

# Minutes of the Open Space Committee

October 29, 2007

Mayor Weinstein called the meeting to order at 7:30 p.m.

**Present:** Mayor Weinstein, Councilmember Trawinski, Manager Metzler, Superintendent Graff, Peter Kortright, Ira Frankel, Jack Susser, Crystal Robbins, Maureen Moriarty, Sharon Rendfrey, Joan Goldstein, Benny Salerno, Heather Blecher, Michael Hakim, Wendy Dabney (arrived 7:45 p.m.), Ted King (arrived 8:00 p.m.)

**Absent:** Jon Taner

## **Minutes and Attendance:**

Upon a motion by Benny Salerno and a second by Jack Susser the Minutes were unanimously accepted.

## **Status of Grant Applications:**

Manager Metzler reported that the Green Acres grant for the synthetic field was submitted. A copy of the grant application was available for the Committee to review. There will be a recommendation to Council in the 2008 Capital Budget for \$500,000 for acquisition and/or improvements. This will provide the funding if they receive the County Grant, which is a matching grant. If they receive both grants they will be responsible for \$250,000. Council can decide whether to bond the full amount (\$500,000) and put the funds towards future acquisition or put the \$250,000 towards the grant.

Maureen Moriarty clarified that they were waiting to hear back from the State and the County. Manager Metzler stated that letters to Assemblyman Gordon and Assemblywoman Voss would be helpful. It is standard procedure to send copies of every grant to the County, State and/or Federal legislators. Manager Metzler will give a copy of the letter to Jack Susser as the All Sports Board had indicated an interest in sending letters. Mayor Weinstein suggested the Committee send a letter to both the County and the State.

It was the unanimous consensus of the Committee that they send a letter to the County and the State in support of the applications.

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

George Street – Manager Metzler stated that Council had approved the funds for a Green Acres approved appraiser and were waiting for the appraisal. The next step will be entering into negotiations with Fire Co. #1. Heather Blecher inquired as to when they could expect the appraisal. Manager Metzler indicated that he had expected to hear something last week. Michael Hakim noted that if everything went according to plan a second approved appraisal would be needed.

Councilmember Trawinski wondered if a special public meeting would be required once they make the final commitment to use the grant money. Michael Hakim felt it might not be necessary as there had already been a public hearing and the properties were pre-approved. Councilmember Trawinski suggested that he look into this. Michael Hakim will verify if a public meeting was necessary. Councilmember Trawinski wanted to be sure they were in compliance. Mayor Weinstein felt that a meeting was a good idea as it would keep the public informed.

Crystal Robbins read a statement about George Street registering concerns on several issues, including the safety of children playing near a Fire House and her feelings as the true definition of open space. She cautioned the Committee that their main concern should be preserving open space, not buying dilapidated or historic homes or spending dollars because they fear losing them. Benny Salerno asked to make a motion that they proceed with the George Street acquisition. He felt it would be good for the town, the neighbors and the Fire House. He thought that they should use their funds before they lose them.

Jim Graff stated that he grew up on Edward Street and recalled playing on the field near the Fire House. Joan Goldstein stated that she grew up on Radburn Road and played in the park next door to Fire Company #4. Peter Kortright stated that he grew up in Manhattan and noted that over time, pocket parks really made a difference in the neighborhoods. He felt they should proceed and not miss out on this opportunity.

Mayor Weinstein stated it did not have to be either/or. He noted that the pocket park off Godwin Avenue is used by many residents to play basketball. Parents come with small children. If any major investments for open space become available immediately or become subject to development, Green Acres will be there quickly to work with them. He felt that they needed to proceed and reminded the Committee that it was a George Street resident who initiated the idea of a pocket park. River Road is upset about the loss of the parking lot but he felt this was a better use for the property. It will give the residents some peace and comfort as a passive park. Crystal Robbins noted that they did not live in an urban city. She would like to see the money spent on larger tracts of land.

Maureen Moriarty inquired as to the cost of the appraisal. Councilmember Trawinski stated the appraisal cost \$5,000 - \$6,000. They will need a second appraisal, which is not obtained until the first appraisal determines whether or not the property is in their range. The appraisals are paid for with Open Space funds.

2nd Street – Manager Metzler reported that FEMA approved the project and will pay for 75% of the acquisition. They will be responsible for 25%. There will be a great deal of paperwork to complete in the next phase but they received a letter of intent from FEMA. Having an approved mitigation plan in effect helped them in the approval process. FEMA will pay for the acquisition of the property, demolition and restoration of the property back to open space.

