

Borough of Rutherford
2007 Master Plan Process
Master Plan Advisory Committee
Kick-off Meeting
January 8, 2007

Mayor Bernadette P. McPherson called the meeting to order at 7:00 p.m. stating that this is the beginning of the culmination of a goal that was set a few years ago. The discussion began with the Visioning Process, which is now complete, and now we will undertake the appropriate review of the Master Plan. The Chairman of the Planning Board, Mr. Glenn Elliot will chair the Master Plan Advisory Committee.

Chairman Elliot thanked the Mayor and welcomed all in attendance. Chairman Elliot stated that, thanks to the efforts of the Mayor, we secured funding under the HMDC to help cover the costs of the Master Plan review which has been in the planning stages for several years. This review is much needed and will be very good for the town as it hasn't been done in 30 years, but has only been reexamined through the years. The current members of the Planning Board will comprise the Master Plan Advisory Committee and they include Councilman Ray Frazier, Barbara Russell, Councilman Joseph Sommers, Mayor McPherson, Billy Neumann, Tom Kuruc, Construction Official John Uhl, Borough Planner from Schoor DePalma, David Maski, and Recording Secretary Mary Ellen Sartori.

Mayor McPherson introduced several Borough officials in attendance, among them Anne Marie Rizzuto, Esq. and Councilman John Genovesi.

Chairman Elliot introduced Borough Planner, David Maski to discuss the project overview.

Mr. Maski welcomed all in attendance to the kick-off meeting and invited the public to provide feedback to the Committee through the process. There are no pre-conceived notions, nothing has been decided yet. Tonight's meeting is to provide the focus of the project and understand the pressing issues in the Borough. Mr. Maski will facilitate the meeting and explain the basis of the plan, while gathering the issues from the public in attendance. An agenda was provided to the public as well as documents entitled Goals and Tasks from the Rutherford Vision Statement: 2025 and 2003 Reexamination Report; Summary of Issues and Recommendations. In addition to these documents, a Frequently Asked Questions fact sheet was mailed to all Borough residents in preparation for this process.

Mr. Maski explained that a Master Plan is the document that creates a blue print for the town to go forward, not just something that the land use boards use, but is the touchstone for all of the decisions that a town makes, whether it be a land use, capital spending,

schools, parks or recreation decision. It is not just a narrow focus document for one Board's use, but it will be a blueprint for how Rutherford will get to where it wants to be in the future. Rutherford's last comprehensive Master Plan is from 1977 and this has been reexamined per the statute every several years. In 1997, the Master Plan was updated. Now, in 2007, by statute, the Borough is required to reexamine the Plan and all of the issues, projects, plans and refocus its efforts. Many of today's zoning ordinances originated in the 1977 Master Plan.

In 2003, a large community effort produced a document entitled Vision Statement: 2025. The visioning process is different from the master plan process in that it asks and answers where is the town going in 25 years and where would we like to be. The visioning process produced a list of goals and objectives that will form the basis of the goals and objectives of the Master Plan.

The Master Plan is a policy document and will not change the zoning in and of itself. It looks at issues such as land use, transportation, recreation and parks and can make recommendations based on those studies that may cause changes to the zoning ordinance. Once the Board adopts the Master Plan, those recommendations may cause the Council to change the zoning ordinance.

The Master Plan must have a land use element, housing element and goals and objectives. The Town may choose to adopt other issues such as facilities, public buildings, open space and recreation, historic preservation, transportation, utilities and recycling. The Planning Board, and not the Council, has the authority and responsibility to prepare and adopt the Master Plan. This Advisory Council will be working diligently over the next few months and will give input to the Planning Board, along with the public input, to prepare and adopt the Plan.

How can the public get involved? There are many residents present at this kick-off meeting and more meetings are scheduled and listed on the back of the FAQ. Updates will be available on the website and via the Board Recording Secretary. This process is scheduled to culminate with the Planning Board reviewing and adopting the final plan on or around June 21, 2007. There will be opportunities for the public to discuss issues at all Advisory Committee meetings as well as at Planning Board meetings. There will be two community meetings to facilitate open discussion and participation and they are scheduled for February/March and April/May. Comments may also be submitted in writing to the Mayor.

