

October 21, 2010

A regular meeting of the Allendale Planning Board was held in the Municipal Building on October 21, 2010. The meeting was called to order at 8:15 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. Sasso, Ms. Sheehan, Mr. Sirico, Mr. Walters, and Mr. Zambrotta. Mr. Bernstein arrived at 8:30 p.m. Mr. Fliegel and Mr. Yevchak were absent. Also present were Mr. Dunn, Board Attorney, Mr. Yakimik, Borough Engineer and Mr. Snieckus, Borough Planner.

Mr. Sirico moved, seconded by Mr. Sasso to approve the minutes of the September 16, 2010 meeting. On roll call, Mr. Quinn, Mr. Sasso, Ms. Sheehan, Mr. Sirico and Mr. Walters voted in favor. Mayor Barra and Mr. Zambrotta abstained.

Public Hearing – Open Space and Recreation Element and Sustainability Element of the Master Plan.

Mr. Quinn said this is a continuation from the last meeting where there were comments from the members of the public. Those comments were taken into consideration and a number of changes were made to both of the elements. There will be further discussion and public comments this evening and a vote will be taken.

Mr. Snieckus he would like to review the changes made to the Open Space and Recreation plan first. He said he sent a copy via email to be distributed to the sports groups and the information to be edited or changed in his document was coordinated and sent to him by Ms. Wilczynski. Primarily the changes were to the table in the document which has to do with the inventory and use of the various fields. She also solicited information from the schools to clarify the number of fields, the users of the fields, etc. The latest date of the document is October 7, 2010, signed and sealed on the second page on October 11, 2010.

Mr. Quinn said there was plenty of public participation by the interested parties in the redrafting of the document. These are two new elements to the master plan that had not been in prior master plans. Down the road this will help with certain funding if Green Acres or Open Space funds become available. Mr. Walters asked if there was any change to the verbiage. Mr. Snieckus said it was just the tables that were changed. On page 46, Table No. 6, the usage table was clarified by indicating the different uses of the fields. The current demand, projected demand and needs were also clarified. He said a lot of the fields get multiple use and there are overlapping times for the various activities to occur and that creates a difficult situation in order for the natural fields to have the appropriate rest time for recovery. He also edited the Northern Highlands Regional High School information based on information that was provided to him.

Mr. Snieckus said he would like to add a statement tonight and edit it for the final document so the Board can adopt this with the statement being added. Councilwoman White had added the point that a dog run could be established for the community on the far side of Crestwood Park.

Mr. Quinn commented that a member of the public also mentioned adding a dog park. Mr. Snieckus said he could offer a general statement that a need has been expressed for the potential inclusion of a dog run within one of the parks in the community and that it will take further study and analysis. Mr. Quinn said he would personally like to have it worded more generally than specifically since there are pros and cons to dog runs but he is amenable to citing it for general consideration. Mr. Sirico asked if dog runs would add to any potential liability for the town. Mr. Snieckus said it could. Mayor Barra said if we had a dog park and someone was bitten and there was a law suit, our insurance premiums with JIF would rise. He added that he does not know the entire answer but he would not make a decision based on that. Mr. Zambrotta said it could be included in the master plan as something to be considered. Mr. Quinn added that it would also involve fencing and is that in keeping with the way we want Crestwood to look. Mr. Snieckus said it could be left as a generality.

Mr. Snieckus said at this point he believes the review of the Open Space and Recreation Element has been concluded. He can now jump to the Sustainability Element presentation or the Board can take a separate vote to adopt the Open Space and Recreation Plan. Mr. Quinn said he would prefer to vote on each element separately.

Mr. Walters commented that on page 46 under paragraph D a sentence was added indicating that the Borough seeks to rest one field for two seasons to manage the heavy usage. Mr. Quinn said this was the suggestion of some of the representatives of the sports associations. Mr. Snieckus commented that this statement helps bolster the position that the Borough is looking to seek funds for adding more fields.

The meeting was opened to the public for comments and there being none, the meeting was closed to the public.

Mr. Dunn said he will prepare a resolution of approval of the Open Space and Recreation Element as amended with today's date.

Mr. Zambrotta moved, seconded by Ms. Sheehan to adopt the Open Space and Recreation Plan as amended. On roll call, all members present voted in favor.

