

April 30, 2014

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on April 30, 2014. The meeting was called to order at 8:10PM by Ms. Tenghi who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following Board members answered to roll call: Mr. Jones, Mr. Redling, Ms. Chamberlain, Ms. Tenghi, Mr. Manning, and Ms. Weidner. Ms. Hart was absent.

On a motion from Mr. Manning, seconded by Ms. Tenghi, the minutes from March 26, 2014 were approved. Mr. Redling abstained from voting as he wasn't present at that meeting.

On a motion from Ms. Tenghi, seconded by Ms. Weidner, the Resolution for Memorialization for Joseph Conte was approved. Mr. Redling abstained from voting as he wasn't present at that meeting.

Ms. Tenghi noted for the record that Mr. Redling had listened to the tapes of the March 26, 2014 meeting for the Go Ahead and Jump application and therefore was allowed to participate in the second part of the application process happening that evening.

The application before the Board was for a Use Variance for Go Ahead and Jump, LLC, 80 Commerce Drive, Block 601, Lot 2. James Jaworski from Wells, Jaworski, & Liebman located at 12 Route 17 North in Paramus was the attorney for the applicant. He was representing Michael Janay of Go Ahead and Jump who is the lease holder. Mr. Jaworski thanked the Board for rescheduling the meeting for a night that was conducive to everyone. He recapped the last meeting where the applicant explained to the Board why a Use Variance was needed, the operations of the potential new Sky Zone, and the architectural plans for the building. Mr. Jaworski continued with the fact that the Board wanted the applicant to investigate a couple of items for this month's meeting. One was communication with the municipality over the physical fitness presence in the E Zone versus the EM Zone. Mr. Jaworski said that he received a Resolution that he marked as Board of Adjustment One which was adopted March 1, 2006 that discussed the Planning Board's recommendation to the Mayor and Council about the proposal to include physical fitness in the E Zone. Mr. Nestor said he also asked for copies of the Resolutions that might pertain to this application. He received the same one for March 1, 2006, a Resolution in 2005, and some minutes that pertain to the documents. He asked if Mr. Jaworski had received those too and Mr. Jaworski said that he had not. Mr. Nestor provided him with copies. Mr. Jaworski asked if anything was meaningful in the Resolutions and minutes and Mr. Nestor responded that there might be and that Mr. Jaworski should take a few minutes to read over the documents. Mr. Jaworski remarked they are not proposing to be a physical fitness use. Mr. Nestor said he wanted him to have a copy of what was presented to the Board members. Mr. Jaworski declared he wasn't sure why he wasn't presented with the same documents that Mr. Nestor was given as they were asking for the same items.

Mr. Jaworski said the Board had requested that he resubmit the plans to Mr. Wittekind, the Code Official, and to have him to comment on the application. Mr. Jaworski read the letter from Mr. Wittekind which stated that Mr. Wittekind had no comments as the application was in the hands of the Zoning Board, he saw no problems with the traffic flow or parking, and felt that this site was good for this particular use. Mr. Wittekind responded that the buildings would need to be retrofitted according to ADA requirements because they were built in the early 1980's. Mr. Jaworski said they would talk about the ADA requirements and the traffic study. Mr. Andrew Missey would be testifying about the ADA requirements and Mr. Jay Troutman would testify about the traffic study. Mr. Missey had sent the Board some correspondence already. Ms. Catherine Gregory was the licensed professional planner who would explain to the Board why this use would work in this zone.

