

Minutes of the Park Ridge Planning Board
Meeting of Wednesday, January 27, 2010

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, Raymond Mital, on the above date, time and place.

Chairman called for the Pledge of Allegiance to the Flag.

ROLL CALL: Present: Messrs. Browne, Brouwer, Mesiano, Mital, Saluzzi, Oppelt,
Ms. Eisen, Councilman Maguire
Absent: Messrs. O'Donoghue, Von Bradsky
Also Present: John Ten Hoeve, Jr., Board Attorney
Brigette Bogart, PP, Planning Consultant
Eve Mancuso, PE, Board Engineer

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 15, 2010, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 15, 2010 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.

INTRODUCTION OF NEW MEMBERS:

Robert Oppelt - reappointed Class IV member - term expiring 12/31/13
Peter Von Bradsky - newly appointed Class IV member - filling unexpired term ending 12/31/11
Marcia Eisen - newly appointed Alt. II member - filling unexpired term ending 12/31/11
Nick Saluzzi - reappointed Class II member - term expiring 12/31/10
Terence Maguire - newly appointed Class III member - term expiring 12/31/10
Kenneth Brouwer - Class I Member - Mayor's designee - term expiring 12/31/10

REORGANIZATION:

Chairman announced the following had been elected as the 2010 officers of the Board.

Chairman - Raymond Mital
Vice Chairman - Robert Oppelt
Secretary - John O'Donoghue

Chairman announced the following appointments to the Board for 2010.

John E. Ten Hoeve, Jr. - Counsel to the Board for 2010
Burgis Assoc. - Brigette Bogart, PP - Planners to the Board for 2010
Brooker Eng - Eve Mancuso, PE - Engineers to the Board for 2010
Helyn N. Beer - Secretary to the Board for 2010

DESIGNATION OF REGULAR MEETING NIGHTS

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

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

There was no one.

APPROVAL OF MINUTES:

Motion made by Mr. Brouwer and seconded by Councilman Maguire that the minutes of December 16, 2009 be approved as written.

AYES: Mr. Saluzzi, Mr. Mesiano, Mr. Browne, Mr. Oppelt, Councilman Maguire, Mr. Brouwer, Mr. Mital

ABSTAIN: Ms. Eisen

NEW BUSINESS:

MITAL: I would like to discuss the proposed budget and how it will affect our goals and objectives for the coming year. I would like Councilman Maguire to cover where we are at.

MAGUIRE: The big thing in the budget are the goals that were set forth and this is an upward pressure on the budget and I am going to have to go back to the Council and get them to commit to moving forward on the Special Studies. We identified in the Master Plan six items; floor area ratio, driveways, parking requirements, shared parking, lot width and Neighborhood Business District, which we spent some time at the last meeting talking about and the Neighborhood Business District being one of the board's priorities.

So, what Lyn is going to do is bump up her budget submittal and we are going to get commitment from the Council to support those special studies. I think they are all high priorities and we don't need to prioritize those six items.

BEER: I agree. I showed these items in my budget request and indicated how far along they were. Most of them are left over from the Board of Adjustment's request and this board wanted to get back to them after the Master Plan work was completed. The planner gave me some cost estimates for each of the items and the dollars are only estimates but the budget is going to be tight this year and I needed to know what we could do. And this estimate doesn't include the continuing work on Park Avenue with the County. As Councilman Maguire just said the new Neighborhood Business District is a high priority and according to the planner, the study if we include façade recommendations will run \$5,000.00.

In the initial budget I submitted to the Council, I requested the usual amount of \$3,500 and Councilman Maguire suggested I combine it all and ask for \$8,500.00 which would include the new Neighborhood Business District and the six items.

Every time we ask Brigitte to do something for us or review or submit something, there is a voucher attached and this year we have to be more mindful of this. If we don't plan ahead and have a line item in the budget, the planner cannot be paid. We have used up all the holdover funds to help balance the budget and take care of unexpected vouchers. We are starting out with 0 and it is up to the Mayor & Council as to what you will be able to do this year.

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MAGUIRE: So I will take the action and go back to the Council and get a commitment for the funding for these items but until then, we cannot have the planner start on the Neighborhood Business District.

