

April 19, 2012

A regular meeting of the Allendale Planning Board was held in the Municipal Building on April 19, 2012. The meeting was called to order at 8:10 PM by Mr. Quinn, Chairman, who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following members answered to roll call: Mr. Quinn, Mr. Barra, Mr. Strauch, Mr. Fliegel, Mr. Walters, Mr. Sirico, Ms. Sheehan, Mr. Zambrotta, Mr. Sasso, and Mr. Scherb. Ms. Donna Tamayne was the attorney filling in for Mr. Dunn.

On a motion from Mr. Fliegel, seconded by Mr. Walters, the minutes from March 15, 2012 were approved. One abstention was from Mr. Scherb as he was not present at that meeting.

Continuation of Discussion on the D-Zone

Mr. Quinn announced that this was a public hearing to discuss the D-Industrial Zone ordinance. He stated that the Planning Board's role was to review the materials and ask the public for input. The next step would be to make recommendations to the Town Council who would make ordinances to update the Borough's codes. The Planning Board would update the Master Plan after the new ordinances were developed. Mr. Quinn introduced Mr. Snieckus who was making the presentation to the public.

Mr. Snieckus said that this meeting was to let the public know about the recommendations that the Board was making for the D-Industrial Zone which exists in two locations in the Borough of Allendale. He mentioned how the Land Use committee had prepared some initial recommendations and held a meeting through the Town Council where the public was able to voice initial concerns. The Land Use Committee referred it to the Planning Board for purposes of review and updating the existing D-Industrial Zone. Mr. Snieckus had a few exhibits for the public. One was a zoning map showing the D-Zone's northerly area by West Crescent Avenue and the southerly area on Chestnut Street near the Borough of Waldwick. On the backside of the exhibit were tax maps showing the acreage of both areas. Mr. Snieckus also showed a Google map of both zones. He told the public that the A-Zone residential area near the D-Zone on West Crescent Avenue was an important part of the Land Use Committee and Planning Board discussions over the past few months.

Mr. Snieckus discussed the Master Plan and what uses were identified in the document. It basically recognizes light manufacturing, assembly, research, and office uses for the zone. In addition, the Master Plan states there must be adequate setback and buffers to maintain those specific features adjacent to residential areas. The Planning Board and Land Use Committee considered all these things as they reviewed the adjustments to the D-Zone. The Planning Board looked at all the existing uses in the zone and decided that some were obsolete and won't allow for adaptive reuse possibilities for those properties. One of the reasons for creating an industrial

zone is to promote a balanced taxed base in the community. It is important to balance the needs of residential as well as nonresidential uses within the community. In effect the nonresidential uses help offset the residential taxes. The nonresidential uses are an important asset to the community and this all has to be done within the guidelines of the Master Plan. You do not want these properties to become stagnant and underutilized and fall into various states of disrepair because the current uses in the zone don't reflect contemporary uses. Instead it is important to find uses that can fill these buildings while protecting the adjacent zones. The recommendations maintain the general intent of the zone but slightly expand the uses in the zone as service commercial type uses. It is imperative to note how the changes for this zone will affect the central business district and other nonresidential zones in the borough. We don't want to take away from the viability of other zones which is critical to consider throughout the overall process.

Mr. Snieckus stated that the Planning Board is making recommendations to separate the northerly area from the southerly area and call the former the D-1 Zone and the latter the D-2 Zone. The Planning Board also looked at the current list of uses and removed the obsolete uses and ones that could negatively impact adjacent residences. The Planning Board was concerned about contamination especially to the well water used in town. The Planning Board added some commercial and service uses to the list. There were no changes to setbacks or buffer requirements. There were two drafts on ordinances that were discussed at this meeting, and a third manuscript that was the overall report. The first document Mr. Snieckus discussed was the draft document that was dated 3-23-12 on the listed uses being recommended and the second document was on the parking regulations for these uses.

