

December 18, 2014

A regular meeting of the Allendale Planning Board was held in the Municipal Building on December 18, 2014. The meeting was called to order at 8:00 PM 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. Sirico, Ms. Sheehan, Mr. Scherb, and Mr. O'Connell. Mr. Barra, Mr. Sasso, Mr. Walters, Mr. Zambrotta, and Ms. Checki were absent.

On a motion from Mr. Sirico, seconded by Mr. Scherb, the minutes from October 13, 2014 and October 16, 2014 were approved. Ms. Sheehan abstained from voting for the minutes from October 16, 2014 as she was not present at that meeting.

Mr. Kevin Burnett was formally introduced to the Planning Board as the new Code Official in the Borough of Allendale. Mr. Quinn welcomed Mr. Burnett to Allendale and told him the Board looked forward to working with him in the future.

Mr. Quinn said the first matter before the Board was a Resolution of Memorialization for Christine Van Teyens from 38 Elm Street, Block 1809, Lot 11. The Resolution was to dismiss her application without prejudice. Mr. Dunn said the application was to subdivide a property into two lots with a couple of variances. Mr. Dunn stated that Ms. Van Teyens was not ready to pursue the application yet and asked the Board to keep the application open but inactive. Mr. Dunn responded to her in a letter which is enclosed with the minutes that states the Board cannot put an application aside due to provisions in the MLUL which stipulates that applications with variances be heard within a ninety day period. The Board can deny or dismiss the application without prejudice so that the applicant can come back to the Board about the same application. Ms. Van Teyens will not have to repost the escrow fees if she does come back to the Board within a year. If the applicant doesn't come back within a year the Board will send back any unused escrow fees. Mr. Dunn read the Resolution and a copy is on file at the Borough Hall. Mr. Quinn and Mr. Yakimik both added that there are wetlands on the property and Ms. Van Teyens may need to go to the DEP.

On a motion from Mr. Scherb, seconded by Mr. Sirico, the Resolution of Memorialization for Ms. Van Teyens was approved.

The next item on the agenda was the Major Subdivision, Execution of the Final Plat in Mylar form for Calvary Lutheran Church located at 165 West Crescent Avenue, Block 910, Lots 2, 17.01, 17.02. Tibor Latincics from Conklin Associates reintroduced himself to the Board. Mr. Latincics said he was before the Board to get signatures from the Borough Engineer and the Planning Board members. Mr. Latincics told the Board that he needed a signature on the final map from the Borough Engineer for technical merit before they send the copy to the County

Office for their signature. Once Calvary Church posts the performance bonds and designs the developer's agreement he would come back to the Board to get signatures for that part from the Planning Board members. He continued that once the Board signs the map then it has to be filed within a 190 days. Mr. Latincsics stated that they are here for just the signature on the preliminary plans and the final map needs a signature by the Borough Engineer.

Mr. Quinn asked Mr. Dunn for an explanation on what was needed. Mr. Dunn said he looked over the preliminary application and Resolution which was passed in March 2012 and the final application which was passed in August of 2014. There was a list of conditions that have not yet been met such as the developer's agreement. He spoke to Bruce Whitaker who is the attorney for Calvary Church and asked how the Planning Board could sign the final plat and plans without the conditions being met. Mr. Whitaker responded that it was not the final plat or plans but the preliminary plans that need to be signed. Further Mr. Whitaker said the plans are to be used to demonstrate to prospective developers what was decided and the developer who becomes the purchaser would be expected to post the bonds, performance guarantee, and developer's agreement. Mr. Dunn said that the Board could proceed under that understanding but because the bonds have not been posted the Borough Engineer should not sign the documents.

Mr. Latincsics said they are not asking for the signatures of the Chairman, Secretary, and Borough Engineer on the preliminary map. Mr. Latincsics told the Board that they had both preliminary and final approval and therefore are not asking the Board to sign the final map but rather the preliminary map in regards to technical merit. Then after the County signs the map Mr. Latincsics will be back for the other signatures. They are not rushing to file the map they just want to start the process. Mr. Dunn was concerned that no developer's agreement was signed but Mr. Latincsics said they had final approval. They had preliminary approval of the subdivision and met the conditions. They want acknowledgement that they have preliminary approval. Mr. Dunn said that the intent was for them to have compliance with the preliminary approval. Mr. Latincsics asked if they had preliminary approval and Mr. Dunn said yes. Mr. Latincsics inquired whether the preliminary map could be signed and Mr. Dunn said as long as it didn't require a borough official to sign or certify it. Mr. Latincsics said that certification only takes place on the final map. Mr. Yakimik interjected that the site plan did not need to be certified and said he was prepared to sign the one document. Mr. Dunn said that would be appropriate as long as it was not filed or recorded and Mr. Latincsics agreed. Mr. Dunn approved proceeding with the preliminary signatures. Mr. Yakimik said the map has all of the revised conditions that were in the Resolution and he could attest to that part. Mr. Yakimik told the Board which maps he could sign and which ones the Board could sign that evening. Mr. Dunn said the Board could sign the preliminaries of the major subdivision plan and the soil erosion control plan.

