

**MINUTES OF REGULAR PLANNING BOARD  
MEETING HELD ON THURSDAY, MARCH 17, 2016**

Chairman Lancaster called to order the regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the pledge of allegiance.

**PRESENT: LANCASTER, MARINO, MOELLER, TERRERO (ALT. #1) AND MORREALE (ALT. #2)**

**ALSO PRESENT: BOORADY, ENGINEER, NEISS, COUNSEL (FILLING IN FOR DEL VECCHIO) AND MC KENZIE, SPECIAL PLANNER**

**ABSENT: \*BLEWETT, D'ANTONO, KAUFMAN, KOLDYK, RUNFELDT AND WILD**

Chairman Lancaster mentioned the first thing on the agenda is the approval of the February 18<sup>th</sup> minutes and Joan mentioned we have the right people here to vote on them.

Ms. Ward mentioned we have five members.

Chairman Lancaster mentioned I need a motion to approve.

Ms. Moeller made the motion to approve the minutes.

Mr. Terrero seconds.

Chairman Lancaster asked any comments on the minutes. Call the roll.

Roll call:

Yes: Moeller, Terrero (Alt. #1), Lancaster, Marino and Morreale (Alt. #2)

No: None

Abstain: None

Ms. Ward mentioned they are approved.

Chairman Lancaster stated Item 2 on the agenda is Minor Site Plan Application #354 and Flood Plain Encroachment and Variance Application #FPE 14-02 by Fra Lincoln Park, LLC, on property known as Block 22, Lot 339.2 on the municipal tax map also known as 3 Borinski Road. This is a consideration of a memorialization resolution. However, we received a letter from the attorney representing Fra Lincoln Park and they are requesting that the consideration of the resolution be moved to the Board's April 21<sup>st</sup>, 2016 meeting to provide the applicant's professionals an opportunity to discuss and clarify one of the conditions of approval and that's with Mr. Boorady. Item #2 is being carried until the April 21<sup>st</sup> meeting.

Item #3 is Minor Site Plan and Variance Application #360 by Bellmore Home Lincoln Park, Inc., d/b/a Costello's Ace Hardware, on property known as Block 22, Lot 304 on the municipal tax map also known as 261 Comly Road. This is a consideration of a resolution. You had the resolution in your package so is there any discussion or a motion to approve?

**RESOLUTION OF THE LINCOLN PARK PLANNING BOARD**

**APPLICATION OF BELLMORE HOME LINCOLN PARK, INC.  
D/B/A COSTELLO'S ACE HARDWARE  
RE: APPLICATION FOR MINOR SITE PLAN APPROVAL AND BULK  
VARIANCES [APPL. #360]**

**BLOCK 22, LOT 304 [TAX MAP SHEET #28]  
261 COMLY ROAD, LINCOLN PARK, NEW JERSEY**

**WHEREAS, BELLMORE HOME LINCOLN PARK, INC.** (the “Applicant”) having applied to the Lincoln Park Planning Board (the “Board”) for minor site plan approval with certain bulk variances construct building-mounted signs on the westerly façade of an existing commercial building (part of an existing shopping mall); and

**WHEREAS,** the Board has reviewed the Applicant’s proposed site plan as depicted on the following plans:

- (a) “As-Built” Survey prepared for Lincoln Park Plaza Associates by Wm. F. Zimmerly & Associates, dated January 7, 2004, reflecting the Planning Department’s “Received” stamp dated December 21, 2015.
- (b) Colored Sign Details consisting of two (2) sheets, the first prepared by Sign Up Now Inc., 2541 Merrick Road, Bellmore, NY 11710, dated 2/9/16.
- (c) One (1) sheet of four (4) colored photographs of exterior of the subject building.

**WHEREAS,** the Board has reviewed the testimony, exhibits and other evidence submitted in connection with the application, as well as the February 9, 2016 review letter of the Board’s Engineer, Darmofalski Engineering Associates, Inc. (the “Engineer’s Report”), all of which are incorporated into the record of this application<sup>1</sup> ; and

**WHEREAS,** the application was a subject of a noticed public hearing held on February 18, 2016; and

**WHEREAS,** following the testimony of the witness presented by the Applicant (i.e., Jaime Maloney, the Applicant’s Secretary/Treasurer), the public was invited to question the witness and, at the conclusion of the Applicant’s case, the public was invited to comment on the application; and

**WHEREAS,** the Board has made the following findings and conclusions:

1. The Applicant is the lessee of a building that is the subject of this application and which is a part of the property. The owner of the property, Lincoln Park Plaza Associates, LLC, has consented to the application. Accordingly, the Applicant has standing to bring this application before the Board.
2. The property is used as a retail shopping center and is commonly known as Lincoln Park Plaza.
3. The property is located in the B-2 Business Zone.
4. The Board adopts, as facts that were testified to during the Applicant’s case, the comments reflected in the Engineer’s Report, paragraphs 1 and 2 (including subparagraphs (i) - (iv) of the latter).
5. At present, a temporary banner sign has been affixed to the front façade of the portion of the property occupied by the Applicant. Based on the Applicant’s testimony, the mounted signage will contain the same-sized letters and approximate dimensions as those of the temporary sign. See page 2 of the Colored Sign Details dated 2/9/16, noted above. There shall be no other signs installed. [Engineer’s Report, ¶ 5, 4, 11.] The colors of the sign shall be as indicated in the Colored Sign Details. [Engineer’s Report, ¶ 7.]
6. The Applicant testified that permits were obtained for the temporary banner sign. [Engineer’s Report, ¶ 6.]
7. The signs shall be illuminated by LED. [Engineer’s Report, ¶ [Engineer’s Report, ¶¶ 8,9.]

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<sup>1</sup> With its application, the Applicant has provided the Board with copies of three previous Board Resolutions for Community Distributors, Inc., a previous occupant of the subject building: (1) March 16, 1995; (2) May 20, 1999; and (3) October 10, 2002.

8. The Applicant stipulated and the Board finds that the appropriate period for the signage illumination is between the hours of 5:00 p.m. and 11:00 p.m., all days of the week. [Engineer's Report, ¶ 10.]
9. In view of the nature of the application, the Board waives any requirement or recommendation that the Applicant obtain a structural review. [Engineer's Report, ¶ 13.]
10. In view of the nature of the application, the Board waives the requirement that the Applicant post performance guarantees. [Engineer's Report, ¶ 15.]
11. The Applicant stipulated that it will comply with all other requirements and recommendations in the Engineer's Report.
12. The Board finds and concludes that the requested variance relief for the signage proposed in this application should be granted because the variances will promote the purposes of zoning including the provision to the public of useful signage information. The property and, in particular, the Applicant's portion of the property is set back from the main road at approximately 170', giving rise to a smaller perspective when viewed from the street. In view of a reasonable scale, both in relation to the setback and the façade of the building at the proposed signage location, the benefits to be had will substantially outweigh any resulting detriments.
13. The Board also concludes that the requested relief can be granted without substantial detriment to the public good, the zone plan or the Borough's zoning ordinance.

**NOW THEREFORE, BE IT RESOLVED** that this application by **BELLMORE HOME LINCOLN PARK, INC.** be, and hereby is, granted subject to the following conditions:

1. The "WHEREAS" recitals set forth above are incorporated, as if set forth at length, as part of the Board's findings.
2. The Applicant's application to the Board and all materials submitted in support of and in connection with it, including all correspondence, plans, surveys and exhibits, and the documents introduced and marked for identification at the Board's hearing, together with the Applicant's testimony and stipulations on the record, if any, as well as the testimony of the witness introduced by the Applicant and the persons otherwise heard by the Board, are all deemed part of the record of this application.
3. The property shall be developed strictly and entirely in accordance with the plans that have been presented to the Board and any revised plans or materials to be submitted and approved as may be required herein, the testimony of the Applicant's witness, and the stipulations made on the record regardless whether the same, or any of them, appear herein as such.
4. In addition to its compliance with the Engineer's Report noted as facts, above, the Applicant shall comply with paragraphs 12, 14, 16 (including the provision of no less than 4 as-built plans) and 17 of the Engineer's Report.
5. The Applicant shall continue to be responsible for payment of all escrow fees and inspection fees, and shall furnish such sums in full no later than twenty (20) days subsequent to any written request therefor.
6. The hours of illumination of the signs of this application shall be between the hours of 5:00 p.m. and 11:00 p.m. The Applicant may employ a timer that shall ensure compliance with this condition.
7. Compliance with all applicable Borough, County, State and Federal laws, ordinances, codes, regulations and directives.

8. The plans shall be deemed amended to conform with the testimony and agreements made by the Applicant during the course of the hearing as it pertains to compliance with the Engineer's Report.
9. Prior to the issuance of a certificate of occupancy, and/or certificate of completion for the project approved by this Resolution or at such earlier time as the Board Engineer may require:
  - (a) Applicant shall submit to the Board Clerk a certification from the Finance Department (i) setting forth the then-current balance in the Applicant's escrow account and (ii) confirming that all charges billed to such account have been paid in full.
  - (b) The Board Clerk shall determine (after inquiries to the Board's professionals) that there is sufficient balance in the escrow account to cover all remaining services chargeable to such account.
  - (c) Applicant shall submit to the Board Clerk a certification from the Tax Collector that all real property taxes on the property have been paid to date.
  - (d) Prior to the issuance of a certificate of occupancy or of completion, the Applicant shall submit four (4) sets of as-built plans prepared by a licensed professional land engineer and a project completion report to be certified by the Applicant.
10. All construction and development of the property shall be in conformity with the plans approved herein and the terms and conditions of this Resolution. Nothing contained in this Resolution shall be deemed to amend any prior approval concerning the property unless this Resolution specifically and directly does so.
11. Hours of construction activity shall be limited to those permitted by Chapter 93 of the Code of the Borough of Lincoln Park.
12. All notes included in the approved plans including notes required by this Resolution, if any, shall be deemed to be conditions of this Resolution having the same force and effect as the conditions expressly set forth herein.

Ms. Moeller made the motion to approve the resolution.

Mr. Morreale seconds.

Chairman Lancaster stated this basically lays out the conditions that we had approved for the sign variance for Costello's Ace Hardware. Is there any discussion from our attorney who wrote it?

Mr. Neiss mentioned I tried to write a good one what can I say?

Ms. Moeller stated you did.

Chairman Lancaster stated sounds good, call the roll.

Ms. Ward mentioned everyone who is here can vote.

Roll call:

Yes: Moeller, Morreale (Alt. #2), Lancaster, Marino and Terrero (Alt. #1)

No: None

Abstain: None

Ms. Ward mentioned it is approved.

Chairman Lancaster stated Item #4 is Minor Subdivision and Variance Application #630 by Philip and Rebecca Laman, on property known as Block 3, Lot 221 and 242 on the municipal tax map also known as 22 Clover Lane and Clover Lane and Mason Avenue. This is a consideration of a time extension resolution and again it is a memorialization from last meeting. This is extending the time for them to finish all of the conditions and they are a little bit behind so we are extending it until September 1, 2016. Any comments and/or a motion to approve?

