

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

A Regular Meeting of the Allendale Land Use Board was held in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, New Jersey 07401 on May 16, 2018. The meeting was called to order at 7:32pm 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 members answered roll call:

Board member Bergen	Vice Chairman Sirico
Board member Davis	Mayor White
Board member Kistner	Chairman Quinn
Board member O'Toole	Alternate Lovisolo
Councilman Sasso	

The following members were absent:

Secretary Daloisio
Alternate Kearl

The following individuals were also present:

Board Attorney Christopher C. Botta, Esq.
Board Engineer Michael Vreeland
Board Planner Ed Snieckus
Deputy Municipal Clerk Michelle Ryan

APPROVAL OF MINUTES:

Chairman Quinn announced that the Minutes of the April 18, 2018 Regular Session Meeting would be carried until the June 20, 2018 to give the Board sufficient time to review and make comment.

THIRD ROUND HOUSING ELEMENT & FAIR SHARE PLAN:

Chairman Quinn informally polled the Board to determine if 6:30pm on June 20, 2018 worked for their schedules to have Mary Beth Lonergan come back to review the changes, amendments and addendums to the Housing Element and Fair Share Plan that she had presented earlier in the evening. After discussion, it was decided to start the meeting at 6:30pm. Chairman Quinn asked Ms. Ryan to inform Mary Beth Lonergan of the time of the meeting.

PUBLIC HEARING:

Application File No: LUB 2018-02
Applicant: Control Associates, Inc.
Address: 20 Commerce Drive, Allendale, New Jersey 07401
Block: 601 Lot: 3.01

**Application: Preliminary & Final Site Plan Approval
Variance Relief
Waiver of Site Plan Details**

Bruce Whitaker, Esq. of McDonnell & Whitaker stated he was appearing on behalf of the applicant to request an amendment to a site plan that had been previously approved along with certain waivers and variances for the purposes of constructing an addition to the existing building, therefore allowing the owner/tenant to expand business operations.

Mr. Whitaker gave an overview of the application. He noted that in the 1990's when Industrial Park was being developed, some of the proposed buildings were given spec approvals. Control Associates purchased their building in 1997, which existed at the time. In 1996, the Allendale Planning Board granted approval for a 38,000 sq. ft building at the site to be completed in two phases, but the second phase was never built and the approvals ran out. Control Associates has been in Allendale for over twenty years and likely the only owner-occupied building in that area. Their business has grown and they would like to remain in Allendale.

Mr. Whitaker informed the Board that the minutes and old resolutions of 1994, 1996 and 1997 pertaining to approvals for this property were attached to the submitted application as well as an addendum, which compares prior approvals and current proposals.

They propose to expand the existing office space from 16,337 sq. ft to 20,312 sq. ft., the existing storage from 4,151 to 8,940 sq. ft. and the existing assembly/manufacturing area from 8,175 to 8,698 sq. ft for a total of 37,950 sq ft. Their application is based on the resolution of May 16,1996, which granted approval for a 28,000 sq. ft building to be built in Phase I, actual size of the existing building is 28,663 sq ft, and Phase II of an additional 10,000 sq ft.

Testimony will support that they do not need all the parking spaces that the code requires and are instead proposing 100 parking spaces to be constructed now. They propose to have some of that space remain green and have a set aside for an additional 16 future parking spaces. The then Planning Board had required 117 parking spaces at that time and they had also granted a variance to allow for 9x18 ft spaces rather than the required 10x20 ft. Traffic coming to this property is not of a retail nature so the smaller size parking spaces have worked.

Prior approvals were given to allow for a 24.5 foot parking aisle width. They are proposing to diminish the aisle width to 24 feet, where 25 feet is required, as well as putting an aisle around the entire building, allowing for better emergency access.

The impervious coverage previously approved was 72.7%. The zone has a maximum of 75% however 72% is proposed, below the maximum as well as what was previously approved.

Applicant is also seeking waivers to certain submission requirements such as providing meets and bounds and having to show wooded areas indicating predominant species since this is already a developed area. A waiver of profile of proposed utility lamps and a waiver of submission of natural resource inventory are also requested as this is already a developed property.

Mr. Whitaker stated that it is the applicant's position that the variance and waiver relief sought can be granted by applying Res Judicata. These were previously approved in 1996 and the zone remains

same and ordinances remain basically the same. If the Board is not inclined to apply Res Judicata, then the variances sought are C-1 variances.

