

# Minutes of the Open Space Committee

January 28, 2008

Mayor Weinstein called the meeting to order at 7:32 p.m.

**Present:** Mayor Weinstein, Councilmember Trawinski, Manager Metzler, Superintendent Graff, Crystal Robbins, Maureen Moriarty, Sharon Rendfrey, Joan Goldstein, Benny Salerno, Heather Blecher, Michael Hakim, Wendy Dabney (arrived 7:37 pm) and Ted King (arrived 7:40 pm)

**Absent:** Peter Kortright, Ira Frankel, Jack Susser and Jon Taner

Resolution No. 262-2005 was read by Mayor Weinstein.

## **Minutes and Attendance:**

Introduction of Committee members

Wendy Dabney suggested that although the minutes are put on the website by Ron Lottermann, all the minutes from the Open Space Committee should flow through to the Environmental Commission. Mayor Weinstein stated that this would bring not only the Environmental Commission and the Open Space Committee together, but the other committees (Tree Committee, Property Maintenance, Recreational Facilities) as well. By doing this there will be a complete review for advice to the Council.

## **Status of Grant Applications:**

Mayor Weinstein reported that the Borough of Fair Lawn was approved by the Committee on Open Space for \$300,000.00. That recommendation by the county committee now goes to the County Freeholders for acceptance. We are not one hundred percent sure that we are being awarded that money, but once we get to this point they usually award the money.

Mayor Weinstein also stated that we are still waiting to hear from the State. Hopefully, we will be hearing from them soon. A letter was sent to Senator Gordon.

Councilmember Trawinski stated that he spoke to Senator Gordon and asked him to help shepherd the application through. Councilmember Trawinski also spoke with Freeholder Ganz about the application going to the full Freeholder Board. Freeholder Ganz has done a superb job at getting Fair Lawn money.

Manager Metzler reported that the River Road Improvement Corp. has submitted a grant application, in the amount of \$10,000 on our behalf to the Environmental Endowment for New Jersey in regards to the Lackland property along the river. The application was filed on December 15, 2007.

Mayor Weinstein stated that he received a call from Lyncrest School. They applied for a grant for the area behind Lyncrest School and did not receive it, but they are coming forward again and will see Manager Metzler.

Mayor Weinstein stated that he and Councilmember Baratta met with Emil Delucia and Passaic Valley Sewer Authority regarding the Passaic River. On Labor Day the Mayor of Paterson had a canoe race on the Passaic River. We are looking to do that in Fair Lawn. Manager Metzler stated that his assistant Jim Van Kruiningen is working with Emil to accomplish this. Both of them are satisfied that we are on track and should have a date in the next month or so and should be ready to go in the spring.

### **Status of Potential Properties for Purchase:**

George Street – Mayor Weinstein stated that there is a requirement for two appraisals.

Michael Hakim stated that that one appraisal has been completed and the second appraisal has to be authorized. Manager Metzler stated that he is waiting for a quote for the second appraisal and then it would go before the Council for authorization. Michael Hakim stated that when the second appraiser is prepared to go out into the field to take a look at the site, Green Acres will be contacted and Lisa Stern, from Green Acres will meet both appraisers on the site so that she can be comfortable with dollar amounts and then she will release the monies. There will be other tasks that are required prior to Green Acres releasing the money that they have already allocated for Fair Lawn. They are going to require a boundary survey by a surveyor, an environmental audit to ensure that they are not purchasing a contaminated piece of property and other things of that nature that are pretty straight forward and the Borough Engineer can arrange without much trouble. It seems to be moving along. He stated that he went out to the property himself and prepared a Project Reference Map. He spoke with Manager Metzler and since things are moving quickly, they went ahead and submitted the paperwork. It is just a factual map about existing conditions. If anyone has any objections or feels that there should be additions let him know, but this is the information that they asked for. It does not take the place of a survey. That map is what Lisa Stern needs to come out into the field with.

