

**PLANNING BOARD OF RUTHERFORD**  
**Minutes of Regular Meeting**  
**March 15, 2007**

<b>Present:</b>	<b>Mr. Elliot</b> <b>Mayor McPherson</b> <b>Councilman Frazier</b> <b>Mr. Kuruc</b> <b>Mr. Neumann</b> <b>Mr. Rizzo</b> <b>Ms. Russell</b> <b>Mr. Uhl</b> <b>Ms. Watson</b>	<b>Absent: Mr. Boyle</b>
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Also present were Anthony Suarez, Board Attorney; Anne Marie Rizzuto, Borough Attorney; Ralph Tango, Board Engineer; David Maski, Board Planner; and Mary Ellen Sartori, Recording Secretary.

The meeting was called to order at 7:02 p.m. and the Sunshine Law was read by Chairman Elliot, followed by a salute to the flag.

**MINUTES:**

Ms. Russell made a motion to accept the minutes which was seconded by Mr. Neumann; and with Mr. Kuruc and Mr. Rizzo abstaining, the minutes were accepted.

**VOUCHERS:**

A Voucher from Anthony Suarez, Esq. was presented for payment. Mr. Rizzo made a motion to pay which was seconded by Ms. Russell. The Recording Secretary took roll call and all affirmed, with Mr. Kuruc abstaining.

Vouchers from Schoor DePalma were presented for payment. Councilman Frazier made a motion to pay which was seconded by Ms. Russell. The Recording Secretary took roll call and all affirmed.

A voucher was submitted for payment in the amount of \$246.00 for attendance at the NJ Planning Officials seminar. Mayor McPherson made a motion to pay this voucher seconded by Mr. Rizzo. The Recording Secretary took roll call and all affirmed.

Mr. Kuruc was given information on the upcoming seminar for certification.

**OLD BUSINESS:**

The Mayor states that the only responses to the Request for Proposals for Professionals were from the present Board planner, engineer and attorney.

A Resolution was presented to appoint Anthony Suarez of the firm of Dario & Yacker, LLC to the position of Board Attorney. A motion was made by Mayor McPherson and seconded by Ms. Russell. The Recording Secretary took roll call and all affirmed.

A Resolution was presented to appoint the firm of Schoor DePalma as Board Engineer. A motion was made by Mayor McPherson and seconded by Mr. Kuruc. The Recording Secretary took roll call and all affirmed.

A Resolution was presented to appoint the firm of Schoor DePalma as Board Planner. A motion was made by Mayor McPherson and seconded by Mr. Uhl. The Recording Secretary took roll call and all affirmed.

Chairman Elliot brought up a piece of unfinished business before the Board. He stated the Board has received a letter from the attorney for Rottini Brothers. Last month, the Board passed a motion allowing the Board to sign the plans submitted, but Chairman Elliot received a call from Mr. Suarez after the meeting regarding the issue and that the resolution could not be signed as he thought the time had been too long. The Chairman asked if anyone knew any more of this issue, and no one did. Discussion with Ms. Rizzuto. The Chairman stated that the application is out of time and will need to be heard again. There is currently a house on the subdivision but the deed was never signed after the first application was granted. The Recording Secretary stated that a new application has been filed and will be heard in April.

**Re-Examination of the Master Plan:**

The Chairman then turned the meeting over to David Maski, Board Planner for a further review of the Master Plan.

Mr. Maski returned to his Master Plan presentation and discussing areas of town in need of consideration for economic development. Mr. Kuruc would like to add Chestnut Street for consideration. Mayor McPherson clarified that the Maples is vacant as well as many of the stores which back up to that unit. The meat market, the printer and bookstore are still open. Any developer would need to come before a land use board for a site plan review based on the zoning ordinance. There may be action on this area soon. Mr. Kuruc asked about any single family houses on Chestnut Street and if they would be grandfathered in this area of mixed uses, there are at least 4 different zones on Chestnut Street with a few businesses.

