

August 20, 2015

A regular meeting of the Allendale Planning Board was held in the Municipal Building on August 20, 2015. The meeting was called to order at 8:03PM 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, Ms. White, Mr. Sasso, Mr. Sirico, Mr. Zambrotta and Ms. Checki. Mr. Scherb, Mr. Bonifacic, Mr. O'Connell, and Mr. Daloisio were absent.

On a motion from Mr. Sirico, seconded by Mr. Sasso, the minutes from June 18, 2015 were approved. Ms. White, Mr. Zambrotta, and Ms. Checki abstained from voting as they were not present at that meeting.

The first item on the agenda was for a Resolution recommending adoption of Ordinance 15-11 to amend, supplement, and revise Chapter 270 of the Code entitled Zoning. Mr. Quinn asked Mr. Sasso for some input on the Ordinance. Mr. Sasso said the Ordinance has been designed to alleviate solar power farms on properties with solar panels. They can only make power for their own consumption. However solar power can be resold back to the power company. Ms. White added that it was important to show this Ordinance to the Fire Code Official and the Fire Chief to get their input. No solar power will be allowed on parking garages or lawns and Allendale borrowed a lot of information from other towns that have similar Ordinances. Mr. Sirico liked the definitions and asked how prevalent solar power was in Allendale. Ms. White replied that it was not prevalent as most solar companies are not licensed to sell in New Jersey at this time as they are getting big rebates in New York. Mr. Sirico asked if the Ordinance included commercial solar power and Ms. White said it probably would be both residential and commercial. Mr. Sirico gave William Paterson University as an example of an institution that is local which has a lot of panels. Mr. Sasso said the Ordinance also has the angle and pitch of the panels listed. Mr. Zambrotta asked how much could be sold back or what was defined as a small portion that could be sold back as he was worried about technology advancing and depending on what the square footage is they could sell a lot more back. Mr. Sasso said he wasn't sure but the goal is to limit the panels and not become a power company on your own. Ms. White added that the Ordinance prohibits sales for commercial purposes or the power cannot be used as solar farm. The goal was to power homes without making a money operation out of it. Ms. White stated that the Council did not want solar farms but was not prohibiting selling back power to the company. The Council wanted some flexibility in the Ordinance. Mr. Sasso said if you are talking about the letter of the law versus the spirit of the law this would be more about the spirit of it for residential use. Mr. Sasso said he didn't think anyone was going to calculate how much someone is selling back and Mr. Quinn agreed. Mr. Sirico asked about residents questioning the Ordinance under the more capacity than needed part and selling it back to the power company. Ms. White responded that it was written for today and the Ordinance can be changed or updated

in the future. Ms. Checki said she didn't see many properties with solar opportunities or capabilities as most properties are dominated by too many trees.

On a motion from Mr. Sasso, seconded by Mr. Sirico, the Resolution recommending adoption of Ordinance designated as number 15-11 to amend, supplement, and revise Chapter 270 of the Code of the Borough of Allendale entitled zoning was approved. A copy of the Resolution is on file at the Borough Hall.

Mr. Quinn asked Ms. White for an update on the Council on Affordable Housing (COAH) as the Town had to make a filing by July 8th. Ms. White said Allendale is applying for relief from a builder's remedy until the COAH Board determines what the number of housing units needs to be for Allendale. Mr. Quinn stated he was pleased that the Town did not suggest a number. Ms. White said that the Fair Share Board put the number of units for Allendale at 401. There is now a competing analysis being done at Rutgers University and the Town is waiting to see what their number is for affordable housing. Judge Toskos will decide what the number is for the Town. There are thirteen COAH appointed attorneys. There is nothing to vote on this evening and when Allendale receives the number of units needed the Council will get back to the Board. Mr. Quinn added that the Board would have to update the Master Plan. The town is looking at available land and land that is open space but not available. Ms. White added that there is a home being built on West Crescent Avenue that will hold five special needs people.

Mr. Quinn asked about the Board of Adjustment meeting that occurred last month. Mr. Dunn and Mr. Sirico attended the meeting. Mr. Dunn gave an update. Mr. Dunn stated that he represented the Planning Board at the Board of Adjustment meeting letting the Board of Adjustment members know that in regards to the lights they should not decide about the res judicata as there is no new application in front of the Board to compare it to the old application. Therefore if the Board did hear the part about res judicata they might destroy what was decided before and need new hearings. The applicant thinks he has enough evidence from papers collected to say it would be the same portable lighting. The question is whether the portable lighting is considered a structure or not. The Board of Adjustment determined that they would not hear the part about res judicata. The Board of Adjustment is hearing the part about portability and structure. Ms. Checki asked if they have had portable lights and was told they have had them for fifteen years and so she asked what makes these lights different now. Mr. Dunn said it was a good question as he was not sure if there is a distinction between what they are purchasing and what they have in place now which is what the Board of Education is probably thinking. He added that the Borough may have options. Mr. Sasso said it was preemptive but understands why they are doing this now. Mr. Quinn asked about height and Mr. Dunn said that it would be an issue under the bulk variance versus the use variance.

Mr. Quinn asked if anyone had anything else to add and Mr. Sasso said that a realtor called on behalf of the 200 West Crescent Avenue property which is between Savini's and Black Millwork. The question was on Zoning and how to change Zoning from residential to

commercial. Mr. Sasso explained to the realtor about Spot Zoning and told the realtor to come before the Planning Board. Ms. White added that the inquiry was based on having a dental office there. Mr. Sirico said the enhanced light on West Orchard and Franklin Turnpike looks good. Ms. White said the Crescent Avenue Bridge is on schedule as of right now.

On a motion from Ms. White, seconded by Ms. Checki, the meeting was adjourned at 8:40PM.

Respectfully submitted,

Diane Knispel