Mr. Snieckus explained why adult day care was an added use to the list. This facility would be a licensed state facility that would operate for a certain amount of hours during the day to give elderly people a place to go for supervision and support. He also commented on why the Planning Board decided to separate the D Industrial Zone district into the D-1 and D-2 Industrial Zone Districts as they both have different uses. Some uses may be appropriate in one zone but not in the other. The other uses for the D-1 Zone District included indoor individualized sports training facilities (excluding health clubs and bowling alleys) with a maximum floor area of 5000 square feet, martial arts and gymnastics instruction because most of the buildings in this zone have large open floor plans, studios for instruction of individualized musical or performing arts with a floor area not to exceed 2500 square feet, state licensed and physical therapy clinics, medical and dental offices, medical imaging and dialysis facilities (excluding testing laboratories or medical clinics), and adult day care centers. The next list discussed were uses that are permitted in both the D-1 and D-2 Zones. Some of the uses were taken off the list and some uses were made more contemporary. Examples of more contemporary uses would be points of sale terminals rather than cash registers and office business electronics or machinery rather than typewriters. Other uses such as the fabrication of metal, paper, and wood products remained the same. Under the laboratory category, the Planning Board decided to remove biological and

chemical laboratories from the list as they were concerned about contamination of ground water and the proximity of these types of uses to the local residences. Under item six, the Planning Board removed jewelry manufacturing, leather goods, photo finishing, textile products manufacturing, and cosmetic manufacturing as they may be harmful and were considered not good for those zones. Mr. Snieckus continued with the permitted uses of professional office buildings, commercial food preparation places for consumption off premises excluding catering and banquet halls, and digital data storage facilities with recommendations for accessory generators to meet certain setback requirements. These generators need to meet the Borough code. The Planning Board also decided to prohibit certain uses including cross loading dock type of distribution facilities and refrigeration facilities.

Mr. Snieckus talked about the parking standards which was part of the second document. There would be one parking space for 250 square feet for offices and professional offices; one per 200 square feet for medical, dental, physical rehabilitation and therapy offices; and one space per six participants maximum attendance plus one space per employee for adult or childcare centers. Mr. Snieckus also added that the Master Plan would be amended to add service and commercial uses to the D-Zone Districts to make everything consistent with the suggested ordinances. This would also maintain the integrity of surrounding zones and the central business district.

Mr. Quinn asked Mr. Snieckus to describe why prohibiting childcare centers is impossible as the Planning Board had discussed this at previous meetings. Mr. Snieckus responded that the Municipal Land Use Law (MLUL) has been provided by the State of NJ as requirements for the Planning and Zoning Boards of each municipality in the state and their respective Master Plans. In the MLUL the State has recognized the need for childcare centers and is requiring that municipalities allow them in all nonresidential zones. Mr. Quinn stated that the concern in the past with a childcare center placed on West Crescent would be the traffic flow. Mr. Snieckus replied that a site plan would still have to be approved before a center could be placed in that location. Mr. Quinn then opened the meeting to the public for comments.

Geraldine Marson from 211 West Crescent Avenue wanted the Board to understand that before anything is done to this area that the traffic has to be addressed as the traffic has gotten worse and worse and adding more businesses would only bring in more traffic. Mr. Strauch thanked the public for coming out and told the public that the goal was not to make the situation worse but to make it better than it is now. He said that traffic was a concern to the Board and the recommendations should not aggravate the traffic further. He also felt that small businesses would have some traffic coming in and out all day long rather than having two major shifts of traffic like when Black Millwork was running at full capacity. Mr. Strauch said they removed some uses from the list that would be hazardous to the area and that the Board is hoping to reduce or improve the traffic issues with their recommendations. Mr. Snieckus added that the Board looked at the uses from the standpoint of what kind of traffic would the businesses generate as they do not want to exacerbate the traffic conditions. There are proposed improvements to the zone on West Crescent Avenue as a traffic light will be placed there in the

future. Mr. Yakimik commented that the town has completed all of their obligations for the upcoming traffic light that the county is requiring. The town has been told the money is in place and that it will go out to bid this year.