Mr. Whitaker said that the applicant satisfied the administrative requirements and provided a letter to the Board from Bergen County Planning stating that their review would not be required. Bergen County Conservation District granted their approval on condition that a 5G3 Construction Activity Stormwater Discharge Permit be required, which applicant will provide to the Board.

The applicant revised their original plan based on Mr. Vreeland's comments and the plan with final revision date of April 24, 2018 addresses many of the issues raised in Mr. Vreeland's report.

At Chairman Quinn's request, Mr. Botta confirmed his review of the publication notice and mailings to property owners that taxes are up-to-date and legally the application is complete. Mr. Botta determined the public hearing could proceed.

Mr. Botta swore in Phillip Orsi, Chief Operating Officer for Control Associates. Mr. Orsi testified that he has worked for Control Associates since 1999 and is in charge of finance, operations, human resources, IT and services. He is familiar with the daily functions of the company. Control Associates does direct sales for Emerson Process Management, selling products and services in the automation controls industry. Business has grown and with new products to offer their customers, their current warehouse space is no longer adequate. Mr. Orsi stated that it was Control Associates' intention to use the addition for warehouse space, office area and assembly area. They are primarily a stock and ship company with only light assembly, no manufacturing. Their business hours are 8am to 5pm Monday through Friday and rarely have weekend hours. They currently have 72 employees, but are hoping to expand to 92, with plans to hire 5 people this year. This is not a retail business. They have 70 parking spaces, 2 of which are handicapped. They recently conducted a parking study and on average 22 spaces are open each day because their sales people are in the field. Since November 22, 2017, there have been 183 visitors, which averages 1.5 people daily. In most instances, Control Associates delivers to their customers as opposed to them coming to pick up. On average, there are 7 truck UPS & Fed Ex deliveries per day and once per month a 53ft delivery truck.

Chairman Quinn inquired about the existing loading docks and Mr. Orsi responded that they will not be changing. Truck traffic location will not change.

Mr. Orsi confirmed that Alternate Lovisolo was correct that the existing loading docks are located in the rear, right side of the building.

Vice Chairman Sirico asked Mr. Orsi if the current parallel lined area in the parking lot behind the loading dock was going to remain, to which he responded affirmatively.

Mayor White asked Mr. Orsi to confirm her understanding of the average number of truck traffic.

Chairman Quinn asked if the Board's professionals had any questions of Mr. Orsi to which Mr. Vreeland stated that he had none. Mr. Snieckus asked if the 92 anticipated employees were inclusive of employees in all areas. Mr. Orsi said yes, that is the total number and they do not see it going higher than that. Mr. Orsi confirmed that there are no hazardous materials onsite.

Daniel LaMothe of Lapatka Associates was rendered fully qualified in civil engineering and sworn in by Mr. Botta.

Mr. LaMothe testified that he is familiar with the site, its location, survey, and the prior approvals previously granted. Mr. LaMothe confirmed that he worked with the architect to put together a plan, submitted with the application to show existing conditions, proposals and what had been approved in 1996. A copy of the Site Plan showing the Boundary and Topographic Survey with existing conditions was marked as Exhibit A-2. Exhibit A-1 was the Application.

Mr. LaMothe advised the board of the existing conditions of the subject site: approximately 3 acre lot; just under 29,000 sq ft building in the center of the property, located at 20 Commerce Drive with 69 existing parking spaces, two way driveway and a turnaround circle off Boroline Road as well as one in the back of the property, a loading area in the back with space for trucks to maneuver. There is an existing non-conformity for parking property line setback, which is 5 ft. where 7 ft. is required. Chairman Quinn inquired if the neighboring property also has parking and Mr. LaMothe confirmed. Mr. LaMothe stated that a waiver for drive aisle width is being requested as 24 ft is being proposed, previous approval was 24.5 ft, where 25 ft is required. Also, existing parking stalls are 9x18, which had been previously approved, instead of the required 10x20. The property is located in the EM Zone.

Mr. LaMothe stated the intention is to complete the remaining $\frac{1}{4}$ of the project that had been previously approved. They are proposing an addition, just over 9,000 sq ft as well as a 2nd two-way driveway on the side of the building off Boroline Road, which had also been granted prior approval. They are also proposing to expand the parking fields in the front and back of the site so that there is better traffic circulation, connecting front and back of the property, which also promotes improved access for emergency vehicles. This was all previously approved in 1996.

