BOROUGH OF WOODLAND PARK
PLANNING BOARD MINUTES

July 11, 2011

Meeting called to order at 7:31 P.M. by Chairman Webb.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS PRESENT: TOM WEBB, COUNCILMAN DI DOMENICO, BILL KARP, MAYOR LEPORE (ARRIVED AT 7:47 P.M.), KEITH TANSKI, DORA DAVENPORT, SHERRY VAN DYK, THOMAS ADAMO, CARLO RENNE, AND RICHARD BERNSTEIN

ALSO PRESENT – JOSEPH WENZEL, BOARD ATTORNEY

FLAG SALUTE

A motion to approve the minutes of the June 13, 2011 meeting was made by Mr. Bernstein, second by Mr. Renne and approved.

RESOLUTIONS

DOCKET # 11-07 – MOUNTAIN DEVELOPMENT CORP. – 3 GARRET MOUNTAIN PLAZA – BLOCK 32 LOT 1 – CERTIFICATE OF OCCUPANCY OVER 5,000 SQ. FT. Application is hereby approved by a vote of 8 – 0.

ORDER OF BUSINESS

Docket # 11-04 – N. MARINO – 287 (300) Lackawanna Ave. – Block 507 Lot 22 – preliminary/final site plan

A letter was received from the applicant's attorney requesting the application be carried until the August 8, 2011 meeting with no further notice and waiving time restraints.

DOCKET # 11-08 – NOTCHWOOD MANOR, LLC – 590-608 LACKAWANNA AVE. – BLOCK 125 LOT 1 – EXTENSION OF TIME FOR ONE YEAR TO REQUEST CONVERSION OF AGE RESTRICTED DEVELOPMENT

Brian Chewcaskie, attorney for applicant, stated this application was approved for 50 age restricted units several years back. It is located at Lower Notch Rd. & Lackawanna Ave. The intention earlier this year was to apply for conversion from age restricted to non-age restricted pursuant to legislation that was adopted by the state legislature. What that does is that sets forth various criteria based upon the economic status in NJ that previously approved age restricted developments could be converted to non-age restricted developments and there were certain conditions that had to be complied with. They first made an inquiry to the Code Official, Felix Esposito in January of this year. After that inquiry he was advised by Notchwood Manor not to file the application. An agreement was negotiated with Notchwood partners who want to build the project as is consisting of 50 units. Those 50 units would be 40 age-restricted and 10 developmentally disabled units. The reason they are requesting the extension is that one of the requirements under this contract that they have is that Notchwood Partners requires financing from the Housing Mortgage Finance Agency which is a state agency. In order to obtain that financing they made a presentation to the Mayor & Council of Woodland Park on June 1, 2011 and June 15, 2011. The Mayor & Council adopted a resolution of need and a resolution authorizing a payment in lieu of tax agreement, predicated on Notchwood Partners developing the property as they have indicated. Those resolutions are required as part of the application process to the Housing Mortgage Finance Agency. The Mayor & Council requested the property owner who he represents to provide sufficient time for this to go forward. They indicated at that time they would provide a year under the contract in order if it did not go through the first round which is the fall of this year there is likely to be a second round that would be heard in the spring of next year. That being said under the current statute that they have which is the conversion statute is that an application was required to be filed pursuant to the legislation within 25 months of the effective date. The effective date of that legislation was July 2, 2009 so an application would have had to be filed by August of this year. There is a provision in the statute that allows the approving Board to extend the time to apply for a period up to two years. They are requesting a one year extension to August 1, 2012 to file the age restriction conversion application. The reason they are doing that is they have a contingent contract and they don't know what is going to happen with that contingency. They are requesting from the Board, rather than waste time filing an application, that they give them an extension. Under the statute there is one requirement for the Board and that is to decide if the extension is warranted based on the economic condition of the state and he thought they could all agree that has not changed. He understands this is somewhat unorthodox but they see it as a time saver. They would be required to file the application in order to protect the interest of Notchwood Manor now in the event this contract does not go through. They will probably know at the earliest if the contract goes through and the site be developed in accordance with how it was approved in October of this year and the latest April of next year. That is the basis of their request. The state has taken a number of actions in order to extend various legislation that was enacted several years back. Nothing has happened with this but he has heard they will probably extend it. As an example the permit extension act last year was extended and most recently the legislature

approved the suspension of the affordable housing fee for non-residential developments until 2012 or 2013. Not knowing what the legislature will do he is making the request on behalf of Notchwood Manor for that one-year extension.

Chairman Webb asked Mr. Wenzel if this is the same type of extension as Garret Pointe requested. Mr. Wenzel said no, this is not an extension like requested by Garret Pointe because they are engaged in active litigation at this time and they sought it under a different statute. This is a very specific extension that is allowed in the statute when it was written in 2009. He said he agrees completely with Mr. Chewcaskie's presentation of the law. It is very simple and what the law had originally allowed was to allow developers to move from age restricted to non-age restricted because of the housing crisis they are going through in the hope they could sell more homes. That period of time was only a two year window where they allowed those people to file those types of application. However, as noted, this is now an extension that is allowed at the end of that time frame which we are at as of August 1st. That allowed for the Board to give up to an additional 24 months for someone who is considering filing an application to move from age restricted to non-age restricted. Under this statute it is specifically for the purpose to allow a developer like this some additional time necessary to file their application. As indicated the Board may extend the period of time up to 24 months if they find at the end of the initial period that poor economic conditions continue to adversely affect the real estate market in NJ. That is really the only standard. This is not the actual application for Notchwood to change any portion of their original project from age restricted to non-age restricted. That application has yet to come before the Board and all they are asking for now is more time to file that exact application. It is not for an extension of anything else but only for the time for them to make that application.

Mr. Chewcaskie in this instance they would like the contract to go through and are basically asking for time in order to see the results. There were various extensions granted by this Board that was extended by the Permit Extension Act.

Mr. Tanski asked the exact status of the project. Chairman Webb said the Board approved the 50 age restricted units. Mayor Lepore arrived at 7:47 p.m. Mr. Chewcaskie said at the time the West Paterson Planning Board memorialized a resolution approving the 50 age-restricted units on April 8, 2002.

PUBLIC OPEN – CLOSED

A motion to approve the extension of time was made by Councilman DiDomenico, second by Mr. Renne and approved by a vote of 9-0.

A motion to adjourn was made by Ms. Van Dyk, second by Ms. Davenport. All in favor, meeting adjourned.