Minutes of the Park Ridge Planning Board
Meeting of January 28, 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, Cassata, Maguire (8:15), Mesiano, Mital, O'Donoghue, Oppelt, Sandler, Councilman Wells
Absent: Mr. Saluzzi
Also Present: John Ten Hoeve, Jr., Board Attorney
Brigette Bogart, Professional Planner

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 14, 2009, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 15, 2009 and by posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereat and by filing the said schedule in the office of the Borough Clerk.

INTRODUCTION OF NEW BOARD MEMBERS:

Chairman welcomed the following board members:

Terence Maguire – newly appointed Alt. I member – term expiring 12/31/09

Nick Saluzzi - newly appointed Class II member – term expiring 12/31/09

Peter Wells - newly elected Class III member – term expiring 12/31/09

Kenneth Brouwer – Class I member – Mayor's designee – term expiring 12/31/09

REORGANIZATION:

Chairman announced the following had been elected as the 2009 officers of the Board.

Chairman – David Mesiano
Vice-Chairman – Raymond Mital
Secretary – John O'Donoghue

Chairman announced the following appointments for the 2009 year.

John E. Ten Hoeve, Jr., Board Attorney
Burgis Assoc. – Brigette Bogart, PP – Planners to the Board

Brooker Eng – Eve Mancuso, PE – Engineers to the Board
Helyn N. Beer – Secretary to the Board

COMMITTEE APPOINTMENTS: (first named Chairman)

Subdivision & Site Plan Committee- Mital, Maguire, Browne, Saluzzi

Landscape Review Committee – Cassata, Oppelt, Browne, Sandler

Council Representative – Councilman Wells

Developer's Agreement Review Committee – Browne

Voucher Review – O'Donoghue, Brouwer

Vision Plan Committee – Chairman or Chairman's designee – Maguire

Open Space Committee – Chairman (Mayor's Committee)

DESIGNATION OF REGULAR MEETING NIGHTS, OFFICIAL PUBLICATIONS AND FEES

Chairman announced the 2nd and 4th Wednesdays of the month as the official meeting nights, with the exception of April, November and December, which are on the 1st and 3rd of the month.

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

There was no one.

APPROVAL OF MINUTES:

Motion made by Mr. Cassata to approve the minutes of December 3, 2008 as written. Seconded by Councilman Wells.

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

Motion made by Councilman Wells to approve the minutes of December 17, 2008 as written. Seconded by Mr. Mital.

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

REPORT OF VISION PLAN COMMITTEE:

Chairman explained since the Vision Plan Committee was a Mayor's committee and by virtue of being chairman he was automatically on it, however, the chairman can select a designee and he said Terry Maguire would so be it. Chairman said, by way of explanation, that Mr. Maguire had been attending the meetings and it would provide continuity. He also said he wanted Mr. Maguire to give monthly reports on the meetings to keep the Planning Board up to date.

Chairman said in the same vein, he had asked Councilman Wells, at the Saturday seminar, to give a brief overview of the Vision Committee from its inception to the present as to the goals and where they are in relation to those goals and Mr. Maguire will bring us up to date after each meeting.

Councilman Wells advised the board he had a conflict the day of the Saturday seminar and had asked Councilwoman Ciannella to attend and give an overview of the Vision Plan Committee.

Mr. Maguire told the board the Vision Committee was formed in 2007 and initially met to determine their goals and objectives. He said the vision process itself is in the MLUL and is used to develop Master Plans. The idea is to meet with various town officials and organizations, gather their input which is eventually developed into a Master Plan. He said it was key for the Planning Board to have this visioning process particularly since this is the year the plan will be updated.

He said it had been great for him and meetings had been attended by the police department, fire department, PRAA and Shade Tree to talk about their needs and where they felt the town should be and now the Regional Plan Associates (RPA) has been hired to conduct an all-day Charrette on March 7th. A Charrette is a means of collecting information, is a French term used by architects as a means of gathering information in order to complete their projects.

All residents are being invited to attend and participate. The Charrett e will focus on certain parts of town for the collection of data.

Mr. Maguire said, in his view this information should all go back to the Planning Board. RPA will create a document, which will be delivered to the Planning Board sometime in April, which will tie-in with what the board is doing now with the Master Plan.