The proposed number of parking spaces is 100, with 16 that could be constructed along the northerly property line at a later date if necessary. This area will be left landscaped at this time. A retaining wall would need to be constructed to address grading disparities.

There is a large detention system, in the westerly part of the property, which was designed to handle the entire developed site. Based on Mr. Vreeland's recommendations, they are proposing to add a second retention system consisting of stone field and seepage pits which will contain runoff to meet the stormwater management requirements. Drainage Calculations Report, revised 4/24/18, was marked as Exhibit A-4.

To properly light the site, they are proposing four new LED poles in the front and new parking area, back and side lighting remain same.

They are proposing new azalea hedges along Boroline Road parking area and will plant additional trees and foundation plantings in new area, and upgrade landscaping in front.

Mr. LaMothe stated that they are meeting many of the requirements from the prior approval and what is being proposed is slightly less impactful than what was previously approved. Dumpster will be enclosed and sidewalks will be made ADA compliant.

Mr. LaMothe stated that all Mr. Vreeland's comments from his memo dated April 4, 2018 were addressed in revised plans, Exhibit A-2, and he was confident these concerns and requirements could be met. Mr. Snieckus' report of April 14, 2018 addressed the need for a trash enclosure as well as

additional plantings. Mr. LaMothe said they will update the plans to show the enclosure and also have no objection to additional plantings.

Mr. Vreeland said that he had reviewed the initial submission and issued a memo dated April 4, 2018. He agreed with Mr. Whitaker that reduced access aisle width and reduced parking stalls were previously approved. Based on the testimony he heard as well as RSIS standards, he does not have any concern to granting these reductions. NJ's stormwater regulations have changed since 1996 and their revised plans adequately address quantity, quality and groundwater recharge. Mr. Vreeland believes, based on additional calculations that were submitted, it is feasible to meet the current standards. Mr. Vreeland will work with Mr. LaMothe. Mr. Vreeland noted that the applicant had asked for a waiver regarding a wooded area, which showed a potential habitat for endangered species. Applicant retained services of environmental company, who went onsite, and issued a report dated April 30, 2018, which addresses Mr. Vreeland's concerns. Mr. Vreeland noted that there was ponding of water in the back parking lot area that should be addressed as other improvements are made. As per their May 2nd letter, Lapatka stated they will address all items in Mr. Vreeland's memo and he is satisfied that they have addressed and will address the concerns.

Mr. Snieckus stated that his report dated April 14th raised the issue that the applicant should determine if wetlands exist. Mr. LaMothe stated that there were no wetlands. Section 270-100A and 100E specifies that there should be a buffer of at least 75 feet from the EM zone to a residential zone. Though there is some question if it applies, there is a residential area there located in Saddle River. Applicant agreed to put the landscaping in that Mr. Snieckus had recommended to create additional buffers as well as to address grading issues. Mr. Snieckus does have questions of the architect. If the board approves, he suggested that the appropriate trigger mechanisms should be proposed by the applicant and referenced in the resolution regarding the need for the additional 16 parking spaces. Mr. Vreeland concurred.

Alternate Lovisolo inquired about the berm on the northerly area of the site.

Chairman Quinn asked if any other members had questions of Mr. LaMothe. Seeing none, Peter Dito was called to give testimony by Mr. Whitaker.

Peter Dito of FDA Architects was sworn in by Mr. Botta.

Mr. Dito testified that he was familiar with the site, prior approvals and had worked with applicant and Lapatka Associates to create an architectural plan. The proposed addition is basically cloning the rest of the building with light framing and stucco. The existing building consists of office space, storage/warehousing and assembly area and Mr. Dito discussed the interior renovations such as bathroom and cafeteria space that will be done as well. The proposed warehouse area is a two story addition and the office space area is a one story addition. Mr. Dito described the dimensions and stated that the additions will mirror the existing structure. It will actually be a little smaller than what had previously been approved. He confirmed to Chairman Quinn that the same building materials will be used as what is currently there.

Mr. Vreeland had no questions or comments.

Mr. Snieckus inquired about rooftop mechanicals and their expansion. Mr. Dito confirmed that there will be additional ones and be in line with the existing mechanicals.

