

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

DATE: 08/15/2018

RESOLUTION# LUB 18-19

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

Carried ☒ Defeated ☐ Tabled ☐

**LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE AND AMENDED SITE PLAN APPROVAL
FOR ALLENDALE CORPORATE CENTER, LLC
BLOCK 702, LOT 14
(a/k/a 40 BOROLINE ROAD)**

WHEREAS, the applicant, ALLENDALE CORPORATE CENTER, LLC, with a business address of 40 Boroline Road, Allendale, NJ, is the owner of property at 40 Boroline Road, Allendale, NJ, (Block 702, Lot 14) 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, and the testimony of other interested parties desiring to be heard at its public meeting on July 18, 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 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 107,800 sf building and associated amenities. The building contains office, manufacturing and storage space.
3. There is one pre-existing non-conforming condition on the site. The number of existing parking spaces is less than required, as 486 are required by Code, and 319 are presently existing. (Section 270-40D).
4. The application and plans propose an additional loading dock with a roll-up door and two (2) refuse containers for one of the tenants, which will result in a decrease in two (2) parking stalls from 319 spaces to 317 spaces.
5. Thus, the application proposes to add to the pre-existing non-conformity by reducing parking stalls on site from 319 spaces to 317 spaces.
6. The Applicant presented testimony from its Engineering expert, Andrew Missey, P.E., of Lapatka Associates, and the Board accepted in evidence engineering plans showing the Minor Site Plan prepared by Lapatka Associates dated March 21, 2018, Location Survey prepared by Lapatka Associates, dated February 25, 2018, and an Architectural Plan prepared by Poskanzer Scott Architects, last revised dated March 28, 2018. Mr. Missey 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 and architectural plans submitted as part of the Application. Mr. Missey also testified as to operations and present parking conditions and counts on site. Mr. Missey's parking count study reveals that average use of parking stalls on site is only 103 spaces. He also testified as to the storm water management improvements which would be a component of the Minor Site Plan amendment, and which would bring the site in compliance with current storm water management requirements, as well as maintaining ADA compliance. He further testified that the loss of two (2) parking spaces

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would have no discernable impact on traffic on the site, and that there would be no detrimental impact on the site or the surrounding zone by the approval of the amended site plan and variance. There would in fact be beneficial improvement due to the stormwater upgrades. Mr. Missey adequately addressed the issues raised by the Borough Engineer in his application review memo.

7. Allendale Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated June 26, 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 parking counts and Mr. Missey's testimony were consistent with his multiple observations of the site. Further, Mr. Vreeland testified that the storm water management improvements were feasible and would bring the site into compliance with current regulations. He further recommended that the variance be expanded to allow elimination of four (4) parking spots, which would be of greater benefit to safety in light of truck turning requirements near the new loading dock doors.
8. No members of the public appeared in connection with the application.
9. Based upon the evidence and testimony presented, the Board concludes that the application, variance and waiver requested would improve the aesthetics and functionality of the property, the grant of the variance would promote or advance the purposes of the Municipal Land Use Law, and the benefits of such variance and waiver outweigh any detriment. It is determined that for the applicant to now comply with the parking space requirements would be a hardship, as the building is a lawfully existing structure in its current location, and parking space related issues have never presented a problem on site, nor does the evidence indicate that they will be in the future. The evidence and testimony support the fact that the hardship 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 variance and waiver requested will not excessively expand the present non-conforming conditions. Further, the traffic flow on site will be improved with the application, and there will be no detrimental impact on parking on the site. Finally, although the applicant proposed to reduce the number of parking stalls from 319 to 317, the Board believes that it is reasonable and acceptable to approve the variance and permit the applicant to reduce the parking stalls from 319 to 315.

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants

approval of the variance and waiver, and grants preliminary and final site plan approval, with a

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reduction in parking stalls from 319 stalls to 315 stalls on site, 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 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, if required.

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

BE IT FURTHER RESOLVED that in granting such variance the Board finds and concludes that the grant of approval of this variance poses 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 variance 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

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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 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.

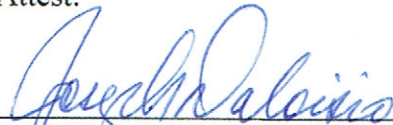
Approved:

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: August 15, 2018