Mayor Weinstein noted that they were required to use a FEMA approved appraiser and wondered if Green Acres would require them to use a Green Acres approved appraiser. Michael Hakim felt the appraiser would also have to be on Green Acres list. He did not think Green Acres would be flexible. Mayor Weinstein stated that Green Acres funding will be used

to pay their 25% share. Maureen Moriarty inquired if the lot was going to become a park. Councilmember Trawinski clarified that it would be the other entrance of the river walk.

Manager Metzler stated that the project would cost \$488,025. Councilmember Trawinski stated that this would help them substantially with Green Acres in future rounds as it showed that they could leverage their funds. Michael Hakim noted that if they acquire properties without using their funds they demonstrate to Green Acres that they are not relying solely on them.

Naugle House – Mayor Weinstein reported that they were still moving in the right direction, but could not comment further. Councilmember Trawinski noted that there is still an agreed upon stay against demolition by the developer. Nothing can happen without the Borough receiving advance notice. He did not feel they were moving in that direction at all. Maureen Moriarty inquired when litigation would end. Mayor Weinstein did not know but hoped that it would be soon.

Others – Councilmember Trawinski reported that there were no plan updates.

#### **TPL Updates:**

Michael Hakim inquired about any TPL progress. Manager Metzler stated he did not even call them as he is always told that they cannot tell him anything.

Michael Hakim wondered if Green Acres had responded to their petition to amend their Open Space Requisition Plan. Manager Metzler stated that he did not receive a response. Michael Hakim noted that he was authorized to prepare a draft on a second amendment. He did not do that yet as he did not want to confuse Green Acres. He will prepare the draft letter but recommends holding it until a response is received from Green Acres on the first letter.

#### **New Business:**

Heather Blecher inquired if they would be discussing the Englander lot. Manager Metzler clarified that the property was located on 28<sup>th</sup> Street and Pellack Drive. Manager Metzler explained that this issue came to the Committee because the lot is a piece of open space that the Borough owns. The neighbors have contacted Council about acquiring the property and using it for parking. Councilmember Trawinski noted that Council has conceptually agreed that if they sell anything that looks like open space they would put the proceeds of the sale into the Open Space Trust Fund and not the General Revenue. Manager Metzler is doing research on this property.

Sharon Rendfrey wondered why the Borough would sell open space. Councilmember Trawinski explained that it was a small parcel of land next to an office. The Borough is maintaining the property. The sale would give them revenue that could be used for a larger open space acquisition. Council has not made a decision yet.

Maureen Moriarty noted that the Committee had cited a need for recreational fields when putting together their Open Space plan two years ago. She stated that CCRF met with All Sport coaches who were asking for more fields. She wondered if that need had changed. Mr.

Susser felt that they needed more funding just to maintain their current fields. Superintendent Graff agreed that the problem was the maintenance of existing fields.

Wendy Dabney stated that at the beginning of the Open Space process when they were compiling statistics, they discovered that the largest need was for passive recreation. They discussed the type of people whose recreational needs were not being addressed. Not every child uses a sports field. They do not have a skateboarding park or a playground for children with special needs. They need to look at the proportion of use and look at the people who are already being served and those who are not. She felt the Committee was forgetting the groundwork that was laid in the beginning when they studied the options, did inventories and talked about a vision. She noted that there were people who wanted to take over the process who have forgotten that there were open public meetings which discussed their findings. She wondered why the same questions that were answered two years ago were being asked again now. Their demographic has not changed in two years. The Committee was formed and properties inventoried so that they could make logical decisions with the available funds.

Maureen Moriarty stated that the information was in the Open Space Recreation Plan. Wendy noted that Radburn had a pocket park right now. Maureen concurred that Radburn did not need any open space. Wendy noted that everyone would like areas of green space close to their homes that didn't require getting in a car and driving to. People refer to a "central park" but there is no subway stop or bus stop to drop the rest of the town off. Things have to be taken within the context of reality.

Maureen Moriarty felt they had an obligation and responsibility to preserve the remaining open space. She noted that a central park was discussed in 2006 and felt it was a possibility. Wendy felt people were shifting their attention because of the upcoming election and that it was affecting the way the Committee was moving forward. She reminded the Committee that they need to make acquisitions and demonstrate a willingness to follow their vision of open space areas throughout town.