Councilmember Trawinski asked if the Borough can pay for the phase one of the survey with the grant funds. Michael Hakim stated that they could up to 50% and when you submit your request for reimbursement they will contribute up to the 50%. The surveyor must be licensed in New Jersey and does not have to be off a Green Acres list. Manager Metzler asked if the other 50% could be taken out of the Borough's Open Space fund. Michael Hakim stated yes, but also stated that if you get to the point of closing before Green Acres releases the money then you are subject to their process. This means that if something in the project goes wrong, the Borough has the funds and is committed to go ahead and complete the process. He doesn't see this as an impediment. The worst thing that could go wrong is if they find contaminates on the site in which Green Acres will then back off. If the appraisals come in much lower than the negotiated price, you can either renegotiate the purchase price with the Fire Company or you can receive less than the 50% reimbursement on the purchase price. Mayor Weinstein asked about what Green Acres would pay. Michael Hakim stated that it is the cost plus the fees up to 50% provided they are not exceeding the appraisal of the purchase portion. If the lowest appraisal of the two appraisal prices is less than your purchase price, they will pay 50% of the lowest appraisal price.

Heather Blecher asked what they used as comps for the appraisal price. Councilmember Trawinski stated that he believed they were all Fair Lawn comps. It was residential land back down to a vacant land. Another member asked if the committee was going to hear the appraisal prices before they went to Council. The Council will hear them first and then

depending on where they are in negotiations, the committee will hear them at some point. Based on the first appraisal that they have received, there appears to be no problem. Manager Metzler stated that their attorney has been in contact with the attorney for Fire Company #1 and the numbers that we have are consistent numbers with the numbers that they expect the property to be worth. This is not stating that they are in agreement, but that the appraisal is in their range of where they thought it would be.

#### Naugle House –

Mayor Weinstein reported that they are still in litigation. They have agreed to install a fence.

Maureen Moriarty spoke about the VanderBeck property. Nick Felice spoke to the VanderPlaat family about purchasing the property. They are only willing to sell to a developer. In previous Open Space minutes, Peter Kortright spoke about rezoning that area. Councilmember Trawinski stated that there is nothing before the Zoning Board regarding this property. The Council has never discussed this. Maureen Moriarty stated that she is concerned about a law suit against the Borough because they allowed the other property to be rezoned for townhouses. Michael Hakim stated that when an applicant applies for a change of zone the applicant must make the case to satisfy the positive and negative criteria of a variance. This is a very stringent requirement. They have to prove that their proposal makes more sense than the existing zoning. Maureen Moriarty stated that the adjacent property applicants have made their case. Michael Hakim stated that no two pieces of real estate are identical. Councilmember Trawinski stated that no one has come forward and made that request. Maureen Moriarty stated that the Historic Preservation Committee would like to see the VanderBeck house preserved and in retrospect she wishes that they used Green Acres funding to buy that parcel. Councilmember Trawinski stated that you cannot purchase it if it is not for sale and she refused to negotiate. The best source for the VanderPlaat family is Nick Felice and he reached out to them and there is no willing seller to the Borough of Fair Lawn. Peter Kortright suggested at a previous meeting having the house classified as a historic site. The Council would have to do that on a local level, but Councilmember Trawinski stated that they would seek the recommendation of the Historic Preservation Committee. Wendy Dabney stated that it is already a part of the Environmental Resource Inventory which is part of the Master Plan and it is designated as a historic property. However, the inclusion in the Master Plan does not do much; it still needs local designation to be saved.

Michael Hakim asked if there were local ordinances that govern local properties that are designated as local historic resources. The committee stated that there are none. Michael Hakim stated that it was going to be a perceived impediment, but not a real impediment. There is a statue known as a Certified Local Government status which you can achieve if you have a Historic Preservation Commission and that then enables the municipality to establish ordinances and those ordinances can say things such as, if a piece of property or structure has local designation as a historic resource that there is a certain higher level of proof that needs to be satisfied by applicants who alter it. It may offer opportunities to try to encourage the outside character of the building to remain the same, but allow the use to be something that is more contemporary; where as the earlier use may be obsolete. Those are the kinds of things that the ordinance offers to try to preserve their resources, but you have to go through that whole process. The Bergen County Department of Planning has a Historic Preservation office and they can give you a lot more information.

