

January 20, 2011

A regular meeting of the Allendale Planning Board was held in the Municipal Building on January 20, 2011. The meeting was called to order at 8:10 p.m. by Chairman Quinn, 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, Mayor Barra, Mr. Bernstein, Ms. Sheehan, Mr. Sirico, Mr. Walters and Mr. Zambrotta. Mr. Fliegel and Mr. Sasso were absent.

Mr. Quinn said Councilman Strauch has been appointed as a regular Class 2 member of the Planning Board. He will replace Mr. Bernstein who will act as an Alternate member until the completion of the master plan. Mr. Bernstein was present this evening in Mr. Strauch's absence.

Mr. Quinn thanked Mr. Bernstein for his service on the Board and for staying on through the vote on the master plan.

Election of officers and appointment of professionals

Mayor Barra moved to appoint Timothy Dunn as Board Attorney; John Yakimik of Dewberry as Engineer and Edward Snieckus of Burgis Associates, Inc. as Planner for the year 2011. Motion seconded by Mr. Walters. On roll call, all Board members present voted in favor.

Mayor Barra said Robert Yevchak has formally tendered his resignation as a Board member. Mr. Yevchak indicated that because of the nature of his business he really has not had the time and has regretted the fact that he has had to miss meetings. He felt that it is not fair to the Board and the residents of Allendale for him to continue because his job has changed considerably and so he thought it best to step down. Mayor Barra thanked Mr. Yevchak for his service and said he was a real asset to the Board. He has appointed Tom Zambrotta to take his place and that will become effective at next week's council session. He will appoint an alternate member to take his place as soon as an appropriate candidate comes forth.

Mr. Quinn thanked Mr. Yevchak for his service to the Board and welcomed Mr. Zambrotta as a permanent member as well.

Mayor Barra moved to appoint the current slate of officers to serve for the coming year as follows:

Mr. Quinn, Chairman

Mr. Sirico, Vice Chairman

Ms. Sheehan, Secretary

Motion seconded by Mr. Walters. On roll call, all members present voted in favor.

Mr. Sirico moved, seconded by Mr. Walters to appoint Barbara Knapp as recording secretary. All Board members present voted in favor.

Mr. Quinn said since the work session minutes of December 13 were just distributed to the Board this evening, action was tabled until the next meeting.

Mr. Walters moved, seconded by Ms. Sheehan to approve the minutes of the December 16 regular meeting. On roll call, Mr. Bernstein and Mr. Zambrotta abstained. All other Board members present voted in favor.

Public Hearing – Review and adoption of Master Plan

Mr. Quinn said Mr. Snieckus and the Board have worked on this master plan for about a year. The Board will hear public comment this evening and move to a vote if there are no major changes to be made. The last master plan was adopted in 2005 and this will be an update of that plan. A couple of new elements have been added that were voted on in previous months – an open space and recreation plan and a sustainability element. This current edition carries forth some of the traditions and thoughts and ideas from the prior plan.

Mr. Dunn said he has reviewed the notices to adjacent municipalities, the County and the publication in the newspaper and they are in order.

Mr. Snieckus said the Board has worked on this plan since September of 2009 when this process was started. They reviewed all of the specifics of the prior master plan and also in accordance with the MLUL re-examined the master plan based on the specific statutory requirements. They also incorporated a sustainability element and an open space and recreation element which were previously adopted and have become official documents. The master plan he will be referring to has the latest revision date of December 23, 2010 and that includes any revisions that were discussed at the last Planning Board meeting. The adjustments have been made and incorporated into the new plan.

Mr. Snieckus said the master plan re-examination report has its basis with the MLUL. It should be re-examined every 6 years and within that Statute there are specific items that should be touched on within the master plan. He will be discussing the major problems or objectives at the time of the last re-examination report, the major land use issues currently facing the municipality and specific changes recommended for the master plan or development regulations including any underlying objectives, policies and standards. He is also going to include a review of the land use plan. He said he did an analysis of the existing land use within the Borough and also prepared a review of the land use plan and an entirely new land use plan that was based primarily on the old plan but with some modifications which he will touch on.

