

December 16, 2010

A regular meeting of the Allendale Planning Board was held in the Municipal Building on December 16, 2010. The meeting was called to order at 8:20 p.m. 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 roll call: Mr. Quinn, Mr. Sasso, Mr. Sirico and Mr. Walters. Mr. Barra and Mr. Fliegel arrived at 8:25 p.m. Mr. Yevchak arrived at 8:55 p.m. Mr. Bernstein, Ms. Sheehan and Mr. Zambrotta were absent. Also present was Mr. Dunn, Board Attorney and Mr. Snieckus, Borough Planner.

Mr. Dunn said the public was not noticed with regard to the adoption of the master plan this evening so the Board will not be able to act on it tonight. The matter will be carried to the January 20 meeting. Mr. Dunn said notice should be given again to the adjacent municipalities and the County and notice will have to be given to the public via publication in the newspaper.

Mr. Sirico moved, seconded by Mr. Walters, to approve the schedule of meeting dates for 2011. On roll call, all Board members present voted in favor.

With regard to the minutes of November 18, Mr. Snieckus said his comments on page 3 should be amended to read: "He believes the Board of Education site should revert back to the education land use." Mr. Sirico moved, seconded by Mr. Walters to approve the minutes as amended. On roll call, Mr. Fliegel abstained. All other Board members present voted in favor.

Discussion of Master Plan

Mr. Snieckus said the most recent copy of his master plan document is dated December 1, 2010. At the last meeting there were some changes made to the document. One of the things that was left as a question for the Board to pursue were inconsistencies found in tables 11 and 12. Table 11 listed no employees under Agriculture, farming, fishing and forestry occupations whereas Table 12 includes mining in that category and lists 22 and 7%. The reason for the difference is mining is included in Table 12 and it might refer to digging and earth moving as found in the construction business.

Mr. Snieckus said the other comments that he had to address were all minor in nature. He asked the Board for any other comments they might have.

Mr. Quinn said on page 3 he noted Mr. Herndon is no longer a member of the Planning Board and to date there has been no replacement. On page 5 there is a bullet at the bottom of the page which says a statement of goals, objectives and policies is mandatory as part of the legal requirements. Mr. Quinn said it took him a while to find section 5.0 where the actual goals are stated. In the old document the statement was up front where it was much easier to see. He suggested that it could be made more clear in the table of contents. He wants to make sure that readers can easily find the goals and objectives.

Mr. Quinn said on page 12 he circled item No. 4 which talks about criteria such as permitted uses in non-residential zones and parking standards which represent examples of standards that require re-evaluation to see if they are up to date. Mr. Snieckus said they need to be reassessed periodically so they reflect contemporary standards. He added, "We want to make sure that we still represent uses that would be deemed appropriate in the Central Business District because of changes in the commercial market place. As far as parking standards are concerned that was more of a global statement that parking should be re-evaluated to make sure it represents contemporary standards.

Mr. Walters asked how does that relate to the fact that all of our main street businesses will not comply to parking codes. Mr. Snieckus said the Board has to decide whether it wants to change that for specific types of use. He is looking at things like restaurants or religious institutions and how much parking will be needed for those types of facilities so the ordinances represent contemporary standards for those requirements. He said the Board is going to be dealing with the time of decision rule this year. He believes that on May 1 of this year if we have something on our books that is a specific regulation such as a parking standard, as soon as someone makes an application we are bound by that parking standard.

Mr. Snieckus said on page 15 under item 2, the words "is required" should be added to the end of the sentence.

Mr. Quinn said under item 6, "Pre-existing Non-conforming Uses in Residential Zones" his recommendation would be to include a real example such as the Allendale Nursing Home where that non-conforming property turned into 3 residential homes. He would like to strengthen it by showing instances where these types of non-conforming uses actually became conforming. He said the Foreit property might be another example. Mayor Barra said this received final approval by the Board of Adjustment last night. The question came up does it remain in the same zone which is the D zone. He said he believes our master plan and housing element for affordable housing will in fact be changed.

Mr. Snieckus said the Board looked at the land use plan map at the last meeting and discussed this and said we should make it multifamily which sets the ground work for defining it in the zoning ordinance as a specific multifamily zone. Mayor Barra asked if it could be a Mount Laurel zone. Mr. Snieckus said it could be. In this master plan it has been designated as mixed multifamily and that is correct because now the Zoning Board has approved a multifamily development on the property. From that point an ordinance can be prepared to say these properties are rezoned to a specific zoning designation. That ordinance can start at the Council or at the Planning Board as a recommendation to the Council.