**RESOLUTION EXTENDING PRIOR RESOLUTION  
OF THE LINCOLN PARK PLANNING BOARD**

**RE: PHILIP LAMAN AND REBECCA LAMAN APPLICATION  
#630 FOR MINOR SUBDIVISION AND ZONING PERMIT #2014-  
86Z REGARDING**

**BLOCK 3, LOT 242, 22 CLOVER LANE AND  
CLOVER LANE/MASON AVENUE BLOCK 3, LOT 221,  
LINCOLN PARK, NEW JERSEY  
LINCOLN PARK TAX MAP SHEET NOS. 9, 10, 19 AND 20**

**WHEREAS, PHILIP LAMAN and REBECCA LAMAN** (together, the “Applicant”) residing at 22 Clover Lane, Lincoln Park, New Jersey 07035, previously made application to the Lincoln Park Planning Board (the “Board”) for: (a) minor subdivision with bulk variances and (b) for zoning permit approval for property designated as Block 3, Lot 242 and Block 3, Lot 221 on the official Tax Map of the Borough of Lincoln Park, Morris County, New Jersey under Planning Board Application #630; and

**WHEREAS,** the Applicant sought minor subdivision approval to reconfigure the existing two lots so that a total of three new lots would be created including a remainder lot containing the existing dwelling; and

**WHEREAS,** the application was approved at the Board’s hearing held on June 18, 2015; and

**WHEREAS,** on August 20, 2015, the Board adopted a Resolution setting forth the Board’s conditions for approval; and

**WHEREAS,** the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, *et seq.*, provides at section 49f that:

The planning board shall grant an extension of preliminary approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals.

and

**WHEREAS,** the Applicant appeared before the Board on February 18, 2016, at which time it presented facts by which the Board could, and did, conclude that the Applicant met the criteria of N.J.S.A. 40:55D-48f.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Lincoln Park that the application by **PHILIP LAMAN and REBECCA LAMAN** for extension of an existing minor subdivision approval with bulk variances is hereby granted as follows:

1. The approval granted to the Applicant, as expressed in the Board’s Resolution adopted on August 20, 2015 is hereby extended pursuant to N.J.S.A. 40:55D-48f to and including September 1, 2016. Except as extended hereby, the Board’s Resolution adopted on August 20, 2015 remains in full force and effect.

Ms. Moeller made the motion to approve the time extension resolution.

Mr. Terrero seconds.

Roll call:

Yes: Moeller, Terrero (Alt. #1), Lancaster, Marino, and Morreale (Alt. #2)

No: None

Abstain: None

Ms. Ward mentioned it's approved.

Chairman Lancaster stated I'm going to jump down to Item 7 the Rehabilitation Study by Paul N. Ricci, P.P., AICP, of Ricci Planning, dated January 11, 2016 and there is a 45 day time frame on this. This is the Rehabilitation Study that was initiated by the Mayor and Council.

Mr. Doyle stated that's correct. Good evening my name is Doug Doyle and I'm the redevelopment attorney for the Borough of Lincoln Park. Mr. Chairman and members of the Board, we are going to make this relatively easy and hopefully very expeditious this evening. I know that you have a very important issue before you concerning your low and moderate income housing and potentially adopting a plan in that regard.

What we are passing out is basically the highlights of the presentation that Mr. Ricci is about to give you. Mr. Ricci is a planner who was retained by the town to assist us in determining whether the downtown area meets the criteria under the redevelopment law for being designated an area in need of rehabilitation not an area in need of redevelopment which is very different and more compelling and a strict standard.

Mr. Ricci is going to walk you through the study he took and the conclusions that his report came to. Suffice we wouldn't be before you this evening if we didn't come to the conclusion that we believe the properties he is going to identify for you meet the criteria under the Local Housing and Redevelopment Law to be designated an area in need of rehabilitation. So at this time I'd like to call Mr. Ricci and have him sworn in and I'd like to qualify him as an expert in planning.

Mr. Neiss swore in Mr. Ricci.

Mr. Neiss asked Mr. Ricci to state his full name and business affiliation for the record.

Mr. Ricci testified my name is Paul N. Ricci (R-i-c-c-i), I'm a licensed professional planner in the State of New Jersey, office at 10 Georgia Drive, Clark, New Jersey.

Mr. Doyle asked have you been accepted as an expert before Planning Boards and Zoning Boards in the State of New Jersey.

Mr. Ricci testified I've been accepted in 20 of the 21 counties in the State of New Jersey as an expert.

Mr. Doyle asked have you testified in any Superior Courts or any other proceedings where you've been accepted as an expert.

Mr. Ricci testified Bergen County Court. I was just deposed regarding a matter in Hunterdon County recently.

Mr. Doyle asked you have your license in planning.

Mr. Ricci testified I do.

Mr. Doyle asked at this time if the Board would consider accepting Mr. Ricci as an expert in planning.

Chairman Lancaster stated okay we accept.

\*Mr. Blewett arrived at the meeting.

Mr. Doyle stated great. Just by way of background for the Planning Board Members, the reason why this is before you is because the statute requires before the Governing Body accepts and determines that the area that we are going to describe for you indeed meets the criteria for an area in need of rehabilitation that the resolution must first be referred to you and that's why you find yourself considering that this evening.

Mr. Ricci did you get retained by the Borough to perform a study of an area in the downtown area?

Mr. Ricci testified I did and a copy of my study is dated January 11<sup>th</sup>, 2016 and it is entitled; "Rehabilitation Study Block 3.05, 5, 9, 22, 22.01, 35.01, 39, 41, 37, 138 and 139".

Mr. Doyle asked and for any of those of you that took the time to parse through the language of the resolution that may have found its way to you from the Governing Body, there was an original study that was taken that was much broader than that but ultimately the Governing Body decided to do a narrower area is that true Mr. Ricci.

Mr. Ricci testified that is correct.

Mr. Doyle asked would you described generally the downtown area and the lots and blocks that are being studied.

Mr. Ricci testified sure. I did provide a handout and it has the same title as the cover study, a power point presentation printed dated March 17<sup>th</sup>, 2016. In the packet if you peruse a couple of pages forward, we have a map of the area in red and in that map it's entitled, "Rehabilitation Study of Lincoln Park Borough, Morris County, New Jersey". In red it outlines the study area which pretty much encompasses portions of the downtown, essentially the downtown along Main Street, portions of Route 202/Boonton Turnpike and the like. Within the study area not only it contains commercial property, I think the full range of property is commercial, residential and few industrial properties, as well as several unimproved properties there.

Mr. Doyle mentioned the second page shows some cross hatching/some blue area, can you describe what that second page is?

Mr. Ricci testified the second map is entitled, "Essentially Environmental Constraints" and it delineates using geographic information since the mapping where wetlands and flood hazard areas are in relation to the study area.

Mr. Doyle mentioned in order to perform this study you needed to understand the criteria that the legislature, the statute imposes upon a municipality before it can determine that an area is in need of rehabilitation is that correct?

Mr. Ricci testified that is correct.

Mr. Doyle asked can you walk through very quickly with the Planning Board the criteria that you considered when determining whether this area met the criteria.

Mr. Ricci testified okay the first part of the law says and I'm going to read it into the record. That a program of rehabilitation may be expected to prevent further deterioration and promote the overall development of a community and that one or more of the following criteria is met, so that is the first prong that the Board must if you look to move forward, recommend and find.

Then one of the other conditions also has to be met and to summarize we found that three of the criteria were met. The first one is a significant portion of the structures are in a deteriorated or substandard condition in the delineated area. More than half of the housing stock in the delineated area is at least fifty years old there is a pattern of vacancy, abandonment or underutilization of properties in the area. There is a persistence of arrearage of property tax payments in properties, people aren't paying their taxes.

Environmental contamination is discouraging improvements and investment in properties in the delineated area, and that the final criterion is the majority of the water and sewer infrastructure in the area is at least fifty years old and in need of repair or substantial maintenance. I point out that we did rely on Paul, your engineer, to provide us with a report so I think Mr. Doyle is going to ask him for some testimony in a

moment but that is something that is outside of the planner's review. We relied on, what is your title, the Borough Engineer?

Mr. Darmofalski stated yes.

Mr. Ricci testified the Borough Engineer.

Chairman Lancaster mentioned you stated that not all of these were met but three out of the five that's what was in the report.

Mr. Ricci testified yes.

Mr. Doyle stated and we are going to call Mr. Darmofalski. We are going to rely on Mr. Darmofalski to give testimony of his own personal knowledge with regard to the nature and the age of the water system in your municipality.

Now in order for you to determine whether it met the criteria, would you describe the methodology and what you actually did in order to determine that criteria?

Mr. Ricci testified that's on the following page, I have a slide on this after the rehabilitation criteria if you'd like to follow it. We looked at the age of the housing stock based on information provided by the Tax Assessor. We surveyed properties, the land use study evaluated the vacancy in the area and we also talk about this more and I'll talk about this now.

We also evaluated the economic productivity of properties based upon the improvement ratios and just very quickly improvement ratio of zero. You have total improvement assessment, you have land and building improvement. Your improvement ratio of zero that essentially tells me that that property is unimproved, simply vacant. If it is less than five that means the improvements are less than the value of land and that is an indication of a poor utilization of that property from an economic development perspective, a very small proportion of tax compared to a highly productive piece of property. Then over 0.5 you have where the actual improvement on the property exceeds the value of the land and that is starting again to get into a more healthy range of productivity on that property.

I was asked to do a little bit of a thorough analysis. We also evaluated the amount of dollars being invested in the study area versus the town as a whole based upon building permits, values within those building permits inside and outside the study area to determine whether essentially more moneys was being invested in the study area or outside the study area in Lincoln Park as a whole. Then with the assistance of the Borough Engineer we actually drove around and he'll probably speak to that, and other information he looked at we evaluated the age of both your water and sewer infrastructure in the community.

Mr. Doyle mentioned if everybody can turn to the next page, you'll see a summary of that analysis.

Mr. Ricci testified the report has more detail but I'm just really giving you the highlights and discussing the actual results. We found that the housing stock that 84.6% of the housing stock that is class 2, those are 1 and 2 family homes, and 4C which are apartments are over 50 years of age and that for the 1 and 2 family homes that 89.2% were over 50 years of age.

Because they are residential and commercial properties we wanted to evaluate other criteria so it was very clear regarding the study that for lack of a better word we can just joy random a boundary to make it fit one criteria because really the goal here, at least based on my review and based on work that the Board did on some of your Master Plan work, is to encourage revitalization in the downtown first and foremost and then include other areas as well.

When looking at the improvement ratios overall, 63% of all the properties exhibited improvement ratios of less than 0.5. The commercial and industrial properties actually a higher amount 76½% exhibited improvement ratios of less than 0.5, so also there is indication that a significant economic underutilization is occurring in this regard and also regarding the level of investment. When we look at the building permit information, we found that outside of the study area as a whole the community or individuals that are investing in their properties are spending 1.35 times more money outside the area than in the study area.

