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 April 20, 2022. The meeting was called to order at 7:35 PM by Chairman Quinn who read the open public meetings statement and stated the requirements had been satisfied.

Chairman Quinn led the salute to the flag.

ROLL CALL:

The following individuals answered roll call:
- Board Member Davis
- Board Member Kistner
- Board Member Yaccarino
- Vice Chairman Sirico
- Chairman Quinn
- Alternate Forbes
- Alternate Putrino

ABSENT:
- Board Member Bergen
- Board Member Daloisio
- Board Member Lovisolo
- Mayor Bernstein

The following individuals were also present:
- Board Attorney, Chris Botta, Esq.
- Board Engineer, Michael Vreeland
- Board Planner, Ed Snieckus
- Land Use Administrator, Linda Garofalo

PUBLIC HEARING:

Application File No: LUB 2022-02
Applicant: ABC Vault Partners, LLC
Address: 22 Maple Street, Allendale, NJ 07401
Block: 1808 Lot 2
Proposed: Two-Story Apartment Building – 4 one bedroom units. Preliminary & Final Site Plan approval; Use variance relief pursuant to 40:55D-70 (d) et. seq; Bulk Variance relief pursuant to 40:55D-70© et. seq.; Design Waivers. The applicant seeks to convert an existing bank drive up facility into a two story, four-unit residential apartment building, consisting of four one bedroom apartments.
(carried from the meeting of March 14, 2022)
Chairman Quinn stated this is a continuation of the meeting from March 14, 2022.

Mr. Kelly stated thank you for staying late at the last meeting. I have all of my witnesses back here this evening.

Kathryn Gregory, Planner, 96 Linwood Plaza #350, Fort Lee was sworn in and her credentials accepted by Chris Botta.

Ms. Gregory stated she has done a full review of the application. We are seeking a D1 use variance. A multi-family residential use home is proposed. The site is suitable for this use. The site is in the C1 central business district. We have a parking lot next to us. The site cannot handle a retail use. Retail and residential could be here but there’s not enough parking. We are located three minutes from the NJ Transit Station.

Exhibit A6-Aerial photograph from Bing maps. This shows the existing conditions and the pathway to the NJ Transit Train Station.

Revised plans dated April 8, 2022 were shown on the easel. We eliminated the parking space variance. We need a use and rear yard setback variance. We are eliminating what is an eyesore today. This is a unique site. Adding a retail use to this site is not feasible. I believe we meet both the positive and negative criteria.

Chairman Quinn asked for questions from the Board.

Mr. Snieckus stated you mentioned the public health, safety and welfare. Can you elaborate on this?

Ms. Gregory stated there’s a state goal for developing in existing infrastructure.

Ms. Snieckus asked Ms. Gregory – the Freddy Mac study and population, can you elaborate on this?

Ms. Gregory stated that is a mixture of the types of units.

Mr. Snieckus asked you are asking for a rear yard variance in the C1 zone. Is a variance required?

Ms. Gregory stated yes.

Mr. Snieckus asked Ms. Gregory, you mentioned transitional use, no man’s land in a C1 zone. Can you talk to this?

Ms. Gregory stated this is a transitional use aspect on a unique property. We are in the C1 zone, it seems to be split lot zones, we are kind of in residential/kind of in the commercial zone. We are next to a parking lot. We are hovering on two zones.

Mr. Snieckus stated the goals in the Master Plan – this is inconsistent with the general purpose of the zone.
Ms. Gregory stated it doesn’t front on Allendale Avenue. It is buffered by a parking lot. There’s a gap in between.

Mr. Snieckus stated regarding promoting a desirable visual environment, can you talk more about this?

Ms. Gregory stated we are improving the streetscape.

Mr. Kelly stated we are going to continue the streetscape from the existing C1 zone district to our property.

Ms. Gregory referred to Ed Snieckus’ report, page 7 – she stated I think this building fits in with the character of the neighborhood. We are providing parking. We have our own sidewalks.

Mr. Kelly asked Ms. Gregory is this site sub-dividable?

Ms. Gregory stated I’d have to look into this.

Chairman Quinn asked did you look at the property across the street from this? This is a commercial property.

Ms. Gregory stated that property is part of a larger parcel.

Chairman Quinn stated the Board is concerned with losing the streetscape. I’m concerned that we may lose some of the commercial business use.

Ms. Gregory stated the applicant looked for a commercial tenant for 16 months and nobody was interested in developing this space for commercial use.

Chairman Quinn asked for questions from the Board.