With regard to the major problems or objectives at the time of the last master plan the first item is to preserve one and two family residential neighborhoods. One of the components that was identified in that section of the master plan was to limit the maximum size of homes and structures in residential districts. There was a concern about over-building of properties so that specific statement was listed within the master plan. The second item was to encourage nonconforming uses to change to conforming uses in the residential district and to review regulations to permit them, review of agricultural use permissions in residential zones, limit home business occupations to office or similar uses, limit residential borders, limit scale of nonresidential conditional uses in residential zones, maintain buffers between residential and more intensive uses and maintain residential street widths to discourage through traffic. Another item within the prior master plan is to provide a range of housing types and prepare a

housing plan. He said Allendale has an approved and certified housing plan by COAH. It was certified and amended up until April 15, 2010. He said that plan provides the Borough with protection measures as established in COAH's current regulations although it is currently in the state of flux with the Courts and is being reviewed. However, as it stands right now the Borough has an approved housing plan by which we have established two new developments – one being Orchard Commons special needs housing that has recently been constructed and now is inhabited. In addition to that the Board of Adjustment recently reviewed the Crescent Commons expansion project and that is also part of the current housing plan.

The next item that was touched on in the master plan is the central business district. Some of the items identified in the prior master plan is that there be no expansion of retail uses beyond the CBD boundary and this is continued and supported within the current master plan. Also listed is to encourage an appropriate mix of land uses within the central business district and to promote a desirable visual environment through improvements or regulations through the land use code; to maintain adequate parking requirements for the central business district; to enhance pedestrian accessibility; permit retail and small offices on first floor and residential only on the second floor; to maintain existing 2 story building character; refinement of development regulations, enhance the Allendale Shopping Center and prohibit drive through restaurants in the central business district.

Mr. Snieckus pointed out that an open space and recreation element has been adopted to promote the acquisition of open space, to encourage use and improve public access to open space areas; also to minimize traffic congestion. One of the things being recommended is to increase parking at the N.J. Transit station through the consideration of partial metering which is subject to further review. Also recommended are street intersection improvements to reduce congestion; to promote a balanced tax base and to minimize areas of incompatibility in land use and zoning between Allendale and adjacent municipalities and to promote conservation of energy and recyclable materials. A sustainability element of the master plan has been adopted which sets forth goals and objectives in this regard.

Mr. Snieckus said he has touched on the major land use issues facing the municipality. He said a very important interest to the Borough is the health and welfare of the central business district. The increased impact from regional retailers, internet and the economic recession is a specific item to recognize in the master plan and to be cognizant of as we review future applications and considerations for the central business district. Reinvestment is encouraged to promote continued vitality. He said we have witnessed the reinvestment that has occurred at the Allendale Shopping Center and in his professional opinion it is for the better and it helps to promote the continued vitality in the central business district not only from an economic standpoint but also from a safety standpoint with the significant safety and traffic circulation improvements made to the center.

Mr. Snieckus said the preservation of historic structures is a major issue to be identified in the master plan. There has been and will be increased pressure on haphazard improvement or removal of potential historic structures or places within the Borough. The historic element of the master plan has not been formulated to date but the Bergen County Office of Cultural and Historic Affairs Historic Site Survey has been modernized and updated to recognize the specific

properties that are still in continuance within the Borough or may have been overlooked by prior surveys. The list provides a framework for the historic element of the master plan. He said a demographic analysis within the master plan was done but unfortunately the most recent information available from the U.S. Census is from the year 2000 and they were not able to capitalize on a 2010 census as yet but they have used other sources of information to try to identify any possible trends or conditions that may be occurring within the Borough that need to be addressed in the master plan. What was noticed from the 2000 census was that there was a reduction in the population over past years although recent approvals and recent developments will probably reverse that trend. Also recognized in the census was a reduction in the young adult population which is between ages 15 and 34 although he expects to see that number increase in the 2010 census.