Councilmember Trawinski did not feel the Committee was pulling back on their commitment. The first commitment they made was to look at a pocket park on George Street. They have not been asked to commit to anything else with the exception of the 2<sup>nd</sup> Street property. When they put the report together they spoke clearly that Fair Lawn's ratio, as opposed to the State recommended ratio was 28%, which was the recommended minimum for recreational open space. He noted that former Superintendent Frey spoke about an anticipated increased demand for fields and creative recreational space such as Bocce courts. He stated that they were not going to decide the Heywood, Daly or Naugle issues tonight. The Committee has decided to move forward on George Street and Council will ask the difficult questions about the cost of maintenance. He does not see it as an all or nothing situation. He stressed that they should proceed. Peter Kortright agreed. In 2005 when he was on the Planning Board he voted no against the selling of the Naugle or the changing of the zoning. He has always been a fan of Naugle for many specific reasons. It is waterfront property and flood plain. He did not like that it went to litigation and wanted it on record that he voted against that. He felt waterfront property was a number one criteria as it reduced flooding. If it was his choice he would vote for the Naugle property. The County does not seem to want this property so the Borough will have to push for this. They need to do their best to preserve that whole property if possible. He felt the Vander Plaats property was another opportunity that they should look at.

Waterfront property for the town is crucial. There is another opportunity on River Road. They need to look at this comprehensively, without emotions to determine what is best for the public trust.

Maureen Moriarty stated that she had requested information about the Vander Platt property at a previous meeting but did not hear back from the Borough Attorney. Manager Metzler explained that Nick Felice met with Mrs. Vander Plaats at the Borough's request. Mrs. Vander Plaats has no interest in meeting with the town on the sale of the property and is only willing to speak with a developer. Maureen hoped that the property would not be zoned for townhouses. Mayor Weinstein stated that issue was not on the table. Peter Kortright stated they could make a commitment by not allowing any re-zoning of those properties. Maureen wondered if they could stop single family homes. Mayor Weinstein stated that was a legal situation and they couldn't change it. Councilmember Trawinski stated there were some steps they could do with respect to the proximity of the Passaic River. The new DEP stream encroachment regulations require a larger buffer. Peter suggested Council adopt conditional ordinances protecting waterfront property. Councilmember Trawinski stated the issue had been placed on a work session agenda. Council was looking into adopting regulations for property adjacent to water that were more stringent than the State regulations.

Joan Goldstein thanked Councilmember Trawinski for acknowledging that everyone on the Committee worked hard towards open space. There have been situations in town where it did not come across that way and she was glad everyone present in the room knew the truth.

Wendy Dabney stated that the Environmental Commission has been asking to have all the environmentally sensitive areas be upgraded, repairing restoration. This goes along with the flooding. Dredging rivers only sends the water somewhere else. She felt towns should replant trees. Having areas where water can pond safely reduces flooding. Building houses and removing trees creates a flooding problem. Joan Goldstein inquired if the River Walk will help. Wendy thought it would if they could continue to acquire property along River Road, but there are also a lot of private homes that have removed trees. She thought Council should strengthen the ordinance and enforce the storm water ordinances. Councilmember Trawinski stated that Council unanimously agreed to toughen the ordinances. The concern over the issue of increased impervious coverage, failure to recharge the aqua fir and damage to the two floodways as the result of over development is noted by Council. They have enacted a new Tree Ordinance. Wendy noted that the focus has been on installing street trees. She suggested trees be put along the river as well.

Sharon Rendfrey noted that the last flood near the First Street destroyed many trees which should be replaced. Michael Hakim suggested they contact the DEP Division of Forestry for free, smaller trees. Larger trees can be obtained inexpensively through Princeton Nurseries which has special programs for municipalities. He suggested that the tree ordinance contain a provision for a tree bank. Mayor Weinstein confirmed that their ordinance contained this provision but was not called a tree bank.

Peter Kortright stressed that the Zoning and Planning Board needed to be educated that the Tree Ordinance could not be exempted. There must be compliance.

**Next Meeting Date:**

The next meeting date will be Monday, December 3rd at 7:30 p.m. in Room 201.