Alternate Putrino asked you are seeking a rear yard variance because of the line. If you flipped the building, would you still need a variance?

Ms. Gregory stated yes, it actually would make the variance worse.

Chairman Quinn asked for questions from the public.

The members of the audience stated they could not hear the Planner’s testimony.

Ms. Gregory summarized her testimony and the AC was shut off to enhance the acoustics.

Mrs. Mohina McMaster, 46 Maple Street, Allendale asked why wasn’t a two family home considered?

Ms. Gregory stated in the C1 zone, there is no residential on the first floor permitted. We are
here tonight asking for a multi-family use.

Mrs. McMaster stated this used to be a single family home.

Mr. Spencer Roach, 45 Maple Street, Allendale asked why is a two or three family home not being proposed?

Mr. Kelly stated we would still require a variance. No residential units on the first floor are permitted.

Mr. Roach stated I don’t understand why a two family home was not considered.

Mr. Anthony Cariddi, 34 Maple Street, Allendale stated I have lived on Maple Street for 38 years. Is Ms. Gregory familiar with 23 Maple Street, it’s a two family house and abuts a commercial parking lot. In the same area we have this non preferential use and it is across the street.

Ms. Gregory stated no, I am not familiar with this property.

Chairman Quinn asked for questions from the public, hearing none he returned the meeting to the Board.

Kiersten Ostercorn, Engineer, 22 Madison Heights, Wyckoff was called to testify. Chris Botta stated she remains under oath from the last meeting on March 14, 2022.

Ms. Ostercorn stated the HVAC units were moved to the rear of the dwelling.

**Exhibit A8**-Aerial exhibit and rendering last revised April 20, 2022.

The parking area and utility pole, the handicap space was moved and we now propose the eight required spaces. The dumpster area was relocated to the rear and is not near any windows and nobody has to go across the parking lot. Additional landscaping is being added. We did a soil test and found no water flow conditions. There is a 5 foot fence proposed. The tree is on the property line and the fence will work around the existing trees. There is a tree at the corner, a tree expert came and looked at it. The soil test was done, they dug 9-10” down, there was no water and it came back with a K-3 result.

**Exhibit A9**-Johnson Soils test results dated April 13, 2022.

There will be proper ADA access. The drainage will not be affecting any of the neighbors and will be contained as required on site. Notes have been added to the plans. All comments from the March 14, 2022 meeting have been addressed. No variance for the fence is required.

Mr. Vreeland’s report comments were addressed.

Water runoff comment from the public – After a storm, we walked the property and did two tests. There were no signs of water. We will install a seepage pit in the rear and a curb all around the property.
Chairman Quinn asked about the soil stock pile.

Mr. Kelly stated we will work with the Borough on that.

Mr. Vreeland stated I was there the day the test pits were excavated. I walked the property. I think the run off issues have been addressed.

Mr. Snieckus stated I have looked at the property and I saw a report from Mahwah Tree Corp. – the ash tree needs to be removed. Any trees on the common lot line need permission from the neighbor to be removed.

Mr. Kelly stated there’s no intention to take any trees down unless necessary.

Ms. Ostercorn stated the dead trees will be removed.

Mr. Snieckus stated the sidewalk along each curb line and stop sign – can the sidewalk be widened there?

Ms. Ostercorn stated yes.

Mr. Snieckus asked can the trash can area be gated in?

Ms. Ostercorn stated yes it will be on a slab with a gate.

Chairman Quinn asked what type of plants will be used on the north side?

Ms. Ostercorn stated Norway spruce and low shrubs.

Mr. Snieckus stated you are proposing a staggered row on spruce, I think it’s best for these to be away from the building.

Mr. Kelly stated this makes sense.

Vice Chairman Sirico asked if the trees in the sidewalk area will be in the site line for car traffic?

Mr. Snieckus stated this shouldn’t be a problem.

Mr. Kelly stated a site triangle will be added to the plan.

Alternate Putrino asked spruce trees have a disease now, would you consider using a green giant? The deer don’t eat them and they grow fast.

Vice Chairman Sirico stated deer resistant needs to be added to the plan.

Alternate Putrino asked are you aware that there’s a newer streetscape happening? The first and second phase is complete. Phase three and four is starting in four to six weeks.

Ms. Ostercorn stated we will comply.
Alternate Putrino asked if they could show the separate lines on the plan for the fire sprinklers.

Ms. Ostercorn stated yes.

Vice Chairman Sirico asked if the eight parking spaces include the handicap space?

Ms. Ostercorn stated yes.