BEER: There is a council meeting next Tuesday night and if a commitment is made, we can have her begin.

MAGUIRE: And that's where we are with regard to the budget priorities.

BEER: And one final thing. Over the past several years, I had been putting a sum of money aside for when the six-year reexamination of the Master Plan came due. We used that money to pay for the Comprehensive Master Plan just completed and I am asking the council to allow us to put \$3,000 a year away for the next five years to cover the cost of the mandatory six-year reexamination.

MAGUIRE: A good way to fund it and I support that.

OLD BUSINESS:

COAH:

MAGUIRE: The open item here was to get a commitment from two property owners in the AH1 zone. COAH in the mediation process had questioned those two properties as affordable housing and wanted a commitment from the two property owners that they are interested in developing them as affordable housing. We met with the two property owners, Larghi and Jacobson and they both agreed and signed letters to that effect.

BOGART: I was going to print out a report of the draft but I didn't want to waste paper because up to 4:30pm today, it kept changing. I will just go through the items briefly and tell you what is still outstanding and unfortunately there are still some items outstanding.

Item #1 is the Rehabilitation Program and COAH was wondering if the County was going to work with us to implement the rehab program and I have a letter from the County saying they definitely will.

Item #2 was how we were going to address the three unit shortfall as a result of not having the RCA with Garfield. That leads into the calculations which I will skip for right now.

Item #3 is how do we reconfigure our calculations for the second round because we can no longer rely on the AH2 zone which is the Wampum Factory or the tennis courts because they have not redeveloped. For the last two months we've been working with the County trying to extend the controls and deed restrictions on Woodland Gardens and the attorney for the County had agreed to write a letter to say they would extend the controls up until 4:00pm today, when they said they would not because the units received HUD funds and many of the units are marketed at 90% of the market rate as opposed to COAH deed restricted levels. They cannot be deed restricted because they do not fall under COAH standards, whose rents are much lower than HUD. People who occupy Woodland Gardens pay only a portion and HUD pays the rest. Two weeks ago when the County gave their word that this was going to work out, I called COAH and told them I had the draft report ready and COAH promised they would review it to see how the calculations worked. I have had several conversations now with COAH the latest being 5:00pm today telling her that County will not give us the letter. So she is reworking our numbers for us and somehow she came up with 4 extra credits so we are only 3 credits short at this point but she has to get her calculations approved by the head of COAH.

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TEN HOEVE: What is HUD's guarantee? Is there some obligation that HUD has to continue this for some period of time?

BOGART: Twenty years. In 2005 they extended it to 2025.

TEN HOEVE: And if they were to extend it for 30 years?

BOGART: The twenty years is Ok, the issue is the income level and the income from the units.

TEN HOEVE: But it is not higher in reality. It is only higher because it appears that they are paying X dollars but HUD is paying a large portion of that pursuant to this separate agreement. And COAH will not accept that as being the same as if it were deed restricted to the lower rent because no one would be able to pay those rents without HUD anyway.

BOGART: I didn't dive into that conversation because at 4:30 we found out we couldn't do it and at 5:00pm I didn't have time to work out why they couldn't be able to do it.

TEN HOEVE: If you deduct the HUD contribution are the rents paid within COAH guidelines?

BOGART: It depends, it is all over the board because the tenants only pay 30% of their income so it depends on how much each tenant earns.

TEN HOEVE: So some might be higher and some might be lower. It can vary with each tenant.

BROUWER: This seems unfair and unreasonable.

BOGART: I can look into it further. We may as well continue down this path that we have done so far.

TEN HOEVE: Argue in the alternative and see if they buy it.

BOGART: I will continue my conversations tomorrow. The report is due Friday.

Basically we are three units short without the Woodland Gardens and with the Woodland Gardens we actually had three units over. So what it comes down to is money. The reason it comes down to money is because we have a certain amount we can use in our trust for the same as we did for 37 Park ...and we suggested to Madison Avenue that it would be around \$70,000 each for a total of \$385,000. If we gave that money to Madison Avenue we have about \$80,000 left over to fund three more units.