With regard to transportation, Mr. Snieckus said it is recognized that 70% of the population commutes by automobile. One thing that Allendale has as an asset is the availability of mass transit. He said we want to encourage in the master plan alternate access and use of mass transit. In addition to that we want to improve pedestrian connections.

Mr. Snieckus said the next item is development regulation updates. The Borough has some recommendations for improvement to the regulations as there is always need for change or modification to these regulations. In addition State Planning Cross Acceptance is also recognized. That has been a stalled issue at the state level although it is important to recognize it within the master plan.

Mr. Snieckus said the Borough is currently located in what is called the PA-1 metropolitan planning area within the existing state plan. The current state plan is in a current state of development or restructuring so it is important to be cognizant of that and what it may mean for Allendale.

Major land use issues currently facing the municipality include providing alternative modes of transportation and conversion of single family homes to two family homes which is inconsistent with the established single family zones. In addition the preservation of critical open space is encouraged and the open space element as well as a sustainability element of the master plan were adopted in 2010.

Mr. Snieckus said he will touch on the specific changes recommended for the master plan. The nine goals and objectives from the prior master plan have been reaffirmed and minor updates have been provided to some of them. One item that is recommended is with regard to the maximum size of homes and structures in residential districts. That is carried forward from the prior master plan but spelled out in more detail in this master plan. There are recommendations provided in the appendix of the document which talk about establishment of measurement based on percentage of lot width and the size of the home. That is one of the tools that could be considered and also a consideration for floor area ratio within residential districts with a percentage of maximum impervious coverage to be decreased for larger lots and a sliding scale that adjusts itself so there isn't the potential for a development that out-scales the adjacent neighborhoods. Also proposed are buffer requirements for accessory structures. He said it is important to recognize the fact that a range of housing types are provided in compliance with the

Fair Housing Act and that we are developing in accordance with the housing plan that is in place. In addition to that the minimum use of payment in lieu of providing affordable housing is recommended. The regional contribution agreements or RCA's were eliminated and are not available to build housing elsewhere within the region and that is something to be considered in future development.

Mr. Snieckus said the next item is to maintain and enhance the viability of the Central Business District. One of the things that came up during discussions is the idea of formulating a design handbook for the Central Business District. It could be a document that is available for business owners and property owners that would show an idea of what is being envisioned for the Central Business District from the standpoint of streetscape, signage, building and facade improvements and things of that nature so the lay person can understand the regulations in a more visual form. In order to improve the availability of parking, one idea is to incorporate the potential for shared parking with possibly shared access agreements between properties. He said in addition employees should have parking alternatives available to them other than the more prime or desired parking spaces within the central business district. Traffic and pedestrian circulation improvements are encouraged within the master plan. Drive thru restaurants are discouraged and ancillary drive thru's for other uses are discouraged where they potentially conflict with pedestrian circulation. Other recommended changes are to provide for industrial and related land uses. He has updated the permitted land uses and bulk requirements as deemed appropriate.

There is an age restricted housing overlay in the D-2 zone and it is deemed to be not applicable any more because of the new housing plan. He has identified where affordable housing can be placed within the municipality in order to comply with the housing requirements. In addition, environmental impacts from developments have been minimized. This intent from the 2005 master plan has been reinforced.

Mr. Snieckus said the mapping that is provided in this document and the sustainable and open space element is provided on a geographic information system data base (GIS) which provides the ability to have a readily accessible and acceptable document that can be brought forward in the future to identify and keep track of land use changes, environmental considerations and things of that nature. In addition the map provides an accessible reference source for review of project impacts. As the Zoning Board or Planning Board are reviewing a specific application, they have a document that provides a quick assessment of what might be applicable from an environmental standpoint. He also provided environmental constraints mapping as part of the overall effort throughout the master plan review. This document exists within the open space element and he would recommend to the Board that we should also include that document in the open space plan and master plan as well.