Vice Chairman Sirico asked if they are moving the telephone pole.

Ms. Ostercorn stated the utility pole has wire to a pole to the rear, the design is around that. We looked into this and it would not be good to move this pole.

Chairman Quinn asked for questions from the Board.
Chairman Quinn asked for questions from the public.

Mrs. McMaster stated regarding the four HVAC units, the 4 garbage cans and recycling – any concern about the noise to residents from the HVAC?

Mr. Kelly stated there is a code for this and we will meet it.

Mrs. McMaster asked where is the fence going?

Ms. Ostercorn stated around the property line.

Mrs. McMaster asked where will the snow be placed?

Ms. Ostercorn stated the plowing company will plow and if there is a big storm, the snow will be removed when necessary.

Mrs. McMaster asked can people park on the street overnight?

Chris Botta stated the Police Department will handle this.

Ms. Michelle Bonacort, 30 Maple Street, Allendale stated there is a fence there now and it is staggered in height. I would prefer the tallest fence that is allowed be installed. Across the street for the buffer between properties the trees are very tall and it looks great.

Ms. Ostercorn stated we will plant the green giants at 6 feet, they grow very fast and form a wall.

Ms. Parshin, 45 Elm Street, Allendale asked is there a requirement for paved area/impervious coverage. This looks like the lot is paved.

Ms. Ostercorn stated in the commercial zone there is no regulation for this. We are bringing all water runoff into a detention system.

Ms. Parshin asked have you considered installing solar panels?
Ms. Ostercorn stated no, it’s not required.

Mike Vreeland stated there is no requirement for impervious coverage in this zone.

Ms. Ostercorn stated we are capturing all water.

Jack Grossman, 23 Maple Street, Allendale stated over one year ago my brother owned a three family on Myrtle Avenue. We had to get approval because it was grandfather in.

Chris Botta stated this is not relevant to this witness’ testimony.

Resident, 72 W. Allendale Avenue stated regarding the garbage area, I’m worried about where the extra garbage will go.

Mr. Kelly stated this is an enforcement issue. We are offering a private hauler.

Board Member Kistner stated Mike Limatola is our Property Maintenance Office and he keeps a list and tickets owners for these issues.

Board Member Yaccarino stated I believe it was testified that the garbage collection would be two times a week.

Spencer Roach, 45 Maple Street, Allendale asked there are 8 parking spaces, 4 units, each unit has 2 vehicles, where will the 8th vehicle go?

Chris Botta stated the regulations by our code are 2 spaces per unit.

Mike Vreeland stated these are the state standards and we hear this question often.

Matt Rocco, 37 Elm Street, Allendale stated I’m concerned with the drainage. The water goes on my property.

Ms. Ostercorn stated everything will go to the underground filtration system.

Mr. Rocco stated I think the water is going where it shouldn’t go. Also, where is the pole going?

Ms. Ostercorn stated it’s not being taken down.

Mr. Kelly asked is the proposed drainage an improvement to what currently exists?

Ms. Ostercorn stated yes.

Chairman Quinn asked for questions from the Board.

Chairman Quinn asked for questions from the public and hearing none returned the meeting to the Board.

Mr. Hal Simoff, Traffic Expert, 2 Shunpike Road, Madison was sworn in and his credentials
accepted by Chris Botta.

Mr. Simoff stated the trip generation for the bank is 240 movements per day. The 4 units is 8 movements per day. In the afternoon there are 54 movements for the bank and 2 movements in the afternoon for the 4 units. Allendale Avenue there are 420 cars in the AM, Maple Street there are 37 cars in the afternoon. The difference of traffic is important. We meet the parking requirements. Studies have been for parking near a train station. This property application is better than the alternative. This complies with RSIS.

Chairman Quinn asked if the calculations come from statistics or on-site observations?

Mr. Simoff stated yes, from statistics.

Chairman Quinn asked for questions from the Board professionals.

Mike Vreeland stated Mr. Simoff’s testimony is consistent.

Michelle Bonacort. 30 Maple Street, Allendale stated the evening numbers do not seem accurate. What about the lunch and dinner crowds at local restaurants?

Mr. Simoff stated the counts were done on January 13th and 14th, 2022. This is not a commercial site. This is one of the lowest traffic users you are going to see in the C1 zone.

Jack Grossman, 23 Maple Street, Allendale asked what conditions were the roads when you did the counts? Cars park on both sides of the street, you can’t have two-way traffic. The street isn’t wide enough. I can’t get out of my driveway. The numbers sound great but in reality, I can’t get out of my driveway. Everyone parks on Maple Street.

