

February 18, 2008

A Work Session of the Allendale Planning Board was held in the Municipal Building on February 18, 2008. The meeting was called to order at 8:35 p.m. by Mr. Quinn, Chairman. 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. Barra, Mr. Bernstein, Mr. Fliegel, Mr. Sirico and Mr. Yevchak. Mr. Gravina, Mr. Herndon and Mr. Tatosian were absent. Mr. Dunn was also present.

Use Permit – Dr. Ted Campbell/Chiropractic Office
1 DeMercurio Drive
Block 1806, Lot 1

Dr. Ted Campbell was present representing the proposed Chiropractic office.

The previous use of the premises was by "Leadership U", a consulting service. Power will be provided by PSE&G and Rockland Electric. The number of employees will be two. Effluent or discharge will be for sanitary purposes. Parking requirements are three. A notice of publication was presented to Mr. Dunn who said it was in proper order.

Dr. Campbell does not have to meet any special requirements for his practice. There are licensing regulations for the profession but no requirements for the use of the space. No medications will be distributed. Dr. Campbell is planning to move his x-ray machine which must be inspected after the move. The space will consist of approximately 800 square feet. Currently he rents a 500 square foot facility in Ridgewood. There are fifty parking spaces available at the building of which three will be designated for his use.

Use Permit – The Pizza Guy, LLC
83 West Allendale Avenue
Block 1807, Lot 6

No one was present with regard to this application.

Use Permit – Borst Landscaping & Design/Storage and Parking
303 West Crescent Avenue
Block 904, Lots 10 & 11

Mr. Mark Borst was present representing Borst Landscaping and Design.

Mr. Borst said he is proposing to rent a 3000 square foot rental for storage of equipment and supplies at the Foreit site. Water will be used for sanitary purposes. Effluent or discharge will be for sanitary purposes. Parking will be available for ten vehicles. Electricity will be used to light the warehouse. No employees will be working out of this location.

The warehouse will be used as storage facility for off-season equipment. Snow plows will be housed there in the summer and lawn maintenance equipment will be stored there in the winter. The site will be accessed twice a day with respect to parking. The warehouse and parking lot are located across the street from the town's compost facility. Vehicles will be parked behind the building or where designated by code. There will not be any disruption to the neighborhood. There will not be any stockpiling of materials. There will also not be any loading and unloading of materials. If this application is approved by the Board, Mr. Borst will enter into a lease agreement.

Request for Amendment to Major Subdivision Approval – John Sebastian

Mr. Quinn said Mr. Sebastian is requesting an amendment to the major subdivision approval he previously obtained. The reason for the amendment is due to an administrative change rather than a substantive change. No public hearing is required for this action. Mr. Sebastian is asking to be excused from the Board's condition to seek approval from the NJDEP regarding wetlands on the property.

When the application was approved by the Board, Mr. Sebastian's engineer had suggested this action. After that time Mr. Sebastian hired Dr. John Crow of C&H Environmental, Inc., who reported that the site is upland and no regulated wetlands appear on the site. Mr. Sebastian agreed to have a specialist from Dewberry also evaluate the property with regard to the presence of wetlands. That individual agreed with Dr. Crow that there are no regulated wetlands on the site.

Mr. Gary Indyk had originally raised this issue when he had an environmental specialist review the site. Mr. Jay Atkins, formerly the attorney for Mr. Indyk was present and said he would fax a copy of the new report to Mr. Indyk the following day.

Mr. Dunn will prepare a Resolution for the Regular Meeting of the Board on Thursday, February 21, 2008. He noted that Mr. Sebastian should be in attendance that evening or respond formally to the Board in writing.

It was further noted that Mr. Sebastian has been clearing the property of trees and brush from the property even though he does not have the approval to do so. It was stated that he is doing so at his own risk.

Request for Assignment of Developer's Agreement

Mr. Jay Atkins was present representing Mr. Freeman. He stated that he was in attendance to ask for approval of assigning the development rights obtained by Mr. Freeman, to Garden Homes. Representatives of Garden Homes were present and it was noted they had previously met with Mr. Yakimik and Mr. Barra.

Mr. Dunn stated that the Developer's Agreement includes a provision to assign the agreement. The assignee is subject to the terms of the agreement and the Resolution of Memorialization. Also, the Planning Board must provide written agreement to the

change. The only grounds to deny the assignment would be if the new assignee refuses to comply with the terms of the agreement.

Mr. Scott Loventhal was present representing Garden Homes. Mr. Loventhal stated that Garden Homes will post all the necessary bonds, guarantees and assume all obligations. Garden Homes is a Short Hills, New Jersey based company. They have been building for fifty years in areas all over the state and have never defaulted on a developer's agreement. Mr. Loventhal said they will post the performance bond and will pay any taxes at closing that have not been paid.

They are looking forward to proceeding in Allendale and will begin construction with appropriate weather in the Spring. Mr. Loventhal said there is a market for the product that they will build. The architect and engineer who began the project will continue to work with Garden Homes, and the look and layout of the units will remain virtually the same as when they were approved. He added that what the Planning Board agreed to will be what they will receive. Ultimately Garden Homes will manage the twelve Mt. Laurel units on the site. They have the funding available to proceed with the development without having a single unit under construction and they do not need pre-sales before the construction begins.

Mr. Loventhal said their marketing studies show that the type of unit that has been approved has a place in this market. This is a multi-year development which may create initial interest and then slow down to pick up again later. They will not act as a lender to individual buyers. All the site improvements will be constructed at one time with the exception of the interior roads. Any disturbed areas on the site will be stabilized and made to look presentable until market conditions change to spur more building.

