

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

DATE: 06/20/2018

RESOLUTION# LUB 18-15

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

**RESOLUTION APPROVING
APPLICATION FOR VARIANCE AND SITE PLAN APPROVAL FOR
CONTROL ASSOCIATES, INC.
BLOCK 601, LOT 3.01
(a/k/a 20 COMMERCE DRIVE)**

WHEREAS, the applicant, CONTROL ASSOCIATES, INC., with a business address of 20 Commerce Drive, Allendale, NJ, is the owner of property at 20 Commerce Drive, Allendale, NJ, (Block 601, Lot 3.01) and has applied for variance and waiver relief, as well as preliminary and final site plan approval, in connection with this property (the "Property"); and

WHEREAS, the Land Use Board has reviewed the evidence and testimony of the Applicant, and its professionals, including Engineering and Architectural plans, drainage calculations, and environmental reports, and the testimony of other interested parties desiring to be heard at its public meeting on May 16, 2018, and Public Notice having been given by the Applicant in accordance with the requirements of the Municipal Land Use Law; and

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WHEREAS, the Land Use Board has reviewed the testimony provided to it by its Engineer and Planner, and considered input from its public safety personnel and professionals; and

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

1. The Property is located in the EM Zone District, and it is pre-existing nonconforming. This zone provides for mixed industrial and low/moderate income residential dwelling development. The application was submitted in evidence.
2. The subject property is currently developed with a 28,663 sf building and associated amenities. The building contains office, manufacturing and storage space.
3. There are two pre-existing non-conforming conditions on the site. First, the existing parking lot encroaches into the required setback (Section 270-39D). Second, the number of existing parking spaces is less than required. (Section 270-40D).
4. The application and plans propose a 9,287 sf building addition, parking lot expansion and utility modifications. The one-story addition will expand the office area from 16,337 sf to 20,213 sf, the storage area from 4,151 sf to 8,940 sf, and the manufacturing area from 8,175 sf to 8,698 sf.
5. The parking lot expansion includes a second driveway opening on Boroline Road, increases the number of parking stalls from 67 to 116, with 16 of those spaces reserved as future parking stalls.
6. The application proposes to add to the pre-existing non-conformity by maintaining the existing 9 ft by 18 ft parking stalls, and creating the proposed parking stalls as 9 ft by 18 ft, which is less than the required 10 ft by 20 ft. parking stall. The 9 ft by 18 ft parking stalls were previously granted variance approval by the Allendale Planning Board.
7. The application also seeks a variance for the parking setback to be 5 feet rather than 7 feet as required, said variance having been previously granted during the original site plan application.

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8. The Applicant also seeks a waiver for the construction of parking aisles with a width of 24 feet, wherein 25 feet is required.
9. The Applicant presented testimony from its Chief Operating Officer, Philip Orsey, who testified as to the Applicant's operations and facility on site. The Applicant is the sole occupant of the building, and recent business growth has spurred the need for this proposed expansion/addition.
10. The Applicant presented testimony from its Engineering expert, Daniel Lamothe, P.E., of Lapatka Associates, and the Board accepted in evidence engineering plans prepared by Lapatka Associates dated April 24, 2018. The Board also accepted in evidence Drainage Calculations prepared by Lapatka Associates, dated February 20, 2018, last revised April 24, 2018. Mr. Lamothe was sworn and recognized by the Board as an expert in his field. He testified as to the present conditions, and proposed site plan improvements, including the engineering plans submitted as part of the Application. Mr. Lamothe also testified as to the previous application for expansion at the site, which was approved by the Allendale Planning Board in 1996, but never constructed on site. It is noted that the present application seeks a smaller expansion/addition than that which was approved in 1996. He also testified as to the storm water management improvements which would be a component of the expansion/addition, and which would bring the site in compliance with current storm water management requirements, as well as ADA improvements and lighting improvements. He further testified as to the beneficial improvement to traffic flow that the application would create, as well as landscaping improvements. Mr. Lamothe specifically addressed the fact that 9 ft by 18 ft parking stalls were accepted under the RSIS, and that there would be no detriment to this size parking stalls, as the site generally handles only employees and infrequent guests. Mr. Lamothe also adequately addressed the issues raised by the Borough Engineer in his application review memo.
11. The Applicant presented testimony from its Architectural expert, Peter Dito, AIA, and the Board accepted plans prepared by Peter Dito, dated February 26, 2018. Mr. Dito testified that the aesthetics of the existing building would be maintained in the addition, and about the specific uses and activities, namely office, manufacturing and storage space, in the building itself, which would remain consistent.
12. The Applicant also presented and the Board accepted in evidence a letter from Scott E. Begraft, of Dover Environmental Sciences, Inc. to Daniel Lamothe, dated April 30, 2018, which indicated that endangered and threatened species are not present in nor utilize the on-site wooded area, and that development of this area will not have an impact on said species.