I told COAH we did not have enough money to fund three more units and she said with the income levels, the requirements are that we only have to spend \$25,000 and \$30,000 per unit, so we could promise that amount of money. I told her there was no way that a property owner would deed restrict a unit for that little and she suggested that there was supplemental income through the County and Federal funds for first time home-owners and suggested that we piggy-back on county and federal funding.

MAGUIRE: Weren't we going to look at a modification of our rehab numbers?

BOGART: I reduced everything as low as it could go and wind up with \$80,000 left over. The alternatives now are we give less to Madison Avenue, which I don't think we can do or look into the piggy-back funding from the county and federal government, which I had planned to do tomorrow. I am

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hoping I can get those calculations tomorrow morning and maybe talk further to the county about Woodland Gardens and then potentially look into the piggy-back funding.

TEN HOEVE: And this is also premised on gaining units by rezoning the existing affordable housing districts to provide for increased density and change in the set-asides?

BOGART: Yes.

TEN HOEVE: Is COAH willing to accept them?

BOGART: As far as I know...the only thing she mentioned to me when I spoke to her today was Woodland Gardens.

MESIANO: But if she says we only have to give \$25, or \$30,000, why not just say *fine, we're going to give \$25 or \$30,000?*

BOGART: Because at some point she is going to say Ok, you're claiming three units for this amount of money, give me the market study that shows that you can get these units...and basically you have to show average sale prices etc. I've told her a million times we can't do it but she promises me there is piggy-back funding out there and all I can do is suggest that now we are going to do it this way and look into the funding. I am not sure what else to do.

The problem we have is we only have \$80,000 because we are supposed to be spending \$240,000 on Affordability Assistance Program, for which we get no credit for spending this money and the money can't go toward a specific unit it has to go to a specific family, a first time home buyer. It has to be divided up amongst first time home buyer families and they can use it for their security deposit or a down payment but you don't get any credit for that amount of money and that is 30% of your trust fund right there.

I said to her that it seemed silly that we were spending that amount of money and not getting any credit for it when we can use it downtown and deed restrict five or six units with that amount of cash. And she said that this is the way it is, COAH regulations require that you fund families as well as units.

TEN HOEVE: Is she aware of the new Motion from Andy Del Vecchio?

BOGART: She didn't say.

TEN HOEVE: Has she factored in the administrative fees that are going to suck some of the money out of the trust fund?

BOGART: The way I laid it out was for \$72,000 for administrative costs but I'm sure it will be more than that.

TEN HOEVE: In addition, Metropolitan filed a Motion with COAH...a Motion is if you had a legal action pending and you wanted to gain some temporary relief before final judgment before a trial, you file a Motion and ask for a Judge to grant you whatever your temporary relief is.

He's filed a motion that basically challenges the submission the planner provided claiming that the vacant land analysis is incorrect because it didn't include his property as vacant land and also challenging several of the other assumptions in the submission, particularly focusing on the fact that the affordable housing zones haven't been built with affordable housing.

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BOGART: We are taking off the Wampum Factory and the tennis courts.

TEN HOEVE: But not the other properties.

BOGART: Right but for the other properties we have letters from the owners and I understand that that does not technically comply with COAH regulations; they want actual applications or specific letters of intent.

COAH representatives suggested that we get a letter from the owners, which would be good enough at this point and we have them.

TEN HOEVE: The problem here and Lyn is holding the Motion with the Certification from the planner and the brief and this is something that we either have to decide we are going to respond to or not respond to.

If we are going to respond to it, it is going to require a lot of work on my part and I do not want to do that without authorization from the board before I go ahead and do that.

MAGURE: And we had a conversation with the borough attorney who agreed that you should do it not him.

TEN HOEVE: I just wanted the board to know that this will be paid for out of the Development Fees trust fund and it is sucking money out of the fund and shouldn't be being used for that purpose.

I will make it as brief as possible and it is also my position that the relief that he is seeking here is the same relief that he is seeking in his challenge to our third-round submission. It is the same argument presented there....there is an on-going mediation that hasn't been resolved yet....there is an amended plan that is being submitted that obviously is being ignored in this submission because he doesn't even know what the amended plan will be....he hasn't seen it or received it.

