

LAND USE BOARD
BOROUGH OF ALLENDALE
500 West Crescent Avenue
Allendale, New Jersey 07401

A Special 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 June 20, 2018. The meeting was called to order at 7:43 pm 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
Secretary Daloisio	Mayor White
Board member Davis	Chairman Quinn
Board member Kistner	Alternate Kearl
Board member O'Toole	
Councilman Sasso	

ABSENT: Alternate Lovisolo

The following individuals were also present:

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

APPROVAL OF MINUTES:

Motion by Mayor White second by Vice Chairman Sirico that the Minutes of April 18, 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	Vice Chairman Sirico - aye
Secretary Daloisio - aye	Mayor White - aye
Board Member O'Toole - aye	Chairman Quinn - aye

Motion by Mayor White, second by Vice Chairman Sirico that the Minutes of May 16, 2018 Special Joint Work Session of the Mayor & Council and 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
Board Member Davis - aye	Vice Chairman Sirico - aye
Board Member Kistner - aye	Mayor White - aye
Board Member O’Toole - aye	Chairman Quinn - aye

Chairman Quinn stated that the Minutes from the May 16, 2018 meeting will be voted on at the July 18, 2018 Meeting.

RESOLUTIONS:

- A. LUB 18-15: Resolution of Approval
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

A Motion was made by Mayor White, second by Board Member Kistner to approve the Resolution for Variance relief LUB 18-15.

On a roll call, the vote on Resolution LUB 18-15 was recorded as follows:

Board Member Bergen - aye	Councilman Sasso - aye
Board Member Davis - aye	Vice Chairman Sirico - aye
Board Member Kistner - aye	Mayor White - aye
Board Member O’Toole - aye	Chairman Quinn - aye

- B. LUB 18-16: Resolution of Approval
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 (270-64C)

Variance – Maximum Floor Area (270-63A)
Variance – Maximum Front Yard Setback (270-57B)
Variance - Maximum Rear Yard Setback (270-57D)

A Motion was by Board Member Davis, second by Board Member Kistner to approve the Resolution for Variance relief LUB 18-16.

On a roll call, the vote on Resolution LUB 18-16 was recorded as follows:

Board Member Bergen - aye Vice Chairman Sirico - aye
Board Member Davis - aye Chairman Quinn - aye
Board Member Kistner - aye
Board Member O'Toole - aye

CORRESPONDENCE:

Biscayne Generator Project

Mr. Botta stated that Police Officer Michael Dillon is here tonight. This matter relates to a generator being placed on a water tank which is located in the Borough of Ramsey. Ramsey has asked Allendale to look at it since it is Allendale's property in the Borough of Ramsey. This is a courtesy review.

Officer Dillon stated that this is an important capital matter. A small natural gas emergency generator is required at the Biscayne water tank, one of Allendale's Police radio sites. Since the lot is actually in the Borough of Ramsey, he was advised by the Ramsey Borough Hall that the generator proposal needed to go to the Land Use Board to allow the Ramsey Zoning Board to review the application. In your packets are various site photos and specifics. The first photo is the generator pad which will be placed on stone. The second photo shows the location of the pad relative to the property boundaries. This is a large property and there is a large water tank elevated off the ground. The generator is smaller than what is currently there. On the right is a generator shed that is to be removed. This location is completely surrounded by Ramsey properties, there's no Allendale properties that are adjoining. The specifications are also included for the generator. The new generator is 9 kilowatts, it is a household generator, and it only controls various computer components for the radio system. It is on site but it is not installed. The next photo is the current gasoline generator and small shed to be removed and relocated to the Public Works Department.

Chairman Quinn stated you are replacing a gas generator with a natural gas one.

Officer Dillon stated the natural gas line is there, this is for the hook up which will be done by a licensed plumber.

Mr. Botta stated we need to have the Board pass a voice vote and I will communicate by letter to the Ramsey Police Department that it's been reviewed and the Allendale Land Use Board has no objection to you moving forward with your formal application in Ramsey.

On a roll call, all members present voted in favor of the application.

Councilman Sasso stated that at this time the Mayor and I will leave prior to the start of a variance relief matter. One thing I'd like to bring up is the pop up store by the Acme, a fireworks store that will be there for a couple of weeks. The State of New Jersey quietly last year permitted certain fireworks sales. We got an application for a tent in the parking lot. We told them they had to go before this Board, they then put in a zoning application for a store. We were vocal about it and consulted our Borough Attorney and we were told that we cannot stop it. This is a permitted use by code and we reluctantly had to approve it. It's here temporarily and will go away after fireworks season ends. Mayor White stated our Fire Inspector inspected the store and it met all the criteria that the state has outlined. We must move forward although it really is despicable that we had to allow this store to open. Chairman Quinn thanked Councilman Sasso for the update.