We also found with the assistance of the Borough Engineer that the age of the water infrastructure is over fifty years old and also in a state of disrepair. I think also in your letter the sewer infrastructure was only forty years old but that also has significant issues as well, but it didn't meet the fifty criteria prong so we only indicated that the water force met the prong and qualified. Do you want to hear from him on that?

Mr. Doyle stated no. What I'd like you to do is explain which criteria you believe are met in conclusion and then indicate why a program of rehabilitation would help to scan the tide of further deterioration?

Mr. Ricci testified okay. In conclusion that's the second to the last page, it clearly states that the housing stock is over fifty years old so that criteria is obviously met.

The second criteria there is a vacancy or underutilization that's typically the area showing significantly underutilization as I indicated previously. Also the majority of the water infrastructure is over fifty years old so those 2½/3 prongs have been adhered to.

It is my professional opinion as a planner that the local redevelopment or housing law is a wealth of or an additional tool box that a community can use. You can offer economic incentives to property owners or something a community can utilize to encourage additional investment not only from local residents in their properties but also to encourage other developers outside the area to attract investment. Also in the Local Redevelopment and Housing Law a set of additional powers that in terms of preparing a Redevelopment Plan that Redevelopment Plan can be prepared in a manner that more clearly establishes what a Borough's vision and how they would like to grow that could be undertaken under conventional zoning, and I could probably talk at length on this issue but the Local Redevelopment Housing Law by having a rehabilitation designation, the ability to utilize the housing law in its tool set in my opinion is what makes it the ability for the Borough to plan and encourages rehabilitation to occur in a more quick fashion that's well planned as well.

Mr. Doyle stated the other thing is if this is done the right way by the Governing Body with a plan, shouldn't this improve the values by merely adopting the plan for the existing property owners?

Mr. Ricci testified I think that largely depends on how you potentially codify your redevelopment area. But typically, and I do redevelopment work in a number of communities, if you are not rezoning your property in a manner where you are incentivizing development, typically these plans don't work very well, so almost by default by undertaking this process you are typically going to create incentives through zoning and that typically results in additional value for property owners.

Mr. Doyle stated the Redevelopment Law is different than the Rehabilitation Law. Under the Rehabilitation Law neither the municipality nor any other developer has the right to acquire through eminent domain any property correct?

Mr. Ricci testified that is correct.

Mr. Doyle stated so essentially no property owners are going to lose any rights that they currently have correct?

Mr. Ricci testified that is correct.

Mr. Doyle stated finally a Redevelopment Plan can be an overlay zone so that the people who are currently there don't lose the right to continue to use their property the way they currently use it correct?

Mr. Ricci testified you can supersede the local zoning, essentially you replace it or you can have additional layers of zoning as an overlay that can be triggered based upon essentially how you wish to treat it it's your choice as a community.

Mr. Doyle asked and what are the incentives that are available, assuming the Governing Body would want to use the pilot, not a long pilot but a short term pilot which will give either the existing property owners or potential redevelopers the opportunity to have level payments to the municipality over a period of no more than 5 years is that correct.

Mr. Ricci testified I thought it was 7.

Mr. Doyle stated okay.

Mr. Ricci testified but yes you could not enter into a long term financing program but a short term program would be eligible under the rehabilitation designation.

Mr. Doyle stated great. At this time I just want to call Mr. Darmofalski to the stand.

Mr. Blewett asked can I ask a question first.

Mr. Doyle stated yes.

Mr. Blewett asked you used the 3 criteria and I think for criteria 2 you said the driver was underutilization of the property, was there any evidence because the criteria says pattern of vacancy/abandonment. Is there a pattern of vacancy or abandonment or is it just underutilization based opinion?

Mr. Ricci testified in the original study we found a really higher degree of vacancy and even as time transpired when the original study started it was in the summertime of 2015, we found that some of those vacancies changed on some of the properties it actually decreased somewhat.

In the larger study area it actually included a higher number of properties but when it became concise, the current study area I did not find it personally to be a troublesome level of vacancies.

Mr. Blewett stated okay thank you.

Mr. Ricci testified or unhealthy is a better word.

Chairman Lancaster mentioned the area outlined in your picture that you had, the two pages of the study area, this is the total study area or this is what the study area came down to after narrowing it down?

Mr. Ricci testified after narrowing it down.

Chairman Lancaster asked is this the same one that's in the plan that we received.

Mr. Ricci testified yes.

Chairman Lancaster stated okay.

Mr. Doyle mentioned the Rehabilitation Study that you received.

Chairman Lancaster stated right.

Mr. Doyle mentioned that was attached to the resolution that's correct sir.

Chairman Lancaster mentioned okay. Just for my own edification, you have the study area and the study area parcel and I see the red outlined what is the study area parcel?

Mr. Ricci testified it may not show clearly to scale but that's between the tax lots.

Chairman Lancaster stated okay so that's the tax lots itself.

Mr. Ricci testified inside the red area it is.

Chairman Lancaster mentioned I think you had a tax map associated with it in the full study if I remember right.

Mr. Ricci testified it could be more clearly shown.

Chairman Lancaster stated okay because I was looking at this I don't see that area. Continue sorry.

Mr. Doyle asked can I call Mr. Darmofalski just so I can close the record and then any other questions you may have.

Mr. Neiss swore in Mr. Darmofalski.

Mr. Neiss asked Mr. Darmofalski to state his full name and business affiliation for the record.

Mr. Darmofalski testified Paul Darmofalski I serve as the Borough Engineer for the Borough of Lincoln Park. My business address is 86 Newark-Pompton Turnpike in Riverdale, New Jersey.

I had a very limit scope of work on this particular rehab study. But just by way of identifying the properties in the report, in addition to the lovely map that you've seen outlined in red, there is a lot and block listing and address listing for every property and I know it is correct because Joan did it okay. I just wanted to put that on record all right.

Chairman Lancaster stated okay.

Mr. Darmofalski stated we all laugh but it was very thorough. My scope was to report to Mr. Ricci and the Mayor and Council on the age of the infrastructure for both water and sewer in the study area. Now the water lines are definitely over 50 years old, the hydrants are over 50 years old and it meets the statutory requirements for being over 50 years. We all know that somethings don't last forever and water lines are one of them, so it met the criteria for water lines that exceed 50 years. We are experiencing minor problems with some breaks and we don't have fire flow problems presently but the statute says if it is over 50 years and it is, and it met that criteria, so I would say that everything within the study area the water lines are over 50 years old.

Chairman Lancaster mentioned in your letter I think you talked about the sewer which is not 50 years old but there is some inflow.

Mr. Darmofalski stated the sewer is a little over 40 years old. They were constructed in a period of time before plastic PVC and you know that Lincoln Park is subject to flooding at certain times. In my seven years we've experienced probably five events that affect the study area in their sewer capacity, and also the inflow and infiltration problems that we have because of high ground water are experienced throughout the Borough, but in particular in the study area because of the age of the infrastructure.

Sewer lines are also experiencing a couple of backups. The bottom line is my conclusion in my letter short and sweet was that the majority of the water and sewer lines in the redevelopment area require replacement, rehabilitation and substantial maintenance and that's it in a nutshell.

Chairman Lancaster asked those are Orangeburg pipes.

Mr. Darmofalski stated not Orangeburg they were more of a clay. There is some ductile iron in the system but they accept water just as well as they carry it.

Chairman Lancaster stated okay.

Mr. Doyle stated that concludes our presentation.

Chairman Lancaster stated okay. We did receive the resolution. Right now I'd like to open it up to the public to see if there are any questions from the public concerning the study. If so, please come forward and state your name and it's specifically for this study.

Mr. Blewett asked is this a public hearing.

Mr. Neiss stated no.

Chairman Lancaster stated we are going to open it up for public discussion.

Mr. Neiss mentioned we have a taker.

Ms. Davis stated my name is Cynthia Davis and I live at 17 Bristol Court. My question is you have this beautiful study is there any way that we as the public get to see the study, to see these beautiful maps and read the wonderful word?

Mr. Doyle stated sure it is subject to an OPRA request. If I can find an extra copy around here this evening, I'd be happy to provide it to you.

Ms. Davis asked is it electronically available.

Mr. Ricci testified I'll email you a copy.

Ms. David stated that's great.

Chairman Lancaster asked are those extra copies.

Mr. Ricci testified you can have this now.

Ms. Davis mentioned but I know other people want it too. If you email it to me, then I can spread it around.

Mr. Neiss mentioned the materials have to be available by law in the office so you are always welcome to come by.

Ms. Davis stated I'd love to come to the office but I have to eat which means I have to work.

Mr. Neiss stated I have that problem too.

Ms. Davis mentioned I can't get to the office.

Ms. Ward stated administration mentioned they will be putting this online.

Ms. David stated great.

Chairman Lancaster mentioned if there are no other comments by the public, we'll go back to Board discussion and talking about the resolution. It is a very lengthy resolution which basically it looks like it adds the study itself on it.

Mr. Doyle stated it does. The resolution itself is really only 3 pages of text. I want to make sure that you knew how this started, how you got it so that anybody picking this up would understand the history of how you got it.

Your attorney and I reviewed it and the changes that we would make to it where it says the criteria which is on the third page, we don't believe that criteria a. applies, we believe criteria b. applies, criteria c. applies, and as to criteria e. a majority of the water in the delineated areas is at least 50 years older. So with those revisions we would ask that the Board consider adopting this resolution tonight subject to your attorney and I making sure that we get the nits corrected in the resolution.

Chairman Lancaster stated okay.

Mr. Neiss stated the only thing pointed out to me when I read through it is on page 2, second paragraph, the second whereas clause; it says, Whereas, the Mayor and Council received and reviewed a the report.

Mr. Doyle stated correct.

Mr. Neiss mentioned I would just eliminate the word the. On the next page in the first full whereas paragraph, second line down, in the new study area is bolded for reasons that didn't make sense to me so counsel has agreed that he is going to unbold that.

Mr. Doyle stated yup.

Mr. Neiss stated but apart from that the resolution as I read through it it's pretty standard and pretty formal. Generally, Planning Boards when they make a recommendation they do it in the form of a memo back to Governing Body, but for whatever reason Mr. Doyle prepared a resolution. Was there any particular reason

why you did that rather than rely on the Board just to simply send a memo back to the Mayor and Council?

Mr. Doyle stated just so there would be a paper trail that you took formal action and that you recommended to the Governing Body they can now adopt their resolution. I just like to have a paper trail but we don't think it is ever going to get challenged, but it is one of those things that as your attorney can tell you, when did you take it, we want to see your minutes and here is the formal action.

Mr. Neiss mentioned I'm okay and having read through the resolution and counsel and I have agreed to make whatever minor changes are necessary.

Chairman Lancaster mentioned at the end of the bottom of page 2 and the top of page 3 we will make sure that the wording b., c., and e. are the ones that were found.

Mr. Doyle mentioned e. only as for water.

Chairman Lancaster mentioned e. only as it refers to water, and again for the final resolution that these 5 criteria are the criteria for rehabilitation and that of those b., c. and e.; e. being water only for what's found to be deficient.