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13. Allendale Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated April 4, 2018. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board. Mr. Vreeland testified that in his opinion the aisle width and aisle stall waiver requests were reasonable and acceptable. Further, Mr. Vreeland testified that the storm water management improvements were feasible and would bring the site into compliance with current regulations.
14. Allendale Borough Planner Edward Snieckus, Jr., PP, LLA, ASLA, reviewed the submissions by the applicant and prepared a Memorandum dated April 14, 2018. Mr. Snieckus testified that the proposed reserve parking proposal was reasonable and acceptable, and that the waivers and variance relief requested were agreeable from a planning standpoint.
15. No members of the public appeared in connection with the application.
16. Based upon the evidence and testimony presented, the Board concludes that the application, variances and waivers requested would improve the aesthetics and functionality of the property, the grant of the variances would promote or advance the purposes of the Municipal Land Use Law, and the benefits of such variances and waivers outweigh any detriment. It is determined that for the applicant to now comply with the smaller parking stall size and aisle width, which has existed and was approved over twenty years ago, would be a hardship, as the building is a lawfully existing structure in its current location, and these issues and variances have never presented a problem on site. The same holds true for the parking setback variance. The evidence and testimony support the fact that these hardships associated with the present condition of the property and premises greatly outweigh the negative criteria to the Borough zoning ordinances and the zone plan and surrounding neighborhood. In addition, the variances and waivers requested will not excessively expand the present non-conforming conditions. Further, the traffic flow on site will be improved with the application. Finally, the site requires 116 parking stalls, and the application proposes to construct 100 parking stalls, with 16 stalls reserved for future use if the need arises, and the Board believes this to be reasonable and acceptable.

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval of the requested variances and waivers, and grants preliminary and final site plan

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approval, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:

- A. All fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the applicant's plans, shall be paid in full to the Borough of Allendale by the applicant.
- B. Applicant shall comply in all respects with all applicable State, County and Municipal codes, ordinances, rules and regulations, and remain subject to all other governmental approvals prior to development.
- C. Approval by the Bergen County Soil Conservation District.
- D. Approval by the Borough of Allendale Police Chief and the Borough of Allendale Fire Chief/Fire Prevention Bureau, and the issuance of the proper permits from the Borough of Allendale, including but not limited to Tree Removal Permit, Soil Movement Permit and Street Opening Permit.
- E. If there shall arise a need for the construction of the designated future parking stalls, based upon a recommendation by either the Applicant or the proposed Borough Zoning official, these parking stalls shall be constructed within a reasonable time of the notice, and without the necessity of further approval from the Land Use Board.

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby determines that the variances hereby granted constitute a "hardship" variance under N.J.S.A. 40:55 D-70C.(1), due to the unique characteristics of the property, the pre-existing approved conditions, and the existing non-conformities. The Board also determines that the variances hereby granted are permitted under N.J.S.A. 40:55 D-70C.(2), in that the grant of these variances promote or

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advance the purposes of the Municipal Land Use Law and the benefits of such deviation outweigh any detriment.

BE IT FURTHER RESOLVED that in granting such variances the Board finds and concludes that the grant of approval of these variances pose no substantial detriment to the public good and that the benefits of the deviations 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.