NEW BUSINESS:

HISTORIC PRESERVATION ELEMENT TO MASTER PLAN

WHEREAS, the New Jersey Municipal Land Use Law, specifically, N.J.S. A.40:55D-28(b)(10) provides that a municipal master plan may include an historic preservation plan element; and

WHEREAS, the Planning Board for the Borough of Park Ridge has recommended that the Master Plan be amended in order to include an historic preservation plan element; and

WHEREAS, the terms, conditions and provisions of said historic preservation plan element have been set for in a document entitled "Historic Preservation Element of the Borough's Master Plan for the Borough of Park Ridge" prepared by Burgis Associates, Inc. and dated December 5, 2008; and

WHEREAS, the Planning Board for the Borough of Park Ridge has held hearings, upon due notice as required by law, with regard to the adoption of said historic preservation plan element; and

WHEREAS, after conducting said hearings the Planning Board wishes to adopt said Historic Preservation Element as part of the Borough 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:A55D-1 et seq., that the BOARD hereby approves and adopts the aforementioned "Historic Preservation Element of the Borough's Master Plan" and recommends that the Mayor and Council of the Borough of Park Ridge adopt such Ordinances as are necessary to implement the recommendations of said Historic Preservation Element.

Offered by Mr. Cassata
Seconded by Mr. Oppelt

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

GARRETY LIVING TRUST, LLC

WHEREAS, GARRETY LIVING TRUST, c/o KATHLEEN WARD, (hereinafter referred to as "Applicant"), being the owner of premises in the Borough of Park Ridge, County of Bergen and State of New Jersey known as Lot 6 of Block 1006 on the Tax Assessment Map for the Borough of Park Ridge, had previously applied to the PLANNING BOARD of the BOROUGH OF PARK RIDGE (hereinafter the "BOARD"), seeking Major Subdivision Approval in order to permit the subdivision of the parcels into seven separate building lots; and

WHEREAS, Applicant had previously received approval for said application by prior Resolution of the BOARD; and

WHEREAS, Applicant had previously provided the BOARDs with escrows to cover professional fees due and owing to professionals providing services to the BOARD; and

WHEREAS, the sum of $1,855.00 remains in the aforementioned escrow account; and

WHEREAS, the firm of Dolan & Dean, Professional Engineers, have requested payment for outstanding sums from said escrow account; and

WHEREAS, the BOARD had previously retained said firm with an understanding that total fees due to the firm would not exceed $3,300.00; and

WHEREAS, a dispute exists as to the amounts due and owing to said firm, and the BOARD has received notice of attempts by the Applicant to settle amounts claimed to be due to said firm; and

WHEREAS, no other professional has submitted demands to the BOARD for payment from said escrow.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE that the BOARD hereby recommends the payment of said remaining $1,855.00 held in said escrow account to the firm of Dolan and Dean.

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

AYES: Mr. Sandler, Mr. O'Donoghue, Mr. Maguire, Mr. Oppelt, Mr. Cassata, Mr. Mital, Councilman Wels, Mr. Brouwer, Mr. Mesiano
ABSTAIN: Mr. Browne

AUTO BODY EXPRESS a/k/a 86 MADISON

WHEREAS, AUTO BODY EXPRESS a/k/a 86 MADISON, 86 Madison Street, known as Lot 6 of Block 1803, on the Tax Map of the Borough of Park Ridge, has posted a cash Performance Bond in the amount of $99,241.85, which included a cash Maintenance Bond of $11,028.63; and

WHEREAS, applicant has requested his Performance Bond be released; and

WHEREAS, the Borough Engineer has reviewed and inspected the site; and

WHEREAS, the engineer has submitted a report, dated December 16, 2008, which is attached; and

WHEREAS, the planning consultant has reviewed and inspected the site; and

WHEREAS, the planning consultant has submitted a report, dated January 13, 2009, which is attached; and

WHEREAS, over the past several years the Performance Bond has been reduced to an amount totaling $37,492.53, which sum includes the Maintenance Bond of $11,028.63 and a remaining inspection escrow of $2,500.00; and

WHEREAS, both the engineer and planning consultant have recommended release of the remaining cash Performance Bond and cash escrow subject to receipt of a two-year Maintenance Bond; and

WHEREAS, the cash Maintenance Bond had previously been submitted.

NOW, THEREFORE, BE IT RESOLVED, by the **PLANNING BOARD OF THE BOROUGH OF PARK RIDGE** that the remaining cash Performance Bond of $37,492.53 be reduced by $26,463.96, thereby retaining the previously posted Maintenance Bond of $11,028.63 and that the remaining escrow of $2,500.00 be released for the reasons given and that a copy of the Resolution be forwarded to the Chief Financial Officer.

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

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

ZONING BOARD OF ADJUSTMENT ANNUAL REPORT

TEN HOEVE: Attached to the packages you received was an annual report which was prepared for the Zoning Board, which gets turned over to the Planning Board and the Mayor and Council basically commenting on cases that were heard by the board and discussing issues that the board felt required some attention.