One of the recommendations for conditional use requirements for what is deemed quasi public religious and institutional uses is that those uses are becoming more difficult to site within the sensitive residential and some light business zones so it is important to re-evaluate and recommend changes to those specific conditional uses. For instance, he is recommending a minimum 3 acre requirement in residential zones for religious institutions and a minimum 5 acre requirement in non-residential zones. He also has recommendations for adjusted setback requirements and adjusted buffer requirements.

Mr. Snieckus said an entire existing land use survey was done in order to update what the current status of use of properties is within the Borough. He said we are a largely built out community with about 30% of the land being vacant and residential occupying the majority of land use of about 70% with parks, recreation and open space occupying about 11% of the community. Also provided in the document is a breakdown of square footage or acreage of the various land uses and percentages within the community. The next item included in the land use analysis is a description of the individual land uses within the municipality. Primarily the open space and recreation plan and the housing element have called for specific changes to how various land uses are distributed or identified within the Borough. There are parcels of land in the easterly portion of the Borough that are owned by the municipality and should be included in the open space element as open space. In addition several properties have been changed to public use. The housing element calls for changes to specific land uses and distribution of land uses to satisfy the housing element. What has been identified is the change of property called the former Farm property from multifamily in the prior housing plan element and now it is being re-designated as just single family development in the northerly portion of the Borough. On the Crescent Commons site there are changes now recommended where the multifamily is being proposed and occurs within several parcels in that area of the Borough. In the housing element, it calls for the change of multifamily on the Board of Education site to just standard public usage for Board of Education and associated with that is a change from multifamily located on church property adjacent to the Board of Education property back to religious usage on that property.

Mr. Snieckus said he has summarized the various details of the master plan and there is not a substantial radical change from the prior master plan. It is more of an update and re-evaluation to confirm that the goals and objectives represent the most current statement and policies of the Borough and offer any changes to the development regulations. The land use plan has been updated to be more consistent with the various documents that govern these issues.

Mr. Snieckus asked for any comments or questions from the Board.

Mr. Quinn said the Board had discussed a number of changes. He went through the document today and most of the changes have been made.

Mr. Walters commented that Mr. Fliegel pointed out that the location of Calvary Lutheran Church is not correct. Mr. Snieckus said he will make the necessary change.

Mayor Barra questioned why on an AAA lot of 40,000 s.f. would you have 120 ft. width and on an AA lot of 26,000 s.f. you would have a minimum 130 ft. width. He said it would seem it should be the reverse and wondered if a mistake was made years ago. He asked if it should be looked at from the perspective that it doesn't make sense and change the widths. Mr. Snieckus said it seems the numbers may have been transposed and what could be done within the master plan is identify it as being inconsistent. He recommended that we could look at typical areas within the zones to see what the current lot widths are to see if the change would create a lot of inconsistencies or nonconformities before making a change either way.

Mayor Barra suggested that the Tax Assessor take a look at our AAA lots to see what the typical widths are within certain neighborhoods.

Mr. Yakimik said reading the zoning code on those particular items the wording is different. One talks about average width of the lot and the other talks about minimum width so you have to be careful and look at the wording. He said the wording should be the same. Mr. Snieckus suggested that the tables could be taken out of this document and we could refer back to the prior master plan document itself. Mr. Bernstein agreed that there was no benefit gained by including it in this document. He would be wary of putting something in that might have a negative impact if we are not sure of its accuracy or relevancy. There was discussion as to whether or not the table should be included. Mayor Barra felt it would be better to eliminate the table and that we look into and address any inconsistencies. We will have the Tax Assessor or Construction Code Official do an evaluation of the actual lots. Mr. Quinn said the consensus of the Board is to take that schedule out and adjust it through adjustments to the ordinance. Mr. Snieckus also recommended that the pages 52 and 53 be removed

Mr. Quinn opened the meeting to the public.