Mr. Andrew Missey from Lapatka Associates located at 12 Route 17 North, Suite 230, in Paramus was sworn in to testify. Mr. Missey has testified before the Board in the past and is qualified as a licensed professional engineer in New Jersey and Maryland. He has a Bachelor of Science in Civil Engineering from New Mexico State University and a Master of Science in Civil Engineering from Rutgers University. His plans were marked A-4. He explained how the applicant was going to provide access in the southeast and northeast corners by making both ADA compliant. Mr. Jaworski asked Mr. Missey about the number of parking stalls for Sky Zone. Mr. Missey said there are 130 parking spaces at the location. The building itself is about 45,400 square feet including the overhangs and it sits on a site of three acres. The building occupies about one third of the site. Mr. Jaworski asked again about the number of parking spaces as the number was different than what Mr. Jaworski had stated and Mr. Missey said he counted 130 spaces. Mr. Missey continued with Sky Zone would be occupying three quarters of the southerly part of the building. Mr. Missey said the site is in very good condition. They need to create five handicapped stalls on the eastside because those are the accessible entrances. The north side of the building is also accessible and will need to be updated. The back side is not accessible due to the loading docks. The scope of the work composes of 60 feet by 40 feet at the southeastern end and at the northeastern end 45 feet by 40 feet. The parking spaces for the ADA compliant will be resurfaced at grades of less than 2% in any direction. Ramps will be created as there are none at this location right now. Certain areas of the sidewalk near the entrance need to be readjusted to become compliant. Mr. Jaworski asked about the number of parking spaces since they need to add five handicapped spots and Mr. Missey said the number goes down a bit to 128 spaces. He also said that there is space to design a few more if needed in the future. Ms. Weidner asked how many spaces were in the front and Mr. Missey stated seventy-nine in total. Mr. Nestor said that the 128 spaces were not all allocated to the applicant and Mr. Missey agreed. Mr. Nestor wanted to know how many spaces would be issued to Sky Zone as the tenant and Mr. Jaworski stated that it would be either ninety-five or ninety-six. There is nothing in the lease about parking. Mr. Nestor stated that since there is no other tenant there in the building right now Sky Zone would have access to the 128. Ms. Tengi commented that the tenant would be there at nights and on weekends so they could use the other spaces. Ms. Tengi asked about

sidewalks and there are sidewalks on the property. Ms. Tengi opened the meeting to the public, but no one approached, so she closed the meeting to the public and brought it back to the Board.

Mr. Jay Troutman from McDonough and Rea Associates located at 105 Elm Street in Westfield was sworn in. He is a licensed professional engineer in the state of New Jersey and his expertise is in traffic engineering. He has been practicing in the field for twenty-seven years and he has done many traffic studies for communities in New Jersey, and has been qualified as a traffic expert in over one hundred planning and zoning boards in the state. Mr. Nestor asked Mr. Troutman if he focuses on both commercial and residential studies and Mr. Troutman responded yes. Mr. Nestor asked if he does one more than the other and Mr. Troutman said that it was about equal. Mr. Jaworski asked Mr. Troutman to explain what he found during his traffic study of Boroline Road and East Allendale Avenue with specific regards to parking. Mr. Troutman did investigations of existing traffic and roadway conditions in the area including Commerce Drive, Route 17, East Allendale Avenue, and Boroline Road. His team members identified East Allendale Avenue and Boroline Road as the critical location to the study. They manually counted the cars at the intersection on a typical afternoon and also on a Saturday. This use will be open on a weekday afternoons and on the weekends. The study showed that the heaviest traffic is on the weekdays at 5:00PM. On a Saturday there was the typical residential pattern but no spikes of commuters. Mr. Troutman said they discovered a similar use in Edison Township at a place called Rebounders which is also a trampoline park. The purpose was to see when it was most active and how it would superimpose conditions in Allendale. The goal was to set a benchmark for parking and see when the site was the busiest. The overall finding for the permitted use for the building is that it would add to the traffic to the peak hour as the businesses leave for the day, whereas the proposed trampoline park would add traffic outside of those peak hours. Mr. Troutman had the Board look at the parking data in his report. The Rebounders building is slightly larger at 40,700 square feet whereas the one in Allendale will be approximately 34,100 square feet. Mr. Troutman contacted the Rebounders facility and asked when they get their heaviest surge of traffic and the answer was 6:30PM on Friday evening and Saturday around 3:00PM. The team targeted those hours and on Friday the Rebounders facility needed thirty-nine spaces initially and rose as the night progressed. Since Sky Zone would have ninety-six spaces, there would be plenty of parking even at the peak times. Mr. Troutman added that because the peak hours are on the weekends Sky Zone could use the full 128 spaces. Mr. Jaworski told the Board that he gave Mr. Troutman the parking studies of the other Sky Zones and that the results of Mr. Troutman's traffic study is very similar to what is going on with peak traffic times at the other Sky Zones.