Mr. Neiss stated if I understand what the chair is saying, what we'll do is because this paragraph describes the testimony of Mr. Ricci and what I think the chair is saying is that the Board will find that the three criteria that we've discussed are what the Board found.

Chairman Lancaster stated the initial testimony that these are the five criteria, of the five three of them met or two and a half, and just make that clear that here is what the law describes and that is what the testimony was and here is what the findings were. As long as we make that change, I don't have problem with it because the rest of it is basically the report that we've gotten before.

Mr. Doyle mentioned at the end of the day the final arbiter of that is always the Board but in this case it is going to be Mr. Neiss that this properly reflects what his client agreed to this evening.

Mr. Neiss stated make me comfortable Mr. Doyle.

Chairman Lancaster stated we put it on record what we wanted changed and he is pretty good at making sure we are comfortable. Any more comments/questions?

Mr. Blewett asked so this is a resolution to establish the fact that you know this is an area in need of rehabilitation but one of the constraints Lincoln Park always has is water, water, water right. Are there areas within that that you surveyed that during the hundred year storm would not be habitable or would not meet the criteria for redevelopment?

Mr. Ricci testified that's kind of a double sorted question because based on the actual mapping per se I think about 73% of the area was in the flood plain. But as we all know a lot of that mapping is sometimes dated and it is quite possible that the entire area was really inundated over those last five storms that were indicated by the Borough Engineer previously. It clearly is the biggest planning hurdle/design hurdle that you have moving forward and I doubt anyone debates that.

Chairman Lancaster mentioned to follow up on that, this does not change flood hazard regulations both construction, implementation and everything else. I mean it doesn't override it the flood zone.

Mr. Blewett stated I understand that, but you know you declare something for rehabilitation but then you probably spend more putting into it than what it may be worth.

Mr. Doyle stated the goal here if you do this the right way, as you improve the infrastructure you try to get developers to offset the cost of that which is okay. We need to improve the sewer and water and we are going to do this and you are going to get to redevelop properties. You may acquire a few existing properties and your property is going to be worth a lot more but we are going to need contribution from you in order to be able to do this to bring vibrancy back to the downtown area that's what we look to go and get the funds to do some of this.

Mr. Neiss mentioned there is a clarification I'd like to make to Mr. Bennett.

Mr. Blewett stated Blewett.

Mr. Neiss stated what this Board is doing is not declaring this an area in need of rehabilitation what we are doing is recommending to the Governing Body that it do that, we don't have the power as a Board to do that.

Mr. Blewett stated I understand but we'd be voting on a resolution that says that Lincoln Park constitutes an area in need of rehabilitation that's the first sentence in the matter of, so I agree we've sent letters to the Council before saying we have no objections right?

Ms. Ward mentioned it is usually a memo that we send saying we concur. We are under the 45 day time period to respond to the Governing Body. If you have any exceptions, it is listed in the memo to the Council. Cindi is waiting for the Board's response.

Mr. Doyle stated where this level of detail comes from it typically comes in the redevelopment arena where people challenge the designation. You don't get too many challenges in the rehabilitation area but you never know when you do get it and then you have the judge going but what did the Board ultimately determine. This is to your chairman's point laying out exactly what you heard and hopefully if the Board agrees by majority, exactly what criteria it believes the study has demonstrated has been met.

Mr. Neiss the chair has pointed out to me another aspect that we should probably make clear Mr. Doyle.

Mr. Doyle stated sure.

Chairman Lancaster stated on page 2 third paragraph down.

Mr. Neiss stated which says, "Whereas, the Planning Board specified and gave notice that on March 17<sup>th</sup>, 2016 a hearing would be held for the purpose". This was a referral from the Governing Body and therefore no public hearing was actually required in that circumstance, so I think we may need to amend that language too.

Mr. Doyle mentioned did we indicate some place on line how we normally do it that this would be heard this evening.

Chairman Lancaster stated it's in the agenda.

Mr. Neiss stated it's in the agenda.

Ms. Ward mentioned it is a discussion and action by the Board. The action is usually a memo to the Council that we concur with their findings or we don't concur and we have issues and we list them.

Mr. Doyle stated we have to have it reflect exactly what happened, but I want to go back and check the notice requirements to make sure that notice wasn't specifically required.

Mr. Neiss stated I think you'll find that notice of this was not specifically required and if you find that then we can tweak that language of the resolution.

Chairman Lancaster stated I just don't want it to say that because that's why I was pointing it out to him I had a question on that because it wasn't specifically as a public hearing. I mean I opened it up just to make sure that if anyone was here they could speak. It was on the agenda and posted but I just wanted to make sure the language covered it.

Mr. Doyle stated let's get the language correct.

Chairman Lancaster stated right.

Mr. Doyle mentioned we'll get that straightened out.

Mr. Neiss stated good catch.

Chairman Lancaster stated okay. How does the Board want to proceed with this resolution or do we want to go with it? Any comments Chuck?

Mr. Blewett made a motion that we send a memo instead of adopting a resolution which is our normal practice.

Ms. Moeller agreed.

Chairman Lancaster stated I don't have a problem with that because that is our standard practice in going forward.

Ms. Ward mentioned with the exceptions that you just mentioned do you want those put the memo?

Mr. Blewett stated yes the facts of the testimony and the criteria I think that is perfectly acceptable to put in the memo and that I don't object to the designation.

Ms. Ward stated okay very good.

Mr. Blewett stated that's my thought but there are other Board members here.

Ms. Ward asked are you ready to vote on it.

Chairman Lancaster stated I don't have a problem voting on it.

Ms. Ward stated okay.

Roll call:

Yes: Blewett, Moeller, Lancaster, Marino, Terrero (Alt. #1) and Morreale (Alt. #2)

No: None

Abstain: None

Ms. Ward stated okay I'll send the memo.

Mr. Doyle stated so I understand procedurally the memo is great but does the memo need to be approved at the next meeting?

Chairman Lancaster mentioned no it will be sent tomorrow. It will cover the testimony and the report because we got the report a bunch of days ago.

Ms. Ward mentioned it will be sent tomorrow so we are within the 45 day time period.

Chairman Lancaster stated that's easier than trying to tweak a resolution that we just saw tonight.

Mr. Doyle thanked the Board.

Chairman Lancaster stated okay. The next item is the Housing Element and Fair Share Plan discussion and consideration of resolution if no changes are required.

Ms. McKenzie mentioned just to bring you all up-to-date, you all got several emails and some of you got 5 because the fourth email was so big I had to break it up.

Ms. Moeller mentioned you killed my emails.

Ms. McKenzie mentioned I know I'm so sorry. I hate getting a lot of emails too I tell everybody to send me stuff by mail, but unfortunately I was a little bit under the gun because we are in a litigation mode in the sense that we have a DJ Action filed and I have to run everything by your affordable housing attorneys, your Mount Laurel attorney so you have it all.

What I want to tell you is the reason this is before you and you don't have to adopt it it's not a public hearing, but I need authorization in the form of the resolution for you to approve it for purposes of submission to the court by April 4<sup>th</sup>. Judge Hansbury wants towns like Lincoln Park to have submitted the proposed Housing Elements.

Now what you got was a very big document that has several of the appendices in it that I intend to put in there, including some draft ordinances and things like that. I got an email from Ed Buzak who is your special counsel and he indicated that he feels what Judge Hansbury is looking for is just basically the plan and not all that other stuff.

So what I am going to be submitting is an abbreviated version that has the cover, the table of contents, the Housing Element and two appendices to the Housing Element which will be the Demographic Report that is Appendix A, and Appendix F which is the vacant land analysis because I think that's important to have in there. Even though at this stage we are not relying on a vacant land adjustment because the Econsult number, Econsult is your expert, their number is low enough that we don't need to seek that, but if your number turns out to be higher we will and I want the court to know that and to know that we've done work on that.

Then there would be the Fair Share Plan but none of the Fair Share Plan Appendices you received. You have everything that is going to the court but you have more.

Two things I would like to ask in addition to, if you are okay with the language that was in the Housing Element and Fair Share Plan never mind the appendices, what I would like if you could either adopt the resolution tonight or if you want to have a meeting next Monday, you could adopt it then instead. I don't care if you have another meeting. If you want changes, if there is something you don't like about it by all means I can make changes and have them for you for the meeting on Monday night. That is one of the reasons I'm here is to give you that opportunity if there is anything that troubles you.

Chairman Lancaster mentioned I guess the question is the first 15 pages is --

Ms. McKenzie stated that's the Housing Element that is basically the most important part.

Chairman Lancaster stated that's the most important thing but you are going to be changing that to reflect the lack of appendices.

Ms. McKenzie stated no I'm not going to change it to reflect the lack of appendices.

Chairman Lancaster stated okay. You kind of indicated that you were going to change that portion.

Ms. McKenzie stated all I'm going to do is I will leave the table of contents in that references the appendices but I won't added them to what the judge gets.

Chairman Lancaster stated okay.

Ms. McKenzie stated the only two appendices that are staying in are A and F, some of the others weren't included anyway. So A and F will be in there and I'm not going to put the dividers in, I'm going to keep it simple because I think you know the judge has a whole bunch of these that he is going to get and I think that according to Ed everybody else is submitting more abbreviated versions just to tell the judge where they are going with it and if he wants more, you know we can plug it in and have it in in two weeks.

Along those lines you will note that in the appendices to the Fair Share Plan there are some draft ordinances for two sites; the Evangelical Mission site changes and the Capodagli site at a much lower density than they are proposing. I would love it if you would authorize Tom to start to look at those so that if there is anything that he generally thinks ought to be revised because we may not have a lot of time at the end when that finally needs to be submitted to have a thorough review and it will allow him to do a more thorough review, if you will give him the time and authorize that. I'd like his input on those ordinances because they are ordinances that you will obviously at some point when they are adopted, if they are adopted, you would have to enforce them and I want to make sure that he is comfortable with the content. If there are little changes and who knows what the outcome of all of this will be, but I just need to know that the ordinance is sufficient.

Chairman Lancaster asked is the Fair Share going down as well.

Ms. McKenzie asked is your Fair Share going down.

Chairman Lancaster mentioned no. Is the Fair Share Plan that you provided is that part of this?

Ms. McKenzie stated that's going to the court as well.

Chairman Lancaster stated that's going to the court as well.

Ms. McKenzie stated that really just summarizes the Housing Element and then attached to that are all the implementing ordinances but they don't have to go to the court just yet according to Mr. Buzak. I am wearing two hats here.

Chairman Lancaster stated right.

Ms. McKenzie stated I am the person doing the things he needs to present to the judge and I am also the person doing your Housing Element & Fair Share Plan. You've gotten the progress to date, plus there are some things that have been in your 2008 plan that I didn't give you again because you've seen them and you'll get them in the final but there is no point in getting them now. The judge isn't necessarily going to need all of that right away but he will eventually need it but not immediately.

Chairman Lancaster mentioned I guess I have a problem with a draft Capodagli plan.

Ms. McKenzie mentioned that won't be in there what's going to the judge, the draft ordinance you mean?

Chairman Lancaster stated right.

