bergen County Open Space and Green Acres money. There are deed restrictions when these grants are accepted and the property must be maintained as open space. He added, “There will be deed restrictions on the land in perpetuity and it would take a cataclysmic event to change that.”

Mr. Quinn concluded that it is the Planning Board’s intent, if it votes favorably on this minor subdivision, that the property will be kept in perpetuity as open space. Mrs. Sheehan moved to approve the application with the condition that the property will be

kept in perpetuity as open space. Motion seconded by Mr. Yevchak. All members present voted in favor.

On a motion by Mr. Barra, seconded by Mr. Yevchak, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Barbara Knapp