Mr. Nestor questioned how this study of what happens to other locations was relevant to the new proposed facility in Allendale. Mr. Jaworski said that all they can do is compare to similar facilities. Mr. Nestor asked if the road Rebounders is on is similar to Boroline Road. Mr. Troutman said the facility is set-up the same way as Sky Zone as it has birthday party rooms, indoor trampoline courts, etc. and therefore the traffic is similar. Mr. Troutman said it is part of

his job to try to find something identical to compare. Both are located in industrial parks in a warehouse surrounded by warehouse tenants who aren't usually there typically at nights or on weekends. Edison is very densely populated and comparable to Allendale in demographics and roadways, and Commerce Drive is better designed than Edison's road. Mr. Nestor asked about the hours at the other facility and Mr. Troutman said that the hours are similar. Mr. Manning wanted to know about what happens between 3:30 and 5:00PM. He was concerned about kids going right afterschool and what that would do to the traffic. Mr. Troutman stated the use is quiet at that time. He thinks that most parents take their kids after work. Mr. Manning wanted to make sure that traffic wouldn't be exacerbated at the 5:00PM time slot and Mr. Troutman said he did not think it would impact traffic. Mr. Manning asked about kids using bikes and Mr. Troutman didn't feel kids would go to the site that way. From what he saw in Edison most kids arrive by car. Mr. Jaworski concurred with Mr. Troutman that he didn't see kids biking to the trampoline park. Mr. Manning was still concerned about high traffic right after school but Mr. Jaworski said that Sky Zone doesn't open until three and the Rebounders doesn't open until 4PM which tells you that it is not a high traffic time. Mr. Nestor explained about what the Board usually hears for a traffic analysis on a property and stated that he wanted to know where the facts were for the 5:00PM information given to the Board. Mr. Troutman said that the information was based on the traffic counts. Mr. Nestor asked if Mr. Troutman had data that wasn't given to the Board that he was using to get his information and Mr. Troutman said yes. Mr. Nestor asked him briefly to go through the data. Mr. Troutman said that they counted cars on Boroline Road, West Gate Road, and East Allendale Avenue on Thursday, April 17<sup>th</sup> from 3:30PM-6:30PM and it was a three hour continuous manual count. The team found that the five to six o'clock hour was the peak hour and the highest peak within that period was 5:00PM-5:15PM. Boroline Road had many cars emptying out of the industrial park at the same time that traffic came from westbound on East Allendale Ave coming from Route 17. On traffic studies that engineers use to calculate peak periods an A is the best rating and an F is the worst. East Allendale Avenue was rated a D and Boroline Road was rated an E during that critical spike. Ms. Tengi asked if the kids were off school that week but they were not. Mr. Nestor asked about the line at the E level of service. Mr. Troutman felt the permitted use would be much worse than the proposed use of a trampoline park. They also looked for information on Saturdays with people out moving around in cars and the volume drop-off was substantial. The weekday volume was 2,139 cars in an hour and on Saturday, April 19<sup>th</sup> the peak hour was 12:30PM-1:30PM with 1,400 cars. Mr. Nestor asked if they had talked to the Borough Police Department and the answer was no. Mr. Jaworski asked if Mr. Troutman thought there would be substantial detriments associated with the application and Mr. Troutman said he did not see any detriments and that the parking is adequate for this use.

Ms. Tengi opened the meeting to the public, but no one approached, so she closed the meeting to the public and brought the meeting back to the Board. Mr. Jones wanted to know if things would be different if the property didn't get out at five but at seven instead. Mr. Troutman said he realizes that not everyone closes at five which is why they counted from 3:30PM-6:30PM. Mr.

Jones asked if the businesses in the other place were comparable to businesses in Allendale and Mr. Troutman said yes. Mr. Jaworski said the proposed use has less of a traffic impact than the permitted use. Mr. Nestor added that that would happen because the people from the trampoline park would stagger the coming and going versus a business that might let everyone out around five. Mr. Nestor asked if the light was sequenced differently on the weekends and did that contribute to the C level on a Saturday. Mr. Troutman said that it is primarily due to the amount of traffic, and then the light, as it is on a ninety second background cycle which slows the traffic down. It is designed to favor the flow on East Allendale Avenue on the weekends.

