

Minutes of the Park Ridge Planning Board
Meeting of December 16, 2009

These minutes have not been approved and are subject to change by the public body at its next meeting.

The regular meeting of the Park Ridge Planning Board was called to order by the Chairman, David Mesiano, on the above date, time and place.

Chairman called for the Pledge of Allegiance to the Flag.

ROLL CALL: Present: Messrs. Browne, Brouwer, Maguire, Mesiano, Mital, O'Donoghue, Oppelt, Sandler, Saluzzi, Councilman Wells
Absent: None
Also Present: John Ten Hoeve, Jr., Board Attorney
Brigette Bogart, PP, Planning Consultant

COMPLIANCE STATEMENT:

The Notice for this meeting required by Section 3(d) of the Open Public Meetings Act has been provided by the adoption of a resolution by the Park Ridge Planning Board on January 28, 2009, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 29, 2009 and by posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereof and by filing the said schedule in the office of the Borough Clerk.

ANYONE PRESENT WISHING TO BE HEARD: (non-agenda items)

There was no one.

APPROVAL OF MINUTES:

Motion made by Mr. Maguire to approve the minutes of the special meeting of November 10, 2009 as written.

Seconded by Mr. Browne

AYES: Messrs. Browne, Brouwer, Maguire, Mesiano, O'Donoghue,
ABSTAIN: Messrs. Oppelt, Sandler, Mital, Saluzzi, Councilman Wells

Motion made by Mr. Mital to approve the minutes of November 18, 2009 as written.

Seconded by Mr. Oppelt

AYES: Messrs. Browne, Mesiano, Mital, O'Donoghue, Oppelt, Sandler,
ABSTAIN: Messrs. Brouwer, Maguire, Saluzzi, Councilman Wells

Motion made by Mr. Mital to approve the minutes of December 2, 2009 as written.

Seconded by Mr. O'Donoghue

AYES: Messrs. Browne, Brouwer, Maguire, Mesiano, Mital, O'Donoghue, Oppelt
ABSTAIN: Messrs. Sandler, Saluzzi, Councilman Wells

CORRESPONDENCE:

League of Municipalities

re: December 2009 – distributed

NEW BUSINESS:

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37 PARK RIDGE, LLC – 37 Park Avenue – Bond Reduction

WHEREAS, 37 Park Ridge, LLC, 37 Park Avenue, known as Lot 4 of Block 1505, on the Tax Map of the Borough of Park Ridge, has posted a cash Performance Bond in the amount of \$96,660; and

WHEREAS, the cash Performance Bond was reduced to \$80,910.00 in October 2009; and

WHEREAS, the cash Performance Bond was further reduced to \$74,910.00 in December 2009; and

WHEREAS, applicant has requested their Cash Performance bond be further reduced; and

WHEREAS, the Borough Engineer has reviewed and inspected the site; and submitted a report dated December 11, 2009; and

WHEREAS, the Borough Engineer has recommended the cash Performance Bond be further reduced by \$11,000.00 for the remedial work completed on site; and

WHEREAS, a copy of the engineer's report has been attached.

NOW, THEREFORE, BE IT RESOLVED by the **PLANNING BOARD OF THE BOROUGH OF PARK RIDGE** that the Cash Performance Bond of \$74,910.00 be reduced to \$63,910.00.

Offered by Mr. Mital.