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

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

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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: June 20, 2018

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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
MICHAEL & LINDA DEKI
BLOCK 1604, LOT 24
(a/k/a 26 GEORGE STREET)**

WHEREAS, the applicants, Michael & Linda Deki, the owners of the property located at 26 George Street, known as Block 1604, Lot 24 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 April 25, 2018 for approval of variances for the premises, which is located in the A zone, from the Allendale Code, Zoning; and

WHEREAS, the application seeks variances since the property and structure is pre-existing non-conforming, and the application specifically seeks to expand the stand-alone garage to fit one car, and in connection with the primary residence, seeks to add a full bath on the

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second floor, expand a bedroom, expand a play room and add an entry vestibule at the rear of the house; and

WHEREAS, the application seeks specific variance relief for lot area, lot width, side yard setback, floor area, front yard setback, garage setback and rear yard setback; and

WHEREAS, the Land Use Board considered the matter at the May 16, 2018 regular meeting of the Land Use Board at which the applicant, Michael Deki, and his architect, Mary Fitzpatrick Scro, AIA, LEED AP, personally appeared and testified;

NOW THEREFORE BE IT RESOLVED by the Borough of Allendale Land Use 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 26 George Street, known as Block 1604, Lot 24, 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 April 20, 2018, prepared by Mary Fitzpatrick Scro, AIA, LEED AP of Z+ Architects; and a Survey, dated December 7, 2006, prepared by GB Engineering, LLC. 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 May 9, 2018. The Memorandum was in evidence and reviewed and examined by the members of the Land Use Board.

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5. Variances are required because an A residential zone requires a minimum lot area of 20,000 square feet; a minimum lot width of 115 feet; a maximum floor area ration of 25%; minimum side yard setbacks of 15 feet; minimum front yard setback of 35 feet; a minimum rear yard setback of 50 feet; and a garage setback encroachment of 6 feet, all of which are exceeded by the existing premises and the proposed improvements.

6. The applicant was sworn and testified that he was seeking to construct an addition to the primary residence to better accommodate his family, and to expand the garage so that it would fit one car. It was also testified that he was seeking an addition 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, Mary Fitzpatrick Scro, was sworn and recognized by the Board as an expert in her field. She testified as to the unique existing property conditions and the proposed improvements at the property. She testified that the lot size was severely undersized at 6000 square feet, the home was older with small rooms, and the layout of the primary residence and the garage was problematic. She also testified that it was the smallest lot on the block, and that the existing garage was non-functional. She testified that the application was for a 365 square foot addition to the primary residence and that it would maintain and result in a front yard encroachment, a side yard encroachment, a rear yard encroachment, a garage setback encroachment, and an exceedance of the maximum floor area ratio, and requested a variance to continue and expand these encroachments. 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 small lot, and the garage and residence are positioned awkwardly on site. She also testified that the hardships associated with the present condition of the property and premises greatly outweigh the negative criteria to the Borough zoning ordinances and the zone plan and neighborhood. In addition, the variances requested will not excessively expand the present non-conforming conditions, and will not be obtrusive due to the existing lot size. In addition, the majority of the FAR is being added in the rear of the premises, which will not be visible from neighboring properties, and the owners will now be able to put a car in the garage, instead of leaving it outside in the driveway.

8. No members of the public appeared in connection with the application.

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

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A. All fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the applicant's plans, shall be paid in full to the Borough of Allendale by the applicant.

B. Surface and roof run-off must be addressed in consultation with the Borough Engineer so that there is safe and adequate drainage of surface and roof run-off, so as not to impact adjoining properties and/or the street, including but not limited to a roof run-off retention system if recommended and approved by the Borough Engineer.

C. The Borough Engineer must confirm, on final plans and in the field, that the overhang on the primary residence does not encroach on the adjacent lot.

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby determines that the variances hereby granted constitute 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 garage, and the existing non-conformities.

BE IT FURTHER RESOLVED that in granting such variances the Board finds and concludes that "special reasons" exist for the granting of the variances, and that the grant of approval of these variances advance the purposes of the Municipal Land Use Law. The Board further finds that there is no substantial detriment to the public good and that the benefits of the deviations 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.

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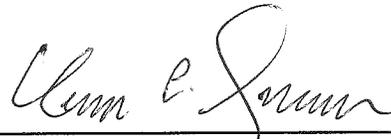
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BE IT FURTHER RESOLVED construction shall proceed in accordance with this Resolution, the approved plans and drawings marked in evidence, the testimony of the applicant and in accordance with all applicable State, County and Municipal codes, ordinances,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

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: June 20, 2018