Ms. McKenzie stated it is cited in the plan but not at the density they are talking about and they are pretty mad and consequently they made a motion to intervene in the Declaratory Judgment but you know it is too bad.

Chairman Lancaster stated but I guess the density that you talked about in Capodagli where it talks about you know 20 units per acre or roughly 90 units that is a I'll use the term a realistic conservative estimate just for planning purposes it is not a recommendation or not anything that we are agreeing with.

Ms. McKenzie stated well you have to have some sort of density in a plan, in a housing plan that they are providing, whether it ends up being that density or something else obviously you haven't adopted this plan. When you adopt it, you will want to plug in a number there but you haven't adopted it yet and you are not being asked to adopt it it's for the purpose of a progress report.

Chairman Lancaster stated it can be lower than that as well.

Ms. McKenzie stated it can be lower and they may fight now as interveners for it to be more. My attitude is if they can demonstrate to the Board that it is the way you want their plan to be, then you know you can talk to them about the density but first you have to be satisfied with the plan.

Chairman Lancaster stated well there are a lot of questions as far as setbacks and height.

Ms. McKenzie stated absolutely.

Chairman Lancaster mentioned if I look at all of our ordinances for planned residential development all of them I think the smallest one minimum lot size was 5 acres most of them are 10 acres.

Ms. McKenzie stated right they don't quite have that.

Chairman Lancaster mentioned Appendix 3 that we were going over with the DRO and they are all lower densities.

Ms. McKenzie stated yes.

Chairman Lancaster stated with higher setbacks/lower height limits so there is a whole lot of stuff that has to go on and again with them being interveners now we are --

Ms. McKenzie stated we are not going to be talking with them anymore at the Planning Board level until the litigation is resolved.

Chairman Lancaster stated right. I just wanted to make sure that you know this is not tying us to anything.

Ms. McKenzie stated it isn't at this stage. When you have to adopt the plan, you will be tied at least to the number that's in your plan. It can go up but it can't go down.

Chairman Lancaster mentioned even at this plan the 90 units based on our fair share from the Econsult and you know the Housing Element we are still exceeding what Econsult --

Ms. McKenzie stated you are exceeding the Econsult number. The biggest problem you have is you lack family rental units in your plan that is why you need that site in there because he is providing them, but he would only be providing a relatively small number but it is something.

Chairman Lancaster stated yeah.

Ms. McKenzie stated it has to be in your plan because I don't know whether you are ever going to get Evangelical Mission to move that is also in the plan, but it was there before but I don't know if they are ever going to move. We don't know what is happening so I have the two backups.

Chairman Lancaster mentioned they are two alternatives.

Ms. McKenzie stated exactly. Having the alternatives there is good because that gives you wiggle room. What I'm suggesting is you are fine in terms of numbers of units you are in great shape unless you get a much higher number than the Econsult number which you could very well get a higher number than that, but right now Econsult is your expert and we are going with your expert's number. If that changes we have to make adjustments. We have the vacant land adjustment to fall back on because you do have some limitations as to what you can do.

Chairman Lancaster stated right we don't have that much vacant land.

Ms. McKenzie stated right. I think this is a good solid realistic plan and I think that you know obviously there will be some changes between the time of its submission to the court and the time you ultimately get around to adopting it. You'll have a lot more information in front of you and you know through the process maybe there will be further discussion with the intervener about getting something that works better for the town, I don't know what will happen. All I can say is the process is now out of the Planning Board's hands.

Chairman Lancaster stated part of that assumes because it is just a motion to be an intervener and the court may say go away don't talk to us.

Ms. McKenzie mentioned they may say it is too late. The court might not but that is not for me to say.

Chairman Lancaster stated it is not a given that they are an intervener.

Ms. McKenzie stated right until the court says.

Chairman Lancaster mentioned that's my understanding it is just a motion to be.

Ms. McKenzie stated yup.

Chairman Lancaster mentioned there is a lot of stuff we don't know.

Ms. McKenzie stated but at this point it is not appropriate to have further discussions with them.

Mr. Neiss asked Betsy what is the nature of the Declaratory Judgment that the court would issue in your opinion.

Ms. McKenzie stated well ultimately we are not going to get a Declaratory Judgment off of this because it is not an adopted document, but ultimately my understanding is that what Judge Hansbury is doing is trying to get towns to actually adopt and proceed with plans based on a number that they think is reasonable and that he finds acceptable for at least preliminary purposes, so the towns can move forward with producing affordable housing if they need to do that. Ultimately there would be a number decided and then the towns would amend their plan again to deal with whatever the number is.

Mr. Neiss mentioned so effectively the court will declare a floor and the town will have to meet the floor at a minimum but they can exceed it.

Ms. McKenzie stated yes. But you have the opportunity to propose your floor based on your expert and so the plan relies on the Econsult number which is not high and the Econsult number is like an evolving situation they are putting reports in in Ocean County. I don't know where it is going to end up but I think it is going to be higher than the Econsult number. I think it is going to be lower than the Fair Share Housing Center number from Dr. Kinsey so I think it will be somewhere in there but that's a big range. All I can say I think you are in good shape but you do need family rental units no matter what your number is because you have one that counts.

Chairman Lancaster stated that is because the ones that were in Pine Brook were converted to moderate units.

Ms. McKenzie stated that's exactly right.

Chairman Lancaster stated there were a bunch of family rental units there that were bought down but converted to moderate units.

Ms. McKenzie stated the court allowed that to occur. Judge Skillman allowed that to occur and because of that you lost those rental units. Had they still be in your plan you would have been in great shape. But you did get credit for them in the second round but you just can't carry them into the third round because they are no longer rental units but you did get credit at the time.

Chairman Lancaster mentioned following up on what our attorney said, I guess this is just saying this is kind of our plan it is not a Master Plan change.

Ms. McKenzie stated you are not adopting it as anything.

Chairman Lancaster stated this is just our proposed plan going forward to come up with the numbers.

Ms. McKenzie stated this is okay to show the judge this is what we are thinking of doing and it is pretty much what you are saying.

Chairman Lancaster mentioned and again at some point and time down the road and who knows what the time frame is going to be with the judge declaring anything, or there will have to be some sort of a Master Plan change to incorporate this.

Ms. McKenzie stated yes and this will have a lot of appendices and you know it could be modified. So you have a little time as a Board to look this over and think about it, understand it and get comfortable with it before you actually have to do any adoption. But the judge may give us at some point a short time frame for you know moving it into place and getting it adopted and endorsed as a final plan and getting the master to review it so I want you to be ready. So it is good that you have it now to look at you know and it is good to have if you would authorize Tom to start looking at the ordinances and stuff because he needs to be comfortable too because he is the one that is going to be sitting here and helping you review these things.

Chairman Lancaster stated well we have to be comfortable with them as well.

Ms. McKenzie stated I know but you need his recommendation, I mean totally apart from the broad brush stuff of density and things like that, he needs to be comfortable that the ordinance works as an ordinance. The rest of it is your policy stuff but he has to make sure that it is a workable form of ordinance.

Chairman Lancaster mentioned well that's a combination of Tom from an engineering standpoint and our attorney from a legal standpoint.

Ms. McKenzie stated absolutely.

Chairman Lancaster stated it is more than just Tom.

Ms. McKenzie stated absolutely. But what I want from an engineering standpoint I want to know that he feels that it works because that part can be taken care of, and if you also want Arthur and Andy to look at it in the interim that's fine with me. I think the more input we can get on this the better.

Chairman Lancaster mentioned but again it is a continual process this is just a start of a plan.

Ms. McKenzie mentioned yes except for getting this in which is the abbreviated version by April 4<sup>th</sup>.

Chairman Lancaster stated okay. Is there any other comment from the Board?

Mr. Blewett asked the question that I have because we did talk about the Capodagli property, are you actually going to recommend the density in this.

Ms. McKenzie stated there is a density recommended in this but it is half the density they've asked for.

Mr. Blewett stated but what I potentially heard was it is inconsistent with what we would normally do?

Ms. McKenzie stated no it is not inconsistent you do you have to do that.

Mr. Blewett asked is it lower or higher than what we've ever done in town.

Ms. McKenzie stated it is higher although it is not higher than the effective density that you are looking at in the area of the Evangelical Mission property that you gave it it's about the same. It is just about exactly the same.

Mr. Blewett asked for the same size property.

Ms. McKenzie stated no their property is much bigger but for the portion of the property that it is going to be developed it works out to be the same.

Mr. Blewett stated okay.

Ms. McKenzie stated they have a much bigger property like 15 acres but only about 3½ acres is actually proposed.

Mr. Blewett stated okay.

Chairman Lancaster mentioned in the Evangelical there is one portion that is 30 units per acre and the rest of it is 10 or 15 units per acre.

Ms. McKenzie stated right it averages out to be about 19½ or 20 something like that it is about on a par.

Mr. Blewett stated okay.

Ms. McKenzie mentioned if you are producing rental units it is probably not an unreasonable density it is not as much as they wanted. But if they would have cut their density in half, you would probably have everything you wanted on that site in terms of two-story buildings in front and plenty of room, I mean it would work.

Chairman Lancaster mentioned it is quite a bit of reduction from the last proposal we saw.

Ms. McKenzie stated oh yeah it is half.

Mr. Blewett mentioned as long as it is consistent what we've done.

Ms. McKenzie stated it is consistent with the Evangelical Mission.

Chairman Lancaster mentioned the only thing I find just going over the DRO because some of that stuff, the minimum acreage for some of the planned residential developments the smallest one was five acres so it is a half an acre underneath it.

Ms. McKenzie stated that's actually statutory five acres so we are not calling this a planned residential development but it is statutory the five acres.

Chairman Lancaster stated but again that's what we've had because we haven't had anything less than five acres. There is no zone less than five acres.

Ms. McKenzie stated understood.

Chairman Lancaster mentioned there are a couple of things and again one of the things in the Evangelical is you know it is a 32 foot height limit. For every foot over 32 foot there was another 8 foot of setback.

Ms. McKenzie stated yes.

Chairman Lancaster mentioned and again they could do it because it was a larger site.

Ms. McKenzie stated right.

Chairman Lancaster mentioned but to be consistent the setback is one of the things with the height.

Ms. McKenzie mentioned well that's something you need to work on in the ordinance.

Chairman Lancaster stated right.

Ms. McKenzie stated again that's a fluid thing but that's not going to the court. They are not going to see it and it is not going to be a matter of public record or anything like that, it was something you all got to start to look at as a draft. I have to move forward with that only because if I don't start that process at my end, you'll never get the reviews from your other professional and everybody will be pushed at the end to review it. You'll feel like your back is up against the wall and that's not what I want to have happen.

Mr. Blewett mentioned more than it is now.

Ms. McKenzie stated more than it is now. I know your back is against the wall but my back has been up against the wall too believe me.

Chairman Lancaster mentioned the fact that it is in the courts you now the whole Fair Share it throws the normal planning out the window in some cases.

Ms. McKenzie mentioned but because you don't have to adopt this if there is further tweaking before it is adopted, you have that opportunity.

