

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

DATE: 2/13/19

RESOLUTION# LUB 19-10

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen		✓	✓			
Daloisio						✓
Davis			✓			
Kistner	✓		✓			
Lovisolo			✓			
Sasso			✓			
Sirico			✓			
Bernstein			✓			
Quinn			✓			
Kearl – Alternate			✓			

Carried ☒ Defeated ☐ Tabled ☐

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**LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE AND SITE PLAN APPROVAL FOR
BILMAR PROPERTIES, LLC
BLOCK 1005, LOTS 1 & 2
(a/k/a 240/260 WEST CRESCENT AVENUE)**

WHEREAS, the applicant, BILMAR PROPERTIES, LLC, with a business address of 240 West Crescent Avenue, Allendale, NJ, is the owner of property at 240 & 260 West Crescent Avenue, Allendale, NJ, (Block 1005, Lots 1 & 2) 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 January 16,

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2019, and Public Notice having been given by the Applicant in accordance with the requirements of the Municipal Land Use Law; and

WHEREAS, the Land Use Board has reviewed the testimony provided to it by its Engineer, and considered input from its 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 D-1 (Industrial) Zone District, and it is pre-existing nonconforming. This zone provides for office, light manufacturing, processing and assembly operations, together with wholesale sales and display rooms necessarily pertinent thereto. The application was submitted in evidence.
2. The subject property is currently developed with two multi-use buildings and associated amenities. The buildings contain office, warehouse and storage space.
3. There are several pre-existing non-conforming conditions on the site as follows: Lot 1 is less than the required 2 acre minimum (Section 270-75B); both buildings encroach into the required 100 foot front yard setback (Section 270-75C); building No. 260 encroaches into the required 50 foot side yard setback (Section 270-75D); outdoor storage is located within the front yard of Lot 1 (Section 270-77B(2)).
4. The application and plans propose a one-story rear building addition on Lot 2 (Building 240) of 7700 square feet, expansion and reconfiguration of site parking and traffic flow, and changes to the contractor yard.
5. The application seeks variance relief by continuing/proposing 9 ft by 18 ft parking stalls, which is less than the required 10 ft by 20 ft. parking stall.
6. The application also requires variance relief to allow/continue outdoor storage within 10 feet of the side lot line, which runs adjacent to the train line.
7. The Applicant presented testimony from its Architectural expert, Mary Scro, and the Board accepted plans prepared by Z+ Architects dated August 20, 2018. Ms. Scro was sworn and recognized by the Board as an expert in her field. She testified as to the

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proposed addition to the rear of the property which will add office and warehouse space consistent with the present use, and that the addition would be compatible with the existing structure.

8. The Applicant presented testimony from its Engineering expert, Thomas G. Stearns, III of GB Engineering, LLC and the Board accepted in evidence engineering plans prepared by GB Engineering, LLC dated June 15, 2018. Mr. Stearns 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. Stearns testified that the proposed 7700 square foot addition would be one-story and directly behind and attached to the existing structure at the 240 building. He also testified as to the proposed reconfiguration of the parking lot and traffic flow. He further testified as to the beneficial improvements to traffic flow, safety for parking and the organization of the outdoor storage area that the application would create, as well as landscaping improvements. Mr. Stearns testified that two new seepage pits would connect to the existing on-site stormwater management and that this would comply with stormwater management regulations. Mr. Stearns 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. Mr. Stearns also addressed the issues raised by the Borough Engineer in his application review memo.
9. The Applicant presented testimony from an owner/occupier, Mark Borst, who testified as to the present uses and future uses on the site, which will be compatible. He also testified that the proposed traffic and parking changes would better organize the site, and that he has never had any difficulty with the 9 ft X 18 ft parking stalls on site.
10. Allendale Borough Engineer, Michael Vreeland, P.E. reviewed the submissions by the applicant and prepared a Memorandum dated December 10, 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 existing non-conformities would not be impacted by the proposed addition. Further, Mr. Vreeland testified about the proposed traffic flow and parking changes sought on the site and made recommendations to the Board concerning these proposed changes, as well as recommended conditions to apply to any approval of the application.
11. No members of the public appeared in connection with the application.
12. Based upon the evidence and testimony presented, the Board concludes that the application, variances and waivers requested would improve the aesthetics and

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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, and to remove the outdoor storage along the side lot line would be a hardship, as the building and storage area is a lawfully existing structure and use in its current location, and these issues and variances have never presented a problem on site. 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.

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 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 and/or issuance of a waiver by the Bergen County Planning Board.
- D. Plans to be amended to close off access with a curb from the site to the adjacent property owned by the Borough of Allendale, and to add a landscape/fencing buffer between the existing lots, both to be reviewed and approved by the Borough Engineer
- E. Plans to be amended to expand the aisle width to twenty-five (25) feet in the front of the 240 building, and the removal of four (4) parking stalls in the front northwest corner of the 240 building.

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F. The submission of stormwater calculations for the review and approval of the Borough Engineer.

G. Approval by the Borough of Allendale Police Chief and the Borough of Allendale Fire Chief/Fire Prevention Bureau.

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 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 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.

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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
Michael Sirico, Vice Chair

Adopted: February 13, 2019