Public Hearing – Sustainability Element of the Master Plan

Mr. Snieckus said copies of the Sustainability Element dated October 20, 2010 were distributed to the Board. This is a document that has recently been established by the Municipal Land Use Law. It was established to encourage municipalities to establish documents that encourage a plan for sustainability. He said that sustainability has been defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. He said the plan sets goals and objectives for a municipality to realize its visions and it provides indicators to track progress to meet these goals. He said the document should encourage and promote the efficient use of natural resources and the installation and usage of renewable energy systems, consider the impact of buildings on the regional and global environment, allow ecosystems to function naturally, conserve and reuse water, treat storm water on site and optimize climatic conditions through site orientation and design.

Mr. Snieckus said a vision statement is provided in the document which is a basis for stating the goals and objectives. The sustainability element establishes a plan as a guideline for the Borough to implement programs promoting sustainable practices and initiatives to advance towards coexistence with the natural world and reduce dependency on non-renewable resources. The Borough has a “Green Team” currently reviewing ways of establishing more sustainability within municipal operations. When the Borough becomes certified it is possible to seek additional grant funding to pursue some of the programs to achieve more sustainability. Another goal is to adopt and enforce land use policies that reduce sprawl, preserve open space, improve transportation options and create compact walkable developments wherever possible. He continued to explain additional goals and policies such as making energy efficiency a high priority through building improvements and retrofitting Borough facilities with energy efficient lighting and water conservation technologies and to engage in community education and outreach programs.

Mr. Snieckus said Allendale has joined with New Jersey’s Clean Energy Program to complete an energy audit of municipal facilities. This program calls for replacement of non-energy efficient systems such as lighting and heating systems with energy efficient systems.

Mayor Barra said Councilwoman Wilczynski has done a tremendous amount of work and has been successful in obtaining a \$95,000 grant for the Borough. Work will begin on implementing new air conditioning systems, furnaces, efficient lighting, etc. The people doing the work are State approved and they will bill directly to the State program and be paid directly by the State.

Mr. Snieckus said he has added to the document that the Borough will strive to use recyclable materials including the use of environmentally responsive products. That was something that Ms. Wilczynski identified that the Green Team is trying to achieve.

Mr. Snieckus said one of the things that is also identified in this document is the opportunities/indicators of sustainable development. They are transportation, energy efficiency, health and wellness, waste management, preservation and protection of natural resources and protection of water resources. Allendale has about 3000 workers within the community and 74% of those workers drove alone according to the 2000 census and 19% used public transportation or car pooled. This information is included to identify trends that exist within the community in order to identify goals with regard to transportation and to try to encourage either mass transit or establishing a circulation pattern to encourage sidewalks or trail systems to interconnect residential neighborhoods to our commercial or business districts. The document also looks into railroad transportation. The main Bergen line is a very significant feature within the community. Allendale has one of the highest percentages of use of the Bergen main line.

Mr. Snieckus said a circulation plan is identified in the document to improve sidewalks and bicycle paths throughout the Borough to key points such as schools and downtown. Other targets for transportation are municipal vehicles with greater fuel efficiency whether by alternate fueled vehicles or electric cars, if practical. Another option would be shared vehicles with other communities. Energy efficiency in green buildings is also listed as a target and the importance of an energy audit is listed. He said Westwood is putting together an ordinance that would allow for additional coverage or floor area ratio if an applicant had provided more “green” and

sustainable approaches to storm water maintenance and storm water management in order to encourage responsible redevelopment.

Mr. Snieckus said the performing of an energy audit is important in order to identify why energy is being used and opportunities for saving energy and using facilities that are more energy efficient. He also discussed green construction and its benefits.

Mr. Walters commented that in Hackensack an applicant was granted a height variance and had plants on the roof in order to deal with water runoff. Mr. Snieckus said it has been proven that a green roof system can retain as well as help slow down the runoff. Other targets for energy efficiency and green buildings is to prepare and adopt sustainable building and design standards. He said LED lighting fixtures are becoming more commonplace and have been accepted by utility companies as comparable replacements because of the time frame and length of burn time they offer plus the energy savings. He said in Westwood the Town Manager has been very diligent in working with the power company to promote more use of LED fixtures. Mr. Snieckus said many websites have energy audits available on line that homeowners can use to do their own energy audit.

