Minutes of the Park Ridge Planning Board
Meeting of December 17, 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, Cassata, Mesiano, Mital, Maguire, O'Donoghue, Sandler, Councilman Wells
Absent: Messrs. Oppelt, Viola
Also Present: John Ten Hoeve, Jr., Board Attorney
Eve Mancuso, PE, Board Engineer
Brigette Bogart, PP, 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 23, 2008, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 24, 2008 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.

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

There was no one.

PUBLIC HEARINGS:

HISTORIC PRESERVATION ELEMENT TO MASTER PLAN

MESIANO: The first thing on the agenda tonight is the continuation of the hearing on the Historic Preservation Element to the Master Plan. The planner will now offer further explanation of the plan.

BOGART: If you recall, two months ago we started the public hearing of the Historic Preservation Plan and at that point in time, we went through the entire plan and there were some questions raised by the public and at that point in time, I had given out my Email address and had asked anyone who had any concerns to contact me so we could address them.

Since that time, I received a total of 3 Emails, two from the same property owner. What I have done is revise the plan to address the concerns that were discussed at that hearing and have prepared a summary memorandum detailing all the issues that were raised and how I have addressed them. I revised the plan and it is now dated December 5th.

What I would like to do is pass out the memo summarizing all the issues but first let me walk you through the three pages that I've revised since the last hearing since I think the three revised pages will address a lot of the concerns that were raised at the prior hearing.

In the introduction on Page 3, I added a paragraph that talks about the fact that the borough just recognizes these historic structures and landmarks (the last paragraph on the page), that they add to the character and visual environment of the Park Ridge and the goals are to promote and enhance these structures. Given the fact that we want to recognize them, we have identified them in this inventory. We also recognize the truths as

far as the cost and work associated with rehabbing them and the goals in the plan have been adjusted to recognize not only the cost and work associated in rehabbing them but the fact that we do want to encourage their rehabilitation.

So you see, I have also modified the five goals on Page 4 and generally they just talk about safeguarding them, recognizing them as historic structures and ensuring that future development is sensitive to the historic character of the area. Those changes weren't as significant as the changes to the conclusion that I made and what I did was print out the last two pages of the document in 24 x 36 so we could all look at them.

Basically pages 65 and 66, the last two pages discuss the observations made while putting this document together. I summarized it in five points and I am just going to walk you through them quickly.

Point #`1 being that historic landmarks add to the character and the overall environment of the municipality and the preservation of these elements would add to the future character of the community. We determined that we want to maintain them and protect the local culture.

Point #2 talks about the Historic Preservation Committee who will have the responsibilities of acting in an advisory role for educational and informational purposes just to promote historic preservation throughout the community.

Point #3 is that an effective historic preservation plan cannot rely solely on the National and State regulation programs and instead an effort needs to be addressed at the local level and as such, we suggest that the planning board should adopt this plan and possibly move forward with an Historic Preservation ordinance.

Points #4 and 5 are going to address some of the concerns that were raised at the hearing.

#4 says that as a result of the high cost and extensive work associated with rehabilitating historic structures many municipalities lose their historic environment and the visual imprints from the past to make way for more newer cost effective development, therefore, the municipality looks to create more economically viable means to preserve these structures.

#5 talks about maintaining these historic structures in their original form is not always appropriate for current living conditions, therefore, the renovation of these structures may call for additions or architectural elements that are not always in keeping with the true historic nature of the structure. Therefore, modifications to any existing zoning regulations should allow for modern conveniences while at the same time encouraging preservation of historic details.

The next page, which is the recommendations says that if any zoning ordinance is going to be created based on this document, that it has to be consistent with those findings of fact and then I go into some bullet-points of what the ordinance should and should not do and I think this is the most detailed you can get and I think that all these details probably address 99% of the concerns that were raised.

I suggest that an ordinance should consider the inclusion of incentives to homeowners that are will to undertake renovations and rehabilitation projects that are consistent and complimentary to the character of the original structure. The ordinance should include design guidelines for use by property owners in designing additions and alterations and/or the planning and zoning board in reviewing applications affecting historic landmarks.

The ordinance should not prohibit property owners from removing or demolishing structures but rather encourage their rehabilitation.