Wendy Dabney stated that Federal and State funds are not allowed to be used toward anything that would develop the property that wouldn't preserve the house. Councilmember Trawinski stated that it is not exactly correct. All it does is trigger State Historic Preservation office review if you are going to use State or Federal funds, it doesn't prohibit the development of it.

Manager Metzler stated that we would not be using the bulk of the state funds on the acquisition of the George Street property. Ms. Moriarity stated that she did not want to give up on the VanderBeck house.

Mayor Weinstein stated that we were awarded \$450,000.00 and we are going to submit an application for more money.

Mayor Weinstein stated that he did not want to pester the VanderPlaat family about selling the property to the borough. Councilmember Trawinski concurred.

Manager Metzler stated when Nick Felice runs into Mrs. VanderPlaat and the opportunity presents itself, he continues to talk to her about it. He continues to express interest in it on behalf of the borough.

Manager Metzler asked that from a historical point of view, what would happen to the house if the town were to acquire it. Maureen Moriarty stated that she thought about a museum. Manager Metzler stated that he was working closely with the county to secure funds for both that property and the Naugle property. In the process of the last grant application that we did for historic preservation, one of the things that the county said upfront is that they would be reluctant to fund anything in terms of another museum. We have the Cadmus House and Garretson Forge. They recommended and it is the direction that we went with the Naugle property in the grant process is that we would work to have it historically preserved and then once that was done, put it back on the market with a deed restriction.

Wendy Dabney stated that there are other uses for it. One of the problems in Bergen County is that all of these houses have been turned into the Dutch type houses. There was a significant black presence at Dunkerhook. Those people were slave owners and when those people were freed they remained in the area and continued to work. The statistics are that there were more slaves than Europeans settlers at that time. So there are other museums that are opening around the country that are highlighting black history rather than the Eurocentric history. There is only a verbal record that is well documented about that site and we know those people existed. There were children from Lyncrest that gave a program on colonial times and one of the children, because they had to dress the part, showed up wearing a ripped t-shirt and cut off pants and said that he was a slave. That was the representation of the black contribution to Bergen County. We also had Indians here and that is pushed to the side. All of the places that you go to are centered on white history. That site could be turned into something that could draw people from outside of Bergen County. The problem with Cadmus House, besides it being landlocked and you can not park during the week; we have never negotiated a shared parking agreement with the drug stores or anyone else over there. It is a social history of Fair Lawn. Once you've seen the museum, you're not going there to gain more knowledge. A museum that reflected something that we haven't turned any attention to might generate more funding opportunities because it is untapped. Mayor Weinstein stated that this is something that we could sell to the county. Wendy Dabney also stated that there is already parking there and it is next to a county park and people from all over Bergen County

use it. It is two completely different issues. We shouldn't want to do another Cadmus House or a Garretson Forge.

Councilmember Trawinski stated that it should go back the Historic Preservation Commission and the commission should tell the Council what the options and alternatives are and then they can proceed to the County.

Joan Goldstein suggested that the minutes from all of these committees (Open Space, Historic Preservation, Environmental, Parks and Recreation) should go to all committees. Mayor Weinstein stated that it was a good idea and that they would discuss it further. By doing this it would not take any power away from the Open Space Committee. Mayor Weinstein stated that right now we have all of these committees in different directions and there is no centralization. If the minutes go on the website, members of different committees and commissions can go to the website and print them out for themselves.

Wendy Dabney stated that the Route 208 plan does not make any provisions for parks. Somehow communication is not getting where it needs to go. So we need to have a formulized structure.