The Mayor asked to return to recreational spaces discussion. She and Mr. Tango, Board Engineer discussed Wall Field and a proposed skate board park. The Mayor would like to explore possibilities for this area and believes an inline skate park to be a good use and would like to know the Board's thoughts. Green acres low interest loans are available;

the money that had been appropriated for the skate park from the Meadowlands Commission was used on police vehicles and equipment or it would have been lost. The Mayor would like to know what people think Wall Field should be used for. She has also had discussions with the Recreation dept. The Mayor thought the High School field was used and was surprised to find that was not the case. She will explore its use with the Board of Education and feels the thorough Master Plan review is needed. Mr. Kuruc states the Board of Education's concern may be safety and insurance but the Mayor stated that the High School's gyms are used on the weekends and that use of the High School field may have been overlooked. Mr. Uhl commented that may be due to the building being open now due to construction having removed some fences.

Councilman Frazier asked what other uses could go in Wall Field and was told it has been used as a practice baseball field as there is a historic tree in the middle of the field and the skate park would have worked around the tree. The field floods terribly despite the slope. Little league teams do not like to practice there and is a neighborhood kid hangout. The DPW has trimmed the bushes recently. Mayor McPherson stated that neighborhood comments on tree trimming varied from keeping the trees trimmed to allow for sight into the park to trimming allowing for more vehicle noise. Mr. Kuruc, a proponent for the skate park, further stated that the usable basketball courts and playground would not be touched with a skate park, it would be on the other side of the park. He further stated that kids on the skate park committee wanted a top of the line park which became too costly, upwards of \$450,000-500,000. Mayor McPherson stated this issue came up at the same time as the issue of a dog run in town. The skate board proponents assured the Council they could get sponsorship money which never was forthcoming and she and the Council could not justify spending one million dollars when Lincoln Park cost \$200,000.

Councilman Frazier would like to know what the Recreation Department can propose for this area and how best to work together to come up with a beneficial use for the community. Does skating draw the community? Mr. Kuruc stated that Rutherford children play in East Rutherford now or in Wallington's indoor rink and that there used to be a temporary rink at Memorial Field.

Chairman Elliot called attention to utilizing the area along the river for recreation uses. Mayor McPherson stated that the Nereid rowing group will be presenting to the Mayor and Council on March 20, 2007. The Mayor continued that Mr. Tango may be able to update this committee and the public with the projects before the Council through the Engineer's monthly report.

Mr. Kuruc stated the Nereid group takes great care of the boatyard property. Chairman Elliot stated they should consider possible uses for the riverfront land. Mayor McPherson brought up a recent newspaper article that suggested a walkway from North Arlington to Wallington which alarmed the residents and she says that is not in any plans, but a bike path can be constructed without property being taken. Chairman Elliot would like to take notice of small parcels, such as the Nereid lot by Route 3, which may become available for potential open space applications and Mr. Neumann delineated all parks on the river. Mayor McPherson stated Rutherford just received a Pathways to Health grant, as well as Safe Routes to School, which she hopes we receive, both of which may help establish a bike path along the busy Jackson Avenue.

Mr. Maski then turned to discuss Historic Preservation and the identified areas on the map that are historically or architecturally significant. Mr. Neumann stated that in 1981, Bergen County conducted a Borough wide survey and Rutherford had, at that time, 10 historic districts and 195 individual structures and published a catalog. The Historic Preservation Commission had a McCabe and Associates, a specialist, update it and redraft the descriptions, but 20 individual sites have been demolished since then. Local significance is just as important, if not more so, than national and state significance. The real preservation effort is done locally through land use applications by the public to develop or use their property. The Rutherford Historic Preservation Commission seeks to concentrate on the assets from the 1981, no more have been added although McCabe gave them some of significance on a national and state level. Other structures have been identified in the catalog that should have national or state designation. Legislation has been turning to try to enact tax assistance to help preserve historic structures for national and state registered properties or those eligible for designation. Federal tax breaks are available for those properties that produce income and they are for properties that could be eligible. Rutherford's World War 1 monument may qualify for aid to help restore it. Rutherford's Historic Preservation survey and catalog is up to date, all assets are listed and we are starting to look at other items to be included. A notice was sent to all owners of a historic house or structure and was well received.

