

January 21, 2016

The annual Reorganization Meeting of the the Allendale Planning Board was held in the municipal building on January 21, 2016. The meeting was called to order at 8:03 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: Ms. White, Mr. Sasso, Mr. Bonifacic, Mr. Quinn, Mr. Sirico, Mr. O'Connell. Chief Scherb arrived at 8:10.
Absent were Mr. Daloisio, Ms. Checki, and Mr. Zambrotta.

The first matter on the agenda is the swearing in of Class II and Class III members. Mayor White, Chief Scherb and Councilman Sasso were all sworn in by Mr. Quinn.

Next on the agenda was the election of officers for the Planning Board. Mr. Quinn noted the three officers who served last year were willing to serve again this year. On a motion from Ms. White, seconded by Mr. Sasso, Mr. Quinn was reelected as Chairman. Mr. Sirico was reelected Vice-Chairman, and Mr. O'Connell was reelected Secretary. Mr. Quinn asked if there was any discussion on the motion, hearing none a roll call vote was take. All present voted in favor of the slate of officers. None opposed.

Mr. Quinn announced the retirement of Timothy Dunn II after 46 years of service to the Allendale Planning Board. Mr. Quinn thanked Mr. Dunn for his outstanding service to the Planning Board. The officers of the Board are recommending Christopher Botta be appointed as legal counsel to the Planning Board. Mr. Quinn read resolution PB16-01A into the record formally appointing Mr. Botta. On motion from Mr. Sirico, seconded by Mr. O'Connell. A roll call vote was taken. All in attendance voted in favor.

Resolution PB16-02, was read by Chairman Quinn. This is appointment of special counsel, Brian Halligan who will be representing the Planning Board in the matter of the lights at Northern Highlands Regional High School. The Borough has engaged Brian Halligan to represent the Planning Board and Zoning Board of Adjustment who were named in the complaint. Mr. Quinn called for a motion to accept resolution PB16-02, Mr. Sirico so moved, seconded by Mr. Bonifacic. Mr. Quinn asked if there was any discussion on the resolution and then requested a roll call vote. Mr. Bonifacic, Mr. O'Connell, Mr. Scherb, Mr. Quinn and Mr. Sirico voted in favor. Abstained by Mayor White and Councilman Sasso.

Resolution PB16-03 was read by Mr. Quinn to reappoint Michael Vreeland as the Planning Board Engineer. Mr. Quinn requested a motion moved by Councilman Sasso and seconded by Mr. Sirico. Mr. Quinn asked for any discussion, hearing none and requested roll call vote. All in attendance voted in favor.

Resolution PB16-04 was read by Mr. Quinn to reappoint Ed Snieckus as the Planning Board Planner. Mr. Quinn requested a motion which was made by Mr. O'Connell and seconded by Mr. Sirico. Mr. Quinn asked for any discussion, hearing none requested a roll call vote. All in attendance voted in favor.

Mr. Quinn requested a motion to approve the Minutes from the Planning Board meeting of November 19, 2015. On a motion from Mr. Sirico, seconded by Mr. O'Connell, a roll call vote was taken. All in attendance, except Mayor White who abstained approved minutes.

Mr. Quinn advised this concluded the formal agenda, but that the attorney for the Calvary Lutheran Church, Mr. Bruce Whitaker would like to address the Board. Mr. Quinn then requested a motion for the Board to hear from Mr. Whitaker, which was so moved by Mr. Sirico and seconded by Mayor White. All present voted in favor.

Mr. Whitaker, counsel for Calvary Lutheran Church was present to review the pertinent items to moving forward on the development, since the Church has been able to come to an agreement with a developer. Mr. Quinn stated for the record that at the August 21, 2014 Planning Board meeting this development was approved. The approval included a time line, that has expired, therefore Calvary Lutheran Church would like to amend the approval. Mr. Vreeland, the Planning Board Engineer had discussions with the applicant and the developer and will update the Planning Board on these items. The final approval required the church or someone to take title of the property, sign the developer's agreement, and post a bond within 90 days of the resolution being passed. They did not get the developers agreement executed because they did not get a bond amount from the Borough engineer which went beyond the 90 days that was in the developer's agreement. The state law is when you receive an approval the applicant has two years to finalize the agreement, therefore his client is well within that time frame. The bond amount is \$368,940.00. At that time, the church did not have the ability to post a bond of that amount but it would be posted by the contract purchaser. They found a very qualified builder who has entered into a contract and signed the agreement. It was delivered to the Borough on December 22nd. 2015. The builder has submitted the performance guarantee even though they are not the owners of the property. They have done this in good faith. The reason they are not the owners of the property is that Calvary Lutheran Church cannot convey the property to the contractors until the map is signed. Mr. Whitaker needs the map signed to file it with Bergen County. He cannot convey all the property to them otherwise the builders would own the church. Mr. Whitaker said he needs the map filed to delineate the lot line between the church and its facility and the parcel of land the buyers will be purchasing and building the new development on. The NJDEP, The County of Bergen, and the Bergen County Planning Board approvals were granted in June 2011. Calvary Lutheran Church would like to complete the agreement with the builder and must have the signed map to complete the process immediately. Mr. Yakimik, the previous Borough Engineer had signed and filed the sub-development map. From a technical standpoint Mr. Yakimik had reviewed this application and had determined it met all the technical requirements in the original resolution for the Planning Board of Allendale approval.