Councilmember Trawinski stated that those statements are not fair. That plan was done for a different purpose. The plan is now coming to the Council and we talked about massive public input on this. One of the things that he expects, based on his conversation with Deputy Mayor Swain, that we are going to talk about where there is going to be parkland. One of Wendy Dabney's concerns is that what we are doing here does not seem to have resonance for Mr. Smartt because he was quoted in the Bergen Record as saying parks take away from ratables. Councilmember Trawinski stated the committee stated in the report that they would be looking at recreation opportunities outside the 208 area. Councilmember Trawinski stated the Council intends to pick the plan apart and do what they need to do. Mayor Weinstein stated that they took an area for which there was no plan at all and they put it together. They spoke to all of the property owners and they came up with this idea. It came to the Council and will be before the Planning Board. At that first public meeting of the Planning Board in March the public can come and speak on it.

Wendy Dabney was disappointed to lift up the document that so many people were involved in, with a huge tract of land that the words "greening" never made it into the pages or "green building practices."

Mayor Weinstein explained that Don Smartt is the administrator for the three entities, River Road, Broadway and the Economic Development Corp. He works for those boards. We do not pay into them although we did give seed money to them. We have one payment left to the Economic Development Corp. The River Road and Broadway are self sustaining now.

## 2nd Street –

Manager Metzler reported that there was a minor setback, but it has been addressed by our Emergency Management Coordinator. You will recall that in the process, he had told the committee that in order to receive mitigation funds, communities had to submit a Mitigation Plan to the State government and then the Federal government. In Bergen County, the towns agreed to participate in a county plan, which is acceptable. Fair Lawn submitted all of its mitigation paperwork. We were one of the first communities to complete that process over 2 ½

years ago. The firm, Stevens, lost most of our documentation. Fortunately, we still had it electronically. The OEM Coordinator submitted all of it to the Federal government. We received preliminary approval indicating that they were continuing to work on our application. We then, out of the clear blue, were advised that we would not be eligible because the Mitigation Plan had not been approved. OEM Coordinator Marks took his concerns to the County and said we were being penalized because they didn't do their work. We expected them to reach out to the State and say not only did Fair Lawn do their plan, but they did it on time. There has been correspondence back and forth between the State and the County and Manager Metzler thinks that they have a very good argument that we are compliant and therefore we should be able to receive some funding. The family is still living in the house and is aware of the property acquisition application. When we started the process, we spoke to them because you want to have a willing seller. They were told that it was going to be a very long process. We are making steady headway. Even the County Mitigation Plan is moving forward now. We are optimistic.

#### Lackland Self Storage –

Manager Metzler reported that we have received a grant and a survey order has been put through. He asked Michael Hakim if the local green acres funds can be used to pay for the surveyor. Michael Hakim stated that it would be allowed and that is going to be our big success story that we report to Green Acres that we were able to acquire the property without even dipping into their funds. The map was circulated with the measurements. We have sent follow up letters to every grant that we submit. The grant that the River Road Improvement Corp. submitted is for upkeep and improvements. Wendy Dabney stated that there is erosion and the bank keeps getting smaller and smaller. Trees were planted there and now they are at the river's bank because of the erosion. So a couple more good floods and there will be nothing there by the sidewalk if we don't reinforce the bank.

#### TPL Updates - No updates

Letter to Lisa Stern – Mayor Weinstein stated that a letter was written to Lisa Stern to add eleven properties to the Open Space Recreation Plan. This is about three acres of property. It is added properties to the pre-approved inventory. Everyone was in favor of sending out the letter.

#### New Business:

Michael Hakim stated that last year at this time we submitted a letter to Green Acres requesting that they consider us in their next round of funding. Even though we were unable to state that we used any of the money we asked them to extend the grant and give us even more money. Although we knew that they did not have any funding last year we wanted to stay in that loop. Their answer was "thanks, but we don't have any money this year." Michael Hakim recommended that the committee send another letter. Michael Hakim will prepare a letter and the committee will look at it at their next meeting.

#### Next Meeting Date:

Mayor Weinstein stated that the meeting that was scheduled for May is actually Memorial Day weekend. It was decided to wait until next meeting to decide.

Michael Hakim asked to move the next meeting date because he won't be in town. The next meeting was moved to March 3, 2008 at 7:30 pm in room 201.