The ordinance should not create restrictions that might impair the ability to sell the historic structure.

The ordinance should not include restrictions that would in any way reduce the market value of any historic structure.

The ordinance should not include provisions that would limit the ability to expand or enlarge the historic structure beyond what is restricted currently by the area and bulk limits set for in the zoning code.

So that's what was added to the document, in addition to those revisions, I actually have two pages that I brought with me tonight, two minor revisions. I had to add another person to the Historic Committee, so I have a new contents page and also, Page 13, I had the generator station as Electric Pond and apparently it is Electric Lake Pond, so I can pass out these two pages.

I am not going to go through my memo in detail but I just want to briefly touch upon some of the comments that were raised at the public hearing.

Items 1 and 2 in the memo go through what I just discussed; the intent of the plan, the goals of the plan and the recommendations for the zoning ordinance.

On the second page of my memo, it talks about the impact of property values, I did some research on this since there were a number of residents concerned about reducing the market value of their homes. I came across a number of these reports and one I found particularly interesting and basically the overall conclusion was that in New Jersey, historically, that historic designations, more often than not, increased market value of structures. There were only one or two instances where they actually decreased it and it is when a municipality has very stringent local controls or that they have very strict maintenance requirements that are very costly to the property owner or they don't allow for partial demolition or additions.

#4 of the memo just addresses the architect that lives up here at the public meeting...I had received an Email from him and one of the things he had mentioned was that there were incorrect tax lots and blocks and incorrect addresses...we went through all of them....his Email had suggested that there were a number of properties on Colony Avenue that didn't belong there, specifically #57, 63 and 53....none of them are included in the plan so I'm not sure where there was miscommunication but there was because those properties are not in the plan.

Secondly, he talked about the Bergen County Data Base that was utilized being outdated because it was from the 80's. The Data Base that we actually used was from 2003.

Lastly, Mr. Virgona, who is the architect, had suggested that 48 Colony Avenue should be taken out of the plan for a number of reasons and one of the things he says it that it is architecturally insignificant but then he goes through some of the details of the structure and goes through the history of that street and that structure and it was the exact history that was identified in the Bergen County Data base and for that reason and a number of others obviously, we left it in the plan because we think it still adds to the character and to the built historic environment of Colony.

That's the end of my comments.

MESIANO: Any questions from anyone on the board regarding the new information?

MAGUIRE: One of the comments that we heard the last time was relative to Upper Saddle River, that Upper Saddle River had adopted a Historic Preservation element to their Master Plan and I believe they adopted an ordinance as well...do you have copies of those?

BOGART: I did receive a copy.

MAGUIRE: And are they similar to what we're offering here?

BOGART: I didn't go through it in detail, I'm hoping that at the next stage of this we will actually go through many different ordinances (someone's cell

phone obliterated planner's remarks)....my objective at the last public hearing and tonight was just to revise the document to ensure that no ordinance could be created that would prohibit new development or hinder any of the property rights of any of the properties included in the plan. I am hoping that once we can move forward with that we can look at all these different ordinances.

MAGUIRE: Thank you. I did go through it and it seemed not as detailed as ours from what I could see. It does have an inventory of historic sites (member was too far away from microphone for the rest to be picked up)

BOGART: If this plan is adopted, we could not create an ordinance that would restrict the property rights because that would be contrary to what I just listed unless we amended our Master Plan.

MESIANO: Anyone else? Ok, anyone in the public like to ask a question?

Patrick Johnson, 107 River Vale Road came forward.

JOHNSON: I was not able to make it to the first meeting and I was wondering if that is a document that residents can get a copy of and when would we be able to do it?

BOGART: Contact Lyn Beer...we also have CD's.

JOHNSON: Ok, thank you.

Gerard Jacob, 106 Rivervale Road came forward

JACOB: Did you consider a voluntary opt-out at all?

BOGART: I had previously recommended to the board that we do not have that option but instead address all of the concerns of the residents.

JACOB: How do I correct the description of my property, it is incorrect, really incorrect. It was at least 15 years old before the subdivision and houses were built around it.

BOGART: I can do that for you.

Rick Holme, 14 Third Street came forward

HOLME: So we will have no say in this, at all apparently. Is that correct?

MESIANO: What do you mean?

