

June 17, 2010

A regular meeting of the Allendale Planning Board was held in the Municipal Building on June 17, 2010. The meeting was called to order at 8:15 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. Barra, Mr. Bernstein, Mr. Herndon, Mr. Sasso, Mr. Sirico, and Mr. Walters. Mr. Zambrotta arrived at 8:17 p.m. Mr. Fliegel, Ms. Sheehan and Mr. Yevchak were absent. Also present was Mr. Dunn, Board Attorney.

On a motion by Mr. Sirico, seconded by Mr. Barra, the minutes of the meeting of May 20, 2010 were approved as amended. On roll call, Mr. Bernstein abstained. All other members present voted in favor.

#### Master Plan Open Space Central Business District and Sustainability Elements

Mr. Snieckus was not able to be present this evening but was represented by one of his associates.

Malvika Apte, PP, AICP of Burgis Associates, Inc. was present. She said she will go through the changes that were discussed at the June 14<sup>th</sup> work session. She said there were a few changes to the Open Space and Recreation plan that were discussed. On page 18 regarding ground water, Allendale is served with public as well as private well heads and a concern was raised with regard to private well heads and how they might affect the aquifer and if the Council in the future might want to create an ordinance limiting the drilling of such private well heads. The last paragraph on page 18 talks about how these well heads are vulnerable and it is recommended that the Borough consider regulations that would severely limit the addition of private wells to insure the continued viability of the current well heads. This will give the governing body or the Planning Board the ability to come up with regulations to limit private wells in the future.

Ms. Apte said the second change that was discussed concerned flood plains and indicated that efforts should be made to protect these areas from future development. The next change pertains to the Arlton Ave. former farm site which is also known as the future water tower site. This site was proposed for single family development in the Housing Element of the Master Plan and although it is not recommended as an acquisition for open space, the Borough could consider the potential to request a small area of this tract for a tot lot to serve this area.

In the same section a bikeway and pedestrian path is proposed along the abandoned railroad right of way. Putting this in the Open Space Recreation plan can help in obtaining future grants to make this possible.

On pages 47-48 "Recreation Analysis", it was determined that specific recommendations for active recreation facilities should not be made so under table 6 the last column has been removed and this plan is highlighting the problems that should be met on a case by case basis. Also, corrections were made on a map of Brookside Recreation Park.

Mr. Quinn said one of the things discussed on Monday was whether or not the Master Plan or a portion of it will be brought to a public meeting next month. The consensus seemed to be to not bring it to a public meeting until September.

With regard to the Sustainability plan element the first change is made on page 3 under the Vision Statement and explains the Borough's goals. The second change is on page 6, Item 4 under "Targets for Transportation". Earlier the draft said the Borough should consider specific percentages of its vehicles. This does not give a specific number and gives the Borough more leeway in terms of budgetary considerations, etc.

Under Energy Efficiency and Green Buildings concern was raised whether the Borough should head towards the LEED rating standards. LEED is a non-profit organization so we cannot say these standards should always be followed as long as the building is sustainable which is what the Borough wants to achieve.

On page 8, item 5, concerning street lighting, the earlier plan suggested considering switching off certain street lighting but this raised safety concerns. Other ways of achieving energy savings are suggested.

On page 9 changes were made with recommendations to explore the establishment of a farmers market program.

On page 10 the Mayor's wellness program has been removed. On the same page it now states that Allendale has adopted a "No Smoking" ordinance at Crestwood Lake.

Mr. Quinn commented that both of these elements would become new elements to be added to the master plan. Both the Open Space and Recreation Element and the Sustainability Element will help in securing grant money.

Mr. Quinn suggested that the Board does not include the Central Business District portion into the master plan re-examination at this point. Mr. Barra suggested the Board may want to hear more from the business owners in the district.

#### Discussion – Proposed Restricted Commercial District (Restaurant L)

Mr. Quinn said this was discussed at work session on Monday and it may be included in the agenda next month. The Board had not received the ordinance draft until recently. Mr. Bernstein said the ordinance was drafted by the attorney for the applicant and there was some input from Mr. Snieckus as requested by the Land Use Committee. His recommendations and comments were made as a planner. Mr. Walters asked if the next step is for the Land Use Committee to review the ordinance and make a further draft before it goes to the Planning Board for review. Mr. Barra said the thought was that it could be reviewed by the Planning Board from a planning perspective or Mr. Bruinooge could go to the Mayor and Council and say that he would like the Mayor and Council to pass this ordinance and then go to the Planning Board. Mr. Quinn pointed out that the Board did not have the ordinance at Monday's work session when this was discussed. Mayor Barra said he personally and the Land Use Committee as well are very lukewarm about this ordinance. Mr. Bernstein said Mr. Bruinooge framed the issue at the

Monday work session indicating that the Land Use Committee is generally in support of it. He said the feeling is not that positive. Mr. Bruinooge also made the assumption that the Board had copies of the document but they did not have them until Tuesday morning.