Mr. Maski read in detail the document entitled 2003 Reexamination Report; Summary of Issues and Recommendations. This will form the basis of the Master Plan.

Borough of Rutherford

2003 Reexamination Report

Summary of Issues and Recommendations

1. Review land use goals and objectives & conduct a Borough-wide land use study.

2. Review the Park Ave. business district and the potential for mixed use as part of its growing role as a transportation hub.
3. Assess the Redevelopment potential of the "West End" business district on Union Ave.
4. Analyze the "gateway" corridor along Meadow Road to Route 17.
5. Assess zoning in the B-1 Business District and compatibility with surrounding area.
6. Assess commercial and light industrial parcels on the eastern side of Route 17.
7. Consider consolidation of the zoning districts to reflect a more uniform plan of development for the Borough.
8. Update circulation plan element to address the roundabout at Station Square, the Secaucus Transfer Train Station, NJDOT Route 3 widening, and the Highland Cross and Golf Course Redevelopment Areas.
9. Assess parking management in the downtown area.
10. Prepare a general assessment of existing community facilities and determine what areas are in need of short- and long-term improvements.
11. Provide an inventory of park and recreation areas available to the Borough.
12. Consider an economic plan measuring the commercial activity occurring in Rutherford.
13. Consider an historic preservation element with recommendations on how to best preserve historically and architecturally significant structures.
14. Address concerns about how to preserve the character of Rutherford's neighborhoods.

These issues form the main elements of the Master Plan and they will all be studied and included in the new plan. The main purpose of tonight's meeting will be to identify as many issues as possible, from this Summary document to see how many are still relevant and important. We will review what the visioning statement goals and objectives and will invite the public to voice comments and issues to address in this process.

Mr. Maski then read the document entitled Goals and Tasks from the Rutherford Vision Statement: 2025 and explained some items in more detail.

1

BOROUGH OF RUTHERFORD

2007 MASTER PLAN PROCESS

Goals and Tasks from the Rutherford Vision Statement: 2025

Residential Neighborhoods

GOALS TASKS

Maintain existing residential neighborhoods as attractive, high quality areas and ensure that renovations and new construction are compatible with existing neighborhood character.

- Review and revise master plan and land development ordinances -including revisiting zoning for consistency with the existing mass, bulk, and scale of residential neighborhoods.

Provide housing options for all generations, serving both existing and new residents.

- Ensure that Rutherford maintains its well-deserved reputation as "The Borough of Trees".

- Continue with effective code enforcement to ensure that properties are well-maintained.

- Determine and maintain appropriate housing densities based on public input and vision for town character and the need for new housing.

- Evaluate the need for special setback regulations specific to front porches in residential neighborhoods.

- Evaluate the need for historic preservation zoning regulations.

2

Downtown Core

GOALS TASKS

Continue to restore the harmony and appearance of the downtown streetscape by encouraging restoration of classic buildings that have been inappropriately altered and ensure that all new construction and alterations fit harmoniously within the framework established by the historic and classic architectural character of the downtown.

- Manage traffic and pedestrian issues and ensure adequate parking in the Downtown.

Continue to encourage a mix of quality commercial businesses, retail, entertainment, dining, and upper story residences in the downtown area to create vibrancy and to serve local and regional markets.

- Review and revise master plan and land development ordinances -including revisiting zoning for consistency with the existing mass, bulk, and scale of commercial neighborhoods.

Manage traffic and pedestrian issues and ensure adequate parking in the Downtown.

- Continue implementation of the Park Avenue Business Improvement Façade and Streetscape Regulations.

- Encourage downtown establishments to better cater to modern shopping and leisure preferences and to promote a "nightlife" atmosphere.

- Offer assistance and incentives to property owners for historic preservation and appropriate improvements.

- Identify properties requiring attention and

assess ways to promote their revitalization.

- Increase the utilization of the Williams Center with a diversity of regular uses and special events.
- Provide additional public parking opportunities in the downtown.