HOLME: In other words we are told because we own old houses, we are in at your decision or out at your decision.

MESIANO: Yes, the...

HOLME: Thank you.

BOGART: One of the requirements to put together the element is to come up with design standards of structures that you are going to include in the element. One of our requirements or standards that we picked the structures by was anything before 1930. So to arbitrarily pull out structures that do meet those standards is inappropriate from a planning perspective. That's why I had recommended to the board to include anything that did meet those standards and they when you are creating the

ordinance, if the committee or the planning board felt that some of the structures didn't apply, then they could pull them out at that point in time but in the planning stages I felt that it would be better if it was more comprehensive. I understand that everyone here has concerns and wants to make sure that the new zoning ordinance is not going to affect their property and that's why I went through the details that I did in the plan recommendations to ensure that anything that is created from this document is not harming your property values or your development potential of your property. I'm hoping that if anybody else has any concerns that I can address them through this document so we can have a good planning document but also appease and hopefully promote the historic nature of your structures.

Cheryl Holme, 14 Third Street came forward.

HOLME: I just have a question about the document and if it's an ordinance down the road, ten years from now, can a new board change the ordinance or make changes to it so that....or is this always going to be in place.

BOGART: This document is always in place unless this board, the Planning Board, decides to amend this document and they cannot create an ordinance that is contrary to anything I am telling you tonight until they revise this document.

HOLME: But they can revise the document.

BOGART: They would have a new public hearing and we would go through all the same stuff that we have just been through.

HOLME: So in ten years if I want to sell my house and the buyer wants to take it down and the people sitting here in ten years say....

BOGART: I can't tell you who will be sitting here in ten years.

HOLME: Right and we don't have a choice in this.

BOGART: We are suggesting that demolition not be prohibited.

HOLME: But what if they change the document...they go through everything in ten years and change everything?

BOGART: I can't tell you who is going to be sitting here in ten years or what they will be doing.

HOLME: So we take a chance on what will happen in ten years.

MESIANO: But to the same point, if we didn't do anything tonight, in ten years they could make that new plan...the plan that you don't like. Do you know what I mean...let's say the board in five years makes a change that goes against this...if we don't do this they could still make that plan in five years...we can't predict that and this doesn't open the door to make that happen, I think this closes the door more because we put in writing how we want it to be. So it's harder to go against it and say that board five years ago was crazy and we think the historic properties should all have heavy restrictions and we are going to make massive changes....I think you would have a better argument at that meeting coming in and saying "five years ago we all went through it and thought it was a good plan".

HOLME: Don't get me wrong, I grew up in Park Ridge, I'm just concerned.

MESIANO: Right...the changes that Brigette made tried to address most of those concerns and I agree to putting specifics in to stop restrictions or try to stop them.

TEN HOEVE: Excuse me, but you might just want to take a copy of this one document because it lists in paragraphs A through F considerations that Brigette went through, maybe rather quickly, but if you read them you'll see that all of these are designed to answer the specific types of questions that you have about the ordinance not prohibiting demolition, and the ordinance not creating greater bulk restrictions. Basically, I think if you look at this document, paragraphs A through F it will answer your specific concerns.

HOLME: Ok, thank you....A through F.

Adrianna Coe, 3 Park Avenue came forward

COE: I 'm just not clear about what you are saying about not having any options to opt-out if we find something uncomfortable in the document. I just wanted to clarify that you are saying there still would be no option. I certainly like what I've heard about all the things you are considering and planning to go forward without full consideration but often the needs of the town override the individual and we do own the property...I have felt the Zoning Board has not considered single-family housing restrictions in the past which has affected me quite a bit. So it's just a little lack of trust that I have so when you were answering questions before, I couldn't quite hear whether you said we don't have the option. So if this does go through we are kind of stuck with it, I guess.

I'm mostly concerned about it staying with the character that it has in this nice historical town which is one of the reasons I have chosen to live in an old, hard to heat building. If the needs of the town, for instance, the changing of the zone that happened on this very block on which I live about two years ago was very disappointing to me...so I just wanted to put it on record that I'm concerned about it and I can see that I won't have a choice but just need to have faith in the future zoning boards to make their decisions.

BOGART: This is not changing the use of your property, it is actually just protecting the character or recognizing the character that you suggested you love so much.