Chairman Lancaster mentioned this is just a plan.

Ms. McKenzie mentioned this probably resembles what your plan would be but again if the number changes your plan will have to change. It is what we would do if we were forced to do something today. I think this is what I would recommend that you do but that does not mean that's what you would have to end up with.

Chairman Lancaster stated have to end up with. Okay. Any other comments?

Mr. Morreale asked are we specifically voting on something.

Chairman Lancaster stated well there was a resolution that Betsy provided and it wasn't in the package it was added on and basically saying that we have the Housing Element and Fair Share Plan, at least the proposal if I read this correctly, but we are saying that she can put it forward to the court.

Ms. McKenzie stated it is pretty much only really approving it for the purposes of submission to the court, approving the submission of it to the court is the way it is worded. You are saying that you are willing to

release this to the court but it is not saying that you are adopting it into your Master Plan or anything like that it doesn't go that far.

Chairman Lancaster mentioned that was one of the concerns originally was that they wanted it by April 4<sup>th</sup> the Master Plan change and it was like that wasn't going to happen in that time frame.

Ms. McKenzie stated well then we found out that he was not making towns adopt them for submission purposes but I needed verification of that from Ed Buzak. So one of the reasons I kept on moving with this stuff and doing some of the appendices is because I didn't know what we were going to end up having to submit to the court and how much our back was going to be up against the wall.

Chairman Lancaster stated right.

Ms. McKenzie mentioned I think it is a real and sincere plan but it is not yet an adopted plan so it has no legal validity at this stage.

Chairman Lancaster stated does that answer your question Dion?

Ms. McKenzie mentioned are you starting to ask?

Chairman Lancaster stated okay. Arthur you've read over this right?

Mr. Neiss mentioned I have read over this and Betsy's characterization of what this resolution does is accurate. It says that you are going to do this but you reserve the right to change it in accordance with whatever the judge or the court issues as a final DJ I guess.

Ms. McKenzie stated yes.

Ms. Ward mentioned eventually you'll have your public hearing on the Housing Element as part of the Master Plan but we don't have to do that yet.

Ms. McKenzie stated right.

Ms. Ward mentioned that was put on hold.

Chairman Lancaster stated yeah.

Ms. McKenzie stated eventually you'll all get nice printed copies to look at when the time comes and all the appendices are in there but you don't want that now. That is a lot of trees and a lot of cost.

Chairman Lancaster mentioned actually it works out good putting it up on the website.

Ms. McKenzie stated although really what I should do is send Joan, if you want to put this on the website instead of all the other stuff which is a shorter version, I will email that to you tomorrow so you can put that on the website.

Ms. Ward mentioned I do not put that on the website because I don't have clearance to put that on the website. It should probably go to administration to put that on the website. I take care of the website as far as agendas, minutes and Board members, etc.

Ms. McKenzie mentioned I'll send it to Perry and let him decide and he can take care of it.

Ms. Ward stated that's fine.

Ms. McKenzie stated I'll send Perry PDF just what we are submitting to the court.

Chairman Lancaster stated okay.

Mr. Blewett asked do we need somebody to move the resolution.

Chairman Lancaster stated yes. It is either that or we come back Monday to do it.

## RESOLUTION

### **BOROUGH OF LINCOLN PARK PLANNING BOARD RESOLUTION ACCEPTING THE 2016 HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court issued its decision in In the Matter of the Adoption of N.J.A.C.5:96 and 5.:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1(2015) (the “2015Case”). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing (“COAH”) to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Lincoln Park, to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans (“HEPSPs”) as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-313 and the 2015 Case, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

**WHEREAS**, on July 1, 2015, the Borough of Lincoln Park (“Borough”) filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSPs as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

**WHEREAS**, the Superior Court of New Jersey has ordered that municipalities that have filed declaratory judgment actions must submit updated HEFSPs that address their affordable housing obligations as calculated by their respective municipal experts; and

**WHEREAS**, the Borough’s Special Planning Consultant, Elizabeth C. McKenzie, AICP, PP, has prepared an updated HEFSP dated March 11, 2016 that addresses the Borough’s affordable housing obligation as calculated by its expert, Econsult Solutions, Inc. (“2016 HEFSP”); and

**WHEREAS**, since a decision has not yet been rendered on the methodology to calculate municipal affordable housing obligations, the New Jersey Superior Court has advised that it is acceptable for the Planning Board to decline to undertake all of the formal, procedural requirements involved with adopting the 2016 HEFSP as an amendment to the Borough’s Master Plan at this time if the Planning Board instead adopts a Resolution accepting the 2016 HEFSP and committing to promptly comply with the formal, procedural requirements for the adoption of the 2016 HEFSP as an amendment to the Borough’s Master Plan if the HEFSP is approved by the Court; and

**WHEREAS**, the Planning Board has reviewed the 2016 HEFSP and has determined that implementation of the 2016 HEFSP is in the public interest, would protect public health and safety and would promote the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Lincoln Park, Morris County, New Jersey, on this 17<sup>th</sup> day of March, 2016, that the Planning Board hereby accepts the 2016 HEFSP and, if the 2016 HEFSP is approved by the Court, the Planning Board will promptly adopt the 2016 HEFSP as an amendment to the Master Plan of the Borough of Lincoln Park; and

**BE IT FURTHER RESOLVED** that the Planning Board reserves the right to amend the 2016 HEFSP, if necessary, after the receipt of any decisions rendered by the New Jersey Superior Court regarding the methodology to calculate municipal affordable housing obligations.

Mr. Blewett moved the resolution to permit sending this document to the court.

Chairman Lancaster asked is there a second.

Ms. Moeller seconds with the Appendices A and F attached.

Ms. McKenzie stated yes but none of the other appendices.

Ms. Ward stated right.

Chairman Lancaster stated okay.

Roll call:

Yes: Blewett, Moeller, Lancaster, Marino, Terrero (Alt. #1) and Morreale (Alt. #2)

No: None

Abstain: None

Ms. Ward stated okay approved.

Chairman Lancaster stated okay.

Ms. McKenzie mentioned Joan I'm going to need a signed copy of that.

Ms. Ward stated okay I've got them upstairs the clean copies. I don't have the clean copies down here to be signed.

Ms. McKenzie stated okay.

Ms. Ward asked do you want me to go upstairs and get them.

Ms. McKenzie stated well whenever you are finished with your meeting.

Ms. Ward mentioned I can sign this one now.

Ms. McKenzie stated then I'll be able to provide it to Ed Buzak.

Chairman Lancaster stated that basically means we don't have to meet Monday.

Ms. Ward mentioned right.

Ms. McKenzie stated you get a holiday. Would it be all right with you if Tom could start to look at this from an engineering perspective and then maybe after that it should go to your attorney to look at it from a legal perspective? Would that be all right the ordinances?

Chairman Lancaster stated yeah.

Ms. McKenzie stated the Affordable Housing Ordinance I'm pretty confident that is a COAH type of format and just modified to do with the report, but the other two site specific ones there is more that I'm concerned about there that I want you to be comfortable with.

Chairman Lancaster stated okay.

Ms. McKenzie thanked Joan.

Mr. Neiss asked would you my emailing a copy of that to me.

Ms. McKenzie asked the resolution or the whole thing.

Mr. Neiss asked no the resolution.

Ms. Ward asked do you want a signed copy now and you can take it to the office with you.

Mr. Neiss stated I can do that. You need one for the record.

Ms. Ward mentioned I have them upstairs and I'll sign them.

Mr. Neiss stated perfect.

Ms. McKenzie stated I apologize for the pressure that you are under but I can't help that. My mother use to say, I'm sorry when bad things happen to you, it didn't mean she was going to do anything about it.

Chairman Lancaster stated when you make plans you know life happens and alters them.

Ms. McKenzie stated I have to say you guys are very responsible about this stuff that you have to do in this respect and it shows in terms of all the affordable housing that you have already provided, but unfortunately the court kind of messed you up by letting those rental units be converted.

Ms. Ward mentioned I'll cancel the special regular meeting for Monday and I'll send an email out to the Board members who were not present.

Ms. McKenzie mentioned I still have to come on Monday for the Council meeting.

Ms. Ward stated I'll give Cindi a signed resolution tomorrow so she has it for Council.

Ms. McKenzie stated perfect.

Mr. Neiss asked did you notice the special meeting.

Ms. Ward stated yes I did I put the legal in the paper. I'll put on the website that the meeting is canceled.

Ms. McKenzie stated there will be a Council meeting.

Mr. Neiss stated the Planning Board meeting scheduled for Monday is now canceled, so if anyone was going to come to that meeting on Monday at 7 P.M. that meeting has been canceled.

Ms. McKenzie mentioned but the Council meeting is not.

Chairman Lancaster mentioned that will be at 7:30.

Ms. McKenzie stated that will be to endorse. You guys are great thank you. It was nice to see you all.

Chairman Lancaster thanked Betsy. Okay Item #6 Site Plan #361 by the Lincoln Park Library on property known as Block 35, Lot 116 on the municipal tax map also known as 12 Boonton Turnpike and it's a children's room addition and upgrades and this is a public hearing.

Ms. Ward mentioned their proof of service is in order.

Mr. Odenbrett stated thank you for allowing us to present our expansion plans to the Board. My name is Wayne Odenbrett, President of the Library Board of Trustees, Janet Long and Pat Lukacsko are also Trustees and Stephanie Iberer is our Director in town.

Mr. Neiss asked are you both going to be speaking tonight.

Mr. Odenbrett stated yes.

Mr. Neiss swore in Wayne Odenbrett and Stephanie Iberer.

Mr. Neiss asked them to separately identify themselves for the record.

Mr. Odenbrett testified sure Wayne Odenbrett (O-d-e-n-b-r-e-t-t).

Mrs. Iberer testified Stephanie Iberer (I-b-e-r-e-r).

Mr. Neiss thanked them both.

Chairman Lancaster mentioned I guess the Board doesn't have a copy of the plans.

Mr. Boorady mentioned I thought the plans were dropped off to Joan.

Ms. Ward stated oh I didn't bring them down let me get the plans. I was remiss because I was photocopying that large resolution.

Mr. Odenbrett stated we provided 16 plans to the Board.

Chairman Lancaster stated they didn't make it from upstairs down to here.

Ms. Ward stated sorry.

Mr. Odenbrett testified I'll summarize. As many of us know the library was built back in the sixties and there were minor renovations inside over the years, but of course times have changed and our mission has changed as time went on and the main focus now of our mission is children and technology. We are in a smaller town and our funding is limited so we have to focus carefully the funds that we have.

We were one of the first in towns to have a YIFY hotspot, for example, we want to focus on getting things like that done. We are really focusing on children's programs now, for example, which many of you have taken advantage of.

When the town renovated their buildings, for some reason the library was not included that was long before my time. The facades will never be the same because we are not going to be spending any of our funds on façade we are going to be spending our money on programs and interiors, and with carefully planning our expansion with staffing in mind so we can accommodate the month in and month out expenses, as well as expanding the facility.