Seconded by Mr. O'Donoghue

AYES: Messrs. Browne, Brouwer, Maguire, Mesiano, Mital, O'Donoghue, Oppelt, Sandler, Saluzzi, Councilman Wells

MASTER PLAN REEXAMINATION

WHEREAS, the Municipal Land Use Law, specifically, the provisions of N.J.S.A. 40:55D-89, require that a municipality conduct a reexamination of its Master Plan at least once every six years; and

WHEREAS, N.J.S.A. provides that the Planning Board for a municipality may prepare or amend a municipality's Master Plan and establishes the procedures for the preparation or amendment of such a plan; and

WHEREAS, the Planning Board of the Borough of Park Ridge, hereinafter referred to as "BOARD", over a period of more than twelve months has conducted a comprehensive review of prior Master Plans of the Borough of Park Ridge and prepared a new Master Plan entitled "Comprehensive Master Plan, Borough of Park Ridge", said plan dated November 17, 2009, and said plan hereinafter referred to as "Master Plan"; and

WHEREAS, N.J.S.A.40:55-13 provides that a Planning Board shall hold a public hearing prior to the adoption of a Master Plan; and

WHEREAS, the BOARD held a public hearing with regard to the Master Plan on December 2, 2009, upon due notice as required by law; and

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WHEREAS, the BOARD believes that it is in the best interest of the Borough of Park Ridge to adopt the aforementioned Master Plan,.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, pursuant to the authority of N.J.S.A.40:55D-1 et seq., that the BOARD hereby approves and adopts the Comprehensive Master Plan of the Borough of Park Ridge dated November 17, 2009.

Offered by Mr. Oppelt
Seconded by Mr. O'Donoghue

AYES: Messrs. Browne, Brouwer, Maguire, Mesiano, Mital, O'Donoghue, Oppelt

ABSTAIN: Messrs. Sandler, Saluzzi, Councilman Wells

Chairman Mesiano, in speaking for the entire board, thanked the planner for a "job well done". He said she had spent a lot of time on it this year.

COAH MEDIATION REPORT:

Chairman indicated Councilman Wells would update the board on the mediation meeting held on Tuesday, December 8th.

WELLS: I understand from the report that I gave to the council that mine is a lot more optimistic than the planner's because the borough attorney was at the meeting and he had just spoken to the planner and I had given a pretty glossy overview and said that I thought it had went well because Terry and I decided we had won.

So, I will give you the in-between version, I guess. They entertained both groups and they heard from both groups. The developer had two different designs, one was for 48 units, two buildings, three-stories high, the buildings were, we guessed, about 44' tall. We made an observation to the COAH group by holding a card on their presentation....we held the card about right there to show that is what you would see from the street and then we lowered the card to about there and said that is what you would see from the neighbor...the neighbor would look at over 65' and the planner made some points about how in some areas these windows would all be gone because of the way the topo is set.

We poked enough fun at their plan during the presentation where both groups were present that it became apparent to COAH that we didn't like the plan but we still met with COAH privately and then we shared the reasons why. We thought it was inappropriate because it was 48 units on 3.2 acres of land in the middle of a single-family area and more importantly, we tried to make the point that we felt it was ill-placed. That it would be better to have that kind of housing in our downtown area where it was closer to the schools, it was closer to public transportation, and it was closer to the downtown stores that those residents may wish to walk to. So for a lot of planning reasons the location was wrong and the size was just too big. So we made those points and then the other group would have made their points but we ran out of time and they basically still recognized that we didn't like their plan and they were going home to think that through.

I'm sure we are not done but we are done with that first mediation meeting....no, they rescheduled that because they waited to hear some answers that we had to give in our pre-mediation report. The Planner presented to the group that there were 17,18 items and that 15 of them were easily obtainable and that the other three we felt were obtainable but with explanation. So, my read on it and this is the "win" part, is that COAH

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received our input, recognized some of the points we made about the single-family and the intensity and recognized our downtown preference and was very encouraged to hear that we felt we could accomplish the 18 concerns and looked forward to seeing what would be the alternate sites and my read was, that if we had legitimate alternate sites that our report would be approved and they would have to go with the (?) vote.