Mr. Snieckus said health and wellness is also part of the Sustainability element. One of the things that can be done is to establish the ability for our communities to be interconnected and to encourage walking and exercise. He said the leading cause of death in New Jersey is heart disease related to a sedentary lifestyle. Other suggestions are to continue to participate in the Safe Routes to Schools Program, establish a circulation plan to interconnect residential, business and municipal facilities to encourage walking, explore the establishment of a farmers' market program, promote continued improvements to the recreation facilities for all ages and abilities and also to impose no smoking ordinances to encourage health environments and to promote waste management and recycling activities. Also listed in the element are methods to promote the preservation and protection of natural resources.

Mr. Snieckus asked if there are any questions from the Board.

Mayor Barra discussed the problem of contamination of wells and the fact that it will become more of a problem in the future. He asked if there is anything that Mr. Snieckus could recommend that the Borough might do or incorporate into this sustainability component that might help. Mr. Snieckus said one of the communities he represents was exceeding their allocations that they were allowed to pump from their aquifers. DEP recognized they were exceeding their peak flow rates and wanted them to include in their master plan a statement that any deviations from that land use plan need to be respectful of the water usage that may increase as a result of that plan. It was a way of identifying and linking water usage to the densities and intensities of development that were being proposed or contemplated within the master plan.

Mr. Snieckus said when the open space and recreation element and sustainability elements are approved certain components can be tied into the goals and objectives of the master plan. If these goals and objectives are included the Zoning Board can try to include them in their review and discussions of their applications.

Mr. Walters asked if private wells vs. regular are touched upon in the document. Mr. Snieckus said it is in the open space document on page 18 – “public well heads are vulnerable to draw down complications associated with the numerous private wells that exist in the Borough accessing the aquifer. It is recommended that the Borough consider regulations that would severely limit the addition of future private wells to insure the continued viability of the current well heads. It is recommended that private well heads should be required to connect to the public water systems for proper management of the aquifer for the community.”

Mr. Zambrotta asked if the same language could be included in the sustainability element. Mr. Snieckus said it could be included. Mayor Barra agreed that it would be a good idea. It is potentially a very serious issue. Private wells do have an impact on the aquifer. Mr. Zambrotta asked if the language is strong enough on this serious issue. Once water is contaminated, it can't be recovered. Mr. Snieckus said he could add a new goal relative to the preservation and protection of the well heads and aquifer.

Mayor Barra asked how a private well can be connected to our water system. On page 18 of the open space element the last sentence says – “it is recommended that private wells be required to connect to the public water system for proper management of the aquifer of the community.” Mr. Snieckus said that is something he added after the issue of sensitivity of private wells and how they potentially impact the public systems was brought up. He said it is probably not worded correctly and should say “private residences that are currently using private wells should connect to the public water system.” He will change the wording. He suggested reopening the vote to include that clarification in the open space element.

Mr. Walters said on page 47 there are two references to over utilization of fields. Mayor Barra said he believes there was a question about the definition of turf and the phrase “artificial” should be attached to turf.

Mr. Quinn asked Mr. Dunn if we should reopen the vote on the open space element or if a clarification would be sufficient. Mr. Dunn said there should be a motion or an amendment. He suggested that in the sustainability motion reference can be made to a modification or amendment to the plan.

Mr. Sirico moved to reopen the Open Space and Recreation Plan element for an amendment and approval. Motion seconded by Mr. Quinn. Mr. Snieckus said the amendment to page 18, item B, last paragraph should read that it is recommended that private residences utilizing private wells be required to connect to public water systems for proper management of the aquifer for the community instead of establishing new wells.

On roll call, all Board members present voted in favor.

Mr. Snieckus said he would like to add an additional goal and policy to page 3 of the sustainability element - Item 9 as follows: To preserve our well head water resources and aquifer within the community.

The meeting was opened to the public for comments on the sustainability plan and there being none, the meeting was closed to the public.

Mr. Sirico moved, seconded by Ms. Sheehan to accept the sustainability element as amended. On roll call, all Board members present voted in favor.