Mayor McPherson asked if we can use the GIS from the Meadowlands Commission to help find local historically significant structures and was told that Bergen County is half way through this task. Discussion.

Mr. Maski wished to highlight designated properties, eligible properties, local significant properties and structures and to list all assets of the town in the Master Plan.

Discussion on history of the Rutherford Historic Preservation Commission. Mr. Neumann stated the Board of Adjustment has been effective in trying to mitigate losses of historically significant structures.

Mr. Maski then turned to circulation which includes pedestrian safety, roads, mass transit and traffic patterns. The community profile contains a map of the roads and includes accident data from 2003, with most accidents occurring on Route 3 and Route 17. It includes the stops for NJ Transit buses and the Rutherford Downtowner and minibus.

Mayor McPherson stated that with help of Ms. Russell, additional trips to the Lyndhurst Shop-Rite, have been established. There is a fairly high rate of public transportation usage to work. More service could raise it as well as making sure that new development is transit friendly with a cut-out in the street and street furniture in place.

Mayor McPherson brought up a recent letter to the editor regarding the unsafe condition of Union Avenue referring to the number of trucks, and as Councilman Frazier reported at a recent Council meeting, this issue was reviewed by the Police Department and found to be 12 trucks per day and in their professional opinion, that is not an unsafe condition and many of those trucks were heading to the former Shop-Rite to make deliveries.

Mr. Maski asked if other spots in town present traffic hazards? Tractor trailers going from one highway to another, as was previously brought up or any problem intersections? Chairman Elliot stated that Riverside Avenue is very busy but the reflectors, from the Lions Club, help a lot in cutting down the number of fatalities. Mayor McPherson asked

Mr. Tango to confirm that Rutherford is in the process of getting DOT approval for four way stops on West Passaic at Carmita and Mortimer Avenues. Discussion regarding a four way stop at West Passaic and Riverside.

Mr. Maski asked if there were gaps in the pedestrian system. Mayor McPherson stated that with help of Police Captain George Egbert, they will identify crosswalks to be repainted with help of the Safe Routes to School grant. Mr. Kuruc asked if by Pierrepont School, it can be a one way for drop off and was told that it is a one way during school rush times, although he sees drivers going the other way often. Discussion.

At this time, Mr. Maski discussed Utilities. Rutherford is served by one water purveyor and two wastewater purveyors and his firm's reports do not show any problems with water supply, pressure, capacity to carry black water for treatment. Chairman Elliot stated that the joint meeting through Bergen County has been eliminated and its facilities. Mr. Maski has a list of potential projects regarding utilities and these will be included in the Master Plan.

Regarding recycling, Mr. Maski stated Rutherford's old recycling facility has been replaced with curbside pick-up. Mayor McPherson stated that 2 years ago, they looked at a site for a recycling facility but the price was over \$1Million dollars if not more. She reiterated her prior comments that residents from neighboring towns used to visit Rutherford's recycling center, it was open 365 days a year and lacked security. Chairman Elliot agreed that it becomes smelly and a garbage dump. Mr. Maski asked if our present system is working well and Mayor McPherson stated that since it was taken back to an in-house pick-up, she has not received any complaints as she did receive when it was picked up by an outside contractor. Residents did not like "strangers" picking up their recycling. Bergen County does not do any waste hauling, except for hazardous material drop off a few times a year. Mr. Neumann asked about the possibility of shared services and was told by the Mayor that she has spoken with East Rutherford's mayor, who has received numerous complaints from Rutherford residents because their recycling center, that the residents are not allowed to drop off at, is very close to the Rutherford border at Erie and Montross Avenue and they do their recycling pick-up in house; and Lyndhurst. There were some inherent dangers with operating a recycling center, such as what is allowed to be dropped off and who is dropping off? The Mayor further states that other mayors are not interested in this shared service.

