

April 16, 2015

A regular meeting of the Allendale Planning Board was held in the Municipal Building on April 16, 2015. The meeting was called to order at 8:05PM by Mr. Quinn, Chairman, who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following members answered to roll call: Mr. Quinn, Mr. Scherb, Ms. White, Mr. Sasso, Mr. Bonifacic, Mr. Sirico, Ms. Sheehan, and Mr. O'Connell. Mr. Zambrotta arrived at 8:13PM. Ms. Checki was absent.

Mr. Bonifacic was sworn in as a new member of the Board.

On a motion from Mr. Sirico, seconded by Mr. Scherb, the minutes from February 19, 2015 were approved. Mr. O'Connell abstained from voting as he was not present at that meeting. There was no March meeting of the Planning Board.

Mr. Quinn said that Ms. Sheehan had resigned her position as Board Secretary as she is moving out of Allendale. Therefore the Board will need a new Secretary. Mr. Quinn said that the Board Secretary signs all of the documents along with the Chairman. Mr. Quinn asked if anyone was interested in being Secretary but no one responded. He asked the Board members to consider becoming Secretary and the Board would discuss it at the next meeting. Mr. Quinn mentioned that the Mayor is actively recruiting new members to the Board and Ms. White said that she is hopeful that she will have a new candidate for the next meeting.

Mr. Quinn asked Mr. Dunn to read the Resolutions in regards to appointing the Borough Officials for the year 2015 which included Mr. Ed Snieckus as Board Planner, Mr. Mike Vreeland as Board Engineer, and Mr. Timothy Dunn as Board Attorney. Copies of the Resolutions are on file at the Borough Hall. Mr. Dunn noted that the Borough has already hired Mr. Vreeland at the Borough Engineer. On a motion from Ms. White, seconded by Mr. O'Connell, Mr. Vreeland was appointed Board Engineer for the year. On a motion from Mr. O'Connell, seconded by Mr. Zambrotta, Mr. Snieckus was appointed Board Planner for the year. On a motion from Ms. White, seconded by Mr. Sirico, Mr. Dunn was appointed as Board Attorney for the year. Mr. Dunn thanked the Board for being appointed and expressed his appreciation for the commitment of the various members over the years. He has been the Planning Board Attorney for forty-six years or since 1969. Mr. Quinn thanked him for his many years of service. He mentioned that the Board has excellent professional support. Mr. Quinn also thanked Ms. Sheehan for her volunteerism to the Board.

Mr. Quinn said that the item on the agenda was the impact of the New Jersey Supreme Court COAH decision. Mr. Dunn gave a brief history of the Mount Laurel decision that was decided back in 1986. The Supreme Court has indicated that the State of New Jersey under the Constitution has a duty to provide affordable housing. Each municipality is responsible for

having the housing. The municipalities wanted some guidance and the State created the Council on Affordable Housing or COAH. The Council functioned quite well depending on your views of affordable housing. They established first and second tiers of allocation to the municipalities. Allendale began years ago with the Jomack litigation where a builder came in and said the Borough had not complied and sued the Town and obtained a builder's remedy which was designed to be a reasonable opportunity for development. Allendale responded to the litigation by being certified in the first round and continued with the second round later. Allendale has achieved third round certification and is one of the few municipalities in the State to accomplish this already. In the interim COAH ceased to function as designed and the New Jersey Supreme Court became impatient and a month ago the Court decided that there would be a ninety day period where the municipalities have to determine what their plan will be. They have to get approval of their plans in Court. In Bergen County Judge Menelaos Toskos has been appointed to be hearing the applications. Mr. Dunn asked Ms. White to add what Allendale's plan is right now.

Ms. White said she has met with the Borough Attorney Ray Wiss and COAH Planner Mary Beth Lonergan. The Supreme Court issued a ruling on March 10th to allow ninety days for the Boroughs to get together with their attorneys and planners to discuss COAH plans that will be presented in court to Judge Toskos. There will be thirteen districts with thirteen COAH judges across the State. This is because of the inaction on the part of the Legislature to enforce the COAH Board to come up with rules and regulations. Ms. White continued that it was a sad day for Allendale as they will be using COAH funds to report back to Court where the entire process started. The towns have from June 8th to July 8th to file a declaratory judgment and ask the Superior Court to approve the fair share housing plans. We are one of seventy towns in the State of New Jersey that have third round certification. Ms. White said that Allendale should be at the top going through the courts. The problem that she sees is that the Town has to come up with a number towards that fair share housing. The Fair Share Housing Board is an advocacy group for affordable housing and came up with numbers that the Board did not adopt. The Fair Share Board came up with the number of 401 units for affordable housing in Allendale. Currently Allendale has between 2100-2200 homes in town. Allendale has done the plan and has gotten the third round certification and has started building. Allendale has thirty-seven special needs housing, senior housing, and has 158 units and 4 rehab units that the town has received credit for to date. Now they have to go back to the Courts and be recertified. Mr. Wiss and Ms. Lonergan have looked over the Court filings and members of the Council will be meeting with them to discuss the next steps. Jackie McSwiggan is the Council COAH representative. We have to come up with a number in Allendale to take to the Courts to have certified. We have money in our COAH fund as when a person comes in to get a permit for building a percentage of that money goes to the COAH fund. Now this money has to be used to pay for our planner and attorney to go back to the Courts to go through the legal process. A lot of towns are not in good shape and we have taken the lead. We are hopeful that the courts will look favorably on us because we are ahead. Although Allendale will go for the declaratory judgment between June