Mr. Barra stated to Ms. Marson that the traffic was the single most important issue that the Board was concerned about. Every use was discussed in regards to parking spaces, square footage, and finally traffic as the Board doesn't want to make the situation worse. He asked Ms. Marson why she thought this would increase the traffic. Ms. Marson replied that it is difficult to get out of her driveway as it currently exists. She felt that allowing musical instruction or athletic training facilities would add to the traffic especially between the hours of 3-7PM. Ms. Marson expressed concern over the new traffic light which would have cars stopped at the light all the way back to Ivers Road. This would make it even more difficult for the people who live on West Crescent to get in and out of their driveways. She also mentioned how this would affect people trying to get in and out of the side streets. Mr. Barra remarked that there were already athletic training places and office buildings in this zone, so why would this change of modernizing the uses affect the situation negatively. Ms. Marson said that she believed offices would have truck deliveries like from Staples or Office Depot. She also believed that a catering facility would have trucks coming and going too. Ms. Marson strongly felt that nothing should be voted on at all until the traffic patterns are studied with the new light in place. Mr. Barra responded that it still has to go to the Town Council before an ordinance would be created. Ms. Marson was also worried about idling trucks with the noise and exhaust because of the light and increased traffic. She commented that back in 2004-2005 when the residents fought and regulations were established about hours that trucks could come and go from the lots, the big issue was who was going to monitor the situation. She filed police reports and no one followed up on the problems. Ms. Marson has been told that they are incoming vendors and that these vendors can't be regulated to which Ms. Marson said they should be regulated. Mr. Barra was hoping that by updating the uses the Planning Board was reducing the amount of trucks coming in and out rather than keeping a lot of the manufacturing which would require the trucks. Mr. Barra said the light should be put in this summer and the Council should evaluate how it is working by doing a study on it. Ms. Marson felt that it should not be evaluated in the months of June through August and that the light should be evaluated for a full year through all of the seasons before the Council renders a decision.

Angelo Congello from 23 Hamilton Street commented that he has a School of Rock near his business and it is always busy with traffic and parking issues. Mr. Congello wanted the Planning Board to make sure that delivery truck hours were included and enforced. He had sued Black Millwork on his own expense and got a court order. When he phones the police department, he does get a response. He feels that Black Millwork is still violating the code. He was worried about the code not being enforced already, so what is going to happen when new businesses go into the zone- are the codes going to be enforced? Mr. Congello was also concerned about catering companies working on Sundays and asked how that was going to work. Mr. Snieckus

answered that they would have to conform to the code. Mr. Strauch responded that they were not changing any of the hours of operation. Mr. Congello asked about lighting and Mr. Strauch answered that there is already an ordinance in place. Mr. Congello stressed that he wanted the codes that were in place now to be enforced by the Mayor and Council. Mayor Barra told Mr. Congello to let him know if there are any further problems with code enforcement as he was not aware of any in the time that he has been Mayor. Mr. Sirico asked Mr. Snieckus about the School of Rock as he believed the Planning Board had discussed it at one of the previous meetings. The Planning Board had decided on small one-to-one instruction places but not having large areas for performances as that would add to the traffic problems. Mr. Snieckus said that they had put in the draft the words individualized instruction with a maximum footage of 2500 square feet. In this way performances which would need more room would not be permitted. Mr. Congello understood that the D-Zone needed updating but was concerned about the traffic and wanted to make sure retail wasn't go to be put there. Mr. Quinn stated that no retail would be put in the zone as the Planning Board did not want to take away from the central business district. Mr. Strauch declared that he meets with the code official and is working to make sure the codes are being enforced. Mr. Strauch commented that getting rid of the eighteen wheeler trucks would be a help in minimizing traffic in the area and that is why he felt the proposed uses would help the conditions on West Crescent.

Robert Benz from 148 Myrtle Avenue wanted to discuss current compliance, enforcement of ordinance, and traffic conditions. He does hear the eighteen wheelers around 6:30AM every morning. He feels that Black Millwork does abide by the morning times in the code. What he feels is not enforced are the deliveries to Black Millwork at 10 or 11PM. He feels that there needs to be a better job enforcing the ordinances. Mr. Benz gave an example of the outside storage on the property along the train tracks that has a tractor trailer with a deck attached to it. He wanted to know if anyone was investigating it because it now looks like another building. Mr. Benz commented on the catering use as he was not sure that would be a great idea for the area based on traffic and no hours on Sunday. He made a reference to the Market Basket in Franklin Lakes and how they have many small trucks coming and going all day long. Catering companies need to work on Sundays and he was afraid that the catering companies would violate the ordinance on Sundays. He also feels that parking is an issue already for the businesses there at certain times of the day. Mr. Snieckus mentioned that it was a good point as to whether a catering business would be able to give up Sundays as a working day. Mr. Strauch questioned whether having catering on the list would encourage someone to come in and violate the ordinance on Sundays. He asked Mr. Snieckus if it would be a big loss to the area if they removed catering from the list and Mr. Snieckus responded that it would not be a loss. Mr. Quinn stated that enforcement then comes into play if the Planning Board chooses to keep catering on the list. Mr. Barra mentioned that the code official doesn't work on Sundays but enforcement has been a lot better recently. Mr. Benz also agreed that the Council should wait until the light is installed before fine tuning this document and making it an ordinance.