Mr. Quinn said the crux of the matter is basically whether or not there is a net benefit to Allendale. Mayor Barra suggested having a meeting with the Land Use Committee and the residents and include a couple of Planning Board members. He suggested including the residents on Franklin Turnpike up to McDermott Court and Waibel Drive. Mr. Quinn agreed that this would be helpful. Mr. Barra said he will ask Mr. Strauch to organize such a meeting.

#### Certificate of Compliance proposed Check List

Mr. Quinn said it appears there are quite a few new businesses coming into the A & P Shopping Center. The Board has received some Certificates of Compliance from the Construction Official for its review. Mr. Dunn said there are no forms to help with the decision as to whether or not a new business needs to go to the Board. Mr. Dunn said he prepared a one page transmittal sheet for use by the zoning official for such referrals.

Chief Herndon said he feels it is important that the Planning Board is aware of the new businesses that are coming into the community. Mayor Barra said he advised Gwen Gordon that upon receipt of an application she should scan the application and send it to Ms. Knapp to be passed on to the Planning Board. He also asked Mr. Wittekind to contact Mr. Dunn. Mr. Wittekind informed him that he has not processed the applications for the shopping center because he has to finish approving Azarian first before he can move on to each of the tenants. Mr. Wittekind said his concern is that the Planning Board approved the shopping center and a certain amount of parking spaces. How can the Planning Board then tell a new tenant of the shopping center that he needs more parking spaces. Mr. Wittekind felt if it was a permitted use that he would have the authority to approve.

Mr. Dunn said under the new ordinances if the zoning official approves the zoning permit or a certificate of continued occupancy because of his determination that no site plan consideration requires review, that is basically it. On the other hand, the parking problem at the shopping center is another issue. He does not think the Board has given up the opportunity to look at the uses especially if Mr. Azarian is allocating spaces which may be the case.

Mayor Barra said Mr. Wittekind's point was if there was a point or problem with parking, can he pass it on to the Planning Board when it has already been approved and it is a permitted use. Mr. Dunn said he feels with just those facts it is entirely appropriate to refer it to the Planning Board for review. Where the zoning official has a question, he can refer it to the Planning Board for review which he interprets to mean for advice or consultation.

Mayor Barra asked if the Board is allowed to question the parking at the shopping center when it has already approved a certain number of parking spots. Can the Board say a particular business is of a greater intensity than anticipated although it is permitted in the shopping center? Mr. Dunn said the Board has the authority and the jurisdiction to do that.

Mr. Dunn said off site or off tract parking can only be considered if it is determined that there is an excess parking requirement beyond the initially designed capacity. Mr. Dunn said he will speak to Mr. Wittekind to find out what his concerns are.

Mr. Walters said parking and traffic are variable. It is not static. Traffic will change and for many years the parking lot at the A & P was under-utilized. When the A & P itself was renovated the usage jumped and the parking lot filled up dramatically. He asked if that in itself warrants some subjective view of whether or not coming to the Planning Board is warranted.

Mr. Bernstein asked if our ordinance provides for determining how many spaces would be required for a specific use. A Board member said Mr. Dunn has always explained that if there is a concern about traffic or other variables a matter can be referred to the Planning Board for review to see if it rises to the level of minor or major site plan or bounced back to the Code Official for his review. Mr. Dunn said we have to look at the ordinance to see what the space requirements are. Mr. Barra said Mr. Yakimik has said if we follow the Allendale ordinance there would be 500+ parking spaces required for the shopping center. We don't have a different standard for different uses. We only have permitted uses. Mr. Dunn said it may come down to calculating the number of spaces there now compared with the square footage. Mr. Barra said it is all about the nature of the use and not the square footage. Mr. Dunn said he will think about this problem further and try to come up with an answer. He will discuss the matter further with Mr. Wittekind. Mr. Walters will do some research on this as well.

On a motion by Mr. Herndon, seconded by Mr. Zambrotta, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Barbara Knapp