Mayor Weinstein asked to set up regular meeting dates for 2008. It was decided that the Committee would meet on the fourth Monday of each month. The meeting dates will be as follows: January 28<sup>th</sup>, February 25<sup>th</sup>, March 24<sup>th</sup>, April 28<sup>th</sup>, May 26<sup>th</sup>, June 23<sup>rd</sup>, July 28<sup>th</sup>, August 25<sup>th</sup>, September 22<sup>nd</sup>, October 27<sup>th</sup>, November 24<sup>th</sup> and December 22<sup>nd</sup>. (Note to Committee: Meeting scheduled for May 26<sup>th</sup> will have to be rescheduled as it is Memorial Day)

**Public Comments:**

Howard Marks, 12-33 Ferry Heights discussed the need for native trees and not just street trees. He noted that there were Maples and other native trees near the Naugle house and hoped that would slow down a developer.

Mr. Marks stated that the pollution on Heywood and Daly would slow down development, as you could not develop on polluted soil. This would give the Radburn people more time to acquire the lands and save everything. He thought the Naugle House was always about the woods first and the house secondary. He noted that the woods were next to a County park and felt the woods could be used for passive recreation. Councilmember Trawinski assured Mr. Marks that Attorney Lustgarten was very aware of the pollution on Heywood and the interplay with development.

Felice Koplick, 6 Reading Road noted that the Vander Plaat house is on the National Registry of Historic Places. She suggested they reach out to the Historic Commission and its ordinance to help plan the use of that property. Mayor Weinstein agreed that could be done. Councilmember Trawinski stated that the Vander Plaat proper was zoned as single family residential. The property could not be zoned less than that. Felice suggested they put the Vander Plaat house on a local register. Councilmember Trawinski explained that action would not stop the use as a single family dwelling. Felice thought the town would have more control over the house if it was on the local registry. Peter Kortright stated that this would add another hurdle. The Zoning Board cannot ignore a designated property. Councilmember Trawinski suggested the Historic Commission make a recommendation to Council.

Cathy Moore, 13-16 Plaza Road discussed the definition of open space. She felt the Borough only had one area that truly qualified for open space. She did not think saving a house falling into the river or a pocket park on George Street classified as open space property. She felt open space meant vistas, trees and views and not a 100 x 50 lot in the center of town. She asked that the Committee look up the definition of open space before making recommendations.

Michael Hakim stated that he has been involved with the Committee for a year and a half. He has been hearing all different types of comments at this meeting and noted that tonight's meeting was very different. He expects that next month's meeting will be back to normal. He reminded the Committee that they applied for and received an Open Space and Recreation Grant, whose purpose was to fund the acquisition of properties for open space and passive

and active recreation. When they formulated the Open Space and Recreation Plan it was the Committee's plan, not his plan. They sat as a group and debated all the possible properties throughout town. A list of criteria was established for what would qualify as a logical property. The criteria included consolidated open space for recreation fields and the distribution of open space throughout the community where it didn't already exist. The Committee discussed pocket parks in downtown commercial areas and residential areas. He felt they needed to achieve a balance. He stressed that Green Acres demands that they deal with willing sellers.

Wendy Dabney inquired if the State was willing to give money for areas that were more urban. Michael Hakim noted that Green Acres was in a phase where they were funding Planning Area One areas. That will shift again. They need to take advantage of it while it is in their favor. Peter Kortright stated that there are 65 towns in Planning Area One. They will get more funds because of that as money has been spent in rural areas in the suburbs. The State considers our area to be built up. Michael Hakim stressed it was the target area for now.

Harvey Rubenstein, 28 Rutgers Terrace inquired who owned the lot near the Fire House. Mayor Weinstein stated that it was owned by Fire Company #1. He wondered if the property was donated to the Fire House by the town or if they were always the owner. Manager Metzler stated that the Fire Department had owned the property for a long time. The land with the deed restriction on the north side of the property was once Borough property. It was turned over to the Fire Department with the restriction that it would be used for parking.

Wendy Dabney inquired about the Lackland property. Mayor Weinstein explained that the Borough Attorney was working on it. Manager Metzler noted that the small corner piece of riverfront property across from KEM had come into play.

**Adjournment:**

Upon a motion by Peter Kortright and second by Councilmember Trawinski the meeting was adjourned at 8:50 p.m.

**ITEMS FOR FOLLOW UP:**

- a. Prepare letter from the Committee to the County and State supporting the Green Acres Grant Application for the synthetic field.
- b. Michael Hakim will prepare the draft letter for the second amendment to the Open Space Requisition Plan.
- c. Change date of May meeting due to conflict with Memorial Day.