Robert Paterson from 32 Stone Fence Road had a few points to bring to the Planning Board's attention. He wanted to know about the food preparation and if there was any consideration to the odors that would result from it, whether the noise ordinance was appropriate for the studios for musical arts, if the definition of individual sports training facilities included membership or not based on 270-8 in the Borough code, and if under wood products they would include toys again as he thought it was accidentally omitted. Mr. Paterson thought the Foreit property would be included in the D-Zone updates as the zoning needs to be changed to affordable housing and Mr. Barra said it was being worked on. There was some discussion between Mr. Paterson and Mr. Snieckus about whether changes would happen to the E-Zone too. It was decided that right now the focus is the D-Zone and no changes were being made to the E-Zone. Mr. Paterson also wanted to know what the adverse affects would be to the businesses currently in the D-Zone. He also questioned the word wholesale in the ordinance as he felt that word may lead to confusion with future businesses. Mr. Paterson also asked about self storage but Mr. Snieckus told him the Board deemed it inappropriate for the area. Mr. Paterson questioned the Board about the tail end of the zone and asked if the zoning could be changed for that section to residential. Mr. Strauch responded that the piece Mr. Paterson was talking about was part of a floodplain.

Mr. Strauch did ask Mr. Snieckus about the word wholesale and asked if he thought this was a problem. Mr. Snieckus did not as it has been historically in the ordinance. Mr. Strauch said that Black Millwork has a showroom so would this be a problem to future Councils and code officers if the word wholesale was kept in there. Mr. Snieckus noted that if the word is in the ordinance someone could sell a product. There was some discussion between board members about the word wholesale. The Board does not want to upset the current tenants but does not want to take business away from the central business district. Mr. Quinn thought they should keep the word wholesale in the document but it was all about enforcement. Mr. Snieckus suggested saying in the ordinance that retail is prohibited.

James Thomas from 30 Arlton Avenue suggested that the Planning Board and Town Council approach this list from the standpoint of what should be prohibited rather than what should be permitted. He stated that if the Board continued with the path of permitted uses that they would surely miss some that could be beneficial to the town. What the Board should do is prohibit certain things that may be inappropriate for Allendale. The Board could then control the use of the property with traffic and parking. Mr. Quinn said there was discussion between Board members over those points. Mr. Snieckus explained that the board would have to develop a list of prohibited uses for the zone. The Board members balanced that idea with how much they wanted to change the current list of uses with how much control they would have over traffic and noise with the prohibited uses. They decided to update the current list of uses. Mr. Quinn stated that the board decided to list the permitted uses as anything not on the list would not be permitted.

Mr. Paterson looked at the permitted uses and did not see an opportunity for retail unless it was a showroom with some kind of product. Mr. Snieckus added that if the word wholesale is

removed it makes it more difficult to allow the businesses to have a small display room to show a product. He also reiterated that placing no retail in that zone would help to protect the central business district. Mr. Zambrotta asked about a martial arts place or another business that is already there that sells products pertaining to their businesses. Mr. Snieckus explained that it is up to the discretion of the zoning officer to make the decisions. He gave an example of a place selling uniforms for instruction would not be in violation whereas a business selling uniforms to the general public would be in violation of the ordinance. Mr. Congello asked about whether sporting places would be allowed to be open on Sundays. Mr. Quinn responded that everyone has to follow the ordinance on not being open on Sundays and that the Board put the space limitations in the document to avoid large batting cages or businesses that would need big, open areas.

