

February 24, 2010

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on February 24, 2010. The meeting was called to order at 8:35 p.m. by Ms. Teng, Chairperson, 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 roll call: Ms. Teng, Ms. Hart, Ms. Chamberlain, Ms. Weidner and Mr. Manning. Mr. Jones and Mr. Redling were absent. Also present was Mr. Nestor, Board Attorney.

On a motion by Ms. Chamberlain, seconded by Mr. Manning, the minutes of the meeting of January 27, 2010 were unanimously approved as submitted.

Holmgren's Black Belt Academy, LLC – Site Plan and Use Variance application, 240 W. Crescent Ave., Block 1005, Lot 2

Harold P. Cook, III was present as attorney for applicant. Mr. Cook said the applicant conducts a martial arts school. He proposes to occupy approximately one-third of the existing building located at 240 W. Crescent Avenue. The property is located in the industrial zone so a use variance is required.

Mr. Cook said he reviewed the letter of the Borough Engineer dated February 23rd. He discussed some of the requirements with the owner of the building as well as the applicant. Applicant is going to engage a traffic engineer. The owner is going to help out financially with this because there is still remaining space to be occupied in the building after this specific applicant and tenant who will occupy about 1/3 of the building. There is a comment in the engineer's letter that the Borough of Allendale is going to refer this application to their planner. Mr. Cook suggested to his client that he should also retain a planner since a use variance is required.

Mr. Cook said applicant's architect has spoken with the Borough Engineer with regard to the check list requirements. There will be a request for waivers for many of these because of existing conditions. He is asking the Board if they will schedule this for public hearing. Applicant will submit revised plans in a short time. A traffic report will be available prior to the next meeting and they will comply with the incomplete items prior to the next meeting.

Mr. Nestor suggested that since the applicant is present this evening for a completeness review, and since there is going to be a traffic engineer and a planner, that the application be deemed not complete this evening and that it be listed for March for completeness review. The Borough Engineer can comment on the completeness at that time and the hearing can be scheduled for the April meeting.

Mr. Nestor noted that the building in question was formerly occupied by Corinthian. Mr. Manning said he heard that the County is considering installing a traffic light at the intersection of West Crescent and Myrtle Avenue. Mr. Cook said it is projected for the summer. They are addressing what is going to happen once it is done. The driveway to the right will be closed off and the driveway in the back will have a control point on it so it won't be possible to by-pass the

light. Ms. Tengi said she is sure the traffic expert will address that issue. She added that one member of the Board will be recusing himself because of the proximity of his residence.

Nicole Shapiro with the firm of Dewberry, said she is here representing John Yakimik, the Borough Engineer. She put together the review letter for completeness on this application. She said the checklist needs to be submitted as part of a complete application. Probably about 90% of that list is going to be waivers because it is not a typical site plan. The conceptual plan that was submitted does not comply with all of the items in the Borough code, Section 147-10.A and 147-10B. The traffic report is requested to analyze the effects the martial arts academy and office building will have internally and on the adjacent road network.

Ms. Shapiro said the minimum front yard setback is 99.7 and is supposed to be 100 ft. which is a pre-existing condition. The code requires parking spaces of 10 x 20. A variance could be requested for 9 x 18 and still provide the required parking spaces. The handicap spaces need to be identified. In addition, they recommend that the Board engage the services of the Borough Planner to review and comment on the application.

Mr. Cook said he has an issue with the last item in the Borough Engineer's letter with regard to a deficiency in the legal and engineering escrow account for an application for development under the name of the property owner's managing member. Ms. Tengi said she also has an issue with this item because the applicant is not the property owner.

Mark Borst of Borst Landscaping said he is owner and occupant at 216 W. Crescent Avenue and he is also the owner with his partner of Belmar Properties. They own the building at 260 W. Crescent and are the new owners of 240 W. Crescent. Last spring he appeared before the Planning Board to request to rent a space at Mr. Foreit's property at 230 W. Crescent Ave., which is across the street. He came before the Planning Board 3-4 times before he was finally approved. He was billed \$3,000 in engineering fees. He said he had quite an issue with that bill and has spoken to the Mayor about it. He will contact the Mayor to find out the current status of the situation.

Mr. Nestor said the completeness hearing will be scheduled for the next meeting on March 24. The hearing on the application will be scheduled for the April meeting or an agreed upon date.

On a motion by Ms. Hart, seconded by Ms. Weidner, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Barbara Knapp