

LAND USE BOARD  
BOROUGH OF ALLENDALE  
Municipal Building  
500 West Crescent Ave  
Allendale, NJ

A Special Meeting of the Allendale Land Use Board was held in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2<sup>nd</sup> Floor, Allendale, New Jersey 07401 on March 28, 2018. The meeting was called to order at 7:33pm by Chairman Quinn who read the Open Public Meetings Act statement and stated the requirements had been satisfied.

Chairman Quinn led those present in a salute to the flag.

***ROLL CALL:***

The following individuals answered roll call:

Board member Bergen	Councilman Sasso
Secretary Daloisio	Mayor White
Board member Davis	Chairman Quinn

The following individuals were also present:

Board Attorney Christopher C. Botta, Esq.  
Board Engineer Michael Vreeland  
Land Use Administrator Susan Karsiotis  
Deputy Municipal Clerk Michelle Ryan

***APPROVAL OF MINUTES:***

Motion by Mayor White second by Secretary Daloisio that the Minutes of February 13, 2018 Regular Land Use Board Meeting were approved. There was no discussion.

On a roll call, the vote was recorded as follows:

Board member Bergen - aye	Councilman Sasso - aye
Secretary Daloisio - aye	Mayor White - aye
Board member Davis - aye	Chairman Quinn - aye

***DISCUSSION OF ALLENDALE LAND USE BOARD BY-LAWS:***

Chairman Quinn reminded the board that Land Use Board needed a set of By-Laws. Chairman Quinn explained that a newly constituted Land Use Board, from out of the old Zoning and Planning Board, had necessitated the By-Laws being available for approval in March, instead of the first calendar year meeting as usual. Chairman Quinn and Mayor White commended Chris Botta for his work in drafting the By-Laws. Hearing no comments, Chairman Quinn took a motion to approve them as the adopted By-Laws.

***RESOLUTION LUB 18-12 – ADOPTION OF ALLENDALE LAND USE BY LAWS:***

Motion by Secretary Daloisio second by Councilman Sasso that Resolution LUB 18-12 Adoption of Allendale Land Use By-Laws were approved.

On a roll call, the vote was recorded as follows:

Board member Bergen - aye	Councilman Sasso - aye
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Secretary Daloisio - aye  
Board member Davis - aye

Mayor White - aye  
Chairman Quinn - aye

***RESOLUTION LUB 18-11 ADOPTING MEMORIALIZING VARIANCE:***

Application File No: LUB 2018-01

Applicant: Carol Riker

Address: 21 Woodland Avenue, New Jersey 07401

Block: 301 Lot: 3

Application: Variance – Minimum Lot area. (270-57E)

Variance – Minimum lot width. (270-57F)

Variance – Minimum front yard setback (270-57B)

Variance – Minimum side yard setback (270-64C)

Chairman Quinn turned over the discussion to Chris Botta, who had drafted the resolution to memorialize variance approval that was granted at the last meeting. Mr. Botta read Resolution LUB 18-11 by title. Mr. Botta explained the resolution sets forth the board's discussions and findings, recites public hearing compliance, describes the property, the testimony made and the current requirements. Additionally, the resolution states that the Land Use Board is granting a hardship variance based on the unique characteristics of the property, the existing site of the main residence and the existing nonconformities of the lot. Mr. Botta concluded that it was now up to the Land Use Board to memorialize the resolution so that the applicant could apply for a construction permit. Michelle Ryan confirmed that everyone present, except Patty Davis, was eligible to vote.

Motion by Secretary Daloisio second by Mayor White that LUB 18-11 adopting memorializing variance be approved. There was no further discussion.

On a roll call, the vote was recorded as follows:

Board member Bergen	Mayor White
Secretary Daloisio	Chairman Quinn
Councilman Sasso	

***CORRESPONDENCE:***

Before opening up the meeting to public comment, Chairman Quinn directed the meeting to the Board's first item of correspondence which was from LAN Associates on behalf of Northern Highlands Regional High School (NHRHS), 298/300 Hillside Ave, and was in reference to two items, track and field improvements and athletic field area 4 lighting improvements. Chairman Quinn deferred to Mike Vreeland for comments, who also confirmed that NHRHS did not have an application before the Land Use Board at this time.