Mr. Quinn asked what the reason was for all of this signing of the preliminaries and was told it would help sell the property to a developer. Mr. Quinn said most of the time properties are sold to a developer before the Board sees the plans and the Church was doing this differently because

they haven't sold the property yet. Mr. Dunn reiterated that it was okay to sign the maps under these circumstances so the Board signed the maps.

Mr. James Thomas from 30 Arlton asked the Board if there would be any changes to the documents between now and when the documents are finalized and Mr. Quinn said no that the plans shouldn't change unless the future developer makes changes and comes back to the Board at a later date. Mr. Dunn added that the plans have already have been approved so they can't be changed at this point.

The 2015 meeting dates were approved by the Board. The Board will relook at the meeting dates next month as there will be a few new members joining the Board at that time.

Mr. Quinn wanted to thank Mayor Vince Barra for his many years of service on the Planning Board. He appreciated Mr. Barra's guidance and counsel over the past eight years. Mr. Quinn said he is looking forward to having Mayor-elect Liz White join the Board in January. Mr. Sirico also expressed his thanks to Mayor Barra and so did the rest of the Board. Mike Walters resigned from the Board so Mayor White will probably have to move up one of the alternates. Mr. Quinn said that there will be quite a few members whose terms will be up in January. Mr. Quinn will not be at the meeting in January so Mr. Sirico will preside over the meeting.

Mr. Quinn also wanted to thank Mr. Yakimik for his years of service to the Board. His full-time position is being eliminated and broken into two part-time positions namely Head of Operations and Head of Engineering. Mr. Quinn said he didn't know what that meant for the Board but was concerned about hiring an engineer per project as it is more consistent and easier for the Board to have permanent engineering advice throughout the process as he finds it invaluable. Mr. Yakimik said that it was a pleasure working for the Board.

Mr. Quinn asked if there was anything else that needed to be discussed and Mr. Yakimik said they are looking at a January 15th opening of Franklin Turnpike if all goes well with the weather in the next few weeks.

On a motion from Mr. Sirico, seconded by Mr. O'Connell, the meeting was adjourned at 8:45PM.

Respectfully submitted,

Diane Knispel



645 WESTWOOD AVENUE, SUITE 200
RIVER VALE, NEW JERSEY 07675
P (201) 664-0303 F (201) 364-5064
WWW.DBVLAW.COM

ALLAN P. BROWNE (1942-1996)
TIMOTHY J. DUNN, II*
JEFFREY W. VARCADIPANE*

OF COUNSEL
ALLAN P. BROWNE
PHILIP M. DUNN

*Members of NY & NJ Bars

AUTHOR'S EMAIL: TDUNN@DBVLAW.COM

December 10, 2014

Ms. Van Teyens
38 Elm Street
Allendale, New Jersey 07401

Re: Compliance with OPRA Request Planning Board Applications and Supporting
Plans; O.P.R.A. Request of Van Teyens

Dear Ms. Van Teyens:

With regard to the above matter, the Planning Board acknowledges receipt of your email correspondence of December 3, 2014. Unfortunately, because of the requirements of the Municipal Land Use Act, N.J.S.A. 40:55D-1, *et seq.*, the Planning Board is constrained with regard to its actions once applications are made. In particular, the Board must act on applications for development with variances within a ninety (90) day period, and it would be against the policy of the Board to maintain open, but inactive, applications. If the application is not yet ready to proceed, the Planning Board will deny or dismiss the application *without prejudice*. This will allow you to remake the application or to restore it when it is more convenient for you to proceed. Predicated upon your communication, we will propose a Resolution that the Board will adopt at the next meeting taking such action and permitting a restoration of the application within six (6) months without the need for additional fees. After that, any unused escrow will be returned.

If you have any questions, please feel free to call.

Very truly yours,

TIMOTHY J. DUNN, II

TTD:jn
cc: Kevin Quinn
John Yakimik
Building Inspector
Mayor Vinca Bara
Planning Board
David Bole, Esq.