The plans include infrastructure changes of course; a new roof, new energy efficient lighting, new skylights, new canopies and the interior we are mostly repurposing, and I'll give you an example. In the past all libraries were required to archive periodicals but that's not necessary anymore. It is all on the Internet so we now have space that we can start shifting things around and making more room for the technology and I talked about and children's programs.

The funding that is required is all in place and it not going to cost the town a nickel. We have been very frugal with our funding in the past and reserved all the appropriate capital year in and year out, as well as taking advantage of donations to achieve that goal. The actual plans I'll turn that over to Stephanie to go through that with the Board.

Mrs. Iberer asked do you want me to wait until Joan comes back with the other ones. I have one.

Chairman Lancaster stated she just went upstairs and probably what you should do is turn the easel more so the people can see it as well.

Mrs. Iberer testified okay.

Mr. Neiss mentioned I have one.

Chairman Lancaster stated so the public can see because we'll have the plans, kind of maybe halfway and reference what you are pointing too. I want to make sure the public can see what you are doing as well.

Mrs. Iberer testified here it shows the site map where the new addition will be in relation to the already existing library and the snack shack that is by the field. You can see it is just taking up grass space over by where the library parking is. Here is a picture of it from the side view this is the addition here. If you've ever been inside the library, the big windows over by the children's room is where it is coming out.

Chairman Lancaster stated it is the one facing the PAL building right?

Mrs. Iberer testified right it is all there on that side.

Chairman Lancaster asked between the addition and the curb is that existing sidewalk.

Mrs. Iberer testified there is no sidewalk there.

Chairman Lancaster mentioned there is no sidewalk just grass and it is going to remain grass?

Mrs. Iberer testified yes.

Chairman Lancaster stated okay.

Mrs. Iberer testified there is only sidewalk in front of the building where the current entrance is but that entrance is going to go. Most people use the back entrance which has the wheel chair accessibility. Very few people use this entrance and it has a fabulous vestibule and space that is not being utilized at all so that is why we are making a new entrance here on the side that is going to be a staff entrance. I'll show you it on the second page.

There is a staff entrance already at the library. If you know where the parking is for the staff, there is a staff entrance there, basically the staff entrance is going to move down a little bit. The doors for when people come to donate huge amounts of stuff, the big double doors those will stay, so the current staff entrance is sort of right here and it is just going to move down over to here.

Chairman Lancaster asked the existing one is the one that is shown as shaded there.

Mrs. Iberer testified yes.

Chairman Lancaster stated okay I just wanted to make sure I was following.

Mrs. Iberer testified we are going to change that into windows.

Chairman Lancaster stated okay.

Mrs. Iberer testified the reason why we are doing that is because we use to have to keep periodicals and now we don't have to and so this room way in the back which is going to be the new breakroom is where we use to store all the periodicals. Then we had this conference room which is where we have our board meetings and stuff and where the staff has their lunch and stuff like that.

Now there is a trend in libraries to have a patron meeting space and we don't have that. We have two spaces back here but in order for the public to come and use it they need to come back into the private areas of the library and because we have such an abundance of stuff, libraries can be very messy and it just doesn't have a professional feel to me to have people coming back through the staff area where people are working. This new entrance is going to allow us to be able to break into this current lunch room that the staff is using and we are going to make that into a patron meeting space and then what use to be the periodical room is going to turn into the staff break room.

We are also putting an addition here of a 500 square foot for more children's space. The reason why we are deciding to do children and not adult space is because in the world of books for people, all the adults when James Patterson writes a new book everybody wants to read it. The hold list can be three hundred people waiting on hold to read James Patterson's newest novel and then three years later nobody cares about that James Patterson novel at all and we are selling it for a dollar.

But with children there is always going to be another group of third graders every year who want to read Diary of a Wimpy Kid or a first grader who wants to read (inaudible), and then they are publishing new books every year for children as well. So children's books are always sort of expanding in a way adult books aren't and we can kind of keep it a bit status quo with the reading of the old James Pattersons and put in the new one.

We are going to be adding some space to the stacks. The current stacks are from 1969 and they are not entirely safe anymore but they are not unsafe we have them held down. But what we are doing is we are going with the new style of shelving which will allow us to add extra layers of shelves throughout the entire library, so we are going add so much more area for books without really having to add anymore stacks especially in the adult area.

With the change that we are making here of taking this front vestibule, the 202 entrance as part of the library, we are going to move the reading area here, which I encourage you to come into the library to really

understand what I'm talking about, and we have our periodicals/magazines here, we are going to move the magazines over here and we are going to have a reading area here.

Some of this stuff may change and you would have another reading area here but you know it all depends upon what kind of money we have in the end. I mean up here I really want to have in the storage area compact shelving but that is really expensive and we may not be able to afford it in the end, and we'll see but this is our plan.

Of course we will have more staff in the children's room and then when we have our really loud children's programs that people sometimes complain about, we can do them in our new patron meeting room. We are actually expanding the space as well. You can see we are getting rid of a wall that is existing right there because we don't need that. This is the existing back entrance and since we are getting rid of that we decided to enlarge this room as well.

The other big thing that we are doing is you know where we have the dinosaur bones and it has that big ugly brick thing around it, we are getting rid of the big ugly brick thing and we are keeping the bones in the same spot. We are going to put new lighting and new foliage there because it is all 1969 and we are going to glass it over so that you can walk on it, like how they have it in some of the fancy museums so it will be a useable space. It won't be a hundred square feet that you can't do anything with and all we put on it is books to sell. You can't really see down there very well because the lighting is old.

Mr. Odenbrett testified anybody who has been in the library notices that parapet wall in the center of the foyer takes up ten percent of the floor space and you can't do anything with it from door to door. So now you can see some fixtures in there and of course it can be used for programs to set up chairs and speakers and the like, so we are looking forward to modernizing that. Many of you may or may not know that there is only one actual real life fossil down there the others are replicas.

Mrs. Iberer testified replicas.

Mr. Odenbrett testified the one fossil was indeed found in Lincoln Park I believe when they were building the Meadows Golf Course that is the word on the street. We are not really quite sure what the urban legend is but we are going to keep it as is because so many people grew up with the library and seeing that. We thought about mounting it on the wall but let's just put a glass almost like a glass dance floor you can look down.

Mr. Boorady stated dance on the dinosaur bones.

Chairman Lancaster stated yeah the dinosaur dance.

Mr. Odenbrett testified we encourage anybody with any ideas or thoughts, you know you are all Lincoln Park longtime residents and we are eager to hear from you, eager to have you stop by and take a look at what we are planning. Again we had a close eye on staffing and we continue to focus on security, especially for the children that is a major balance between freedom of speech and protecting children which we are very focused on and that's why we have the computers arranged the way they are so they are always facing out. They are never in nooks and crannies where visitors can feel a bit more privacy than perhaps they deserve in a public space. We have focused on all the important issues and of course the Internet allows anybody 2 o'clock in the morning sitting in their home they can order any book from any library in Morris County. We are part of the consortium so that is why the focus on adult books isn't quite as important as the focus on a children's books plus it is the size of our town. As you know, the library is funded by the population of the town period. We have to keep a close eye on that so that's why the thoughts of a second floor was quickly dismissed because just the expense of an elevator, \$90,000 for an elevator and then the expense to maintain it on a yearly basis and then the staffing we would need on a second floor. Okay so it was time to back away and be practical and focus on what we thought Lincoln Park needs but we still stay very open to any suggestions that anybody might have.

Mr. Blewett asked because you are blocking up the front entranceway well how are you compensating for closing up that front entranceway in an emergency situation.

Mr. Odenbrett testified egress and ingress.

Chairman Lancaster mentioned from a safety standpoint I was thinking the same thing.

Mr. Odenbrett testified that was one of our first questions for Mr. Cutillo, our architect. If we closed this off, and he is also very involved with the Pequannock Library, we have to stay legal first and foremost. As far as the patrons are concerned, nobody uses that front entrance.

Mrs. Iberer testified it is very rare maybe 10% of the people but we will also have 3 forms of egress; the storage doors, the new staff entrance and the entrance that most of the people use.

Mr. Blewett asked the staff entrance is on the side.

Mrs. Iberer testified that will be part of the addition.

Mr. Blewett asked is that just for staff or will the public enter there.

Mr. Odenbrett testified the door that accesses the children's area the public will have access to that and as far as the other exit where the storage room is that will be from the back area.

Chairman Lancaster mentioned what you are calling the staff entrance will not be an entrance that the patrons can use.

Mr. Odenbrett testified as a general rule we want to get everyone in the habit of using the main entrance and we are going to upgrade that whole foyer there it will be grocery store doors. Right now they are doors that have been retrofitted for the handicapped and everything and it just doesn't work well. So during the whole project we are going to get it done right with a foyer and you know accommodating the handicapped a hundred percent.

Mr. Marino asked Wayne what is the width of the opening for the main entrance doors.

Mr. Odenbrett asked the existing main entrance.

Mr. Marino stated no what you are proposing.

Mrs. Iberer asked what was your question.

Mr. Marino asked what is the width of the openings for the doors for the main entrance.

Mrs. Iberer testified that is not changing at all that is currently what it is it's two doors.

Mr. Marino asked it is two doors 6 feet possibly.

Mrs. Iberer testified probably.

Chairman Lancaster stated but what you are saying is that instead of a swinging door it will be electronically opened.

Mrs. Iberer testified hopefully if we have the money for that otherwise, we'll have to go back to swinging doors but we are going to get new ones if anything. They are so old and beat up, especially these because these are more heavily used so they are very beat up.

Chairman Lancaster asked what is the size of the exit, the new entrance/exit the staff one.

Mrs. Iberer testified that will be a single door.

Chairman Lancaster asked 36 inches.

Mrs. Iberer testified yeah whatever a standard size door would be.

Chairman Lancaster asked Sal the new door that they are providing is a standard single 36 inch door.

Mr. Marino asked for the staff.

Mrs. Iberer testified for this door.

Mr. Marino stated that would need to be a 36 inch door although it doesn't look like it on the plan.

Mrs. Iberer testified I'll make sure our architect is aware and I'm sure he knows but I'll just tell him.

Mr. Marino asked do you know what the occupancy is.

Mrs. Iberer asked of the library. Five hundred maybe? I have to look I know there is a sign in the library itself so I can email you that to let you know for sure.

Chairman Lancaster stated yeah but that is going to change with the addition.

Mrs. Iberer testified yes.

Chairman Lancaster stated you are going to have more space between getting rid of the parapet around the fossil and the front door.

Mrs. Iberer testified and here this now becoming patron space.

Chairman Lancaster stated patron area. So the question would be what is it today, what is it in the future and what are some of the safety issues is that where you are going Sal?

Mr. Marino stated yes.

Chairman Lancaster mentioned today is nice but what is it going to be when you change it?

Mr. Odenbrett testified Jim has assured us he has stayed very focused on all of those architectural requirements for ADA egress and exit.

Mr. Morreale asked on the new side entrance I see you put a concrete pad there to come in and out of that door, does that sidewalk go all the way around.

Mr. Odenbrett testified the sidewalk will go to the parking lot.

