

## **MINUTES**

SPECIAL MEETING, MONDAY, NOVEMBER 15, 2010 AT 5:30 P.M. OR AS SOON THEREAFTER AT BOROUGH HALL

### **OPEN PUBLIC MEETINGS ACT.**

BOROUGH CLERK: this meeting is being held in accordance with the rules and regulations of the Open Public Meetings Act of the State of New Jersey. Adequate notice of this meeting was provided by forwarding a Sunshine notice which included the time, date and location of this public meeting of the Mayor and Council.

### **ROLL CALL:**

COUNCIL MEMBERS: Councilman Bianchi, Councilman Hughes, Councilman Johnson, Councilman Kearney, Councilman Tanelli and Councilman Yampaglia

ALSO PRESENT: Mayor Peter C. Massa, Borough Clerk, Terence M. Wall, Borough Attorney, Randy Pearce

### **PLEDGE OF ALLEGIANCE**

Mayor Massa – at this time ladies and gentlemen, I'll open the meeting to the hearing of citizens tonight. Anyone who wishes to be heard, please come forward, state your name and address for the record. Please restrict your comments to five minutes so that everybody has a chance to be heard and please confine your comments to municipal business. No one wishes to be heard

### **PUBLIC COMMENTS**

Mayor Massa – no one wishes to be heard; I'll entertain a motion to close hearing.

### **MOTION TO CLOSE PUBLIC COMMENTS**

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Bianchi

ROLL CALL: All council present vote in the affirmative

### **FIRST READING OF ORDINANCE**

#### **ORDINANCE NO. 2063**

AN ORDINANCE TO ADOPT AN AMENDED REDEVELOPMENT PLAN FOR THE PORETE AVENUE REDEVELOPMENT AREA

Administrator Wall – Mr. Pearce would you like to uh or an introduction...

Mayor Massa – well lets have an introduction then I'll have the counselor comment on it and any members of the council. Motion introduced?

INTRODUCED BY: Councilman Bianchi

SECONDED BY: Councilman Hughes

Mayor Massa – discussion, I'll turn it over to the borough attorney.

Randy Pearce – thank you Mr. Mayor. Members of the council, I have given you two documents. One is the document that I emailed to you last week which was latest and greatest version of the Porete Avenue redevelopment plan. While discussing this matter with Susan Gruel and dealing with two applications, the Luck Motors and the Midstate people down on Porete Avenue, issues were raised with regard to potential problems with Mr. Sarlo still maintaining jurisdiction over certain applications. To eliminate that problem you will find in front of you in addition to the version from Friday, an addition that has italicized language, strikeout, things of that nature. The key to the revised or to the revisions are simply to show that the planning board with regard to anything within the redevelopment area would only have the power to deal with the same types of dominimus applications such as we have with the Ridge Road redevelopment plan and that is for buildings that are less than 5,000 square feet or no changes to the footprint of the property [inaudible] the applications will be submitted in the ordinary course. They will come to the redevelopment authority which is us. We will then refer the matter for regular applications to the planning board but we will always know what's going on because the way the resolution was drafted and the ordinance was drafted last week, it could be susceptible to a interpretation issue where the planning board would say oh, we think this is still within our jurisdiction. And unlike the Ridge Road redevelopment plan which we know we always see every application. That's the purpose of the italicized changes. It's the only thing that's changed between what I gave you on Friday and today and I'd be glad to spend two minutes I know Councilman Tanelli needs to run but if you want, just take a look at the italicized language. It's solely to deal with this issue. If this is not an intended to be an overlay. That was the big issue if you were called for the last five months in dealing with this plan with Mr. Sarlo in saying that we didn't have the proper map, it was an overlay plan, things of that nature. I changed this to make sure that we don't have any questions. That anything on the Porete Avenue redevelopment plan will be seen by this mayor and council and we can always send it to the planning board for a decision because we feel it is not necessary that we deal with it, but we will always know what's coming before this town and no plans are going to be approved without this mayor and council knowing what's going on Porete Avenue. Yes?

Councilman Tanelli – point of order your honor, so what this will do is clear up the fact that for the last six years, we've heard about three different plans, are they the plans that they supersede, did they overlay that all goes away this becomes...

Randy Pearce – that's why I made these changes today because I have two attorneys calling my office almost daily, the Lucky Motors attorney and they keep wondering who had jurisdiction. To make it crystal clear I revised the documents so that we know that

everything has to come before the mayor and council even though we might defer to the planning board as not being necessary for this mayor and council, you'll always know you'll have notice of what's going on, okay. So I apologize for the late italicized changes but I thought they were essential to eliminate this problem.

Mayor Massa – thank you councilor. Question, is that also involved in the zoning board also?

Randy Pearce – only with respect to, the answer is there are very few occasions when you would ever go back before the zoning board but yes you can send certain applications to them.

Mayor Massa – but they would first have to come to the mayor and council.

Randy Pearce – everything has to come here.

Mayor Massa – okay.

Randy Pearce – they say it's to mirror the language that's used in our current Ridge Road redevelopment plan.

Councilman Tanelli – on [inaudible], as I'm going through the section 3-8, you have that strikethrough and then the italicized version and then it still appears on the corrected version.

Randy Pearce – no no. You don't...

Councilman Tanelli – am I not looking at the right thing?

Randy Pearce – no you have the version I gave you on Friday.

Councilman Tanelli – well I'm comparing what the two versions [inaudible]...

Randy Pearce – no no, you have the version from Friday and the revised, the final version is here.

Councilman Tanelli – that's what you had given me, no?

Randy Pearce – no.

Councilman Tanelli – alright I'm sorry. This is the final version, this is the strikeout version.

Randy Pearce – I meant the final version you got on Friday.

Councilman Tanelli – okay, alright.