BOGART: Why would he spend time doing this if he hasn't seen our response or report yet?

TEN HOEVE: I have a theory.

MESIANO: Does this Motion bring up any other issues that he hasn't brought up before?

TEN HOEVE: In my initial review of it, I don't think so. I think it is all the same arguments.

BOGART: It's a rehash.

MESIANO: So why wouldn't that be our initial argument back to COAH.

TEN HOEVE: That is going to be my principal focus but you can't just ignore it and COAH is going to have to render some decision on the application and my argument is going to be that this is a waste of time and money, that it is the same argument and that it is sucking money out of our Development Fees that we need to use for projects in town but I have to respond to the specific allegations especially the vacant land analysis issue.

I have to meet with the planner and go over everything in here. I have reviewed it and started a preliminary response to it but I don't want to do the work unless the board says to go ahead and do it.

MESIANO: The thing I am not following is they filed an objection and now COAH has another process as well? A motion or did he file this motion with some court?

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TEN HOEVE: No, with COAH.

MESIANO: So they have another process called a Motion.

TEN HOEVE: Anybody can file a Motion before the Council on Affordable Housing at any time.

Motion made by Mr. Oppelt and seconded by Councilman Maguire that the pending litigation be discussed in closed session.

AYES: Messrs. Saluzzi, Mesiano, Browne, Mital, Oppelt, Brouwer, Councilman Maguire, Ms. Eisen

(Board went into closed session at 8:30pm)

(Board came out of closed session at 8:38pm)

MESIANO: I have a question...what is reasonable? The whole \$80,000 to one person, is it reasonable to say that would be worth two units, \$40,000 and \$40,000 or is that still too low?

BOGART: We've been getting a bargain with the \$98,000 we are spending on Park Avenue and with what we are suggesting to spend on Madison Avenue. When you look at the numbers it doesn't work. To suggest restricted units for 30 years for that little amount of money is incredible, so I don't know what is reasonable. If you look at the numbers it is closer to \$200,000 but COAH only requires between \$25,000 and \$30,000.

MESIANO: So it is not even worth the \$80,000. It is not even justifiable for one of the three.

BOGART: If we look at our history, as far as what we have promised other property owners the \$80,000 could potential get one.

BROUWER: So a federal program is what is required is HUD not a federal program where we could piggy-back money? Or for some assistance to the renters at Woodland Gardens?

TEN HOEVE: It doesn't fit in with their regulations. You need to have specifically identified people that have controls on them for specified periods of time, for specified income levels. The planner is saying that these are not going to apply because if somebody has a high income level they are not going to get much support from HUD and they are going to pay well above COAH's minimum market rent.

BROUWER: So if we identify a program, the HUD program which is in place and established, and taking the \$25,000 per person...identifying three people in those deed restricted units and apply for that program and give some rent assistance to three people there. The program is already established.

BOGART: I am going to have to call COAH and the County regarding those programs because it had been mentioned to me that the County gives \$60,000 in funding that we can piggy-back on the \$25,000 to give the homeowner \$85,000...however, they kept talking in terms of homeowner and I got the impression that this was for family-specific homeowner...like single-family dwelling unit family occupied...someone coming in and deed restricting their own single family home.

BROUWER: That's the \$240,000...isn't that what that is for?

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BOGART: Yes, but you don't get credit for that \$240,000.

BROUWER: So we are trying to make housing affordable for three people and I don't think it would matter what program we use...if there is a program in place already and we can somehow identify three people in Woodland Gardens that we can give \$25,000 to for rent assistance or housing assistance for a certain definite term, does that not comply with what COAH wants you to do?

BOGART: They would have to be deed restricted for 30 years.

MESIANO: The problem with Woodland Gardens is the county is not willing to go with these restrictions. The county is not willing to say, Ok we are going to deed restrict these apartments at a rent of whatever COAH agrees to because they are afraid that since they are getting money from HUD it may violate those rules and they won't be able to get that money.

BOGART: And right now they are getting close to market rate for those units.

MAGUIRE: Who actually owns Woodland Gardens?