Mr. Vreeland explained that he had taken a look at the first piece of correspondence, which was accompanied by a plan to resurface the existing running track that goes around the turf field, including the long jump and pole vault areas, in kind, and with no expansion. This would involve milling the existing surface and putting on a new athletic surface on these facilities. The track consists of a narrow thin rubberized surface on top of a pavement.

The second piece of correspondence dealt with the proposed lighting of field area 4, associated with the baseball field. Mr. Vreeland had not yet had an opportunity to speak with the gentleman from LAN, who had called him, but Michelle Ryan had had a brief conversation with LAN. Mr. Vreeland surmised that NHRHS had submitted the two pieces of correspondence for capital improvement

projects to ultimately get some sort of acknowledgement from the Land Use Board that the projects had been reviewed and get the Land Use Board's input. Chairman Quinn confirmed that NHRHS had done this in the past including for the coaches' boxes and solar roof projects. Mr. Vreeland did not believe that school officials were planning to make a Board presentation unless it was considered necessary, but he would follow up further with LAN.

Chairman Quinn's attention was caught by plans for lighting the baseball field because of the extensive consideration previously given to lighting a football field. Mayor White explained that the settlement structure under the ordinance for the football lighting allowed for continued use of lower mobile lights in field 3 and 4, the baseball field areas, until such time as NHRHS was able to install LED lights. Mr. Vreeland agreed and also stated a site plan wouldn't be necessary in this area, subject to certain conditions. The baseball lighting would be part of NHRHS's annual application for review of the lighting plan which is based upon various wattage and other required information. Mayor White confirmed that the lights currently in the baseball area are lower, diesel-powered construction lights and are allowed until such time as NHRHS is able to purchase LED lights. Mr. Vreeland commented additionally that installation of permanent LED lights is part of the current project under discussion.

Responding to Chairman Quinn's comment that diesel lighting for baseball wouldn't be very satisfactory, Mayor White responded that the Board of Education was moving to replace the diesel lights quite quickly for both that reason and to obtain grant money. Mr. Vreeland stated that this was all part of the process. Chairman Quinn thought it would be appropriate if plans and an engineer's memo were made available to the Land Use Board members so that it could be determined if the school's current proposals were in line with what was agreed upon in the settlement for the lights as well as for the Board to be in a position to make useful comments for the track and field project, which had proved the case with the a prior score board press box project. Mr. Botta did not think the school officials were looking to go through a formal Land Use Board application process such as had been the case with the school's solar panel roofing project. Mr. Vreeland was of the same impression based on Michelle Ryan's initial conversation with LAN. Mr. Vreeland offered to confirm the school's intentions with regards to what specific information the school would be looking for from the Board, as well as arranging coordination with Susan Karsiotis to get additional copies of the proposed plans to the Board. Chairman Quinn felt that if the school was looking for input and an informational letter from the Board then the school's representatives should appear before the Board. Mayor White agreed with Chairman Quinn's comment and Mr. Vreeland said he would pass along the Board's point of view.

Chairman Quinn said Chris Botta and Mike Vreeland would be informing the Board about the other matter of correspondence which concerned a variance application for 320 Park Avenue, Allendale. Mr. Botta explained that Mr. and Mrs. Cagney, 320 Park Avenue, Allendale had submitted an application in 2017 to the Zoning Board requesting a variance for a fence as well as a driveway plan for a new driveway and curb cut on West Crescent Avenue. The Zoning Board held hearings on the application that went through to December. The application was bifurcated and a fence variance was approved by the Zoning Board, but the Zoning Board members did not take action on the driveway part of the application. Mr. Botta explained the reason being that the jurisdiction of West Crescent Avenue is Bergen County. Bergen County has been discussing with the Cagney's about putting in a new berm alongside West Crescent Avenue adjacent to their property and Bergen County officials have required the Cagney's to submit new plans to them so that county officials can approve any curb cut and driveway modifications at that location. The Cagney's are looking to put a second driveway entrance at that location. Anything that the Zoning Board would have done back in 2017