3

Community Facilities

GOALS TASKS

Preserve, maintain, and develop a comprehensive open space and indoor/outdoor recreation system that provides: active and passive recreation opportunities for all age groups and ability levels while meeting or exceeding state and/or national safety standards.

- Facilitate a public dialogue regarding potential alterations and uses to the Williams Center.
- Promote interlocal agreements among Borough departments, local civic organizations and local institutions and encourage regionalized services with other municipalities when appropriate and cost effective.
- Create a comprehensive park plan.
- Seek and obtain outside funding required to achieve the stated goal.
- Improve utilization of riverfront properties for public recreation.
- Create facilities for teens and young adults that offer educational and social opportunities.
- Solicit public feedback for the types of recreational activities and facilities needed for Rutherford.
- Utilize public school facilities (and possibly construct new facilities) to create a network of after-school and weekend recreational/social spaces for teens and young adults.

4

Gateways

GOALS TASKS

Improve the "Gateway" entrances into Rutherford;

- Implement site specific vision plans for the "Gateway" entrances.

Revitalization

GOALS TASKS

Revitalize the West End area; and, on a borough-wide basis, prevent properties from deteriorating into a substandard underutilized condition.

- Implement site specific, zone specific

landscaping and sidewalk improvements.

- Enforce existing property maintenance code.

Access and Linkages

GOALS TASKS

Promote local transportation programs and ensure that regional transportation projects will improve the overall quality of life in the Borough.

- Form a bikeway advocacy group/steering committee to promote bicycling interests in Rutherford.

Provide better access to the Meadowlands area and to waterfront properties.

- Design and create a network of biking/pedestrian pathways on local roads and within other appropriate linear public rightsof-way.

Create a "bike friendly" environment in Rutherford where riding around town on a bike is a safe and viable alternative to driving.

- Maintain a dialogue with state and federal transportation agencies.

The first step in the process is to identify if these issues from the Vision Statement: 2025 are still relevant and what we should focus on, and if not, to identify any new issues.

Mr. Maski turned the meeting to Chairman Elliot, at which time Mayor McPherson wished to make the public aware of initiatives by the Mayor and Council regarding some of the issues presented in the Visioning Statement. In particular, there is an application for shared services with East Rutherford to establish a shared bike path between the two towns with assistance from a Open Space grant from Bergen County. There is also an application by East Rutherford to acquire the property just over the railroad tracks on Jackson Avenue, commonly known as the "Froemer" property with the intention to create an area similar to Rutherford's Memorial Field. Improvements to the Williams Center, so important in the Visioning Statement, are well underway by the County. There are also current efforts by the Council regarding some of the issues raised, including restriping the crosswalks through a grant from the Safe Paths to School program as well as the passage of the "McMansion" ordinance. The Mayor anticipates both of these items will positively improve the town.

Mr. Bill Neumann, Historic Preservation Commission, received a copy of the 1945 Master Plan which shows that Rutherford has always been a planned community, and very innovative in its planning. The Borough Council, the Mayor and the Planning Board is to be congratulated for opening this process to the public, many towns do not do this. Rutherford's history is very rich and the town considers Historic Preservation very important to its planning. Input from both town residents and borough officials is very important to the process.

Councilman Frazier comments that Rutherford should continue to remain a town that invites families with children where they can grow in a safe place; that we should be a magnet. We need to look for more support for that.

Councilman Sommer further comments that the Plan that we come up with is dependent upon the input of all in attendance; and estimates that 45 people are present. Input from our neighbors in town, our friends and families, of different demographics, can all make Rutherford what we want it to be. We will give up our time to make the town better; it will be challenging but it will help set Rutherford apart from other towns. Councilman Sommer expressed his relief that we are moving in the direction of a joint bike path to make use of the abandoned railroad bed.

Chairman Elliot wishes that this Board has the foresight shown by the Board which drafted the 1945 Plan.