Ms. Kathryn Gregory from Gregory Associates located at 96 Linwood Plaza Number 350 in Fort Lee was sworn in to testify. She is a licensed professional planner in the state of New Jersey and has been practicing since 2000. She has a Master of Architecture and Master of Urban Planning from the University of Illinois. She is a member of the American Institute of Certified Planners and she has testified in front of many Boards before including Allendale. She is also a municipal planner in several communities including Woodland Park, Edgewater, Ridgefield, Clifton, and is a conflict planner for the Zoning Board in Westwood. Mr. Jaworski asked her for her opinion on vacant buildings and their usages in areas across the state and how flexibility might be needed to provide the kind of facility we are talking about tonight. Ms. Gregory said it is all about adaptive reuse which is using a building for some other purpose. She explained how the industrial park in Woodland Park was eroding because businesses were leaving and it was not good for the community. The only uses coming in were Karate, gymnastics, and fencing studios. Ms. Gregory did a comprehensive plan for Woodland Park and she did recommend that other types of recreational uses be included in the industrial zone as they would be a good fit. The town went ahead and adjusted the zoning ordinance to include these uses and others. The industrial park is now having a rebirth and there is activity at the industrial park. A lot of the uses that you would normally permit to be in these buildings are leaving the area. So the question is how to adaptively reuse these buildings and that is what we are talking about tonight. Traffic is always something to look at with every application but with what we are proposing tonight will not add to the town's traffic peak times. Ms. Gregory said that Sky Zone is not an indoor physical fitness facility as they will not be taking memberships. She also noted that when a person goes to the gym, the person goes alone, whereas with this facility there is going to be a lot of carpooling of children. This is more a recreational use that is geared towards children. Ms. Gregory said that the applicant is here for a Use Variance. To prepare for the meeting she went over the site plans, the architectural plans, and visited the site. Mr. Jaworski stated that they have to show special reasons to qualify for a Use Variance and asked Ms. Gregory to explain that to the Board. She said as part of the use variance you have to meet the positive and negative criteria. The applicant needs to prove that the site is suited for the use and give special reasons why. Ms. Gregory said that the site is suited because the building is the right height and size and the tenant doesn't have to change the building. Traffic patterns are better in a warehouse environment than in a retail environment where there are more cars coming and going. If most kids come on Saturdays most of the other buildings are empty. The location is right off of Route

17 so many customers can take the highway rather than traveling through Allendale. There is adequate parking and if it is really busy customers can use the other parking spaces allotted for the other businesses in the industrial park. Ms. Gregory said that under the MLUL we go under Purpose A which is promotion of the general welfare because they are adaptively reusing the building which is better for the environment rather than building a brand new one. Ms. Gregory continued that they also promote Purpose G which is about public and private recreational use to meet the needs of all New Jersey citizens. Sky Zone would be considered a private recreational use which means people have to pay to go there and use it. Ms. Gregory said that for the negative criteria they need to prove that there is no substantial detriment to the public good or to the zoning ordinance. She doesn't feel that there is any detriment to the public good as it will promote physical fitness for children to have an active and healthy lifestyle while having some fun. Traffic is pretty quiet on Commerce Drive. With this trampoline park there would be no smoke, waste, or other hazards that might come with a light industrial business. Trampoline parks are quite new and the Master Plan of 2005 did not mention the parks because they are just recently becoming popular. Ms. Gregory suggested the Board consider new uses in the Zone.

Ms. Tengi opened the meeting to the public, but since no one approached, she closed the meeting to the public and brought the meeting back to the Board. Mr. Nestor asked if whether a physical fitness facility would be better than having this particular use because there might be 500 people at the trampoline park and a lot less people at a physical fitness facility because they would limit the number of people due to the space limitations. Mr. Jaworski argued that his point was untrue as he represented several gyms which are consistently looking for new members. Mr. Nestor felt that square footage and membership meant something different than allowing a big building with no members that can visit anytime. Mr. Jaworski said that the five hundred number given to the Board would be the maximum. Most of the time they don't even get 162 people jumping at once and the likelihood of that happening would be around 1%. Their peak times are on the weekends. Mr. Jaworski said that what happens at Rebounders in Edison happens at the other Sky Zone parks. Mr. Nestor stated that the ordinance did not allow for physical fitness centers in the EM zone, but Ms. Gregory said that it is not a physical fitness facility and that he misunderstood her explanation. Ms. Chamberlain stated the hours of operation at a physical fitness facility are also very different than this use would be and Ms. Gregory agreed. Ms. Gregory said that the owners will have to seek out new uses that can go into these buildings. Mr. Nestor and Ms. Gregory continued to discuss the differences between the E and EM zones and whether new uses could be allowed or whether they were prohibited. Mr. Jaworski also added input about the difference between recreational and physical fitness centers. Ms. Gregory mentioned that years ago no one had heard of self-storage facilities and now the facilities are considered part of many zones.

