

DUMONT JOINT LAND USE BOARD

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Flag Salute

SESSION: This is a meeting of the Joint Land Use Board of the Borough of Dumont, held in the Dumont Senior Center.

May 31, 2016
7:30 P.M.

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Joint Land Use Board of the Borough of Dumont, held in the Dumont Senior Center on May 31, 2016. This date, time and location were established by the resolution of the Board. A copy of the resolution was forwarded to ***The Record, the Ridgewood News*** and posted in the Borough Hall. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

Ron Burkert	A	Michael Affrunti	P	Councilman Matthew Hayes	P
Michael Worner	P	Timothy Hickey	P	Elmer Pacia	P
Joseph Hakim	P	Barbara Chen	P	Michael Cremin Alt #1	E
Alfred Moriarty Alt #2	P	Janet Masio Alt #3	P	Ken Armellino Alt #4	P
Chairman William Bochicchio	P				

Others:

Board Attorney	Mark D. Madaio, Esq.		P
Board Engineer	Boswell Engineering	J. Fordham	E
Board Planner	Maser Consulting	Darlene Green	E
Board Clerk		Lois Rusch	P

BUSINESS: Review and Approval of Business Professional Invoices

- Chairman William Bochicchio stated he would go to the Building Department to review/sign off on invoices.

BUSINESS: Approval of Minutes

- Motion to approve Minutes of 3/29/16, as amended, made by Ken Armellino
- 2nd by Mike Worner
- All in favor
- Minutes of April 21 will be amended for the next meeting

FORMAL: Resolution to authorize the Planner to do an Area in Need of Redevelopment Study

- Mr. Madaio explained we are only being requested by the governing body to authorize our planner to conduct a preliminary study to determine whether the property in question (DeAngelo Farms) is an area in need of redevelopment. The Board is not being asked to agree or disagree, but only to adopt a Resolution requesting the study be conducted.
Mr. Bochicchio explained that at a prior meeting when we were asked to sign this Resolution, the judge said if at any point we failed to follow the law, DelVecchio (attorney for Landmark) could go back to the judge and have our power taken away from us. We would no longer have any say in this Agreement.

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In response to questions from Board members regarding Section 5 that seems to be missing from the 40 a-:12A-5. Mr. Madaio responded that this covers the criteria for determining if a delineated area may be considered for redevelopment study. Conditions 1 through 9 discuss conditions and ownership of the property in question. That is what Ms. Green report will consider. The only decision tonight is, are we directing her to conduct the study as requested of us by the governing body. If we direct her to do report, she will then come before us to deliver the report; there will be 2 public meetings to discuss the report. There is a series of public notices, and then there is a hearing on those.

Our first step as a Board in any investigation is to hire a professional to do a study. If the Board chooses to not do so, I suspect that by tomorrow a planner will be authorized to do the report anyway. Sometimes the law actually dictates the Board's actions. I don't believe the judge or anyone would consider that the exercise of the Board's obligations should you decided not to do so.

Mr. Bochicchio stated that it would be a dereliction of duty to not to do as requested. As an individual serving as a member of the Board it is our responsibility to request the study. When we get the evidence then we can make our determination. In 1986 we were asked to do a master plan; we had not done one in years. Mayor & Council asked us to do so. We spent years, hired a planner and when completed the report was given to us and a year was spent going over it, we wanted plain English How that document looked in comparison to original document was very different. Basically what we're doing tonight, it does not denote anything other than the mayor & council has asked us to do it, we should. When the report comes back, we may not agree with it and it will take time to work on the report. Right now we have an obligation to have it done. We as a Board want to live up to what we are legally required to do. Anything we can control will be controlled. Not authorizing this report is a dereliction of duty of what we are sworn to do. The course we all take explains what we can do. We are not legislators. We're the people that follow an application. None of us want to see a travesty of this property. When we did our Master Plan we knew it would come up some day, and under it we put De Angelo Farms as a "park" giving us right of first refusal. That didn't happen.

Motion to open to public:

By Al Moriarty ,

2nd by Mike Affrunti

Members of the public who spoke:

Sandy Fernandez, 199 Summit Ave	Pete Fusco, 42 Harwick Road
Tom Kelly, 70 Beacon Street	Rachel Bunin, 9 Poplar Street
Michael Sullivan, 125 Andover Avenue	Dr. Bruce deLyon, 67 Beacon Street
Matthew Baylin, 12 Elizabeth Street	Lily Binney, 32 Roxbury Road
Lynne Vietri, 41 Wilkens Drive	Irene Feudin, 62 Conklin Street
Kathy Doherty, 110 Roxbury Road	Karen Bolito, 20 Overlook Ave.

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Tom Gorman, 46 Wilcox Street	Chris Sheridan, 9 Wilcox Street
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Residents came forward to express opinions and concerns about PILOT program, which essentially freezes taxes for 25 years for builder, destroying property values and burdening taxpayers with additional school taxes, since the school board gets no additional money, only the Boro. Concerns expressed about JLUB taking a stand and requesting an independent person do the study and not Ms. Green of Maser. Frustration was voiced regarding belief that the issue was pushed through by those in control. Also that Landmark allowed the property to fall into decay so it would qualify as 'an area in need of redevelopment' now, two years after a viable business was operated there that received no summonses for safety issues.

It is felt by residents that allowing the building of 25 or 35 houses there would fit in the neighborhood with no problem. Again, it was expressed that an independent person should conduct this study. Affordable housing – 2 or 3 bedrooms - brings families and the schools will suffer as well as taxpayers.

Mr. Madaio and the Board were thanked by the residents for their openness and willingness to listen, as the mayor and council has not. Ms. Green already has already testified at the hearing that this is an area in need of Redevelopment. The Board was urged by residents to provide an independent planner do the study.

