

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

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, NJ 07401 on October 17, 2018. The meeting was called to order at 7:30 p.m. by Chairman Quinn who read the open public meetings 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	Vice Chairman Sirico
Board Member Davis	Mayor White
Board Member Kistner	Chairman Quinn
Board Member O’Toole	Alternate Kearl
	Alternate Lovisolo

The following individuals were also present:

Board Attorney, Christopher C. Botta, Esq.
Board Engineer, Michael Vreeland
Land Use Administrator, Linda Garofalo

APPROVAL OF MINUTES:

Motion by Secretary Daloisio, second by Board member Sirico that the Minutes of September 19, 2018 Land Use Board Meeting were approved.

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

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

PUBLIC HEARING:

- A. Application File No: LUB2018-10
Applicant: Laurie Bailey, Trustee of the Margaret A. Grosman Trust
Address: 56 Myrtle Avenue, Allendale, New Jersey 07401
Block: 906 Lot: 4
Application: Section 270-34 Continuance of nonconforming use of structure.

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Attorney Craig S. Hughes, 15 Essex Road, Suite 208, Paramus, NJ 07652, representing the applicant, stated this application is for a certificate of compliance for a non-conforming structure. The subject premises is a three-family structure located at 56 Myrtle Avenue, Allendale, New Jersey which is in the R2 zone. The premises was built in 1920 which predates the 1958 Allendale zoning enactment. The third floor of the structure was finished off in 1921 and has been occupied by tenants since 1949. The subject premises are registered with the State of New Jersey as a three-family dwelling since 1979. That is Exhibit A in the packet we submitted. The applicant is not looking to make any additions, alterations or changes, they are simply requesting the Borough of Allendale grant the rights to continue the use of the property as a three-family dwelling.

Chairman Quinn asked why are you coming before the Board?

Mr. Hughes responded the property is part of an estate and they are looking to sell. The home is not able to be sold without a certificate of compliance.

Mr. Botta stated I would suggest we mark the application, as submitted, as Exhibit A1 so we have it on the record. I have reviewed the notice to surrounding property owners and the taxes are paid and current so the application is complete.

Mr. Vreeland stated the applicant is required to demonstrate that the use predated the ordinance and that the use continued without any abandonment.

Chairman Quinn asked for questions from the Board.

Mayor White stated I'm assuming you are here because you have a buyer.

Mr. Hughes responded no, it's not on the market yet.

Mayor White asked do you anticipate it being put on the market as a three-family structure?

Mr. Hughes stated yes.

Chairman Quinn asked for comments from the public. Seeing or hearing none, he brought it back to the Board.

A Motion was made by Board Member Davis, second by Secretary Daloisio to approve the application.

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

Board Member Bergen - aye

Secretary Daloisio - aye

Board Member Davis - aye

Board Member Kistner - aye

Board Member O'Toole - aye

Vice Chairman Sirico - aye

Chairman Quinn - aye

Alternate Kearl - aye

Alternate Lovisolo - aye

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B. Application File No: LUB2018-11
Applicant: Daniel Shoenholz
Address: 250 & 256 Franklin Turnpike, Allendale, New Jersey 07401
Block: 1801 Lot: 1 & 1.01
Application: Minor Subdivision

Board Member Davis is recused from this application.

Mr. Botta stated the public notice and the taxes are current, this application can proceed. We have received a letter from the Bergen County Planning Official who has determined that the subdivision does need to be submitted for approval and review and that is something that any decision that is made tonight by the Board, would be subject to any approval and conditions imposed by the County Planning Board. This application will not be approved until any conditions or approvals are received from the Bergen County Planning Board.

Mr. Shoenholz stated he understands.

Mr. Shoenholz was sworn in by Mr. Botta.

Mr. Vreeland stated for the Board's information, the applicant has requested a number of waivers and based on the nature of the application, we have no objection to the Board granting these waiver requests at this time.

Mr. Shoenholz stated I am applying to subdivide my neighbor's lot. The purpose being that the back of my lot is diagonal and I'd like to square the property off. We've owned the property since 2006.

Mr. Quinn asked for questions from the Board.

Mr. Quinn asked for questions from the public. Seeing and hearing none, he brought it back to the Board.