MAGUIRE: Can you go through the process again what we are doing tonight in terms of adopting the Historic Element to the Master Plan and what potentially could be the next phase if one was pursued. Without that ordinance, that's all it is, is an inventory of historic homes that represents an Historic Preservation Element. For any ordinance that would be proposed, there would be public hearings on that ordinance.

BOGART: Correct, but at the Mayor and Council level.

TEN HOEVE: The existence of this Historic Land Use Element would actually help certain property owners even if an ordinance was never adopted because if they wanted to do something and came in and looked for a variance and said, "one of the reasons we want a variance is because what we are trying to do is maintain the character"...they could use the fact that it is in conformance with the new historic preservation district in the Land Use Plan, so it would even help people in that situation.

WELLS: I will add something to that point because I think when we use words like "protect", I think that it brings up that fearful concern that the borough is putting restrictions on your properties. I think that because of

that it has lost that what the borough is trying to do is recognize the property. It is not trying to protect it, it is not trying to restrict it, it is only trying to recognize that it is historic. And by recognizing the property, it actually affords that property owner more ability to maintain their property or maybe develop their property further than what would be permitted in that zone because by recognizing the historic property it is saying that the town knows that it is something special and that something special needs to be protected and maybe special considerations should be given to that property if they want to do something with it.

So if you wanted to add an addition to your property, if you wanted to do something to the property that would require a board approval, this then becomes a special reason that the town needs to recognize. So by recognizing the property you are actually in a "win" situation because your property, then, has finally been recognized as a special part of our community. The down side, there isn't because if you wish to do anything with your property, it is no different than any other property in that zone. If you wish to sell your property there are no special restrictions put on it. If you wish to demolish the property, you can, just like anyone else in the neighborhood. If you wish to add on to it, you are back to the "win", there might be special considerations given to that property because the town recognizes it as a special part of our community.

So I hope I have used the word "special" and "recognition" enough because that is the two most important things that you have to hear. We know your property is special and we're trying to recognize it. That's it. There is no ordinance that is putting special rules on it. It's only just trying to move forward and deserve something , if you wish.

BROWNE: Nice clarification, Peter, very nice.

MESIANO: And I would just like to touch on the opt-in, opt-out point and Brigette did a good job of explaining it but to me, and when we discussed it, the element defines, as Brigette said, houses older than a certain age with a certain criteria and this is what we are going to define as historic and all these properties fell into that definition. So it didn't make sense to define it and then have certain houses that fall in there, just not included. It didn't make sense, it would be like saying *all the houses on this street except those two*...these are all the historic properties that are defined. That's all it is, by definition these are the houses that fell into that criteria. So there really is no opt-out because there is nothing to opt-out from...you can't say your house was built after 1930 if it was built before. It is just a definition.

Michael Ortega, 130 Pascack Road came forward.

ORTEGA: I came in a little late so I don't know what the beginning of the presentation was but I was at the last meeting and I just wanted to make sure that some of the concerns that we addressed at the last meeting were discussed during this meeting and one of them was, determining and trying to quantify what the benefits were of being determined to be an historic site in terms of specifically defining any aid or assistance or grants....I know you were very vague in terms of what was out there and what wasn't out there and the other one was trying to really quantify any possible hardship...I know you mentioned that there isn't going to be any hardship but I think some of the fears arise in not knowing when it comes to making a change to a home who is going to be the one who is going to mediate what can be done versus what cannot be done. To Mr. Wells point, coming forward and saying we want to maintain the house and may have a zoning advantage to that but on the other hand, some of the concerns here are that I may want to do something to my house but there is going to be someone who comes forward and says "you can't" because they are an historic site and you must conform to, what I heard at the last meeting, were guidelines, which I still do not

know what they are....I'm looking for specifics in terms of what the guidelines were and what they mean and whether they impose any potential hardship, in the sense of the example I gave, when I wanted to preserve my house with a diamond shaped grill on the window and unfortunately the cost of doing that was prohibitive to me and I decided not to do it. Would a homeowner fall into the circumstance when now they have a feature to the house that has to be maintained....the answer is "no"...so what you hear tonight is that you are just categorized as an history site....you may be able to take advantage of something, but you may not....in terms of a grant or money or in terms of assistance in keeping your home...