TEN HOEVE: It actually reverts to the church, the Pascack Reform Church had owned that property and basically gave that because one of the parishioners in that church...Tom Lehman...was very instrumental in putting the project together...he is handicapped and has been since a diving accident when he was 17 years old and is probably now close to 60...

BEER: He was one of the first residents.

TEN HOEVE: He is still there but not doing well.

MAGUIRE: But who owns it now?

TEN HOEVE: It is owned by the county but there is a reversionary clause in the deed that it reverts back to the church and to the county...so there is a portion that goes back to the church and a portion that goes back to the county.

MAGUIRE: And when would that happen?

TEN HOEVE: 2057...

BROUWER: This Neighborhood District that we are potentially identifying...anything there?

BOGART: Well, that is what I would suggest...would be giving the \$25,000 or \$30,000 to three units to the Neighborhood District if the property owner was willing to deed restrict it. I don't think we are going to be able to piggy-back on the funds because it seems to be more toward unit ownership and not a building owner renting a unit out.

I will look further into this but my concern is with the Friday deadline my options keep falling apart. I am not sure what else to do and I need a backup for those three units. I am not going to have an opportunity to talk to all of you before then so if someone can give me some ideas and some things you would be willing to look at...

MAGUIRE: Well, the increase in the density and the transfer station...

BOGART: I already did that.

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MAGUIRE: I see it is mentioned in the Motion, it is one of the things he is questioning.

BOGART: Yes, but that's wrong in the motion. He is questioning it but he doesn't understand that we zoned it for this round; he thinks it has been in place for years. I increased it to 20 units per acre, I think that is as much as that site can handle.

The borough owns the parcel across the street and COAH has been questioning that if you own a piece of property, why can't you just build affordable housing there? I'm going to throw that out there as a backup.

MAGUIRE: I'm sorry, say that one more time.

TEN HOEVE: The post office property, rezone it for that use.

MESIANO: The second floor...

BOGART: And then our funds would go there. COAH would buy that because we have control of the property, we have money to assist in the construction of it and we could definitely put three units there.

TEN HOEVE: She is going to submit that as a backup.

BOGART: If anybody else has any other ideas.

TEN HOEVE & VARIOUS BOARD MEMBERS: It is the obvious solution and why not...

MAGUIRE: And that was brokered in a previous discussion initially.

BOGART: I understand that this is an issue at the council level and you have an ideal piece of property and want to make sure that whatever is done is done appropriately but I think whatever you do with it, you could probably fit these three units in there and wouldn't cause too much harm to the property since it is large enough.

BROUWER: Could certainly make this as part of any deal the council makes.

BOGART: Plus we would be providing funding for it so it is not a total effort on the tax payers.

MAGUIRE: The idea itself is not foreign, it has been discussed and the fact that we are actually including it in the plan without council....

TEN HOEVE: Well, there are other portions of this plan that the planner is about to set forth that require zoning ordinance amendments as well that the council is going to have to enact, with changes in the density, changes in the set sides...those have to be approved as well. So it will all be a package.

BOGART: And we would be removing the affordable designation on municipal property so that has to be done.

BROUWER: I guess the fear would be that if we identify the post office as requiring three affordable units and a builder comes in and says, Ok, I'm going to build 36 units and three of those would be affordable.

BOGART: Well, you would set your zoning regulations so it would prohibit that.

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TEN HOEVE: COAH doesn't care how many units as long as you have your three.

BROUWER: But the regulation not being there, we are opening ourselves up to that possibility because the current regulations do not allow.

TEN HOEVE: And you are not opening it up because you own the property so nobody can come in and do anything unless you sell it to them.

MAGUIRE: And this has been mentioned by a resident of Wampum Road, who has said there are several homeowners there, one of which owns several properties that that would be a perfect spot to build affordable housing.

BOGART: The single-family homes or...

MAGUIRE: Yes.

BOGART: Or rezoning for higher density...

MAGUIRE: Both.

BOGART: To me it would be interesting for single-family homes...just give them the money and deed restrict them. You would be able to give them the \$240,000 plus the \$80,000 if we can get the three units. As long as they meet the income level...you couldn't sell your house....