would have needed to have been approved by the county since the location is on a county road, so the Zoning Board members determined that they would not do anything until the county approved it. Mr. Botta stated that the problem appears to be that there is a delay in the berm project and also that he thinks the Cagney's have not supplied the county with new plans. During some discussions with Mr. Vreeland last month, they had talked about sending a letter to the Cagney's advising them that in light of the new board being formed and the Zoning Board being dissolved, that they did not want to continue the application and that a new application for the driveway would need to be submitted to the newly constituted Land Use Board. Mr. Botta stated that he sent the Cagney's a letter on March 9, 2018 advising such. Mr. Cagney replied back asking for his pending driveway application to be heard by the Land Use Board and that the new application fee be waived because, according to ordinance, the Land Use Board, could, at their discretion, continue with the current application. Additionally, the Cagney's wanted the Land Use Board to hold the pending application for the driveway project in abeyance until the county repairs the berm and makes a decision on the driveway project. Mr. Botta stated that the Board could grant their request, however it would continue as an open application for an undetermined period of time. Mr. Botta was uncomfortable with this due to statutory time requirements on the Board. Mr. Vreeland was not sure if an indefinite application would be in compliance with the prior Zoning Board's notice requirement for a variance. While sympathizing with the Cagney's position, as it wasn't their decision to have the boards changed, Mr. Botta felt that the prior Zoning Board would have had to have eventually denied their driveway application without prejudice because the county hadn't yet acted. Mr. Botta therefore suggested that if the Board wanted to entertain it, the Board could determine that the Cagney's would need to submit a new application on the driveway project and, as it was within the Board's discretion, that the filing fee be waived when the new application was submitted. That would be a compromise so that the Cagney's would just need to resubmit the application to the Land Use Board, and re-notice it when the time came after the county approved the Cagney's driveway application. The Cagney's have indicated to Mr. Botta that the county is going to work on the berm project in the spring, but Mr. Botta felt that the county's time periods were not always definite. Mr. Botta concluded that it was not a good idea to have an open application indefinitely, but thought that if the Board felt it equitable, it was appropriate to waive the fee for the Cagney's to reapply for the driveway area work at the appropriate time.

Chairman Quinn asked Mike Vreeland for his comments. Mr. Vreeland supported Mr. Botta's comments and reiterated that, as the application was originally for both a fence variance and driveway work, and now that the fence was approved, the Board may not want to continue with an open application with its open notice requirements in light of the change in scope of the application. Mr. Botta concurred stating that he thought that it would be much cleaner, procedurally, to have the Cagney's resubmit a driveway work application. Mayor White thought that having the Cagney's submit a new application and waiving the internal fees would be a fair way to go about the matter. Councilman Sasso agreed it was a good idea to waive the application fee, however he felt the escrow fees should still stand. He said that the escrow fees were put in for good reason to cover Mike Vreeland's engineering costs and there has been a tremendous amount of time spent on this application, including by the police department. Mayor White concurred that the escrow fee would now be appropriate. Councilman Sasso confirmed with Mr. Botta that the Cagney's would have to get their driveway project approved by the county before submitting a new application. Based on a conversation, Mr. Botta confirmed that Mr. Cagney conceded that the county has to make repairs to the berm and make a decision on the driveway project before he can submit a new application. Mr. Botta felt that it was not the Board's position nor its professionals to be part of the Cagney's county application, which if approved, would enable the Cagney's driveway application to be heard by the Land Use Board. Councilman Sasso confirmed that there would be no point in the Cagney's coming

back to the Land Use Board with a driveway application impacting a county road without and until the county gives the go ahead. Mr. Botta agreed. Having attended a Zoning Board meeting when the Cagney's application first came in, Mr. Vreeland said that its members had wrestled with the same issue of granting relief for a construction project that may not be allowed to go ahead anyway. Chairman Quinn confirmed that it would be the position of the Land Use Board that it would not entertain a driveway project until the county gives the Cagney's an okay to go ahead with it and that the Board would waive the application fee, but not the escrow requirements. Mayor White and Secretary Daloisio agreed. Mr. Botta confirmed that he could tell the Cagney's that if they do submit the driveway application it's not going to be heard or denied without prejudice pending approval from the county. Chairman Quinn didn't think the Land Use Board could prevent the Cagney's from trying to push forward with an application but that the Land Use Board's intentions were pretty well known. Melissa Bergen, who was in the audience at the Zoning Board's last meeting December 2017, agreed with waiving the application fee. Mr. Botta did not feel that a formal vote was needed on the Land Use Board's intention because there wasn't an application before the Board, however, he would convey a sense of the Board's inclinations regarding the driveway matter to the Cagney's.