BOGART: Specific guidelines have not been adopted.

ORTEGA: And were you able to quantify...can you specifically tell us...

BOGART: Over the last two months we have been concentrating on making sure that the plan, I don't know if you were here for this...but this is the last page of the conclusions....and it talks about how you would make sure that any restrictions would not come from this document. We stated what any ordinance that was created should not do...that there should be no restrictions above and beyond what is currently in the zoning ordinance.

ORTEGA: So even in the part of the meeting that I was in, in the back, in terms of potential grievance, in the sense of somebody wants to do something to their house and the Zoning Board says they may not be able to do it, which board do they go to? Do they go to the Planning Board? Does the Planning Board work with the Zoning Board? I know some of you are on both boards and I'm not sure how that works...

BOGART: For a variance they would only go to the Zoning Board.

ORTEGA: And then if they had any questions about the significance of the historic site being preserved, they then would go to the Planning Board or it stops there? So the Zoning Board is going to have the ultimate decision as to whether to approve or disapprove whatever...

MESIANO: Just let me say this, at this point , if we adopt this element to the Master Plan, there is no ordinance and there is nothing the Zoning Board can do with regard to what you can or cannot do with your house except for the current ordinances. This is simply a recommendation to the Master Plan identifying the houses. We did go and ask Brigette and she added recommendations in there to eliminate restrictions if an ordinance gets adopted...but if an ordinance gets adopted related to this subject there will be hearings on that by the Mayor and Council and again the affected property owners may want to attend that but we made our recommendations clear that there should be no restrictions regarding demolishing or developing.

ORTEGA So the intent is to eventually bring this up and propose it as an ordinance. Is that correct?

WELLS: No, and let me jump in because by you jumping ahead and using words like "hardship, restrictions, a board saying yes or no to what you want" somehow you are still missing the point. We are not communicating clearly enough for you. You need to hear that this is only to recognize the historic properties, that's it. Nothing more. No ordinance...it is only saying that this is a special property. Nothing more than that. Nothing more than that in this meeting. Nothing more than just a special recognition that these historic properties are a special part of our community. Nothing more.

ORTEGA: Last meeting they were talking about guidelines....

WELLS: No, you may have heard that, we are trying our best to community past that point but even tonight you are still hearing that and that is why I am trying to be as blunt as I possibly can...in the best way, so that we stop the fearful part. This is only a special recognition. For these properties it's a "win" because it is saying, "thank you, you are a special part of our community and we'd like to recognize it"...if you wish to do something with that property, that special recognition can come to benefit you. You can say to the Board of Adjustment, please consider my property as more than just a single-family house, it is a single-family house that the Planning Board has recognized as an historic part of our community, it's only a win.

ORTEGA: Who is the advocate outside of the Zoning Board for someone who wants to take advantage of what it is you are saying in terms of recognition.

WELLS: The property owner...it was that way before and it will be that way in the future. The only difference is now the Planning Board is on your side and said, "yes, that is an historic house"...so they've only added some ability for you to share with the Board of Adjustment, the Mayor and Council, or whoever and if someday, they wish to restrict what can be done to an historic home, this Planning Board has already said that's not necessary, we're just recognizing it as a special property....that's the limit of what is being done here tonight, that's it.

Now, to the point of what can be done later, the same thing that could be done if tonight doesn't even happen. There always can be restrictions put on historic homes. Now, there will be other public hearings the same way that there is tonight and the point has already been very well made here tonight, that if anything, this makes that hard to do because of the way it has been explained. This really, truly is a win situation for a property owner of an historic property. It is just being recognized as something special and we're saying "thanks, we hope you can keep it that way and if you wish not to, so be it".

MESIANO: I think we put the period at the end of that sentence by adding the last page which explained if an ordinance came about, what we did not want in it. The element doesn't want restrictions so you can even use that at whatever came about in the future. We tried to step in front of that a little bit.

ORTEGA: The only question I would have outside of that is with the designation of being named an historic house, would any restrictions come from outside of the local municipality? From the State of the federal government, restrictions that come once you are defined as someone with an historic home?

BOGART: The State and federal government programs are voluntary programs. (the rest of the response was made without benefit of microphone and was not picked up)

Gerard Jacob, 106 Rivervale Road.