and July Ms. White said she did not feel they would be in Court any time in the near future. There will be many municipalities filing. We need to look at vacant land and possible land that could be developed in the future. Angela Mattice our tax assessor is putting together a list of possible properties down the line. They will come back to the Board with what they finally come up with and get the Board's approval. Eastern Christian is building a house on Crescent Avenue and the Borough has agreed to make a contribution from our COAH funds towards the building of the property in exchange for five COAH credits. We are still continuing the process. Ms. Sheehan asked where they got the 401 units. Ms. White said it was out of the air as the COAH Board said there was a need for 30,000 units in the state and Fair Share Housing Board said it should be 177,000. The numbers just don't make sense.

Mr. Dunn said that his firm has noticed that all the towns were given large allocations. Since the advocacy group gave those numbers there are many other perspectives on what the numbers should be for the towns. He asked Ms. White if Ms. Lonergan had expressed an opinion on the large number allotted and on how many units the town currently has developed under the third round of certification and whether that would be enough. Otherwise the town has to put in approximately another 250 units. He added that the Council and the Planning Board had spent so much time on all of this already.

Ms. White said that no one has any idea on how to come up with a calculation. Ms. Lonergan feels that the number they have had in the past will probably not hold and that it is not an appropriate number. So they are going to do the vacant land calculation that might come available down the road like behind Rohslers Nursery or behind Guardian Angel Church. Ms. White said Ms. Lonergan suggested continuing to be proactive through the process. Mr. Dunn commented that there is no standard and Ms. White agreed.

Mr. Quinn asked if there was anything legislative action happening and Ms. White hadn't heard anything but said she felt something would probably have to happen in the future. Mr. Quinn questioned what the role of the Board would be and suggested certifying what the Council decided as it would look better in Court and Ms. White agreed. Ms. White said she would be meeting with Ms. Lonergan and Mr. Wiss in the near future. Ms. White said she is leery about going too far as she doesn't want to overdue this in Court. She continued with the fact that she is happy where the town is now in the numbers and would like to stay in that general range. Mr. Sasso stated that Allendale has been a role model. Mr. Quinn agreed that keeping the number lower than 401 would be a better way to go in Court. Ms. White said the town has a building moratorium because of water allocations from the DEP. Mr. Dunn said that if a town doesn't file the town would be open to the builder's remedy. Ms. White said the judges would be retrained as they are the original judges from years ago. She added that Upper Saddle River is only one of two of Allendale's neighbors that are third round certified and many of the local towns are struggling with it. Mr. Quinn reminded Ms. White that the Board would only have two more meetings before the July 8th date. Mr. Dunn said the housing and land use elements of the Master Plan might be affected by the decision.

Mr. Quinn asked if any board members had anything to report. Ms. White reminded everyone on the Board to fill out their financial disclosure elements. Ms. White said that Northern Highlands Regional High School has accepted a donation from the Sports Association for new lights. It should be interesting to see how it all plays out in the near future. Ms. White said she has asked the Borough Attorney how the Borough would be involved or not involved and will probably reach out to Mr. Dunn. Mr. Dunn said he spoke to Mr. Wiss earlier in the day.

Mr. Sasso and Ms. White said that the Council has passed some ordinances recently and the Land Use Committee is also working on quality of life issues. Ms. White said that because they have a new Code Official he is looking at things that he has seen since he has started. Mr. Quinn said that some of the Planning Board forms will be updated in the future. Mike Vreeland said they are updating permit forms too. Mr. Sasso said the new engineer and head of DPW are working out well.

On a motion from Mr. Zambrotta, seconded by Ms. Sheehan, the meeting adjourned at 9:05PM.

Respectfully submitted,

Diane Knispel