Chairman Quinn asked if there was any other correspondence. Chairman Sasso advised that the Land Use Committee chaired by Councilman Strauch will be taking another look at the Borough's out-of-date sign ordinance with the help of Planner Ed Snieckus. Chairman Sasso said that technology and lighting has changed completely since the ordinance was written. Chairman Sasso indicated to Mr. Snieckus that in helping the Borough rewrite its ordinance it should do so with the intent and spirit of the current ordinance while taking into account new technology. The Land Use Committee is going to try to come up with some new signage ideas for things that will last ten or twenty years or more to protect the character of Allendale.

Mayor White said the Land Use Board will be hearing from Mary Beth Lonergan about Allendale's affordable housing plan and adoption of it, probably in May or June. The Borough applied to have its court date rescheduled to allow for time to get ordinances together.

Mayor White anticipated the Land Use Board hearing from a Planner in the next month about the possibility of zoning 230 West Crescent Avenue as a re-development area in order to do a PILOT there. The Borough had just met with Bob Benacke who came highly recommended from Chuck Ferraioli, the Borough's auditor and accountant. He suggested the Borough consider it. Mr. Benacke will be coming before the Mayor and Council and then to the Land Use Board to look to do a re-development area in the back, Andersen building. It may be advantageous for the Borough.

Chairman Quinn thanked Mayor White and asked for any other matters. Hearing none, Chairman Quinn closed Correspondence.

***OPEN TO PUBLIC FOR COMMENT:***

Chairman Quinn opened the meeting to the public for comment. Hearing and seeing none, he brought the meeting back to the Land Use Board.

***OTHER:***

Chairman Quinn asked the board members if there were any other matters to discuss. Chairman Quinn acknowledged that Mrs. Davis and Mrs. Bergen were taking the land use course.

Chairman Quinn asked Mr. Vreeland to work with Susan to provide an updated link on Stormwater Management training. Mr. Botta stated that it is a requirement for the board members.

Mr. Vreeland advised that he had received a site plan application from Control Associates, 20 Commerce Drive to expand. He would be reviewing it and issuing a memo. Mayor White thought that it was great news, as it would bring more taxes and have no impact on the school system. Councilman Sasso thought it possibly might bring more jobs to Allendale as well.

***ADJOURNMENT:***

On a motion by Mayor White, seconded by Secretary Daloisio, with all present members voting in favor, the meeting adjourned at 8:10 p.m.

Respectfully submitted

Michelle Ryan  
Deputy Municipal Clerk

**RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

DATE: 03/28/2018

RESOLUTION# LUB 18-11

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Davis					✓	
Daloisio	✓		✓			
Kistner						✓
O'Toole						✓
Sasso			✓			
Sirico		✓	✓			✓
White		✓	✓			
Quinn			✓			
Kearl - Alternate						✓
Lovisollo - Alternate						✓

Carried  Defeated  Tabled

**RESOLUTION APPROVING APPLICATION FOR VARIANCE FOR  
CAROL RIKER  
BLOCK 301, LOT 3  
(a/k/a 21 WOODLAND AVENUE)**

WHEREAS, the applicant, Carol Riker, the owner of the property located at 21 Woodland Avenue, known as Block 301, Lot 3 on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey, applied to the Land Use Board of the Borough of Allendale in an application dated December 21, 2017 for approval of variances from the Allendale Code, Zoning, to construct a portico along the side of the principal residence, which is located in the A zone, which would result in a right side yard building setback of 5 feet, where 15 feet is the minimum required; and

WHEREAS, the Land Use Board considered the matter at the February 13, 2018 regular meeting of the Land Use Board at which the applicant, Carol Riker, and her architect, Gary Indyk, personally appeared and testified;

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BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

**DATE: 03/28/2018**

**RESOLUTION# LUB 18-11**

**NOW THEREFORE BE IT RESOLVED** by the Borough of Allendale Land Use Zoning Board that it hereby makes the following findings of fact and conclusions:

1. Notice of the public hearing was given by the applicant in accordance with applicable law.
2. The property is located at 21 Woodland Avenue, known as Block 301, Lot 3, on the Tax Map of the Borough of Allendale. The property is located in the A residential zone. The application was in evidence.
3. The applicant submitted Architectural Plans, dated December 15, 2017, prepared by Gary Indyk (Exhibit A-1); a narrative report by Gary Indyk (Exhibit A-2); a Survey (Exhibit A-3); and various photographs. These plans and exhibits were in evidence and reviewed and examined by the members of the Land Use Board.
4. Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated February 9, 2018 (Exhibit A-4). The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.
5. A variance is required because an A residential zone requires a minimum side yard setback of 15 feet.