Mayor McPherson states that Rutherford is fortunate to have, as a resident, Sean Moronski who drafted the 2003 Reexamination Report: Summary of Issues and Recommendations and further explained that, together with the Executive Board of the Downtown Partnership, the Council is looking to revise and enforce the Streetscape regulations for the downtown core. Also, regarding Issue #8 on the 2003 Reexamination Report: Summary of Issues and Recommendations, Mayor McPherson wishes to update and clarify this document to reflect that the renovation of Station Square was completed in 2004, the opening of the Secaucus Transfer Station has taken place, a resolution has been adopted on the widening project of Route 3 and that a proposal to expand Highland Cross Redevelopment Areas was rejected by the Visioning Committee and the Mayor and Council.

Chairman Elliot then opened the meeting to public comment.

Paul Blum, 42 Ridge Road

Mr. Blum has lived in town for 4 years and expresses concern with having put a lot of money into renovating his home and then being taxed more on it.

Trina Poindexter, 444 Edgewater Place

Questions whether the antenna tower can be put up in the historic area, which is also residential. Also questions on the Summary of Issues and Recommendations, #8, will there be walls along Route 3 and if so, will they be covered by vegetation by DOT.

Mayor McPherson answered that she has been contacted by several residents who are in favor of the walls and she and the Council have urged the DOT to provide vegetation and they will continue to work with DOT.

Regarding the antenna tower, it is necessary for public safety communication services such as police, fire and ambulance.

Mr. Billy Neumann, Historic Preservation Committee explained that the town received a \$15, 000 remediation for cell tower being erected and while there are a few historic districts in the area, sometimes remediation payments are used as a way of allowing cell

towers in those districts. The Borough was assisted by the State Historic preservation office, Bergen County, and others, additionally, last year, more remediation money was received regarding this tower and that money went to our historic preservation. It is an essential service. Regarding the planning process, I am happy with the status of the tower.

Councilman Sommer wants clarification on the historic preservation district question as asked by Ms. Poindexter. Anne Marie Rizzuto, Borough Attorney, clarifies by stating that Park Avenue is not a formally designated historic preservation district. It is "eligible" as defined by the State Preservation office. The State office assisted us in making sure that we did not erect the tower in the eligible line which ends with the Borough Hall side of Park Avenue. Many steps are needed for Park Avenue to become a designated district.

Mr. Blum requested a response to his question on his taxes.

Chairman Elliot states that the tax question may be asked at another time, we are here to see what the public thinks should be considered by this committee as the process goes along.

Kathleen Lovett, 47 Clark Court

Comments that townhouses should be considered since they do not have the same impact on density and do not attract young families with children since there is no yard and no place for the children to play.

Councilman Frazier wishes to ensure that Mr. Blum received a response to his question. Councilman Frazier states that we know some residents fix up their homes and it appears that they are "penalized". This question may not fall into the immediate nature of this committee, but it deserves attention. Discussion ensued regarding taxation computations.

Rose Kirkenbaum, 224 Carmita Avenue

Expresses thanks to the Mayor for the "Rails to Trails" program for the Erie Avenue railroad bed and the McMansion ordinance. Would like to see the recycling center brought back. Can we include in the Master Plan something to address the effects of Xanadu and EnCap? Is there a forum on the Rutherford website?

Mayor McPherson is not sure if the website is capable of hosting a forum but will post the minutes and press releases. The recycling center was closed in 1999 by way of redevelopers agreement. The cost is prohibitive to acquire a new property for a recycling center. The Mayor has approached the mayors of East Rutherford and Lyndhurst to possibly share services; additionally she was told those towns did not need a recycling center since their residents used the Rutherford center.

Frank DelVecchio, 327 Mortimer Avenue

Thanked the Mayor and Council for improvements made to the town. Discusses the curb and sidewalk process, stating that the contract should be reviewed to save costs.

Councilman John Genovesi -

Questioned Dave Maski, of Schoor DePalma, on the references to upper story residences and high density housing options listed on the Summary, does he feel that these are necessary in the process to achieve the Plan? Mr. Genovesi referenced Councilman Frazier's comment that people would be magnetized to come to Rutherford since it is such a good town. Does the Board feel that high density housing is necessary under the Plan?

Mr. Maski asserts that the appropriate mix of options will be studied over the next few months in order to see how to achieve the proper economic development. Chairman Elliot does not see many references to high density housing.