JACOB: I thought I recalled from the letter dated October 9th that there was a plan to form a committee or commission to start working on the guidelines after this was passed?

BOGART: It was a recommendation to have the committee start to review the inventory and see if they came up with any guidelines.

JACOB: Didn't you just imply that that wasn't the case?

BOGART: It's merely just a recommendation but in the last page you can see that it talks about that committee acting in an advisory role.

JACOB: It's just that the letter said it was going to happen.

BOGART: It is just a recommendation that you have an educational historic committee.

WELLS: That's the letter written as the council liaison from the committee. What this Planning Board is hearing and acting on has no part of that.

JACOB: I understand that but the letter said a committee was going to be formed and prepare guidelines.

WELLS: That is not the plan.

Councilwoman Levinson came forward.

LEVINSON: Once this element is adopted, the Mayor and Council and Planning Board will determine whether to make a committee or commission to work with you in defining guidelines to assist in preserving the character of the property. But it still has to be determined.

MESIANO: Anyone else from the audience? No, in that case we are going to close the hearing on the Historic Preservation Element. We will discuss at the next meeting on January 14 and a resolution to be acted upon on January 28th.

Board took a five minute break.

ROLL CALL: Messrs. Browne, Cassata, Mesiano, Mital, Maguire, O'Donoghue, Sandler, Councilman Wells

PUBLIC HEARING:

FAIR SHARE HOUSING PLAN – C.O.A.H.

MESIANO: The planner will go through this plan which the board has had numerous discussions over.

BOGART: I agree, we have talked about this for months, so I am going to cut right to the chase.

I will real quickly go through the plan. By way of background, COAH had initiated our original third-round obligation for affordable housing and set the goal at 49 units for the municipality. That goal was based on this vacant land map, you've all seen it before. After looking at this map, the board decided that we would do a vacant land analysis of our own, try to reduce the 49-unit obligation due to the fact that a lot of the land that was identified was either not vacant or not available for development because of environmental constraints.

We went through COAH's regulations for the vacant land analysis, which requires you to basically take the tax assessor's vacant land data, map that, subtract out any environmentally sensitive land and any land that is owned by an adjacent property owner that is developed, that is under a certain land area. So from this vacant land map, we wound up with our own map, which shows a total of 2.3 vacant acres in the municipality that

are free from environmental constraints and based upon this map and our previous growth between 2004 and 2008, we've identified a new obligation for the municipality to provide 24 housing units.

Now with that 24-unit obligation, this board has gone through a number of scenarios and how to address that and I should note that the 24-unit obligation is to construct 24 affordable units and in addition to the 24-units we have a 19-unit rehabilitation obligation and that is to rehabilitate existing dwellings that are owner occupied by low income qualified families. The way we are going to go about the rehab program is through the county programs. So basically the only thing we really have to deal with in this plan, is how to address the 24-unit obligation.

As you have heard before, we have three group homes in town that we previously never received credit for from COAH so if you add up all the bedroom units in the group homes, you come up with 10 credits, so now our 24-unit obligation Is down to 14-units.

In 2005, when we went through this same exercise, before the courts had determined that the build-out recommendations were inappropriate, we rezoned a portion of property up on Madison Street for inclusionary development to provide for 5-rental units, affordable and a total of 26-units altogether a portion to be market rate. From that inclusionary development we actually get 5 additional credits because they are rental units. So we can get 10 credits from that inclusionary development, which is now known as the AH-3 zone. So the 14 now becomes 4 units.

Last year the Zoning Board in combined effort with this board, identified another unit at 37 Park Avenue, which is now a nail salon but was formerly a gas station. We offered to contribute $98,000 from our Development Fee fund to the property owner, who at that time was going for a Use variance, to develop an affordable unit within the existing building. We not only get one credit for that but we also get a bonus credit because it was done and approved at a time when no one was approving or encouraging affordable housing because the rules were in flux. So that 4-units becomes 2.

The 2 additional units that we have to still address have been subject to major discussions here nothing in the last couple of months and the last time we talked we had discussed that possibly we would do the other two units in 37 Park contributing some additional development fee funds and rehab them and deed restrict them and our plan would be complete. However, as of last week, I found out that 37 Park was not willing to move forward with those two units so we're back to our original plan, which we had compiled in November, which talks about two additional units to be rehabbed with some Development Fee funds as an incentive, somewhere in the downtown area.