Mr. Quinn thanked the public for its input and brought the discussion back to the Board. Three things stood out to him to be debated by the Board based on the discussions with the members of the public. The first was the word wholesale and whether it should be taken out or left in, the second was using the words prohibit retail, and the last item was whether to keep in or take out the use of food catering.

Mr. Walters declared that he wanted wholesale to remain in the document and that he was not tied into the catering as not allowing the catering business to be open on Sundays would solve that problem as most catering places have to be open on Sundays. Mr. Quinn agreed about the catering and if the business could succeed without working on Sundays it would be okay to keep it as a use. Mr. Walters replied that Market Basket is open on Sundays and Mr. Quinn acknowledged that lots of people have parties on Sundays. Mr. Sasso commented that the Market Basket is also a retail operation and there is to be no retail in the zone. Mr. Fliegel remarked that the ordinance says there is to be no deliveries on Sunday but wanted clarification on whether the ordinance stipulates that no business operations should be occurring on that day. He suggested stating no retail so that there would be no competition with the business district and wanted catering taken out in case there were issues with working on Sundays. Mr. Zambrotta felt there were different types of catering and wanted the use left in the document. He also agreed with Mr. Thomas in listing the prohibited uses and not the permitted uses. Mr. Quinn asked Mr. Snieckus if the language could be stronger with the catering use. Mr. Snieckus responded that they could put no operation on Sundays next to the use so there was no confusion. Mr. Barra believed that catering should be taken out as with all the discussion happening on that one use it seemed like there were potential problems every way one would look at the catering situation. Mr. Sirico and Ms. Sheehan agreed with the Mr. Barra to take catering out as Mr. Sirico added there is always preparation to be done on Sundays for Mondays' clients and the catering place would have to open on Sundays. Mr. Sirico also wanted toys to be put under wood again. Mr. Sirico also stated that he felt wholesale should be left in with the words no retail added. He commented that they could always re-examine the list and the Master Plan over the course of

time. Mr. Snieckus told the Board that this process is not a static process that updating the Master Plan is a dynamic process and should be re-evaluated regularly.

Mr. Quinn announced that he received a letter from someone who lived on Hamilton who could not be at the meeting that night but had some views on the updates. He said the letter would go with the documentation to the Town Council and the person would have an opportunity to voice their views at a future Council meeting. The Planning Board can't have hearsay testimony, but the letter would be forwarded. Mr. Quinn said they should probably make decisions to night to push this on the Council who could then wait to see what happens with the new traffic light. There was some discussion between Ms. Tamayne, Mr. Sirico, Mr. Quinn, and Mr. Barra about how to recommend to the Council to delay their decision on the ordinance until a traffic study is done on the new traffic light. Mr. Barra asked Mr. Yakimik if the County would do a study on the light and Mr. Yakimik said it would be done. Mr. Barra was explaining that there were changes to the light on West Orchard Street and Franklin Turnpike because not everything was flowing smoothly after the light was installed. People can now turn right on red and the county will be putting in an advanced green light for cars heading north on Franklin Turnpike. This will help alleviate the back-up of traffic. Mr. Barra said they would get input from the county, but suggested getting the town planner and engineer involved to do their own study. Mr. Strauch asked if a traffic count had been done in the past and Mr. Yakimik stated that it had been done in the past three years and that the county had the information. Mr. Barra commented that there will be a left turn lane on West Crescent which will help move traffic and Mr. Yakimik added that the light will provide gaps in the traffic so people on the street could back out of their driveways.

Mr. Quinn said the consensus was to take the catering out, put toys back under wood products, and keep the word wholesale in but have a stronger statement prohibiting retail. Ms. Tamayne asked if Mr. Snieckus needed to first revise the document and he stated that she could do a resolution with those changes and then he would amend the document to send to the Council. Ms. Tamayne made the changes to the Resolution and read the Resolution to the Planning Board. The Planning Board decided to add a letter to the Resolution suggesting the Council do a study on the traffic on West Crescent before voting on the ordinance.

On a motion from Mr. Walters, seconded by Ms. Sheehan, the Planning Board Resolution recommending modifications to the D-Industrial Zone District was approved by the board members. Mr. Zambrotta was the only board member who voted against the resolution.

On a motion from Mr. Walters, seconded by Mr. Scherb, the meeting was adjourned at 10:00PM.

Respectfully submitted,

Diane Knispel