Mr. Dito confirmed to Chairman Quinn that it will all be in compliance with ADA requirements.

Alternate Lovisolo asked if the existing outside picnic table area would be relocated since they are being eliminated due to proposed parking and driveway areas. Mr. Orsi stated that it could be relocated to the back area, but they don't get used that often unfortunately.

Mr. Whitaker concluded his presentation and Chairman Quinn opened it to the public for comment. Hearing and seeing none, he brought it back to the board.

Councilman Sasso asked Mr. Botta about the 200ft notice requirements and Mr. Botta stated the requirements had been satisfied. Councilman Sasso wanted it noted that none of the other commercial business owners were present in the audience. Councilman Sasso also reminded the applicant that the Borough has a tree-cutting ordinance and Mr. Whitaker stated his client would comply with it and replace some trees in the northerly property area.

Vice Chairman Sirico asked about line of sight and Mr. Vreeland stated that it appeared to be adequate. The applicant will need to get a soil movement permit as well as a street opening permit.

Chairman Quinn invited comments from the Board on the general application.

Mayor White expressed how thrilled she was that they will be expanding, as they are a commercial property, and they are a wonderful addition to Allendale.

Chairman Quinn opened the meeting to the public for comment on the general application. Hearing and seeing none, he asked Mr. Botta to advise the board of the next steps procedurally.

Rejecting the res judicata argument based upon a thorough presentation as well as the substantial time that had passed from the previous approval, Mr. Botta stated that a motion could be made on the application, waivers testified to and the variance relief sought based on C-1 or C-2 criteria.

Vice Chairman Sirico echoed Mayor's sentiments and thanked the applicant for staying in Allendale.

On motion by Vice Chairman Sirico, second by Board member Kistner, with no members having any further comment, the Board granted approval for the application, waivers testified to and the variance relief sought based on C-1 or C-2 criteria.

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

Board member Bergen - aye	Vice Chairman Sirico - aye
Board member Davis - aye	Mayor White - aye
Board member Kistner - aye	Chairman Quinn - aye
Board member O'Toole - aye	Alternate Lovisolo - aye
Councilman Sasso - aye	

Application File No: LUB 2018-04

Applicant: Michael & Linda Deki

Address: 26 George Street, Allendale, New Jersey 07401

Block: 1604 Lot: 24

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

Variance – Minimum Lot Width (270-57F)
Variance – Minimum Side Yard Setback (270-64C)
Variance – Maximum Floor Area (270-63A)
Variance – Minimum Front Yard Setback (270-57B)
Variance – Minimum Rear Yard Setback (270-57D)

Mr. Botta advised that since this is a D variance, Mayor White and Councilman Sasso needed to recuse themselves. Both Mayor White and Councilman Sasso stepped down from the dais and left the building. Before Mayor White left though she said that the redevelopment issue related to the former Black Millwork properties would be coming before the Board in June.

Chairman Quinn called the applicant forward to begin the public hearing. Michael Deki, property owner/applicant, was present along with Mary Scro of Z+ Architects. Ms. Scro's qualifications were accepted as presented and Mr. Botta swore in Ms. Scro for testimony.

Mr. Botta confirmed his review of the publication notice and mailings to property owners, that taxes are up-to-date and legally the application is complete.

Ms. Scro submitted copies of the survey as it was omitted from the original submission as noted by Mr. Vreeland. Mr. Vreeland confirmed to Chairman Quinn that he had seen the survey as a copy was emailed to him.

Ms. Scro stated that the applicant had applied in 2008 for variance relief, but had moved to Japan and never proceeded with construction. They moved back to Allendale with their growing family. She stated that they are looking to expand a bedroom and add a 2nd bathroom upstairs as there is currently only one bathroom in the house. On the first floor, they are proposing to create a small vestibule and expand the family room. It is an older house with small rooms. The lot is 6,000 sq. ft., grossly undersized as the zone is supposed to be 20,000. The house is currently 2,029 and they are proposing to add 365 to bring it to a total of 2,394 sq. ft. The adjacent house is 2,738 and they are trying not to overbuild the neighborhood. They just need additional space for modern living. They are also proposing to expand and rebuild the existing garage so as to allow for a car to fit into it as currently at 10x18 one cannot. The expansion will be towards the home itself.

Addressing Mr. Vreeland's comment regarding overhang, it will only be 9 inches and will not hang over the property line.