Mr. Whitaker needed the Planning Board Chairman and Secretary along with the Borough Clerk to sign the map. Then he can take it at Bergen County Planning Board have it filed. Once this filing is complete the transaction between Calvary Lutheran Church and the builder can be executed. The builders are here tonight, Mr. Slodyczka and Mr. Korczak along with Mr. Glazer who is the representative from the church who has attended all the discussions and meetings regarding the sale.

Mr. Quinn stated that he spoke with Mr. Dunn, the previous Planning Board attorney who agreed we should move forward with this process. Mr. Whitaker has the signed developer's agreement and just needs the Borough's approval to have the map signed which can then be filed with the County.

Mr. Quinn asked if there are any questions from the board, hearing none he asked Mr. Vreeland for his comments and thoughts on this process. Mr. Vreeland confirmed what counsel said is correct. He does know that they have received permits from the state and there is a TWA permit for a sewer extension that has technically expired based on the date of the permit but believes it is covered by the permit extension act and is automatically extended to June 30, 2016. He is not sure of the status of the Planning Board approval from the county, because it is not in the file he has at the office. Mr. Whitaker offered a copy for Mr. Vreeland. The mylars had been reviewed by a surveyor at Dewberry and the subdivision was reviewed by Dewberry on behalf of Mr. Yakimik. Mr. Vreeland did see a memo that the map did meet all requirements by law and recommended that Mr. Yakimik sign the map, which he did. Other than that Mr. Vreeland does not have not have enough history with this sub division but did not see any potential glaring issues at this time.

Mr. Quinn stated that one of the conditions of this development was extensive hydrology because of extensive water issues in that area. The Planning Board went through very detailed analysis with the borough engineer when the application was heard. Calvary Lutheran Church and the Planning Board came to an understanding and agreed to install a retention basin which will allow water to flow throughout the property. Mr. Quinn wanted to make sure everyone was aware of this agreement and be sure the developer would agree to adhere to the agreement because water issues are significant to Allendale. It was also a significant aspect to the approval of this subdivision. Mr. Vreeland stated that he was not clear when he read the developers agreement that the storm water basin will that remain the responsibility of the developer? Mr. Whitaker answered affirmatively that the developer would be responsible for maintaining the retention basin. Mr. Quinn also stated that it was one of the conditions for the agreement of the subdivision. The developers will have to maintain the storm water basin and if not the Borough will have the right to maintain it and will charge the developer for any costs in maintenance. Mr. Whitaker agreed.

Mr. Whitaker presented the Bergen County Developers agreement, a copy of the check for the amount required, and the Board of Chosen Freeholders approving resolution. Mr. Quinn asked Mr. Vreeland if he was comfortable giving guidance to Mr. Quinn and Mr. O'Connell who would have to sign off on the agreement along with the Borough clerk. Mr. Vreeland stated at this point from a technical standpoint the subdivision map has been reviewed and approved. He does not see any reason to not sign the map and get the map recorded and perfected. Mr. Vreeland did have some brief discussions with the applicant's engineer. Generally, once the subdivision is recorded and they have the executed developer's agreement, the performance guarantees, and escrows a preconstruction meeting will be scheduled with all parties. Mr. Whitaker reported they were more than comfortable and they posted a bond for the full amount of \$368,940 even though they do not own the property. All parties are ready to proceed. The builder is aware of the constraints with the property. Mr. Quinn asked if they are prepared to stick to the letter of the law, and the builder responded that they agreed to all the provisions of the agreement.

Mr. Quinn advised the Board that Mr. Dunn had drafted a resolution for the Board to consider tonight. A paragraph Mr. Quinn wanted to point out which had been copied to Mr. Whitaker was, 'this matter was presented at a public hearing tonight and all persons interested in said matter will have an opportunity to be heard'. Since this issue wasn't on the agenda for the meeting tonight, it is his understanding that since this development had been approved already that the public does not have an opportunity to be heard. Mr. Whitaker confirmed this is a public meeting as to which the matter can be

presented. Mr. Quinn pointed out Mr. Dunn added as a last sentence for the purpose of map filing for the final subdivision map in Bergen County Clerk's office the date of this resolution shall be current to correct the 190 day issue that Calvary would have when they do go file the map.

Mr. Quinn read resolution PB16-05 which was drafted by Mr. Dunn, which authorize Mr. Quinn, Mr. O'Connell, and the Borough Clerk to sign off on the maps. The resolution was read out loud for the record and Mr. Quinn asked for a motion, Chief Scherb offered the motion and seconded by Mayor White for the Memorialization of the resolution PB16-05. Mr. Quinn wanted to hear any discussion on the motion.

Mr. Quinn then asked to hear from the Developers, Mr. Sloyczka and Mr. Korczak, to hear that they affirm they will understand and follow everything in the plan. Both developers were present at the meeting tonight. Mr. Sloyczka then approached the table with Mr. Korczak. Mr. Sloyczka said yes, he does understand everything and he wants to start the project as soon as possible and finish everything the way they designed it. Mr. Quinn responded that all the testimony here is that they are going to adhere to all the conditions that the Allendale Planning Board approved.

Mr. Sirico said that if anything has to be changed within reason, legally that you are aware of that you will comply. Mr. Whitaker affirmed he understood and yes he would.

Mr. Quinn moved to a roll call vote on this resolution PB16-05.

Yea: Mr. Quinn, Mayor White, Mr. Sirico, Mr. O'Connell, Mr. Sasso, Mr. Scherb.

Abstain: Mr. Bonifacic.

Mr. Quinn announced the motion carries.

Mr. Quinn asked if any other concerns to be discussed. Mayor White moved to close the meeting, second by Mr. Sirico.

The meeting was adjourned at 8:53 PM.

Respectfully Submitted,
Christina Montanye