Mr. Snieckus said the next step will be the review of the master plan. He will incorporate several of the key goals and objectives from the two elements into the master plan including a copy of the latest housing plan. He wants to include certain target sites so they are identified in the land use plan of the master plan we will come back to the Board with a final copy of the document. He feels it makes sense for the Board to review that one more time and then prepare for a public hearing.

Mayor Barra asked what is the appellate division's decision on COAH going to do with respect to the Borough's master plan. Is it advisable not to pass our master plan because COAH has 6 months to come back with criteria for the growth share. He said he believes this is going to go on and on. Mr. Snieckus said the appellate division of the Superior Court heard about 22 arguments relative to the growth share requirements of COAH's current rules. COAH previously had a fair share requirement and they changed it to a growth share requirement. Based on a community's growth it has to have a certain number of affordable housing units. That growth share criteria has been overturned by the Courts so now they have 5 months to go back and redefine what the requirements need to be for what is called the third round criteria. Currently Allendale has a certified plan that has recently been amended. COAH was just about to approve the plan but he believes all of that has come to a halt. He believes Allendale has the best protection of most municipalities because it has a plan in place, but it will require potential changes to its housing plan in order to address what is going to be in the third round requirements as they are going to be changed. He said it is probably not a good idea to include the affordable housing sites in the master plan and to let it be an amendment that is to be added to the master plan in the future when it is known what that plan needs to be.

Mayor Barra said the Borough is probably in the forefront of almost every town in the State of New Jersey since it has not only planned its sites but has built them. The Borough is in contract to close on the last site in December and has received approval from the Zoning Board with one minor revision which has been satisfied. It is going back to the Zoning Board at the November meeting. Mayor Barra said Orchard Commons has been built and the Borough is in the process of buying the Crescent Common site and construction will start next year.

Mr. Snieckus said the housing plan is an element of the master plan and it is part of the master plan now. It has been approved by this Board and is before COAH for approval. He said, "We have addressed what we feel is our affordable housing obligation through our plan. If we have to adjust it in the future for any future changes, we can always amend the master plan." He added that the master plan is not intended to be a static document and changes can be made as they are necessary. In order to further support the current housing element that is in place, we can recognize it in the master plan and put in a statement stating that it is recognized that the growth share criteria is currently under review.

Mr. Quinn asked what is the consensus of the Board with regard to including the housing plan in the master plan. Mr. Dunn said it is always good to have the plan in place. It can always be amended at some time in the future. Mayor Barra said he feels it strengthens us across the board by putting it in.

Mr. Quinn said it appears that the November meeting will be basically a review of the revised master plan including reference to the two elements that have been voted on tonight and some of the changes that have been discussed and potentially a public hearing and vote in December.

Mr. Quinn said there have been a number of email exchanges between the Fire Department and the Police Department regarding the emergency entrance to the Whitney and the type of gate and he has been copied. He said the Board has defined a gate that is strictly for emergency use only. Some of the communications back and forth have involved some sort of lock box code similar to what exists at the nursing home that apparently everyone is aware of and is therefore useless. He said it was the intent of the Board that it be strictly for emergency use only. The Board reviewed certain types of gates which only a limited number of people would have the ability to open. A solution was discussed where it would be necessary to call the Police Dept. to open the gate for emergencies. Mr. Yakimik said Sgt. Griffith and Mr. Cassidy were present at one or two of the meetings when this was discussed and we have to stay within the intent of what was approved by the Board. If there is any substantial deviation it will have to come back to the Board for another public hearing. He said it is clear that the Allendale Police Dept. will have the ultimate authority to determine what is or is not an emergency. It will be controlled by the Allendale Police Dept. probably from their dispatch center and not from anything at the gate itself. The gate has got to stay closed unless there is a real emergency.

Mayor Barra thanked Mr. Snieckus and the Board for all of their work on the master plan.

Resolution introduced by Mr. Bernstein and seconded by Mr. Walters was read into the record appointing Mr. Dunn to represent the Board if necessary with regard to the I-Squared lawsuit. (See copy attached and made a part hereof.) All Board members present voted in favor.

On a motion by Ms. Sheehan, seconded by Mr. Zambrotta, the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Barbara Knapp