TEN HOEVE: Right. They're proposing selling their property to a developer who would put up a project that is going to include the three units.

BOGART: And that's what I'm saying, it may be better off not selling to a developer.

MESIANO: But only if the people there are willing to become deed restricted.

TEN HOEVE: And are going to get the same amount of money as the other scenario.

BOGART: Or we just rezone it and get letters from them.

BROUWER: What is the term of a deed restriction on something like that?

BOGART: 30 years.

MAGUIRE: So if you got all the residents on that street to come in and sign letters saying I don't mind you changing my block to affordable housing and I get a deed restriction on my home saying that it is going to be developed for affordable housing, they could potentially sell that to a developer who could come in and put 12 units per acres where there had been single-family homes.

BOGART: Yes.

MESIANO: The properties are really not that big or deep. There are three houses on the side of the high school and two are owned by one person..

BOGART: And he received several variances in order to build those houses.

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MESIANO: It is only as deep as the mini-gym parking lot, which is 100' maximum and it's maybe three lots and they are all less than 100' wide.

BOGART: One person owns three houses?

MESIANO: Two of them. There are only five houses on that entire street or six if I'm missing one.

MAGUIRE: And behind them on Sulak are two houses.

MESIANO: Is that the side that people are interested or is it on the high school side?

MAGUIRE: No, it is all on the high school side, Wampum Road.

MITAL: And this is less convoluted than putting three units across the street?

MESIANO: Because with this plan...and if I'm one of the homeowners, my plan would be that I'm going to make money on this. I get to sell my house to some developer for market value and the developer is going to build some deed restricted property...I don't think the current homeowners are proposing deed restricting what they have and lowering their value.

BROUWER: Unless they plan to live there for several more years.

MESIANO: But they can only do that if they are income qualified.

BROUWER: I like to control our own destiny and do it across the street

TEN HOEVE: And COAH will buy that a lot more readily.

BOGART: I don't have to prove anything, we own the property.

BROUWER: And I would think that a sell to the council would be that it solves a major problem. It is not something that is set in stone...

BOGART: No, if we can just get through this process.

TEN HOEVE: Are you Ok with it Councilman Maguire?

MAGUIRE: Unless there is no other alternative, I agree and will certainly take it to the council.

MITAL: Ok, then we go with the three units going across the street.

BOGART: Perfect.

OPPELT: Then what will happen?

TEN HOEVE: COAH will give you a contingent approval if they give you one and it will require different ordinances to be passed to effectuate the plan.

BOGART: We went through this process with Quackenbush because they were originally in the plan and we found another way to meet the obligation and made our arguments to COAH, so as long as we can suggest that we don't need it, then we can pull it out.

MESIANO: We put them somewhere else or we work out the thing on Wampum Road.

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BOGART: Right.

I need the zoning district and the exact date the Wampum Factory was built.

BEER: It was originally built to make wampum for the Indians to be able to trade.

BOGART: COAH has suggested it is a relatively new development and wants to know why we approved a recent development without affordable housing on that property. So I need something to show them.

BEER: I will go back and find out when this particularly building was built, not the original wampum factory.

MESIANO: That building is pretty old, is it before our attorney's time? Doesn't that building predate COAH?

BOGART: Yes but they think we approved something recently.

BEER: After the wampum, it became the sweater factory and the building burned down and this building was built, so we are talking about 40 to 45 years ago.

MAGUIRE: It has changed uses.

MESIANO: But how long has COAH been around?

BEER: Oh, this predates COAH...

MESIANO: That's what I mean, the rebuilding of the sweater factory predates COAH...but the planner needs to give them an answer.

TEN HOEVE: That's the easiest issue we have to deal with here so let's not waste time talking about it.

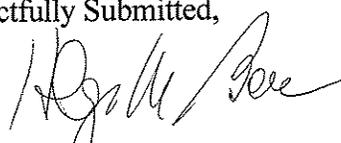
BOGART: I just need a date.

BEER: I'll send it to you tomorrow morning.

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. Mesiano.
Carried unanimously.

Respectfully Submitted,



Helyn N. Beer
Secretary

(9:15pm)