If you look at it you will see that there were3 four items mentioned in the report that are things that the board and I recommend be reviewed by the Planning Board to take some action.

The first deals with the F.A.R. regulations that the borough has. The code in Park Ridge provides that basement areas are included in F.A.R. calculations, which is unique compared to other municipalities. It creates problems because developers tend to try to avoid the F.A.R. limitation by coming up with ingenious ways to not have the basement included in the calculations. Some have come before the board and actually filled in basements so that an area that might have been a basement is no longer a basement. People will put slabs up rather than put a basement in and the general objective of an F.A.R. limitation is to control the size of the box. It's an effort to prevent Mc Mansions, if you want to call them that, but it's generally a restriction on the size of the structure. By including basements you don't change the size of the structure in most cases and there are several ways it can be approached. Brigette had some recommendations with regard to maybe basing it on volume but in any event, it is something that the planning board needs to take a look at if they want to make any changes to the ordinance and, if so, how they want to change it.

MESIANO: I think just to say that the calculation backfired. I agree with the zoning board that it needs to be looked at and changed because by eliminating the basement, we increase the size of the house aboveground as opposed to reducing the size, which was the intent. It clearly went in the wrong direction.

TEN HOEVE: Maybe the planner could make some recommendations at some future meetings with regard to what

other towns may do.

CASSATA: Why not add this to the Saturday seminar agenda?

ALL: Agreed.

TEN HOEVE: The second issue that comes up frequently before the board concerns driveways. The ordinance is vague with regard to several of the provisions it has with regard to curb cuts, required width of driveways, the ability to construct driveways with turnaround areas, some people have three-car garages and we have a curb cut area which is a maximum of 16' and the driveways are often much wider than that and it forces people to flare them out. There are also issues as to whether the driveways can be wider than the garage width that exists; it is just another area that needs to be looked at.

The third issue is lot coverage, rear lot coverage. The board has had many applications that require variances because the ordinance currently restricts the development of a rear yard to 10% of the lot area of the rear yard. Many of the applications come in because people want to put pools, patios, cabanas or other structures that aren't garages or sheds or other accessory structures that, I think, were probably being considered when the limitation was created but a 10% rear yard coverage limitation is relatively small, particularly in terms of the elaborate designs that some people have. I'm just suggesting that this is something else that can be looked at in terms in whether you believe it is appropriate or not to maintain that limitation. The comments are generated by virtue of the number of applications that the Zoning Board has had.

And last, something that has been discussed for many years, is a cell tower ordinance. Park Ridge still does not have a cell tower ordinance. We restrict them everywhere and that issue came up with a cell tower application that came before the Zoning Board that was resolved by virtue of the borough allowing it to be constructed on town property. The bottom line is, if you have no ordinance, if you restrict cell towers everywhere, it's almost considered by courts to be, prima facie evidence of an overturned decision of you deny it. It has been held so in cases and you really should come up with some ordinance that governs what you can do and where you can do it.

MAGUIRE: I would agree with that and I have also seen cases where towns have had an ordinance and the cell tower still went somewhere other than was designated in the ordinance but I, agree, it's a first step...this is where we permit them to be.

TEN HOEVE: And again, I am not suggesting what the terms of that ordinance be, where you do it, that's something that the planning board would have to investigate and come up with some suggestions. I am just saying it is not a good idea to have no ordinance and restrict them everywhere, especially when you have some now. The one that was coming in was an expansion, it's a non-conforming use, it's a D-variance expansion because even though it existed, it isn't permitted there, it was granted by variance.

Those are the four suggestions with regard to things I think the board should investigate.

MAGUIRE: The zoning board didn't mention anything about sign ordinances? Have they seen any sign request for variances?

TEN HOEVE: I don't think we had one the entire year.

MAGUIRE: Interesting.

BEER: They go through the Zoning Officer and most have been approved at that desk.

MAGUIRE: Interesting because that's one of the complaints we had about the sign ordinance.

COAH – THIRD ROUND SUBMISSION

Planner gave a brief background on how the numbers were arrived at for the third-round proposal. She discussed the spending plan and that the two-units COAH had asked about were currently contained in a location the board had considered.

She explained the board could amend the zone plan and find a location now for the two-units, board could add them to an existing site inasmuch as the 20% set-aside had been increased to 25% or the board could leave them where they were.

Planner explained that COAH had requested an anticipated dollar figure for the Development Fee Trust fund through 2018 and that given the current economic crises; it would be more guessing that basing it on what had gone on in the past.

Board determined that the two-units should remain where they are currently listed and to so notify COAH.

ADJOURN;

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

Second by Mr. Mital
Carried unanimously.

Respectfully Submitted,

Helyn N. Beer
Secretary

(9:15pm)