BOGART: Everything you said is correct, the only issues with that is that depending on how much the plan changes and it may change because I think I told you the last time they didn't agree with us counting those sites that had been zoned for affordable housing since the 90's because they hadn't produced affordable housing. So we are going to have to change the plan a little bit and I have some ideas but we may have to repetition COAH, have a new public hearing, have a new endorsement by the Mayor and Council, which opens the door to the objectors again to re-object to our new plan and I'm sure they are going to find something to object to because their objective is just to get their site developed. So I think it is going to be a longer process, however, I have found alternatives and they are very good alternatives....one of the things I am looking into right now is actually extending the deeds on the Woodland Gardens complex because I think they expire somewhere between 2014 and 2017 and as long as they expire somewhere before 2018 we can ask the county to represent that they will extend the deeds for another 30 years and we can get credit for those units again in our new plan. So then we will be able to take out all those sites that were zoned for affordable housing in the early 90's and just remove them completely from our plan and use the credits from our handicapped housing complex. That and the addition of the Madison Avenue site that the zoning board just approved last night, which wasn't in our plan, will help us address our obligation and those two items were never contemplated when I originally prepared it. So I have confidence that we can rearrange it and meet all of COAH's obligations and requirements. I know the objectors will come back at us.

MAGUIRE: The only thing I will add is our pre-mediation report is due February 15th.

BOGART: They changed that on us, I got an email the next day saying it is actually January 16th.

MAGUIRE: So they are going to keep the mediation open untiloh, did that date change now too?

BOGART: I think it is in February.

MAGUIRE: They were going to keep the mediation open until February 15th.

TEN HOEVE: I think they are keeping the mediation open to see if we are going to resubmit the plan. If we do resubmit the plan, I suspect that they are not going to keep the mediation open but give the objectors, if they wish, a chance to object again and re-schedule a new mediation. Would you agree (to the planner)

BOGART: Yes.

MAGUIRE: Resubmitting a plan or answering questions?

TEN HOEVE: The difference is that in order to meet their objections, Brigitte is suggesting that we remove some of the parcels that were included in the prior plan as affordable housing sites and they said if you are going to be a) eliminating those parcels, which I think they want us to do and b) using another site, which is the one that was just approved by the zoning board,

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which was not part of the plan, that they are not likely, although Brigitte is still discussing this with them, that they are not likely to do that as an amendment to the prior submission but will probably require a new submission. That's an open question.

BOGART: By the 15th of January I am going to have to respond to their report and I have asked them if I can actually give them a draft report so they can look it through and make sure that I've addressed all their questions and addressed them fully and in compliance with the regulations so as to not have a report out there that would be attacked by our objectors and they suggested that it was appropriate. I will be sending them a draft report as soon as I get all the information together. I am still waiting for the official date that the Woodland Gardens was deed restricted and some construction dates for the group homes. I am waiting for the state because no one seems to know when they were actually constructed. As soon as I get all that information I will put a draft report together and we can discuss it and I will send it down to COAH.

BROUWER: You said that the majority can be answered quite easily. Is there one or two that are a problem?

BOGART: It all depends on these dates that I am waiting for because if the dates all comply with the COAH regulations then we really don't have any issues. If the deeds don't comply then we have a 5-unit shortfall that we'll have to address at another site in the downtown but I want to wait until we get the dates back within the next week or so then I can put together a draft report and if we need to find those 5 units at another site in the downtown we will need to talk about it. That's the main issue but everything I have seen so far says the dates will work. I think that's it.

BROUWER: Can you educate me a little bit....about the dates working.

BOGART: The dates for Woodland Gardens...it has to have been constructed prior to 1988 because it would be a 30-year deed restriction and what COAH requires is that the deed restriction expire prior to 2018. So if they expire prior to 2018 and we can get the county, who own Woodland Gardens, to extend it for another 30 years, then we are Ok. But if the original 30-year period doesn't expire until after 2018, then we can't use those credits. We can probably use them in another round in the future but we can't use them now and would have to look for another site.

The dates for the group homes that I am waiting for is they have to have been constructed prior to 1984 in order for us to receive bonus credits for some of the rental units in those houses. If we can get those bonus credits then we can alleviate some of the additional units. I am not sure why 1984 is the trigger but it is.