Frank Wilson, 171 Montross Avenue

Regarding the 2007 Master Plan Process document, he questions creating a "bike friendly" environment in Rutherford when there are many 18 wheel trucks in town which may present a hazard to children biking to school. He has observed 18 wheel trucks taking a short cut from Rt 21 to Rte. 17. Secondly, he comments on the taxation issue of historic homes, what incentive a homeowner has to improve a historic house versus tearing it down and erecting a new home.

Chairman Elliot has not seen the 18 wheel trucks short cutting, but has seen the trucks for Shop Rite which are necessary to conduct their business. Regarding the issue of a tax incentive for improving historic homes, that's a matter for the Mayor and Council, not this Board. When I was Mayor, there was a tax abatement but that has been removed. Mayor McPherson then stated that this abatement was abolished by the administration prior to hers.

Denise Ross, 205 Wheaten Place

Ms. Ross would like Councilman Genovesi to clarify his high rise statements. Councilman Genovesi asked Chairman Elliot if he had to answer the question posed by Ms. Ross. Chairman Elliot said that was up to Councilman Genovesi. Councilman Genovesi then asked if the Board perceives high density housing as being a necessary part of the plan? He did not specify an area of town. Councilman Frazier states that Rutherford is the type of town that seems to be attractive to live in, and to make the assumption that if it's attractive, that it automatically is attached to high rise, is an incorrect assumption. People come to Rutherford because they like what they see when they come here, and are not looking to be on the 17th floor. Discussion regarding density housing options.

Margaret Schak, 78 1A Orient Way

Ms. Schak is a former Mayor of Rutherford and has been through the Master Plan process. Why did the abatement for preservation disappear? Will this Master Plan committee include the Meadowlands? High density, such as Highland Cross development has been stopped. We have to think about the tax sharing plan concerning

the EnCap development and others such as that. Will we lose the real estate taxes to EnCap? How will the PILOTs impact our tax sharing pool, such as the school taxes? There was a tax sharing plan that existed long ago and that must be taken into consideration. Mayor McPherson responds to Ms. Schak's queries by stating there is a close working relationship with the Meadowlands Commission and it will be consulted in the Master Plan process. It is not appropriate to discuss the tax sharing formula or the details of the EnCap agreement at this Board.

Chairman Elliot reminds the public that the purpose of this Master Plan Advisory Board is to guide the general plan over the next six months.

Pat Hoffman, 54 E. Pierrepont Avenue

Would like to see alternative energies, such as solar or wind, used in town. Mayor McPherson responded that the Meadowlands Commission is currently studying ways to improve alternative energy use.

Steve Savitsky, 51 Donaldson Avenue

Regarding the reestablishment of the Shade Tree Commission, Mr. Savitsky would like to preserve the green element of Rutherford. Mayor McPherson responds that Rutherford has received a grant from the Division of Forestry and will become eligible for land use grants for the planting of more trees.

Katie Marshall, 58 The Terrace

Comments on the importance of protecting the existing residential neighborhoods. Ms. Marshall also comments on the notification requirements for variances and can they be extended to require notice to all owners within 500 feet of an applicant's property. Is there any statute to limit the size of condo's or apartments? How are developers allowed to tear down an existing house before they have approved plans for the new house? Is there any law protecting park lands in town? Ms. Marshall states the need for increased downtown parking but sees a need for limits on residential street parking, specifically from out-of-towners and those who park for extended periods of time, including commercial vehicles. Ms. Marshall was asked by a construction official from Lyndhurst, from whom she requested a quote for work, why Rutherford could not solve its parking problems.

Mayor McPherson explains that many residents from one end of town drive to the Erie Avenue parking lot to get on the trains and the Council has explored parking options. Mayor further explains that most parks in town are deed restricted or grandfathered so they will not be sold. The state land use law designates notification to residents within 200 when a property owner plans to improve his lot, it is not a Borough ordinance. When you see construction taking place, there is an assumption that it has been approved by one of the land use boards and a variance been granted.

John Uhl, Construction Official, commented that houses may be taken down without a plan in place but it is at the developer's own risk if done without any approvals. There is no ordinance in place regarding keeping older homes from being torn down and would have to be reviewed by attorneys. Height and use of structures are regulated by the

districts that they are in, so if they are out of line with their use, they would have to appear before the proper Board to seek relief.