Mr. Barra said he previously met with Mr. Loventhal and he was impressed with Garden Homes and their intent to make Allendale proud of the development. He believes Garden Homes is a good operation and he is looking forward to working with them.

Mr. Dunn said there will not be a public hearing on this issue on Thursday, February 21st, and the applicant's presence is not required at that time.

Minor Subdivision – Mariconti Phillips-Gossweiler

679 Franklin Turnpike
Block 910, Lot 10

Mr. Fliegel recused himself because he knows the applicants personally.

Mr. Dunn noted that there is no quorum requirement for a completeness review.

Mr. Jay Atkins was present representing the applicants. Mr. Bruce Rigg was in attendance as the Engineer for the applicants.

Mr. Yakimik, Municipal Engineer, said the application should be deemed as a minor subdivision because it involves only two lots. The scheduled checklist is complete except for the following items:

Schedule "A" – General Requirements

- Mr. Yakimik said the applicant should provide a certificate from the Borough Tax Assessor that all taxes and assessments on the property have been paid. Mr. Quinn indicated there was some confusion about whether the taxes have been paid to date. This item will be re-examined before Thursday's meeting of the Board.
- The Applicant should provide a receipt that all fees and escrow deposits are paid pursuant to schedule. Mr. Atkins responded that he had delivered two checks. His checks will be the receipt and this item has been satisfied.
- The Engineer recommended that the Board consider the necessity for a "Wetlands/Transition Area Investigation Report" as being completed.

Schedule "B" – Plot Specifications for Site Plans and Subdivisions

- The applicant will provide a metes and bounds description for the parcel in question.
- After discussion the Engineer recommended that the Board consider a waiver for providing the existing topography within 200 feet of the property in question.
- The Engineer recommended the Board consider a waiver for the requirement to provide an aquifer recharge area because of the size of the subdivision.
- The Engineer asked that the applicant show the location of the existing structures within 50 feet of the site. Specifically information is needed on the dwelling located at Lot 11 and how far it is from the property line.
- The Engineer recommends a waiver on the requirement to provide information on wells and septic systems within 100 feet of the site. This is due to the fact that the information is not available from the town's Health Department.
- The width of the existing driveways and streets within 50 feet should be indicated on the appropriate drawings.
- Mr. Atkins stated that a Soil Erosion and Sediment Control Plan has been completed and copies will be provided to the Engineer.
- Waiver statements have been provided informally to the Engineer which Mr. Yakimik said will be adequate.

- Copies of the Soil Erosion and Sediment Control have been submitted to the Bergen County Soil Conservation District. Confirmation of that will be provided to Mr. Yakimik by Mr. Atkins.
- Mr. Yakimik recommended that the applicant receive a waiver for the need for an Environmental Impact Statement due to the size of the development.

At the Regular Meeting on February 21, 2008, the application will be deemed complete subject to the submission of the missing items noted above. Items must be submitted by March 10th in order for the applicant to proceed at the Work Session of the Planning Board on March 17th.

There was a discussion about two potential variances on this application. Based on responses from Mr. Atkins, it appears neither of these situations will result in a variance.

Mr. Dunn stated that no public hearing is required for a minor subdivision, and public notice is not required either. There are no off site improvements on this application and there are no variances.

Mr. Yakimik requested that the Board Secretary assign this application a docket number rather than referring to it by name. The application will be on the agenda for the March 20th meeting for formal action if the requested information is received by the Board on or before March 10th.

Mr. Sirico moved, seconded by Mr. Yevchak to deem the application complete subject to the submission by the applicant of items that have been requested to be provided by March 10th. Those items have been specified in the Municipal Engineer's report of February 18th. The application is deemed a minor subdivision and the applicant is authorized to proceed with the application at the March 20th meeting of the Planning Board.

On roll call, Mr. Barra, Mr. Bernstein, Mr. Quinn, Mr. Sirico and Mr. Yevchak voted in favor. Mr. Fliegel previously recused himself from this application.

Appointment of Professionals

On Thursday night the Board will appoint an Attorney, a Planner and an Engineer. It was noted that "Pay to Play" forms must be in place before that evening.

Discussion of Bylaws, Procedures and Related Check Lists

Mr. Bernstein recommended to the Board that if the Board hasn't been practicing in accordance with directives in the book by Cox that they should be.

Mr. Barra asked if the new Rules and Recommendations would replace the former Bylaws. It was agreed by the Board that they would. The old Bylaws will be deemed null and void.

Mr. Dunn stated that the Rules and Recommendations address two areas of concern to the Board, their internal operations and operating procedures for applicants.

There was a discussion of whether the Board wants Standing Committees. It was decided that the passage will read that Standing Committee "may" be formed. This wording eliminated their necessity for Standing Committees because several members of the Board indicated a desire for all members of the Board to be involved in all phases of the applications before them.

Mr. Yakimik suggested updating the checklist to remove ambiguities. He volunteered to review the checklists of other towns.

A change was made to the suggested policy of having two members submit a written request for a special meeting. It was decided that a special meeting would be held after a majority vote of the members of the Planning Board.

With regard to attendance it was decided that the absence of three consecutive regular session meetings would be reason for dismissal unless the issue is excused by a majority of the members.

The practice of the Board shall be for the applicant to be responsible for all fees and costs related to holding a special meeting.

There was discussion about enforcing the time frame for applications to be turned in. It was recommended that applications should be turned in ten days in advance as recommended by statute. They will also be acted on within statutory time frames.

On a motion by Mr. Sirico, seconded by Mr. Fliegel, the Board voted unanimously to adjourn at 11:30 p.m.

Respectfully submitted,

Gwen McCarthy
Recording Secretary