Mayor Barra said the property is deed restricted and what should we do now that it has been approved. He pointed out that someone had asked at the Zoning Board meeting about what could be done if someone wanted to start a business. His reply was that first of all, it is affordable housing and secondly, there are deed restrictions because funding will be received from HMFA. He is concerned about the term "multifamily". He asked Mr. Dunn if we should designate it as an affordable housing site rather than a multifamily site. By accepting the funding, the Borough has the obligation of the deed restriction. Mr. Snieckus said this is going

to be multifamily by the true definition. The densities are not necessarily prescribed in the land use plan. It just identifies it for multifamily housing. The ordinance then takes that as the base from which to build the actual recommendations of what the densities should be and what the setbacks and other requirements are. If anyone decides to add on to that building they would have to come back to the Zoning Board and deal with a use variance application again because the use is not specifically permitted in the zone. Since we have started in the master plan with the base as multifamily, we can then craft an ordinance that would respond to that designation and prescribe the specific density for that development, the setbacks and height, etc. Mayor Barra asked if this should always be kept as an affordable housing site. Conceivably in 30 years it could be converted into market rate since who knows where the Affordable Housing issues will be by then. Mr. Snieckus said in the future if you would want to make that change then it is an amendment to the master plan and an amendment to the zoning ordinance to allow that alternative to occur.

Mr. Fliegel asked if the Board of Adjustment gave variances for all of the lots or just one lot. Mayor Barra said they approved a site plan that merged four lots into two lots. Mr. Fliegel said he thought that was something the Planning Board was required to do. Mayor Barra said the Council had a long discussion as to where that would take place and it was decided that it would go to the Board of Adjustment because it was dealing with variances and they could deal with both.

Mr. Quinn asked if an example should be made to strengthen the fact that the Borough has nonconforming uses that actually come back into conforming uses such as the former nursing home property and the Foreit property which came back into residential usage. He suggested that another example of the acquisition of open space on page 18, Item 1 is the Powell Rd. or former Levin property.

Mr. Fliegel asked if the requirements are staying the same in the D zone. Mr. Snieckus said that is correct. Mr. Fliegel said there was some mention of an overlay and whether it was put into the master plan or just done through ordinance by the Mayor and Council. He asked if we are taking out mention of an overlay of multifamily in the D zone. Mr. Snieckus said what was recommended is that the overlay be removed because it is no longer applicable. It was applicable for a prior housing plan.

Mr. Sasso said on pages 26 and 27 there is an inconsistency with the number of employed residents in tables 11 and 12. Mr. Snieckus said he will check the numbers. Mr. Quinn asked when does the new census data become available. Mr. Snieckus said it will be available next year. Mr. Walters said an amendment could be added to the master plan with the 2010 census information. Mr. Dunn said as many times as the master plan is enacted there will be information that will change and a zoning issue will come up that is not encompassed in the recommendations or is contrary to the master plan. He said you do not amend a master plan. It is a broad guide to the development of the community. You amend your ordinances and address such issues in that way. As far as addressing changes to the Open Space and Recreation plan, there has to be a significant or profound change in policy.

Mayor Barra asked if anything further has been done to increase the time frame to 10 years for the master plan. Mr. Snieckus said this is still in the discussion stage.

Mr. Quinn said the Board received a letter dated December 15 from Bruce Rohsler, a resident of the Borough. He seeks to continue to use his property as he is currently using it and is asking the Board to take that into consideration when it finalizes the master plan. Mr. Quinn said he believes the status would be the same since it is a nonconforming use. Mr. Snieckus said the existing use is commercial because of the retail activity. Mr. Quinn said he believes the Board is comfortable with the existing status of the nonconforming use in a residential zone. Mr. Rohsler is welcome to come to a public hearing and state his views.

Mr. Sirico said the Board has said it does not want any extension of the commercial zone on Franklin Turnpike and Crescent Ave. He asked if there is any concern about anything occurring on Myrtle Avenue since there are some commercial uses there. Mr. Quinn said it is his suggestion that the commercial uses are not extended on Crescent Ave., Franklin Turnpike or Myrtle Ave. Mr. Snieckus asked where are the most likely locations where it could expand. Mr. Sirico said probably on Myrtle and Mr. Walters suggested Myrtle and Crescent at the intersection.

Mr. Quinn said he feels we should keep Franklin Turnpike and Crescent Avenue in and if the board feels Myrtle Ave. is worthy of mentioning he does not have an objection to including it. Mr. Snieckus agreed that he can see Myrtle Ave. as one of the streets where there may be pressure to expand commercial operations.

Mayor Barra asked why can't we simply say not to expand the commercial zone beyond the parameters of the designation set forth on map #2. Mr. Snieckus said he defined the boundary around what he thought was the Central Business District for our discussions that we had when we invited the store owners to the meeting. The C-1 and C-2 zones are the defining zones of the Central Business District. Mr. Walters asked if this opens up everything within that boundary to be converted to commercial. Mr. Snieckus said everything within that boundary is already subject to that. Mayor Barra said the boundaries on the map are sufficient and we should not have to define it by naming streets. Mayor Barra asked if there were any comments from the business people indicating that they would be adverse to this. Mr. Quinn said the business community basically talked about the adequacy of parking within the district. There was also discussion about the New Jersey Transit parking lot.

Mr. Quinn said Mr. Snieckus will take this evening's comments and make revisions for the January meeting.

On a motion by Mr. Sirico, seconded by Mayor Barra, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Barbara Knapp