Apprehensions were voiced regarding vacant and foreclosed homes resulting in the town facing troubles about burden of higher school taxes due to tax credits under PILOT program. Also concerned that the exclusion of other affordable housing in Dumont was not taken into consideration.

Concerns were expressed also about this agreement setting a precedent in Dumont, as there are other properties that could be in question down the road. The effects of low income housing in communities was also brought up.

Mr. Madaio again expressed, in response to queries by the public, that the Board is only being asked to pass a Resolution directing a planner to conduct a study of the property as being or not being, an area in need of redevelopment. The Board does not second guess nor determine what information is given to us by the governing body.

Questions were asked about how "Areas in Need of Redevelopment" are used in other towns and it was explained by Mr. Madaio that in industrial areas it is to attract developers who otherwise might not be interested. It can also be offered in more attractive areas as well. Our Board deals what we are given and we do not second-guess our governing body.

He also explained again that the Board's powers would be stripped by the Judge if it does not commission this study and then we'll have no say in whatever comes down the road. It is not up to this Board to like this settlement agreement or not. Chairman Bochicchio, in answer to a query regarding Mark Madaio, said that Mr. Madaio has served this Board well for many years and we seek his advice to see the ramifications of our actions.

There is the feeling among residents that it would show due diligence to ask a different planner do the study. The public does not feel Ms. Green is unbiased enough, based on statements she made at the hearing. Question arose about what happens if this property is determined not to be an area in need of

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redevelopment. Mr. Madaio responded that anyone could appeal it and in an ongoing lawsuit, Landmark would do so.

Mr. Madaio explained that the Board needs a documented decision from the planner whether or not this is an area in need of redevelopment. That is what we are voting upon tonight.

Mr. Bochicchio asked for a motion to close to the public
Barbara Chen made a motion to close to the public
2nd by Mike Affrunti

Mr. Bochicchio called for a five minute recess.

Reopened meeting for comments from the Board:

Joe Hakim: Question regarding payment for studies, in this instance it is coming out of Escrow. Applicants do not do their own studies. We conduct, when authorized by governing body, a study.

Ken Armellino: Asked for an explanation about how we determine our planners. Mr. Bochicchio: We send out a Request for Qualifications through our attorney. Those interested submit their credentials. A board of 3 people is appointed by the chairman, they come back with recommendations and we vote at our reorganization meeting to hire. Mike Affrunti stated that we did choose Maser Consulting, but not D. Green specifically because mayor and council already hired her. Maser was appointed.

Elmer: A "blighted area" was referenced and area is not blighted. Mr. Madaio explained the term has been changed and is now "stagnant, etc.", not blighted. "C" is land owned by municipality and this land is not. Discussion of criteria for an area in need of redevelopment. Do not have to meet all 9 criteria.

Tim Hickey: Stated the difference between "statutory act and "discretionary act," the fact we are being asked to do study is a statutory act. We can't just say no. We are performing our duties as the mayor and council has directed.

Mr. Bochicchio said he spoke with Darlene Green today and council members present at this meeting. He understands that they already approved Maser to do this Study. This Board will not allow the town to pay twice for anything. You'll note we don't bring in our Engineer or Planner for every meeting if we don't need them. That saves us money. I will ask for an up and down vote to approve this, a second vote on who we want as the planner. A different planner is contingent on not having the town pay twice. If the governing body has signed an agreement to do the study, we won't have a second person do a second study.

Chairman Bochicchio called for a motion

Tim Hickey made a motion to vote in favor or against asking a planner do the study
Barbara Chen 2nd

Roll Call:

Mike Affrunti: With a stipulation that this is definitely not a yes to go ahead with approval of redevelopment. I vote **Yes**

Matthew Hayes: **Yes**

Mike Worner: **Yes**

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Timothy Hickey: **Yes**

Elmer Pacia: I will state my position, was thinking of saying no but after understanding our statutory position and after Mike Affrunti's stipulation, I vote **Yes**

Joseph Hakim: I will join Mike Affrunti as I feel the same and vote **Yes**

Barbara Chen: **Yes**

Alfred Moriarity: **Yes**

Chairman Bochicchio: **Yes**

Motion is carried to ask a planner to do a study to determine if DeAngelo Farms is An Area In Need of Redevelopment.

Chairman Bochicchio called for a motion to approve or disapprove an independent planner unless there is a contract with Maser and this can't go thru.

Timothy Hickey made a motion to approve or disapprove that we hire an independent planner, unless there is already a contract

2nd by Barbara Chen

Roll Call:

Mike Affrunti: **Yes**

Matthew Hayes: Recuses himself

Mike Worner: **Yes**

Timothy Hicken: **Yes**

Elmer Pacia: **Yes**

Joseph Hakim: **Yes**

Barbara Chen: **Yes**

Alfred Moriarity: **Yes**

Chairman Bochicchio: **Yes**

If the Mayor and Council have not contracted with Maser, the RFQ Committee is reappointed. They will be supplied with names with qualifications to the chair of the committee (Mr. Madaio suggested Burgess, Corker and Assoc., Maser and one more). The committee will review and notify the Chairman of their choice. Mike Affrunti, Chair, Barbara Chen and Ken Armellino are reappointed as RFQ Committee. If the Mayor and Council have contracted with Maser, we will try to get another staff member do the study. Mr. Bochicchio addressed the residents attending the meeting, by advising that the JLUB has listened to what they had to say hope they understand where the Board stands and what we can and can't do.

Motion to adjourn

Mike Affrunti

2nd by Barbara Chen

10:30 PM

Minutes submitted by:

Lois Rusch

Joint Land Use Board Clerk

* Please Note: Full Recording of This Meeting Available.