Mr. Redling read the adopted March 1, 2006 Resolution and read page three to the Board. He felt that the difference between the EM and the E zones were that multifamily housing could be constructed in the EM zone. He didn't think that the facility was a physical fitness facility; he

thought it was a recreational facility. The times and membership issues are the critical factors in determining the differences. Mr. Redling added that people will not go here on a weekly or daily basis. They will go for special occasions, rainy Saturdays, etc. Ms. Tengi agreed that there were many differences between a physical fitness center and a recreational facility as a physical fitness facility you pay a monthly fee versus the recreational facility where you pay when you visit, traffic patterns and hours are different at both types of places, individuals entering one at a time whereas the other has more groups entering together, and gyms are more for adults whereas this use would be more geared for children and young teens.

Mr. Jones said he wasn't convinced that this trampoline park was a recreational facility as he was feeling it was more a physical fitness place as he said he read something in the documents about people getting a workout. He also wasn't sure about spectator events being allowed in the zone and that there would be spectator events at this park. He added that parents would also be chaperones or spectators. He asked Ms. Gregory how she would or wouldn't describe the trampoline park as a fitness place with spectator events. Ms. Gregory went over what the Zone excludes and what the definition meant. Mr. Redling stated that he would call it a parent warehouse rather than spectators as parents are kidnapped to go while kids jump on trampolines so parents should be comfortable too. They should be able to see the kids as they are probably chaperoning other kids too. It is not like high school football games where you have many types of people showing up. It is a more contained group of people watching a group of kids not an audience watching a sport. Mr. Jaworski confirmed that there are very few spectators watching the dodgeball events. Ms. Tengi added that most parents would drop their kids off and leave. Mr. Jaworski said it depends on the age of the kids and Ms. Tengi agreed.

Mr. Jaworski summarized the evening by saying that he represents the applicant and the owner. It is not a complicated Use Variance application as it has to be well-suited and have no detriments. This was well-suited as this building was the one chosen due to the columns and the height of the building. The applicant looked at over fifty buildings and this was the one that worked the best. There are fifty Sky Zones in operation and almost all of them are in centers similar to the EM zone with buildings that Allendale has on Commerce Drive. The traffic would be worse with the permitted use in the building rather than with the proposed use. Our use will have less of an impact at the off hours than a permitted use would have than if it were in that building. This satisfies the first prong of the Use Variance requirement. The second part is the impact on the community and no one is here from the public as no one will be impacted. He doesn't see a lot of kids riding their bikes to this location. Our peak times come at an ideal time as they don't interfere with the business hour peak times. He said they have met their burden for the variance and that it was time for a change.

Mr. Jones asked about the hours of operation and Mr. Nestor said they have been stated in prior testimony and there is nothing that he sees in the ordinance that would restrict those hours. Mr. Manning asked about Sundays and Mr. Nestor said he wasn't sure Allendale had a Blue Law but the county does. Mr. Jones asked if it is in the Board's right to set conditions about the hours.

He wanted the facts about the hours or more set hours as he felt that there was too much gray area about it. Mr. Manning said that he would be more concerned if there were residential homes in the area. He was concerned about the 5:00 hour kids being picked up at the same time that businesses were letting out as he wasn't totally convinced about the traffic study results. Mr. Redling felt that having a permitted use in the building would put more pressure on that intersection than the trampoline park because the hours are so different. Ms. Chamberlain agreed with the planner that the Board needed to be proactive and adaptively reuse the buildings as needed. If the buildings are vacant it doesn't help the town. Mr. Manning also felt the Board needed to help the industrial park because it is a problem throughout the country. He didn't want to set a precedent but Ms. Chamberlain and Ms. Tengi said they always do it by a case to case basis.

Ms. Chamberlain said that she felt the board should approve Sky Zone Trampoline Park. She felt the applicant had met his burden of proving the positive and negative criteria. The site is suited for this use. The regional location of the use will allow for access on Route 17. She felt that there was adequate parking for the use and the traffic pattern is interesting because it will be less than the permitted uses in the area for the peak hours. The applicant is using an infrastructure that is already in place and there will be no additions to the building. She said that the Board needs to look for spaces for recreational use under Purpose G. Ms. Chamberlain said she doesn't see any detriments with allowing the trampoline park. She commended both the planner and traffic expert on their testimony.

On a motion from Ms. Chamberlin, seconded by Mr. Redling, the application for a Use Variance for Go Ahead and Jump, LLC, was approved. Mr. Jones was opposed to the application.

On a motion from Ms. Tengi, seconded by Mr. Manning, the meeting was adjourned at 10:20PM.

Respectfully submitted,

Diane Knispel