PUBLIC HEARING:

- A. Application File No: LUB 2018-03
Applicant: Paul Grosso and Adriana Cifuentes
Address: 151 Park Avenue, Allendale, New Jersey 07401
Block: 1702 Lot: 16
Application:
1. Appeal of Zoning Official's March 2, 2018 Decision regarding Provisions of Section 270-14, Accessory Buildings A & B (1) of the Code of the Borough of Allendale
 2. Variance – Section 270-18, Garages in Residential Districts, of the Code of the Borough of Allendale

Attorney: Craig Bossong
Florio, Perrucci, Steinhardt & Cappelli, LLC
218 Route 17 North
Rochelle Park, NJ 07662

Mr. Bossong stated there are two components to this. The first is the decision by the Zoning officer to rescind a permit that was issued. I believe this is the third time that these permits were pulled back or stop work orders were issued. In the alternative it's the variance request to basically seek a variance of your code which requires a property to have a garage. The applicant submitted an application for a building permit to renovate the house at the premises in March of 2017. They received a permit on that date and at the time there was no garage on the plans. They were renovating the structure, the garage was being removed without dispute. It was on the plans that there was not going to be a garage and the building permit was issued. Construction began and about a month later a stop work order was issued on April 18, 2017 because of this issue. Due to the stop work order, I reached out to the Building Department, they referred me to counsel for the Borough. I spoke with Michael Nestor who was one of the Attorneys for the Borough (Zoning Board of Adjustment at that time) and we worked on an accessory structure for the property that would house a garage on the side of the home. Everything was approved, the stop work order lifted, and construction resumed.

Revised plans were satisfactory to the Borough and Borough's Counsel. Subsequent to that, four months later, after the home was substantially completed, on August 7, 2017 the second stop order was issued indicating the plans that were approved were inadequate. We don't know why there was a secondary review in these four months however, we revisited this with counsel. We revised the plans even more and in order to get my client into the premises, it was agreed that the plans would go forward and the accessory structure would be built within eight months of the letter that the plans were satisfactory. Six months later brings us to the March 2, 2018 letter from the Construction Department again. Once again we have no idea what precipitated a further review. My client was making plans to construct what was approved and the permits are now rescinded, for the third time. The appeal is of that third rescission of the permits. The Borough should permit us to proceed and build the structure. In the alternative, we come to this Board to seek a variance to eliminate the requirements of the Borough.

The Planner will go through the positive and negative criteria and the Board can make a decision one way or the other.

Mr. Richard Preiss, Planner, was called as an expert. Mr. Preiss was sworn in and his credentials accepted by Mr. Botta.

Mr. Preiss stated that he reviewed the appropriateness of the variance request and that is for not providing a garage on the subject property, from a planning perspective. He stated I reviewed some of the history, the plans, the related documents, I visited the site, looked at the surrounding area, looked at the Allendale Master Plan and Zoning Ordinance and the regulations relating to the A residential District where the property is located. The lot is significantly undersized and narrow. There are a number of houses in this area that don't have garages, including the house that is adjacent to it. There are three on the block on the same side of Park Avenue. Those are 145, 183 and 185 Park Avenue. Also on the other side of Park Avenue as well. Many people choose to park in their driveway, or in front of the house and not in the garage.

Mr. Bossong stated the house that is immediately to the left of the applicant's premises, that is a 100 x 179 foot lot and it does not have a garage correct?

Mr. Preiss responded that is correct, there is a driveway along the same side as the property but there is no garage on that property.

Mr. Preiss stated in my opinion, a hardship variance, in this particular situation, is appropriate. You've heard the history of the application from counsel. The applicant relied on the Building Department, he followed the procedure for acquiring a building permit, the garage that was in the front of the home was removed and that was done without my client's knowledge that in doing so that would be a violation of your zoning code. Even, I, as the Planner, I do reviews of Zoning Ordinances daily, I had difficulty finding the section relating to the requirement that garages be provided. Had my client known, maybe he would not have chosen to go ahead with the renovation and remove the garage which has put him in this particular situation. There is a driveway space provided that provides for two off street spaces. Many of the homeowners in the neighborhood also park in the driveway even when there is a garage. He's not sure what the benefit would be by adding a garage. You're just adding additional paving, adding to the

storm water runoff, you're adding to the building coverage on the lot, you're removing an area of open space and there's a substantial disruption to the rear yard. Under the circumstances, due to the narrowness of the lot, this would be a hardship to add the garage. I believe a C1 variance would be merited in this case.

