

January 16, 2017

A Work Session Meeting of the Allendale Planning Board was held in the Municipal Building, 500 West Crescent Avenue, Allendale, NJ on January 16, 2017. Chairman Quinn announced that the Open Public Meetings Act requirements were met by the required posting and notice to publications and called the meeting to order at 8:00 p.m.

PRESENT: Mayor White, Councilman Sasso, Chief Scherb, Mr. Bonifacic, Mr. Quinn, Mr. Sirico, Mr. O'Connell, Mr. Zambrotta, Mr. Daloisio.

ABSENT: Mr. O'Toole, Mrs. Checki.

Mr. Quinn began with an explanation to the public in attendance that this was a work session of the Planning Board. There would be no approval tonight, only the review of the new Ordinance and opportunity for the Board to hear why it was drafted by the Council. The Planning Board's task was to determine if the ordinance is consistent with the master plan. Mr. Quinn introduced Ordinance 17-03, an Ordinance to Amend, Supplement and Revise the Code of the Borough of Allendale, Zoning, Chapter 270 and Land Subdivision and site plan Review, Chapter 147, introduced by Mayor and Council on January 12, 2017. Mr. Botta reaffirmed Mr. Quinn's statement elaborating that the Planning Board is to review consistency with Master Land Use Plan and only make recommendations to the council. The role of the Planning Board is to make sure it is substantially consistent with the planning elements of the master plan. Borough attorney, Mr. Ray Wiss, Esq. and borough planner, Mr. Ed Snieckus will be presenting tonight to the Planning Board. Mr. Botta continued that the Planning Board may have questions but this is not an opportunity for the public to voice their opinion which they will have the opportunity later in the agenda and only for the Planning Board to ask questions. On Thursday January 19th the Board will then have the opportunity to vote. Mr. Quinn explained to the public that the second reading by the Mayor and Council, on February 16, 2017 will be the actual vote to approve the Ordinance and that this work session was a compliance meeting for this board to hear the merits to recommend to the Mayor and Council. Mr. Quinn invited Mr. Wiss and Mr. Snieckus to address the board.

Mr. Wiss stated that Ordinance 17-03 was introduced by the Mayor and Council on January 12, 2017. Mr. Wiss described the history of litigation over lighting at NHRHS school sports facilities from 1994 to the present. This Ordinance was drafted with input from John Drill, the current author of COX land use treatise, and Mr. Snieckus. The Ordinance was circulated to all parties of the current litigation for further input with comments incorporated into the final version. The objective behind the Ordinance is to come to agreement on use of lights and end the ongoing and costly litigation that negatively impacts residents pitting neighbor against neighbor.

Mr. Wiss began with the Ordinance review. Section A has defined all the various terminology within the Ordinance which is self-explanatory. Section B describes the restriction on the use of the lights. Section C outlines the review process for installation, construction and use of light structures as defined in the Ordinance. Section D describes ongoing annual compliance. Section E establish penalties and fines for failure to comply with the provisions of this Ordinance.

Mr. Snieckus commented on the consistency of the Ordinance with the borough master plan. This Ordinance will only apply to the school athletic fields, not another principled use. Mr. Snieckus began his technical commentary which overall, from the Master Plan standpoint, he found several items that were relative to the lighting of the school Ordinance. Interesting to note there were no specific mentions of the actual lighting requirements or limitations to the school. The master plan referred to the lighting components as accessory structures and this Ordinance was drafted so that it will only apply to the school athletic facility application. Section A was to have specific definitions identified as to create a safe level of lighting for protection of the home owners rights and the safety of the students for sporting events. Section B is parameters for usage which was proposed by the home owners attorney and agreed by the school all the times of usage. Also defined are lighting controls, set backs, buffering, and opaque fences which are elements sensitive components for residences surrounding the school athletic fields. Section C clarifies that the independent lighting consultant, who has national certification, will be submitting a specific lighting plan for each structure to the borough zoning official for annual approval. If the lights are relocated another plan will be submitted for each structure for the event. Section D is for ongoing compliance by the school with official reading by licensed technician at various locations and methods to measure will ensure proper use. Section E the penalties if any provisions are violated. Also, listed on the last page are other sections in the Master Plan that would be trumped by this Ordinance. Mr. Quinn