Mr. Botta stated this is a proposed minor subdivision, there are no variances, it's a conforming lot that is being expanded to another conforming lot so there's not any impact, it's not a hardship he's requesting. It's a subdivision by a contract purchaser, it would be a motion to approve the minor subdivision subject to and contingent upon any comments, conditions or approvals from the County Planning Board.

Mr. Vreeland stated this would be subject to the Deeds being submitted and approved by myself and counsel.

A Motion was made by Secretary Daloisio, second by Mayor White to approve the application.

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

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

OPEN TO THE PUBLIC FOR COMMENT:

Chairman Quinn stated we have this other matter that landed here this evening from Lapatka Associates on the Boroline Road, Toshiba property.

Mr. Vreeland stated there were some revisions to the plans and they submitted copies to Linda and myself. I will take a look at them and make sure they complied with the original LUB approval.

Chairman Quinn stated I will open the meeting up to the public.

Mr. James Thomas, 30 Arlton Avenue, Allendale stated I am inquiring about the Board’s position and interest when changes are made after the Board memorializes a major subdivision. More directly, I believe that the removal of the liner in the detention basin on the Couch Court project is being considered and I want to know if that could go forward without this Board’s approval or review. This project goes back to 2011 and in the course of the development a liner is required at the bottom of the basin. I can refer you to a number of specific testimony in the 13 sessions while this was under review in which the liner is required. John Yakimik (former Borough engineer) agreed with this. During the course of the memorialization process on August 21, 2014, Chairman Quinn asked John Yakimik about the type of material to be used in the basin. John Yakimik stated it is advantageous to have something that is impervious. It better meets the Borough code and the DEP guidelines. On January 21, 2016 Chairman Quinn asked the two developers whether they understood everything in the plan. They both agreed. This matter was before the DEP for 512 days.

Mayor White asked Mr. Thomas if he feels the same thing about the sidewalk that he asked not to be installed.

Mr. Thomas stated I have no response to that.

Mr. Vreeland stated it’s my understanding that the basin is to be constructed to hold water in it. It has become evident that there’s a high water table there. There is a sufficient amount of water to allow this basin to act as an extended wetlands detention basin with wetlands plantings. Putting a liner in the basin now may impact the ability of the basin to operate correctly. The other concern was potentially creating an elevated ground water table. There’s an extensive

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amount of dense clay and it acts like a liner in the basin now. It's my professional opinion that the ground water table would actually be higher right now if that basin was constructed without that outlet pipe controlling the release of excess water in the basin. I don't see any reason to put a fabricated liner in there at this time and have concerns that hydrostatic pressure could compromise the installation and functioning of a liner over time.

Chairman Quinn stated we spent 13 months on this application.

Mr. Thomas asked what should be done by the Board, or by anyone, if this is allowed to happen?

Mr. Vreeland stated I've had discussions with the contractor, the contractor's landscaper, with neighbors across the street and it seems that everyone agrees that the liner is not going to add anything to the design or the functioning of the basin.

Mr. Kearl asked if the liner would have associated risks that would outweigh the benefit.

Mr. Vreeland stated I don't see how the liner would have any benefit, how it's going to be maintained, how it's going to stay in place with the high water table level.

Mayor White stated the Engineer has the ability to do a field change with these plans to make the best decision when site conditions are discovered.

Mr. Botta stated most resolutions contain the caveat that they are subject to review and approval by Borough Professionals.

Mr. Vreeland stated if we put this liner in it's going to have to be maintained by the owner.

Mr. Thomas asked, who, if anyone, will notify the DEP and change the map at the County Planning Board?

Mayor White asked, change the map?

Mr. Vreeland asked, the Subdivision map?

Mr. Thomas stated the Subdivision map has all the specifications. I guess this sort of thing happens.

Mr. Botta stated the Board does not deem this a materially adverse modification to the plan that would require it to come back for a re-approval and is looking at it as a field modification based upon the conditions in the field and based upon the Engineer's recommendation.

CORRESPONDENCE:

There was no correspondence.

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Update on Park Avenue – Mr. Botta stated the initial conference is coming up on October 26, 2018. He will keep the Board updated.

Mayor White stated she would like to invite everyone to attend the Mayor and Council meeting on October 25th, 2018 at 7:00 pm, they are extending the work session for a presentation on the re-development of 220-230 West Crescent Avenue.

ADJOURNMENT:

On a motion by Mayor White, seconded by Councilman Sasso, with all present members voting in favor, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Linda Garofalo

Linda Garofalo
Land Use Administrator