**Public Comments:**

Pam Coles, 13-34 George Street, stated that she was on the Historic Preservation Commission since it was in 2006. The commission was originally put on the books in the 1980's and was created finally in 2006 and it is a six member commission. There is an ordinance, although it is a weak ordinance. However, it does name the eight sites in Fair Lawn, the Naugle House, VanderBeck House, Cadmus House, Dutch House, the two Terhune homes on the other side of Route 4, one of which has been torn down within the last three weeks, Lamring Farm, which is torn down, Berdan home on River Road (the Garretson home) and she doesn't recall the eighth. George Washington School on Bergen Avenue is on the Honorable Mention list. The Commission did propose a full ordinance several years ago, but it was not favorably received.

Regarding the Survey of Local Governments, the Commission is very familiar with that process. There is a process and you have to be established for a certain period of time and you do have to have your historic sites on CD, which they do have a good record of. They work very closely with the State Historic Preservation Commission as well as the Preservation of New Jersey, which is a non profit. This gives the historic properties a voice in which to speak. As a result, the Commission was able to put the Naugle House on the ten most endangered historic sites in New Jersey this past year. It gives it a lot of public notoriety, not necessarily funding, but it brings it to everyone's attention. She has been in touch with the State's preservation attorney, who is on the Board of Directors. They just met this past weekend in Princeton. Kate Lipvak also attended the meeting and she has been appointed by Governor Codey and she is accountable for the Crossroads of New Jersey. This project creates the path of the Revolution starting in upstate New York and Massachusetts, straight down through New Jersey, all the way through Maryland. If you go up on Route 202, you will see the signs on the flagpoles marking the route.

Pam Coles has found surveys of the VanderBeck House which date back to 1734, when the land was originally purchased. Naugle House was the original house and the VanderBeck House is the secondary house. There was actually a third house on that site, however the third house was burnt down and never replaced in the 1930's. There also was a mill, where the old bridge was. The primary occupation of Jacob VanderBeck was a miller. She does have a copy of the entire historic survey from 1938 along with the certificates, sites, floor planning, the documentation back in the 1930's was exquisite. They were both owned by Jacob VanderBeck Sr. and then eventually it was sold to Garretson and then it split off. The lineage of the family history can be dated back to the 1630's from when they originally came over from Germany. We have a huge opportunity here. We don't have the right to tear it down.

The Historic Preservation Commission has drafted several grants to begin the process. There is a process when it comes to the authenticity of the architecture and there are only certain architects who are on the guidelines of the master grant. There are several in the area. The state gives out a list through Preservation of New Jersey and they have submitted those. Actually, she knows that they have been written and/or drafted, but doesn't necessarily know if they have been submitted.

Michael Hakim asked if the commission was pursuing Certified Local Ordinance status. Pam Coles stated that they are, but there are certain steps. That is one of the commission's objectives down the road. Their primary goal is education and they have a couple of great things on the books for education for history in the area of Fair Lawn.

Pam Coles also asked about the George Street property. She was curious where the buffer is, that is suppose to be there, between the firehouse and the River Road business district. What is the possibility of putting a fence up there and creating that buffer? It is unsightly when you have to look at vans from the business district in clear view, as well as the refrigerated trucks at B&B that they use for storage.

Manager Metzler stated Joe Wensell from Fire Company #1, advised him that as part of their zoning approval landscaping must be done. According to Manager Metzler, there has not been any long term discussion on what is going to be planted. Once the Borough acquires the land, he is sure that the borough will be a good neighbor and the Fire Company will put a buffer in as part of their zoning approval.

Joe Wensell stated that there was a fence behind the firehouse that was taken down about 10 years ago. The snow plowing from both the businesses and the firehouse lot would push the fence back and forth and it became nothing more than a collection plate for garbage. So eventually it was taken down.

Wendy Dabney stated that if you check the businesses Planning Board approvals and the scrubs and trees existed then, they are required to replace them if they removed them.

Mayor Weinstein reassured the committee that the fire company would not put construction debris in the area where the park would be.

Michael Roney, 14 Burnham Place, stated that one year ago he spoke to Mrs. VanderPlaat's nephew and he told him that he had Power of Attorney. That raises the issue of Nick Felice speaking with Mrs. VanderPlaat, if her nephew has Power of Attorney.