stated for the record that back in 1990 the Planning Board did not allow permanent structures. Now the Ordinance limits no more than 2 events any one night. Mr. Quinn questioned the timing of the lights seems to have very early start times. Mr. Wiss explained that was for coverage for problematic weather. Again, significant negotiations for reasonable usage and safety of the students but both sides had substantial input. Mr. Wiss stated that even though the town has created the Ordinance, it may not stop the litigation. Mr. Quinn asked that the phrasing be altered to state the additional 30 minutes for over time and or injury be more specific. Mr. Wiss cautioned there was significant compromise from both sides and this would only happen in worst case scenarios. Mr. Zambrotta asked to clarify the brightness of the lights as compared to a full moon lit night. Mr. Snieckus went into detail regarding; lumens, candle heights, brightness and the determination of the value for the Ordinance. Mr. Daloisio asked about the sound ordinance in case the need arises for the diesel lights. Mr. Wiss stated the school has been using diesel lights since 1998 and there has been no history of complaints over 2 decades. Mr. Sirico asked about the extra 30 minutes if there will be documentation when the additional time is utilized and what would prevent the school from leaving it on every night 30 minutes past the designated times, how can we know it is not abused? Mr. Wiss answered that proof is documented by serious or repetitive use resulting in revocation of approval and the school is the master of its own destiny as to whether it will lose approval or not. Mr. O'Connell asked if the lights can go to the 35 to 80 foot feet, all these tests will be at all heights? Mr. Snieckus answered that it is certified to that specific design with a set height and re-certify every year. Mr. Quinn directed the board to review the Master Plan before the meeting on Thursday.

Mr. Botta asked for any other comments from the Planning Board members. Hearing none he opened the meeting up to the public and directed the comments from the public to be brief opinions and no questioning of the witnesses or board will be accepted tonight. Mr. Michael Walters of 56 Cedar Drive, Allendale, thanked the Mayor, Mr. Bernstein and Mr. Wiss for the work to create the Ordinance. Mr. Walters stated he is not against lights or the amendment and great work has been put into this Ordinance. For the record, he is not prejudicing any of his rights based on litigation. He has more specific comments that he would like to make on Thursday since he was unaware of the meeting until this afternoon. Mr. Walters recognizes as a former member of the Planning Board that they are protecting the rights of the residents. Mr. Walters called out Mr. Wiss doing a good job summarizing the events up to tonight and confirmed there was a couple rounds of drafts, and back forth between the parties, but believes the last round the comments from the home owners were not included but more on the other side which he will further explain at the meeting on Thursday. He will address the Master Plan which he had the honor of sitting on the board during the 2011 review. The Board of Ed needs to enrich their programs and the lights will assist in their goals. He is disappointed that it did not come up at the Planning Board for a full hearing yet is grateful to be present tonight. The intent of the borough and the parties, but believes that some of the verbiage can be cleaned up. Mr. Walters was under the impression there was only one set of lights and discovered that the portable lights will be on the middle of the field with permanent lights on the football field. Of concern is the fencing does not address the light issue with the disparity of the 8 foot fence versus the 72 feet high lights does not mitigate the spillage on his property and not appropriate. Again on Thursday he will address the Master Plan with comments. He would like to put it to bed and move on. Mr. Quinn asked if anyone else would like to speak brought the meeting back to the board. Mr. Quinn informed the public that the public meeting will begin on Thursday with administrative items to be addressed prior to the hearing. Mr. Quinn qualified for the public that the of the role of the Planning Board to recommend any changes and verify it is in harmony with the master plan. If any substantial changes are recommended by the Planning Board a another round of hearings will have to be done. Mr. Botta noted the Mayor and Council to have the final vote and take deference and weight to any comments from this board. Mr. Quinn stated he believes this is a good compromise for the community.

No further action on the agenda to be taken Mr. Quinn asked for a motion to end the meeting, Mr. Daloisio made a motion, Mr. Sirico seconded the motion. The meeting ended at 9:15 p.m.

Respectfully submitted,

Christina Montanye