Mr. Morreale asked are you taking out parking spaces.

Mr. Odenbrett testified one parking space will be removed, obviously you don't want to walk up into a car.

Mr. Morreale stated especially with a child there.

Mr. Boorady mentioned I think that's their ADA.

Mr. Odenbrett testified the cut for the handicap exists. Right now that's staff parking over there. The west side of the building is mostly used for the PAL Building and very few library patrons use that over there. It is used for use on the field and for the PAL Building. All of the library patrons you'll be seeing park on the firehouse side of the building.

Mrs. Iberer testified they will park over there yes.

Mr. Boorady mentioned even though the plan doesn't show it, there is going to be a space eliminated by the staff door.

Mr. Odenbrett testified yes.

Mr. Boorady stated okay.

Chairman Lancaster mentioned again I was thinking the same thing there is probably going to be some restriping and some sort of a yellow hash marks that says you can't park here because it is for a walkway or something.

Mr. Odenbrett testified I did tell Stephanie she is losing her reserved parking space now and has to walk to work now.

Chairman Lancaster stated again this is just an architectural plan not necessarily a site plan per se.

Mr. Odenbrett testified this was just for the presentation purpose he's got sixteen pages of all of this.

Chairman Lancaster asked is this in a flood zone. What is the finished elevation?

Mrs. Iberer testified no. The engineer told us this is definitely not in a flood zone.

Chairman Lancaster stated okay that was one of my concerns.

Mr. Boorady stated it is not plus on the new maps too.

Chairman Lancaster mentioned it is not on the new maps too.

Mr. Boorady mentioned we are in the clear.

Chairman Lancaster stated that's good.

Mr. Odenbrett testified with all of the severe events the library was the one that provided the Cable Vision to the PAL Building before the town got it and everything else.

Chairman Lancaster stated I was just concerned about the net fill type stuff.

Mr. Morreale asked why did you pick that little corner with the little bit of grass as opposed to kind of going out the other side where you have tons of area by the tree and back.

Mrs. Iberer asked over here you mean.

Mr. Morreale stated yeah.

Mrs. Iberer testified there actually was an old plan that made a room here but then that would require more staffing because we wouldn't be able to really see what was going on over here so we would have to have a dedicated staff person here, so going forward that would cost the library more money with an extra staff person than having an addition here.

Mr. Odenbrett testified it is an extension of the existing children's area which is what we are going to be using the space for.

Mrs. Iberer testified which was cheaper than moving the whole children's area over here. We were trying to use our money as smartly and as efficiently as we can.

Mr. Terrero asked any possibilities of the space where you are blocking because right now you have three means of egress you know for the public. You have the means of egress through the front, you have the means of egress through the ones that you are covering and you have the access point of the staff that ended up in part of the storage room. But when you make the new additions, you are blocking one of those out so you are eliminating that point. Your second point of egress would be the exit through the staff entry. The one you are calling your third one is in your storage area, so people would have to navigate through the building to be able to access that point.

Mrs. Iberer testified well they still would if they currently went out the current staff entrance because that's in the back.

Mr. Terrero stated but you currently have easy access right now through two points of egress in the main room. By eliminating one of them it creates a new separation and you are funneling to a smaller space. Right now you are exiting through two six foot doors or five foot door, whatever is there at the moment, and you are now going to be one five foot door or six foot door, or whatever is there plus a three foot drop you know that is easy access. Is there any way it is still blocking your window area and putting chairs or whatever there because I know you are keeping glass at the point, is there any way of making that you know sort of a door that can be operable in case of emergencies?

Mr. Odenbrett testified we had mentioned that to Mr. Cutillo to use that door that's now an existing entrance facing north as an emergency entrance but he said we didn't need to.

Mr. Terrero mentioned I understand an entrance point is not a problem because you are trying to direct people to the other side of the building but I'm concerned about egress. People will not know where to go and people that have to be funneled through hallways to get to an exit you might get flustered and get trapped. It is just a small concern that maybe that design still could be a design it is just that maybe those windows could be operable either way, you know you can have them that could be pushed out.

Mrs. Iberer testified the concern that we had with that is that since that has been an entrance since 1969 people will continue to come up to it and try to get in all the time.

Mr. Terrero stated well the idea is that when you walk to it it's not seen as an entrance right? The access or the point of pushing will be from the exit only

Mrs. Iberer testified exit only.

Mr. Terrero stated exactly.

Mr. Odenbrett testified we had that discussion and if it is an exit you need to have a sidewalk, a handicap sidewalk, and you'd actually have to upgrade it and then people would still be encouraged to try to use it and they won't be able to get in, so we viewed it as a not so user friendly way to provide an emergency exit that is not needed in the first place according to our architect.

Mr. Terrero mentioned I don't know Sal might say something about it but maybe your architecturals might have to change it because the amount of people you are funneling out. It is just a concern but it's nothing against the plan, your plan works fine it is just a concern.

Mr. Odenbrett testified we have not been a very high occupancy facility as well. I'm not sure of the number either but seldom do we have hundreds of visitors.

Mrs. Iberer testified no.

Mr. Neiss stated once you move those dinosaur bones people are going to be flocking.

Mrs. Iberer testified the wolves were an issue that is why we moved it to the PAL.

Mr. Odenbrett testified any big event we've taken off site. Many of the events are at the lake. The wolves presentation had what 400 people so we are focused on the appropriate way to present things to the public and we've even had to issue tickets for the wolf event to make sure that too many people didn't show up at the PAL building, so Stephanie stays focused on that.

Mrs. Iberer testified actually our last big program that we do is movie night once a month, family movie night, and if any of you want to go it is fun, and we did the Good Dinosaur last month and it was really popular and we had a hundred people come for that. About 50 kids and their parent and we were all here in the kid's room and it was still comfortable. The children know the system, the parents get to sit in the chairs and they have to sit on the floor and we serve free popcorn and they love it. That was a little bit tight but it still wasn't crazy.

Mr. Odenbrett testified that's where we will be adding the space and from that one seat watching the movie you'd be able to see the two exits.

Mrs. Iberer testified yes that's true. It will probably take the patrons a little while to get use to it because it is a change, but I think overall it will be really fabulous.

Chairman Lancaster stated from the entryway where you are putting the new entry on the west side is the only way out of that through the conference room, or I see an existing four foot opening with concrete lintels or is that just going to be an open hallway?

Mr. Odenbrett testified it is going to be a little foyer with a closet.

Mrs. Iberer testified yeah past the bathroom.

Mr. Odenbrett testified with one entrance to the conference room and one entrance room to the existing children's area.

Chairman Lancaster stated so it will be just walking straight out.

Mrs. Iberer testified if you are in the conference room and you need to emergency leave, you can either come out this way and go out the new entrance or you can come through this door and go out the storage door.

Chairman Lancaster mentioned I guess it is getting to that side door, the new side door is going to be a straight shot you know it is straight through there. There are no other doors it is a hallway and it is open. I guess that goes a little bit toward what you were talking about it is not going through corridors it is open to the children's area.

Ms. Iberer testified yes.

Chairman Lancaster stated I just wanted to make sure I read that right on the plan.

Mrs. Iberer testified if you visit the library, we are basically adding on past the bathroom so that is where the entrance is going to be so that we could break into this space because we obviously didn't want to go through any of our current restrooms. They were just redone recently so they look nice and we didn't want to lose one because we only have two for the public, but then we will actually have a third in the patron meeting room which has traditionally been a staff only bathroom.

Mr. Marino asked is there a sprinkler system in the building.

Mr. Odenbrett testified no.

Chairman Lancaster asked are there any other questions. How are we proceeding on this?

Mr. Blewett mentioned we have to open it to public hearing.

Mr. Terrero seconds.

Chairman Lancaster opened the meeting up for the public hearing. Anybody who has comments or questions concerning the presentation of the library proposal please come forward. I don't see anybody coming up or moving so I'll close the public hearing. Counsel informed me we are going to do a resolution.

Mr. Neiss mentioned just a resolution. We are not going to vote on it because the library is exempt from site plan review by the Board but they have come before us for what is called a courtesy review.

Chairman Lancaster asked the resolution would contain what.

Mr. Neiss stated simply a recitation of what the plan is and not with a resolved, it won't be a now therefore.

Chairman Lancaster stated okay.

Mr. Neiss stated it will just be a recitation of what happened.

Chairman Lancaster asked that would be for the next meeting.

Mr. Neiss stated the April meeting.

Chairman Lancaster stated okay.

Mr. Blewett mentioned even though we don't make a judgment our professionals get to review the building permits correct?

Mr. Neiss stated you don't have the ability to vote.

Mr. Blewett mentioned I understand that but they still have to go through you guys.

Mr. Marino stated right.

Chairman Lancaster stated right.

Mr. Boorady mentioned the Building Department will still issue the permits and perform inspections.

Mr. Marino stated absolutely.

Mr. Blewett stated I thought so.

Chairman Lancaster mentioned I guess we don't have to do anything else on that.

Mr. Neiss stated nothing.

Ms. Ward mentioned we don't need to vote on the resolution then at all.

Mr. Neiss stated no.

Chairman Lancaster stated no okay. So that brings us up to 8 ordinances.

Mr. Marino mentioned what I would like to do for next month, Chuck you weren't here, if we could meet possibly at 7 P.M. if that works for you?

Mr. Blewett stated right now it does.

Chairman Lancaster mentioned it would be 7 o'clock here the day of the meeting.

Mr. Marino mentioned we'll let Josh know because he's on the committee too.

Ms. Ward stated it will be the 21<sup>st</sup> of April at 7 P.M. Will you have something to give them in the packet or are you just having an informal discussion.

Mr. Marino stated I'm going to look at other towns and see what they have.

Ms. Ward mentioned okay. If Sal has anything, I'll put it in your packet.

Chairman Lancaster asked is there any other business which may arise.

Ms. Ward stated you have correspondence with reference to the Evangelical Mission that Paul asked that it be brought to the Board's attention.

Chairman Lancaster stated this is a legal notice that they are going to be doing some work in Montville.

Ms. Ward mentioned yes.

Chairman Lancaster stated they are going to demolish an existing accessory building and I assume that's all in Montville.

Ms. Ward stated yes.

Chairman Lancaster mentioned there are some variances involved. There is a legal notice that the Evangelical Mission on the Montville side that's adjacent to Lincoln Park is going to be doing some work, so I guess we are just bringing it up to make everyone aware of it.

Ms. Ward mentioned that's what Paul wanted to do.

Chairman Lancaster mentioned so everyone is aware of it.

Anything else?

Chairman Lancaster mentioned everybody got the letter from Steve Schepis on Capodagli and based on where everything is going we are not doing anything with that.

I just want to acknowledge that the Planning Board got a copy of the petition from the concerned citizens for preserving the quality of life in Lincoln Park with 217 names.

Okay is there a motion to adjourn.

Mr. Terrero made the motion to adjourn.

Chairman Lancaster seconds.

All opposed: None

Meeting adjourned 10:06 P.M.

Respectfully submitted:

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Joan Ward, Secretary

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Kevin Lancaster, Chairman