Impervious coverage is within the requirements at 46.75% with 55% allowed. They will be landscaping, taking the existing deck off and putting a new patio down.

The rear yard setback exceeds requirements due to the bottom back step coming straight out to allow for best access to the driveway.

The front and side yard setbacks are existing non-conformities and part of the 2nd floor addition will expand the non-conformity as well as it is a corner lot so there are 2 front yards.

Though the size of the house is very much in keeping with the neighborhood, the lot being so undersized is a hardship. The benefit of allowing expansion of the garage and home so they can continue to reside there outweighs the negative criteria.

Chairman Quinn inquired about the adjacent property as well as the existing non-conformities. Ms. Scro confirmed that many of the non-conformities are pre-existing and stated that if the lot was conforming, they would not have to seek all these variances. They are already over the Floor Area Ratio because of their lot size. This is a de minimis change though.

Chairman Quinn asked for comments or questions for the Board's professionals.

Mr. Vreeland stated his concern regarding the overhang was more on the house, not the garage. Ms. Scro responded that they will make sure that they are not encroaching on neighboring properties. Mr. Vreeland also inquired about runoff and not impacting neighbors and suggested that there be a seepage pit or retention system to catch runoff.

Mr. Snieckus said that Mr. Vreeland appropriately addressed everything in his memo and offered suggestions that applicant could consider such as landscaping to minimize any impact on the neighbors.

Alternate Lovisolo questioned if the existing trees would be staying. Ms Scro responded they are at this time; however they are going to re-landscape.

Chairman Quinn expressed his concern with the size of the proposed patio, loss of green space and the impact on impervious coverage. Ms. Scro stated that the patio was just put as a placeholder at this time and will work with a landscape architect to finalize. They used it to calculate impervious coverage. Mr. Vreeland confirmed to Chairman Quinn that pavers are impervious. Chairman Quinn asked for confirmation that a car would not be parked on the patio, which he received.

Board member Bergen inquired about the rooflines and overhangs. She was assured that they would all be in line.

Vice Chairman Sirico asked about the driveway and was told it fits one car, not two side to side.

Mr. Vreeland asked about exterior lighting and Ms. Scro stated they would comply with requirements.

Chairman Quinn said he is always concerned with Floor Area Ratio, but this is a small home, small addition on a small lot.

Chairman Quinn asked for questions and comments from Board members, but seeing and hearing none he asked Mr. Botta for next step procedurally and to provide legal commentary.

Mr. Botta stated that the applicant must show that there will not be a negative impact on the neighborhood, that there is a special reason such as hardship for the granting of the variance, and that the negative criteria is outweighed by the positive criteria. If Board's inclined, positive criteria could be character of neighborhood not impacted, proposal is aesthetically pleasing, applicant's proposal is of a smaller nature, and the proposal is not negatively impacting the zone.

Chairman Quinn suggested that there be some drainage system, acceptable to the Borough Engineer as suggested by Mr. Botta, put in place to address the roof runoff and that the downspouts not be pointed towards neighbors' properties. Alternate Lovisolo stipulated that the

proposal would be scaled back if the overhang went onto neighboring properties. Ms. Scro stated on behalf of the applicant that these stipulations were agreeable.

Chairman Quinn opened to the public for comment or testimony. Seeing and hearing none, he asked for a motion.

On motion by Vice Chairman Sirico, second by Board member Kistner, with Vice Chairman Sirico stating that he had utmost confidence in Ms. Scro's ability and familiarity with Allendale to carry out the stipulations of the Board's approval and with Board member Kistner stating how nice it is when longtime residents can remain in town, the Board granted the variance approval requested with stipulations.

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

Board member Bergen - aye	Vice Chairman Sirico - aye
Board member Davis - aye	Mayor White – abstain/recused
Board member Kistner - aye	Chairman Quinn - aye
Board member O'Toole - aye	Alternate Lovisolo - aye
Councilman Sasso – abstain/recused	

OPEN TO THE PUBLIC:

Seeing and hearing none, Chairman Quinn brought it back to the Board.

CORRESPONDENCE:

There was no correspondence.

ADJOURNMENT:

There being no further business to come before the Board, on motion by Vice Chair Sirico, second by Board member Kistner, with all members present voting in favor, the meeting was adjourned at 9:24pm.

Respectfully submitted,

Michelle Ryan
Deputy Municipal Clerk