Mary Scro, 634 Franklin Turnpike was sworn. She said she was present on behalf of the Fell House at 475 Franklin Turnpike. She said the Fell House is now owned by a non-profit. It is in the AU townhouse zone. She wanted to know if there was any consideration of moving that property into the A zone where non-profits are a permitted use. This property can never be sold back to commercial or private industry. It is strictly for non-profit or can be passed on to the municipality. There is no chance of this getting developed into the townhouses that were once proposed there. She feels it might be better suited to be in the A zone which is adjacent to it.

Mr. Snieckus said that has been recognized in the master plan but it has not been recognized on the land use plan. If this Board feels it should be changed to A zone or a similar zone that change can be made to the land use plan and to the master plan and if the governing body sees fit to make a change it can be made to be consistent with the master plan. Mayor Barra said he would endorse such a change because this site was actually condominium unit No. 21. It is more confusing not to break it out as a separate piece of property. He would endorse such a change. Ms. Scro said it is a separate lot and they are no longer part of the condominium association. Mr. Dunn said he is sure there must be some sort of filing as an amendment to the master deed in order to effect such a change. Mr. Yakimik said something has to be filed with the County to create it as its own separate lot. Mr. Dunn said the Board needs to see all of the documentation showing that it is separate piece of property.

Michelle Westmeier, 115 W. Allendale Ave. was sworn. She asked if the town was going to work out parking issues as people don't know where to park. She suggested that there be increased signage to direct people where to park.

Bruce Rohsler, 40 Meeker Ave. was sworn. He said he had sent a letter to the Board dated December 15. Mr. Quinn said he read it into the record at the December meeting but he was not quite sure what Mr. Rohsler was asking for or commenting on. Mr. Rohsler asked how has the Board addressed non-conforming uses that currently exist in the Borough and how it is reflected

in the revised master plan. He said one of the recommendations was to change non-conforming uses to conforming uses. Mr. Snieckus said that was also the statement in the 2005 master plan. It was identified that there are a number of nonconforming uses in the residential zones and it was recommended to review them to see if they can be permitted as a conditional use in that zone and if not to continue them as something that is desired to be eventually converted to a conforming use. Mr. Quinn suggested that some examples could be added such as the non-conforming nursing home use on Franklin Turnpike that became 3 conforming residential homes on that property. Mr. Rohsler asked if there are any changes in the current agricultural uses or zones in town. Mr. Snieckus said there are no recommendations to re-evaluate their pertinence to the existing zone.

Mr. Rohsler asked if there are any designated sites in town proposed for new open space in the future. Mr. Snieckus said in the Open Space Element in the master plan the land use designations have changed for Powell Rd. and Heather Court.

Mr. Rohsler said his business will be 100 years old in two years. They moved into Allendale in the 20's so they were here before any zoning existed and business has changed dramatically and so have the demographics. In his letter he pointed out that the challenges they now face trying to be competitive in this day and age differ from 30 or even 10 or 15 years ago. They are in a residential zone where agriculture is permitted. He is aware that the majority of his land would be deemed assessed for farm land and part of the land near Franklin Turnpike is more of a commercial nature where they are much more restricted from a business perspective in what they are allowed to do. He said it is very challenging when you are competing with things that you never had to compete with in the past, especially when towns on either side are commercially zoned and have businesses. He said they would like to stay part of the community but he thinks the challenges are a lot greater than they had been and they continue to become greater in terms of being competitive.

Mayor Barra asked if there is anything specific he would like this Board to consider. Mr. Rohsler said specifically the greatest consideration would be to rezone part of the property as commercial on Franklin Turnpike which would allow them more flexibility to operate as a business and to have the agricultural status remain in certain areas of the property.

Robert Lucas, 38 Talman Place said he would like to follow up on some of the discussion that took place earlier regarding the central business district mainly in regard to the boundaries that were defined. There was some discussion at the December 16 meeting that he was not able to attend where there was reference to a document that stated that the district should not extend beyond its current zoning and that there should be no commercial expansion beyond Franklin Tpk. and Crescent Ave. He asked if that implies that there was not a change from the previous master plan.