BROUWER: Probably legislation at that time.

BOGART: So as soon as I hear or we may have to be looking at another site downtown.

MESIANO: I am almost positive Woodland Gardens was built before 1988.

BOGART: I think it is before '84 and '87.

MESIANO: I am pretty sure it was before '88.

BROUWER: Wouldn't our building department have that information?

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BOGART: Most of their records were destroyed in the flood. Lyn had given me the '84 date and I have a deed that says '87 so I sent it down to the county to see what they came up with.

MESIANO: Did you say Peter, that the objectors didn't have time?

WELLS: No, they had a shorter amount of time. They made their point in a shorter amount of time but then there was no opportunity for us all to come back in. The arbitrator just came out and reported that both sides had reported their positions and that they recognized that they would not be successful on that day and therefore they couldn't declare it complete. They didn't come into a room to hear that as a group but we heard it basically from a chairperson.

MESIANO: And what is the date you have to send that report in?

BOGART: January 15th.

MESIANO: And that is a Friday and we meet that Wednesday.

BOGART: I will have my draft report prepared with some recommendations and modifications which I will just email down by Friday and we'll be fine.

MESIANO: Any other questions? Any other comments from anybody who was there?

MAGUIRE: The only other thing that I will point out is that in addition to Metropolitan Homes, Kevin Walsh was there from Fair Share as well. So it was Park Ridge, he, Bill Malloy (?) was the mediator, two folks from COAH and Metropolitan had Stan Nowak, Andy DeVecchio and Art Bernard.

MESIANO: Anybody who wasn't here at the last meeting have any questions of why the plan might change with the Madison Avenue project? I guess everybody has heard about that and that adds units.

WELLS: There is another important point that came out and that was that 37 Park...that they had reversed their position, they had given us basically, what would be the word...an open door so that could be revisited so they could reverse their opinion again and we would go back and have two credits instead of just one. They gave the planner not only the open door but the language on how to do that. That would be....

BOGART: Well, they did that and that was great but the regulations have a cap on the amount of bonuses you can get so we may not even need it because we may be capped already on bonuses.

WELLS: Oh, with the other ones that we just spoke about.

MESIANO: How many credits does Woodland Gardens give us?

BOGART: I think we can get at least 7 there. The regulations are restricting and we need more family units and senior or age restricted units. We have to determine how many family units are in Woodland Gardens because that will determine what we get.

MESIANO: Hopefully all that will work out. You can keep us up to date if there are questions between now and the next meeting.

TEN HOEVE: Councilman Wells rather assertively criticized COAH in general to open the session.

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MESIANO: Great.

TEN HOEVE: He told them he didn't think they were working with us but were working against us, that the borough was very unhappy with how they approached things.

MESIANO: That was constructive criticism.

WELLS: And I meant it in a constructive way. I told them I didn't understand why we had to drive all the way to Trenton to hear about 48 units on 3.2 acres in the middle of a single-family zone and where was COAH helping us so that we didn't have to do that and instead we had a good solid plan that places it in a more appropriate place and what's the point?

TEN HOEVE: And I think that the mediation team will confirm that there was a general concern on the part of COAH representatives with regard to the continued existence of COAH. You could sense that at the mediation.

WELLS: Yes, that was definitely there too.

MESIANO: (to a person in the audience) Sir, do you have a question?

(voice in the audience) No, I am a student at Bergen Community and I have to attend town meetings.

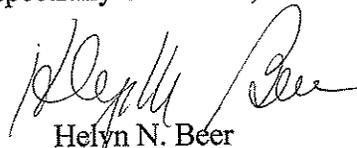
ADJOURN:

There being no further business to come before the board a motion was made by Mr. Oppelt that the meeting be adjourned.

Second by Mr. O'Donoghue.

Carried unanimously.

Respectfully Submitted,


Helyn N. Beer
Secretary

(8:25pm)