Manager Metzler stated that when Nick Felice was asked to speak with her, that information was shared with him as well. He was aware of it, but whether he spoke with the nephew he is unaware.

Michael Roney also stated that he was 85 to 90 percent sure that he also told him that they had given the developer on the property the right of first refusal. Also when Wendy Dabney was speaking about the slave history in the area, if you could make a case for that, it could open up a whole new world of grants for helping to preserve that house and property.

Maureen Moriarty stated that every meeting she was going to mention the VanderBeck house and Crystal Robbins stated that every meeting she would talk about recreational open space. On a spring day, she states, you will see hundreds of kids fighting for swings. Crystal Robbins doesn't see people racing into museums and that she believes in historic preservation and she likes their cause, but she thinks that the real focus of this committee has to be true open green space.

Michael Hakim stated that the firehouse property is a continuation of what is already town park property. All it is is an open grass field with a pump house on it surrounded by a chain link

fence. That is a perfect neighborhood park site. If it is properly designed you can have a wonderful playground and a little recreation area.

Wendy Dabney stated that one thing you have to remember in open space property acquisition is that they tell you to add on to existing park which is what we are doing. Also, VanderPlaat and Naugle are right on a county park and waterway. The other properties are on a river, so you are protecting the riverbank at the same time.

Mayor Weinstein stated that everyone should work together. The Open Space Committee should focus on the open space issues, in conjunction with the Historic Preservation Commission.

Manager Metzler stated that in regards to the synthetic field and applying for another grant, he wants everyone to be clear where we are with the matching funds. We have the funds matched for the \$450,000.00 and last year the Council did approve \$450,000.00 in the Capital Budget which we didn't use. Those funds would go towards any application that we made this year. Additionally, the Manager's proposed budget has \$500,000.00 in it, but it is earmarked a little differently. We didn't put it in as open space acquisition, but as recreational facility improvements. Should the Council approve the budget, we will have \$800,000.00 of the \$1,200,000.00 to complete the synthetic field.

Howard Marks, 12-33 Ferry Heights, asked about a cluster house ordinance, so that a developer must preserve 50% of the land. This would force the developer not to develop all of the land. Manager Metzler stated that there is something in place. However, Howard Marks, stated that this is for cluster houses. He also stated that he passed the Naugle House a couple of weeks ago and the front door is ajar. Manager Metzler stated that it was already reported, but thank you.

Benny Salerno stated that it was reported in the paper that Glen Rock is putting in a synthetic field and paying for it through sponsorships and fundraising. So in the event that we do not get the money, there are options. Mayor Weinstein stated that Fair Lawn All Sports and the Football Association are looking at that. Corporate sponsorships are also welcome. This is the field that is used the most.

Wendy Dabney stated that when this was discussed originally we were told the good points of it and we all voted for it, but nothing was mentioned about the possible concerns. So she wants everyone to be aware that it is not all good. Members asked about not only the environmental concerns, but the health concerns also. Jim Graff did extensive research and stated that the reports came out and they talk about sports injuries. Wendy Dabney stated that she was more concerned with the latex issue. People need to be aware that there is never a win-win situation, so anything that you get into, you'll find out the downside when you have it. Over the last 10 to 15 years the synthetic fields have gotten better. They usually last for about 10 years.

Michael Roney, 14 Burnham Place, asked for a breakdown of the funding for the turf field. Manager Metzler stated that it would cost \$1,066,000.00. Mayor Weinstein stated that so far we have been awarded \$300,000.00 from the County pending Freeholder approval. This is actually the most that any town in Bergen County received. We are still waiting for an answer from the State Green Acres for maintenance and improvements of fields, which is additional grant money. Freeholder Ganz is looking for more funds toward the turf field as well.

It was asked about the environmental impact on the pool. It was stated that the field wasn't near the pool.

**Adjournment:**

Upon a motion by Benny Salerno and second by Joan Goldstein the meeting was adjourned at 8:52 p.m.