Mr. Snieckus said there was not a change from the previous master plan but he tried to be more specific as to the area. Mr. Lucas said with regard to Myrtle Ave. he realizes there are two businesses there at this time. He asked if they are within the business district and if there is to be no expansion beyond that point at Myrtle. Mr. Snieckus said it is not recommended and that language will remain in the master plan.

There being no further comments, the meeting was closed to the public.

Mr. Quinn thanked the public for their comments. He asked Mr. Dunn how the Board should proceed. Do we vote tonight subject to amendments or do we wait to see the changes and vote next month.

Mr. Dunn said he has a resolution that he will have to modify to reflect the changes and we could have a final version of the master plan to reflect the changes which are basically the elimination of pages 52 and 53 and to change the AU zone to A zone for the Fell house. In addition, there were changes to the church property. He suggested making the changes and having a final revised plan and to amend the resolution to specifically incorporate those things.

Mr. Quinn re-opened the meeting to the public for additional comments.

Suzanne Lovisolo, 180 Schuyler Rd., President of the Concerned Citizens of Allendale was sworn. She said she brought the letter from the President of the Board of Directors of the Allison Village Homeowner's Association. The letter states that the undersigned entity has removed Unit 21, a 2.58 acre parcel, from the Allison Village Homeowner's Association by an amendment to the master deed and by-laws. Mr. Dunn said the Board has many resolutions going back to the 1980's regarding this property. Those resolutions contained conditions dealing with Allison Village. At the time of the last application the Board did a significant amount of research. The legal effort was to allow that property as a separate subdivision and separate subdivided lot. He suggested that before the Board starts to do something wholly inconsistent with what they did at that time he believes we should look at those resolutions and he has that material in his office.

Mayor Barra suggested contacting the attorney for the Concerned Citizens at the closing who should have the amendment and a title policy so she can provide that documentation for Mr. Dunn to review. He suggested asking for the amendment to the master deed, the title policy and any attachments.

Mr. Dunn said any action by the Board can be subject to an inspection with regard to these documents and he will report to the Board next month. Mr. Quinn said he would prefer to have a vote tonight. Mayor Barra asked if the Board has to give public notice again if the Board does not vote tonight. Mr. Dunn said if the Board is going to act on this tonight, we should carry any further discussion to those particular items until the next meeting otherwise it could require a new notice. He suggested carrying this for determination at the February meeting. The Board can act on it and close it out with a formal resolution at the February meeting.

Mr. Dunn read the resolution he had prepared adopting the periodic re-examination report of the Master Plan of the Borough of Allendale revised December 23, 2010 subject to the following amendments:

1. Removal of schedules pertaining to recommendations under the 2005 master plan recommendations contained on pages 52 and 53 of said report.
2. Modification of Land Use Map to accommodate the Calvary Lutheran Church.

3. Modification of a condominium unit at Lot 13, Block 1809 commonly designated as the Fell House to the A zone from the currently designated AU townhouse zone district which condition shall be subject to the submission to the Planning Board of documentation showing the authorization for conveyance of said premises away from the condominium unit by virtue of a master deed to be presented to the Planning Board by February 17, 2011.

Now, therefore, be it resolved by the Planning Board of the Borough of Allendale that the proposed periodic re-examination of the master plan of the Borough of Allendale revised December 23, 2010 prepared by Burgis Associates, Inc. as modified herein be and the same is hereby adopted and

Be It Resolved that the Secretary of the Planning Board is directed to give notice of this action as required by law and to mail a copy of this resolution to adjoining municipalities and the County of Bergen together with copies of the aforesaid plan as adopted herein.

Mr. Dunn commented that although he read this as a resolution, the Board will pass this as a motion. He will have a formal copy of the resolution prepared for next month's meeting and we will have submission of the plan at the February 17 meeting with sufficient materials to finalize it at that time. Motion for such action was made by Mr. Sirico and seconded by Mr. Barra. All Board members present voted in favor.

On a motion by Mr. Zambrotta, seconded by Ms. Sheehan, the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Barbara Knapp