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6. The applicant was sworn and testified that she was seeking to construct a portico which was aesthetically pleasing to the property, functional for their family and which fits in with the character of the neighborhood.

7. The applicant's professional, Gary Indyk, was sworn and recognized by the Board as an expert in his field. He testified as to the unique existing property conditions and the proposed improvements at the property. He testified that the applicant was seeking to attach the proposed portico to the main residence. He testified that the application would result in a right side yard encroachment, and requested a variance to allow a 5 foot setback, where 15 feet is required. The application and variance would improve the curb appeal of the property and improve the aesthetics and functionality of the property. The property is a uniquely shaped lot, the residence is situated on the far right side of the property, is bordered by woods and utility company property, and the variance requested is minor and will not be obtrusive due to the existing lot size.

8. One member of the public, a neighbor, appeared in favor of the application. There were no members of the public who appeared in opposition to the application.

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby grants approval of the requested variance, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:

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BERGEN COUNTY, NJ**

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A. All fees and assessments required by ordinances and due and owing to the Borough of Allendale for this site shall be paid in full to the Borough of Allendale for professional review and approval of the applicant's plans not previously paid shall be paid in full by the applicant.

**BE IT FURTHER RESOLVED** that the Allendale Land Use Board hereby determines that the variance hereby granted constitutes a "hardship" variance under N.J.S.A. 40:55 D-70C.(1), due to the unique characteristics of the property, the existing situs of the main residence, and the existing non-conformities.

**BE IT FURTHER RESOLVED** that in granting such variance the Board finds and concludes that the grant of approval of this variance advances the purposes of the Municipal Land Use Law, that there is no substantial detriment to the public good and that the benefits of the deviation substantial outweigh any detriment. The Board also concludes that the grant of the variances will not substantially impair the intent and purpose of the Allendale zone plan and zoning Ordinances, as the proposed development will improve the aesthetics of the zone and neighborhood.

**BE IT FURTHER RESOLVED** construction shall proceed in accordance with the approved plans and drawings marked in evidence, the testimony of the applicant and in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

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BERGEN COUNTY, NJ

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**BE IT FURTHER RESOLVED** that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee therefore. The Secretary shall also file a copy of this Resolution in the offices of the Borough Clerk, Building Inspector, Construction Code Official, Tax Assessor and the Borough Attorney and shall publish a brief notice of the decision in the official newspaper, the cost of which shall be paid for by the applicant.

Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:

  
JOSEPH DALOISIO, SECRETARY

Adopted: March 28, 2018

**RESOLUTION  
LAND USE BOARD  
BOROUGH OF ALLENDALE  
BERGEN COUNTY, NJ**

DATE: 03/28/2018

RESOLUTION# LUB 18-12

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Davis			✓			
Daloisio	✓		✓			
Kistner						✓
O'Toole						✓
Sasso		✓	✓			
Sirico						✓
White			✓			
Quinn			✓			
Kearl - Alternate						✓
Lovisolo - Alternate						✓

Carried  Defeated  Tabled

**ADOPTION OF BY LAWS OF  
THE LAND USE BOARD OF THE BOROUGH OF ALLENDALE**

**Whereas**, the Land Use Board of the Borough of Allendale was established by Ordinance 18-03; and

**Whereas**, N.J.S. 40:55D-8 provides that a municipal agency adopt rules not inconsistent with the provisions of the Municipal Land Use Law; and

**Whereas**, the Land Use Board attorney has drafted By Laws consistent with the Municipal Land Use Law; and

**Whereas**, the Land Use Board of the Borough of Allendale is desirous of adopting the By Laws to establish such rules, regulations and procedures for conducting board business.

**Now, Therefore, Be It Resolved** by the Land Use Board of the Borough of Allendale that the By Laws be and are hereby adopted.

Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, Secretary

Adopted: March 28, 2018