So now our plan is complete, we have 2 credits from 37 Park, 10 credits from AH-3 zone, 10 credits from the group homes and 2 additional credits that we are looking for somewhere in the downtown to encourage similar development and rehabilitation of those units.

Basically, there is our revised map, plans have been set for four or five weeks now, you have a full copy...at this point in time, I am begging you for a resolution of approval tonight so I can move forward with the COAH submission, which includes this document and about 100 other pages of paperwork. If anyone has any questions, let me know.

MESIANO: If there are no board member questions, does anyone in the audience have any questions? There being none, the hearing is now closed.

Motion made by Mr. Mital to accept and approve the Fair Share Housing Plan, second by Mr. Cassata.

Carried unanimously.

ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Borough of Park Ridge (hereinafter "BOARD" has previously adopted its Master Plan pursuant to the provisions of N.J.S.A. 40:55D-28; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.A.A.40:55D-28(b)(3); and

WHEREAS, the Administrative Code of the State of New Jersey, specifically N.J.A.C. 5:97-2.1(a), requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

WHEREAS, N.J.A.C. 5:97-3(a) requires the preparation of a Fair Share Plan to address the total 1987 to 2018 fair share obligation of the Borough of Park Ridge; and

WHEREAS, N.J.A.C. 5:97-3.1(a) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13 the Planning Board of the Borough of Park Ridge held a public hearing on the Housing Element and Fair Share Plan on December 17, 2008; and

WHEREAS, the BOARD has determined that the Housing Element and Fair Share Plan are consistent with the goals and objective of the Park Ridge Master Plan and that the adoption and implementation of the Housing element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Park Ridge, County of Bergen and State of New Jersey that the BOARD hereby adopts the Housing Element and Fair Share Plan dated December 18, 2008.

Introduced by Mr. Mesiano
Second by Mr. Cassata

AYES: Messrs. Browne, Cassata, Mesiano, Mital, Magu9ire, O'Donoghue, Sandler, Councilman Wells

APPROVAL OF MINUTES:

Motion made by Mr. Browne to approved the minutes of October 15, 2008 as written.
Second by Councilman Wells.

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

Motion made by Mr. Browne to approve the minutes of November 5, 2008 as written.
Second by Councilman Wells.

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

NEW BUSINESS:

WHEREAS, WINDWARD, LLC, a Limited Liability Corporation of the State of New Jersey (hereinafter referred to as "Applicant") being the owner of premises known as 9 Park Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 15 of Block 1504 on the Tax Assessment Map of the Borough of Park Ridge, had previously received Site Plan Approval for said premises from the PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, (hereinafter referred to as "BOARD"), said approval having been granted by virtue of a Resolution dated November 1, 2006; and

WHEREAS, Applicant had posted al cash amounts and performance bonds with the BOROUGH OF PARK RIDGE (hereinafter referred to as the "BOROUGH"), as required by the Resolution granting approval; and

WHEREAS, the Board authorized a reduction in the bonds and cash deposits previously posted with the Borough of Park Ridge on September 19, 2007; and

WHEREAS, Applicant has requested release of their remaining Performance Bond; and

WHEREAS, the Borough Engineer has conducted a site review of the property determining that the asphalt paving and signage has now been completed but that the lighting is not yet complete; and

WHEREAS, a copy of the engineer's report, dated December 12, 200-8 is attached; and

WHEREAS, the engineer has recommended that the Performance Bond can be further reduced by the sum of $14,200, the remaining bond amount to be held being $2,160; $216 of which shall be in cash and $1,944 shall be a bond; and

WHEREAS, the PLANNING BOARD OF THE BOROUGH OF PARK RIDGE has agreed to recommend the reduction of the Performance Bond.

NOW, THEREFORE, GE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, that the BOARD hereby grants the Applicant's request and recommends a further reduction in the required performance bond in the amount of $414,200, leaving a remaining bond in the amount of $1,844 and case in the amount of $216.

Offered by Councilman Wells
Second by Mr. Mital

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

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. Beery, Secretary