Ms. Marshall further asked how the town can protect the vulnerable districts in town from zoning and high density buildings so that isn't allowed to happen. Mr. Uhl stated that an applicant would need to appear before the proper land use board so that they could ensure the integrity and avoid over building. Each application is granted or denied based on its own merit at the determination of the Board's and the professional planner and engineer.

Discussion ensued regarding the granting of use variances.

Chairman Elliot stated that use variances are not granted that often. He also stated that from looking at a prior master plan from 1945, there was concern that 42% of houses in town were over 30 or 40 years old. We are now discussing preserving these 100 year old houses.

Tom Keller, 46 The Terrace

Mr. Keller is interested in preserving the home ownership of Rutherford, we want to keep it a desirable place to live in, that's the people who are buying homes and not renting apartments or buying condos. He would like the town to review the zoning for each lot before a developer comes in and puts an apartment where a one family home used to stand. The zoning board should make a statement to developers to not tear down single family homes and expect to put up an apartment building. Mr. Keller has concerns regarding the parking issue also and states there is too much traffic on Park Avenue. We can't lower taxes through increased development if no one will want to live here anymore. He recommends that all Rutherford residents attend Board of Adjustment meetings to voice their opinions that developers can't continue to tear down single family homes and expect to put up multiple dwellings. Also a problem with downtown parking could be resolved with a two hour limit.

Chairman Elliot offers that residents need to be able to park on their own streets. Regarding the zoning questions, Chairman Elliot agrees that certain areas of town need to have their zoning reviewed, namely, the gateway by Meadow Road, the West End shopping district and Jackson Avenue in the area of Erie Avenue.

Bob Holman, 19 Raymond Avenue

Can we get a commitment that there will be no residential development in the Highland Cross area, and if no, why? Secondly, regarding EnCap, can we disallow tax incentives for any residential developers?

Mayor McPherson stated that we have a guiding resolution that was adopted by the Mayor and Council in May 2006 that rejected residential development on the other side of Route 17 and this group will be guided by that resolution. Secondly, portions of that area are within the Borough and portions are within the Meadowlands Commission and

by way of resolution, Rutherford has made its position clear. Chairman Elliot states this Plan will not affect any zoning.

Trina Poindexter,

Could we consider adding outside artwork to town? Could we consider a trolley on Park Avenue without cars? That would make Rutherford different from the surrounding towns. The cobblestones are still under the pavement.

Vicky Dunn, 261 Orient Way

Ms. Dunn voiced concerns regarding the ability to “age in place” and affordable housing options for seniors in Rutherford.

Discussion regarding the changing residential options and the process of rewriting the master plan and notification.

Mr. Blum further questioned if the trees received through the forestry grant would be planted, to which the Mayor replied affirmatively.

Oksana Heimur, 234 Ridge Road

The building guidelines should be reviewed to ensure that new homes are built in style similar to existing homes in the neighborhood.

There being no more citizens who wished to speak, the Chairman closed the hearing of citizens.

Chairman Elliot called for a copy of the most recent Master Plan.

David Maski thanked the citizens for their participation at this hearing. All issues raised may or may not affect the master plan but were heard by members of the committee and members of the Council who were here tonight.

Next meeting: February 12, 2007 There will be a community meeting in February or March with another in April or May and the Plan will come together in June. The Board would like to stick to a six month schedule. The website will contain updates.

Ms. Marshall asked if the Master Plan will have backbone. Mr. Maski explained the Plan will become a blueprint or policy document in the town that will explain decisions about infrastructure, becomes the document that the Council can enforce years from now. It is not an ordinance, but sets the stage for ordinances to take place. Implementation follows adoption of the plan. Once the Plan is adopted, it just won't sit on the shelf, it will be implemented.

The transcribed minutes of all meetings will be on the website. Additionally, master plan issues will be discussed at planning board meetings if the agenda permits.

The Chairman then concluded the hearing.

Mary Ellen Sartori
Recording Secretary