Mr. Maski then stated that the existing Land Use map is being worked on, to compile information from many databases. Bergen County's databases do not break out the apartment buildings but with help from the Building Department, a comprehensive map will be constructed to try to show the zoning overlaying the land use map. Density will be discussed at that time as well as diversity of zoning. The Land Use plan becomes the basis of the zoning ordinance and you want the zoning ordinance to reflect the latest plan. Mr. Maski asked the Board to begin to think of areas of town that need to change direction, where are mixed uses and accessory uses that may need to be controlled. If the town wants mixed use building, commercial downstairs with apartments upstairs, that itself is a defined use, and where should that be, downtown or other areas also. Does Highway Commercial still define that use? Gateway sections can use some defining as

well as the Route 17 corridor and West End/Jackson & Union corner areas. How do we change the zoning for some areas.

Mr. Rizzo asked that some of the applications and decisions before the Board of Adjustment could be shared with this Board, such as the newly decided 176 Union Avenue application.

The next Master Plan meeting is April 9, 2007.

### **NEW BUSINESS:**

Mayor McPherson asked that Encap, Meadowlands Golf, Case No. E-06, not be listed on future Planning Board agendas until they advise the Board that they will appear.

Anne Marie Rizzuto, Borough Attorney, presented draft documents to the Planning Board for a minor subdivision to acquire the property on which the DPW garage currently sits and the Board is asked for a courtesy review. This Special Meeting will be on March 29, 2007 at 7:00 p.m. with public hearing. The Borough will gain a new section of Highland Cross and gain title to the DPW garage and the second lot is the BCUA pump station.

Anne Marie Rizzuto, Borough Attorney, also presented a proposed ordinance amendment to Special Improvement District Ordinance 2776-96. Downtown Manager Robin Reenstra-Bryant is in attendance. At the direction of the Mayor and Council, Ms. Rizzuto worked diligently to devise the amendment with the Rutherford Downtown Partnership and its Streetscape Committee to draft these regulations which will be an amendment to the ordinance that governs the RDP and is required by law to gain approval and comments from the Planning Board. It will then go back to the Mayor and Council for enacting. Ms. Rizzuto asks the Board to review the ordinance amendment so that it may get on the Mayor and Council agenda for the upcoming meeting. The amendment calls for an appeal process for Streetscape Committee decisions to the Planning Board. If a Streetscape Committee applicant was unhappy or aggrieved by a Streetscape Committee/RDP decision or application, they could appeal to the Planning Board. The ability to appeal has always been referenced in the ordinance but these regulations have been tightened up to provide for a consistency and preservation of the historical aspects of our streetscape through Park Avenue and allow for a formal appeal. It gives more strength to the RDP in enforcement of the codes.

The Mayor, as RDP liaison, adds that the RDP has desired this amendment for at least one year and both the Streetscape Committee and Ms. Rizzuto have spent a great deal of effort to draft same and request that the Streetscape Regulations be given the force of law by way of ordinance. There have not been many appeals to the Planning Board because there are specific requirements of the applicants and the Streetscape Committee's great

efforts to have conformity to the regulations. These efforts show on Park Avenue. It has the support of the majority of the Council.

The Chairman asked for comments by the Board.

Mr. Neumann asked to reiterate the Mayor's opinions in that he has worked with the RDP for a few years and has been a pleasure to have the Borough Attorney assist them with these guidelines and has made Ms. Reenstra-Bryant's job easier to have the regulations codified.

The Chairman asked for questions of the Board for Ms. Reenstra-Bryant, and there being none, called for a motion to send the proposed ordinance amendment back to the Mayor and Council. Mayor McPherson made this motion which was seconded by Mr. Neumann. The Recording Secretary took roll call and all affirmed.

Chairman Elliot then opened the hearing of citizens and there being no one who wished to speak, then closed the hearing of citizens.

Mayor McPherson wished to discuss a letter regarding Guidelines for Municipalities for Appellate Third Round Rules by COAH and will be distributed to all members. Applicants should voluntarily adhere to growth share ordinances. Discussion.

With no further business to discuss, the Chairman adjourned the meeting at 8:30 p.m.

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Mary Ellen Sartori, Recording Secretary