Mr. Kelly stated this is a less intense use.

Alternate Putrino asked what would the numbers be if it were retail space with apartments?

Mr. Simoff stated a retail store would generate 10-20 cars per hour.

Mrs. Mohina McMaster, 46 Maple Street, Allendale stated because of the pandemic, a study done in January may have had lower numbers. I’m in and out of my driveway at least 15 times a day. I have to pull on the side because there’s not enough room for the cars, the road is too narrow. During construction how will the traffic be handled?

Mr. Kelly stated we will comply with the Borough requirements.

Spencer Roach, 45 Maple Street, Allendale asked Mr. Simoff – you stated the counts were done in January, if done next week would the numbers be different?

Mr. Simoff stated they would be about 4-5% higher.

Chairman Quinn brought the meeting back to the Board and asked if there were any more questions from the Board.
Architect Mr. Scro was recalled to testify. Mr. Kelly asked Mr. Scro asked about his review and the appearance of the building. The Board stated it was a little too modern. Mr. Scro stated it’s now as residential as it can be. We changed the windows from black to white, warmed the coloring from grey to white and earth toned, increased the scale of the stone, it is now less stacked and matches local fieldstone. We introduced gable returns, we placed the gable slats to a small window. We tried to soften the look and match up with the neighboring residences.

Chairman Quinn stated it blends more with the street. This is an improvement.

Alternate Putrino stated I don’t have a rendering. Will everything be carried through to the back?

Mr. Scro stated yes.

Chairman Quinn asked for questions from the Board.
Chairman Quinn asked for questions from the public.
Chairman Quinn asked if anyone from the public would like to come up, be sworn and testify generally on the application.

Mr. Jack Grossman, 23 Maple Street, Allendale asked why would you question a three family house and now consider a 4 family home, the lots are the same size.

Chris Botta stated I don’t know anything about the three family. The Board has the responsibility to make the determination on the testimony presented for this application.

Michelle Bonacort, 30 Maple Street, Allendale stated the loss of light and privacy to her adjacent home are a concern. The volume of cars with cars parked on both sides of the street is a problem. I hope there’s a study done.

Mrs. Mohina McMaster, 46 Maple Street, Allendale stated I have the same concerns.

Chairman Quinn stated regarding the street and navigating, you can take this up with the Mayor & Council. This Board is not responsible for this.

Board Member Kistner stated I made note of this, I will make sure this gets on the Agenda for Borough consideration.

Mr. Kelly gave his closing statement.

Chris Botta stated the variances are the D Use variance and the C variance for the rear yard. Five members must vote yes.

Chairman Quinn stated I think we should vote tonight and asked for summary comments from Board members before a vote.

Board Member Davis stated I feel like the burden of proof has been met. This is an eyesore and this is the best solution.
Board Member Kistner stated I agree, the applicant has compromised and agreed to all our requests and the residents’ concerns. The applicant did his due diligence and gave us a final plan.

Board Member Yaccarino stated we are looking at a dilapidated structure and this has a less intense use of the property.

A motion to approve the application was made by Board Member Davis, seconded by Board Member Kistner. Roll Call: Board Member Davis – aye, Board Member Kistner – aye, Board Member Yaccarino – aye, Vice Chair Sirico – aye, Chairman Quinn – aye. Alternate Forbes – aye, Alternate Putrino – aye.

Mr. Botta stated this application will be memorialized at the May 18, 2022 LUB Meeting. The permits can be applied for but not approved until after this date.

**DISCUSSION:**

Chairman Quinn stated the application for 109 E. Orchard Street has now been carried to June 15, 2022. I will listen to the tape so I can vote on this.

Board Member Kistner, LUB Committee Meeting stated this morning we had a meeting and are addressing several residents’ concerns. We’d like to amend the code and make it easier to find the setbacks and the enhanced side yard setbacks, in particular. We’d like to have a standard letter sent out to address residents’ concerns about who is responsible for issues that come up.

I also met with Mike Limatola today and he keeps good records on Property Maintenance issues. The same issues keep on coming up.

Chairman Quinn stated the Park & Ivy court hearing is tomorrow.

**OPEN TO THE PUBLIC FOR COMMENT:**

**ADJOURNMENT:**

On a motion by Board Member Yaccarino, second by Board Member Kistner, with all members present voting in favor, the meeting was adjourned at 10:47 PM.

Respectfully submitted,

*Linda Garofalo*

Linda Garofalo