The lack of a garage does not appear to have any adverse impacts on the neighborhood since even with a garage, the applicant may choose to park in front and not even use the garage. I looked at the 2017 Master Plan reexamination, this situation has not been identified as a problem. The ordinance does not prohibit parking in the driveway and does not require that a garage only be used for the parking of vehicles, it can be used for other purposes.

Chairman Quinn stated the homeowner knew there was a garage there when they bought the home, they renovated the home, and they took the garage out. They received a permit to do so. Two months later the permit got revoked. They were put on notice that they needed a garage.

Mr. Preiss stated initially when the applicant applied for the permit he was not aware that a garage would be required. Had he known, perhaps he wouldn't have gone ahead with the renovation and taken the garage away. Only when the renovation had begun was he notified and it became a necessity to have a garage.

Chairman Quinn stated so the homeowner has no responsibility for knowing.

Mr. Preiss responded I'm not indicating that.

Chairman Quinn stated that's what I'm hearing but that's alright. Our Building inspector made a bad initial decision, or he made an error. I agree with that.

Mr. Preiss stated this has created a hardship for my client and I believe that and the physical circumstances on the lot merit a hardship.

Mr. Bossong stated this was then remedied with your counsel, an alternative design was approved, a building permit was reissued and the construction commenced. Now, after construction is completely done the permits are being retroactively revoked.

Mr. Botta stated, I think that the Board should focus on the testimony of the Planner with regard to the variance application. Since the Planner just testified, it's more appropriate for the Board to ask questions of the Planner relating to the variance.

Chairman Quinn asked for questions from the Board.

Exhibit A1 – Google street view of the preexisting structure.

Alternate Kearl stated normally when we look at the plans, they show the existing and the proposed. Wasn't this shown on the plans?

Mr. Bossong responded there was a first floor plan and it showed the existing and then it showed the front door where the garage was.

Alternate Kearn – Did it show the garage was being removed?

Mr. Bossong – It didn't say it was being demolished. The proposed garage was going to go immediately to the right of the house, where the driveway is. This would not have required a variance because it was considered an accessory structure and met all the setback requirements.

Mr. Vreeland stated the interpretation is in the zoning officer's letter dated March 2, 2018 where he stated it didn't meet two specific requirements for accessory structures. That would be subsection A and B.

Mr. Botta stated the Board does not have the plan that was presented to the Zoning Officer that he based his interpretation on. We have the March 2, 2018 letter but we don't have the plans.

Mr. Quinn stated the Board can only decide tonight the variance sought for not having a garage.

Ed Snieckus stated he was never provided with a report from the Planner or a review letter.

Mr. Preiss stated that if you look at the survey, on the right side of the house is the existing asphalt driveway, you'll see towards the rear there is a patio, hot tub, and pond in the rear. In order to provide a driveway and put the accessory structure with the required setback, it would require the accessory structure be placed behind the home and the driveway would have to be extended where part of the patio would be removed. I don't see the benefit to having a garage as there is no guarantee that one or both of the cars would park there.

Chairman Quinn asked for comments from the public.

Chris Greimel, 151 Park Avenue, Allendale, New Jersey stated the Planner indicated it was very difficult to find the language in the Ordinance about removing and replacing the garage. It's in the Zoning Ordinance, 270-18, entitled garages, driveways and parking.

Mr. Preiss stated as a planner, when you look for compliance of a particular plan, you look at the zoning requirements, and the bulk requirements, this is a separate part of the ordinance. The homeowner was relying on the Zoning Officer to point out any deficiencies.

Todd Griffith, 103 Crescent Commons Court, Allendale, New Jersey stated Mr. Preiss, you testified that the house to the left has no garage. Are you aware of when that house was built?

Mr. Preiss responded no, I am not.

Mr. Griffith stated, 145 Park Avenue was built in 1950.

Mr. Preiss stated I was just indicating that it's not uncommon for houses not to have a garage.

Mr. Griffith stated are you aware that you mentioned several times that there's no real benefit to a garage because people don't have to use them. Are you aware that in Borough of Allendale if you had a car that required a repair that it would need to be in a garage?

Mr. Preiss responded this application is not for this. This is for a single family home where typically there are two vehicles.

Alternate Kearl stated I find it hard to make a decision without the accessory structure information because you are claiming a hardship based on the start and stop of construction which was specifically regarding the garages or replacement of that garage. I see this as an unfortunate compliance issue with an ordinance that exists. I don't see it as a hardship. This would not benefit the community because many others would want to remove their garage.

Mr. Vreeland stated we generally look at these types of applications, and the Planner mentioned, putting the garage in the back would increase the impervious coverage. From an Engineering standpoint, I can't dispute that, you have coverage requirements. Looking at the survey it appears that there would be room on the side of the house to extend the garage. The patio would be impacted. The house to the right has a framed garage located towards the rear of the property.

Chairman Quinn asked for comments from the public on the variance request.

Chris Griemel, 157 Park Avenue, Allendale, New Jersey stated my property is approximately the same size as the applicant's property. His surveyor has cheated him out of about 12 feet at the rear of his property. In 1867, when these lots were subdivided, there was a drainage swale which was dedicated back to the properties. There's an error on the survey. My house was built in the 1890's and I'm able to get a driveway there to a detached garage.

Board Member Kistner stated he believes we should take a vote tonight.

Chairman Quinn agreed.

A Motion was made by Board Member Kistner, second by Board Member O'Toole to deny the application for Paul Grosso and Adriana Cifuentes, 1. Appeal of Zoning Official's Decision regarding provisions of Section 270-14, Accessory Buildings A & B (1) of the Code of the Borough of Allendale. 2. Variance – Section 270-18, Garages in Residential Districts, of the Code of the Borough of Allendale.

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

Board Member Bergen – abstain	Councilman Sasso - abstain
Board Member Davis - aye	Vice Chairman Sirico - aye
Secretary Daloisio - aye	Mayor White – abstain
Board Member Kistner - aye	Chairman Quinn - aye
Board Member O'Toole - aye	Alternate Kearl - aye

B. Application File No: LUB 2018-05

Applicant: Bank of America ATM Operations

Address: 22 Maple Street, Allendale, New Jersey 07401

Block: 1808 Lot: 2

Application:

1. Interpretation of Borough's Zoning Ordinance pursuant to N.J.S.A. 40:55D-70(b)
2. Use Variance pursuant to N.J.S.A. 40:55D-70d(1)

Chairman Quinn stated this application has been carried to the meeting of July 18, 2018. The applicant will re-notice.

OPEN TO THE PUBLIC:

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

CORRESPONDENCE:

- A. Board of Chosen Freeholders, County of Bergen, Second Reading of Ordinance No. 18-13, adopted on June 6, 2018, "Introduction of a Site Plan Ordinance to Establish Bergen County Standards for Sustainable Land Development Site Plans"
- B. Board of Chosen Freeholders, County of Bergen, Freeholder Resolution No. 573-18, adopted on June 6, 2018, "Resolution Authorizing Adoption of Bergen County Standards for Sustainable Land Development Subdivision Plans"

Mr. Botta stated this is a notice to us on their procedures.

Mayor White and Board Member Bergen returned to the Board at 9:21.

- C. Zrebiec, 191 MacIntyre Lane, Block 1201.01, Lot 9 requesting extension of time for approved variance

Mr. Botta stated this is something the Board of Adjustment approved and now they're looking for an extension on the time. They received approval on March 23, 2016 to do an addition to their property, they needed DEP approval, there were conditions, they received DEP permits on September 5, 2017 and then they had to get a wetlands permit. They are looking for an extension of time of one year from March 23, 2018. This extension would have to be done by Resolution.

A Motion was made by Secretary Daloisio, second by Vice Chairman Sirico to approve the extension of time for approved variance, Zrebiec, 191 MacIntyre Lane, Block 1201.01, Lot 9.

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

Board Member Bergen – aye
Board Member Davis – aye
Secretary Daloisio – aye
Board Member Kistner – aye
Board Member O’Toole – aye

Vice Chairman Sirico – aye
Mayor White – aye
Chairman Quinn – aye
Alternate Kearl – aye

ADJOURNMENT:

There being no further business to come before the Board, on motion by Mayor White, second by Board member Kistner, with all members present voting in favor, the meeting was adjourned at 9:27pm.

Respectfully submitted,

Linda Garofalo

Linda Garofalo
Land Use Administrator

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Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Davis	✓		✓			
Daloisio					✓	
Kistner		✓	✓			
O'Toole			✓			
Sasso					✓	<i>[Signature]</i>
Sirico			✓			
White			✓		✓	<i>[Signature]</i>
Quinn			✓			
Kearl - Alternate					✓	
Lovisololo - 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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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

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LAND USE BOARD
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Carried Defeated Tabled

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

**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.

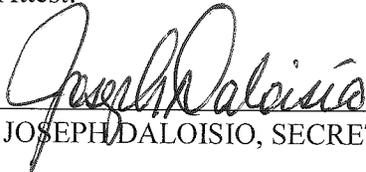
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: June 20, 2018