

January 19, 2012

A regular meeting of the Allendale Planning Board was held in the Municipal Building on January 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. Zambrotta, Mr. Sirico, Mr. Fliegel, Mr. Scherb, and Mr. Walters

Absent: Ms. Sheehan, Mr. Sasso, and Mr. Strauch

Mr. Quinn said that the first item on the agenda was the election of officers and appointment of professionals. Several Board members were reappointed because their terms expired.

Mr. Dunn commented that the first order of business should be the swearing in of a new member because he can then act on the various matters that come before the Planning Board. He welcomed the new member of the Planning Board, Police Chief George Scherb, as a class 2 member, which is the appointment of a Borough official. George Scherb was sworn in as the newest member of the Planning Board.

Mr. Barra told the Board that as part of the re-organization meeting, Mike Walters, Mike Sirico, and Steve Sasso were reappointed to the Planning Board. Also, Jim Strauch was appointed again by the Council as the Planning Board representative. Mr. Strauch sends his apologies for not being here tonight as he is ill.

Mr. Dunn stated that all new members have to sign the Oath of Office that he just read, and reminded the Board to make sure that all new members take the Land Use course in the next eighteen months per state requirements.

Mr. Quinn said that the next thing was to elect the officers for the Board, and that he was willing to serve as Chairman again. Mr. Sirico was willing to be Vice Chair, and Carol Sheehan was willing to continue to be Secretary as per e-mail she sent to Mr. Quinn. Mr. Dunn declared that there should be a motion for the slate of officers. On a motion by Mr. Walters, seconded by Mr. Fliegel, the slate of officers was approved.

Mr. Quinn advised the Board that the Borough Professionals had to be appointed and they were John Yakimik, Borough Engineer; Ed Snieckus, Board Planner; and Tim Dunn as the Board Attorney. Mr. Dunn remarked that a formal resolution needs to be done because they are appointments of paid professionals for the year 2012. It is based on the Chief Financial Officer passing the municipal budget and these services coming under that budget. He went over the contracts with the Board as there is one for each professional. Mr. Barra wanted to know if all the professionals were charging the same fees that they had in 2011. Mr. Dunn responded that he and Mr. Snieckus would have the same fees. Mr. Yakimik commented that he would be

retaining the same fees as last year. Mr. Barra thanked the professionals for keeping the same fees as it helps the town's budget and also thanked them personally for their services to the Board. Mr. Quinn and Mr. Sirico concurred with the sentiments. Mr. Quinn asked for a motion to accept the slate of professionals which included: Mr. Dunn from Dunn and Brown, Mr. Yakimik from Dewberry, and Mr. Snieckus from Burgis Associates. On a motion from Mr. Sirico, seconded by Mr. Scherb, the slate of professionals was approved. Mr. Dunn thanked the Board as he has been the attorney for them for forty-three years and has enjoyed working with the members of those Boards throughout the years. He commented on the professionalism and dedication that the Planning Board has always had throughout the time he has worked with them.

Mr. Quinn introduced the minutes of November 14, 2011 and December 15, 2011. On a motion from Mr. Sirico, seconded by Mr. Walters, the minutes of both meetings were approved as amended.

Mr. Quinn said the next item on the agenda was the resolution of memorialization of Calvary Lutheran Church application and turned it over to Mr. Dunn. Mr. Dunn commented that the document was not done and was still a work in progress. He spoke to Mr. Whitaker, attorney for Calvary, to let him know that it was not ready for this evening, but will be carried to the February meeting. Mr. Whitaker attended the meeting and said he understood and appreciated the advanced notice.

Mr. Whitaker was at the meeting for another matter. He received an e-mail from Mr. Yakimik about a tree removal and trailer issue on the Calvary Church site. He stated that his client received a certified letter from James and Margaret Onesios from 133 West Crescent Avenue demanding certain trees be removed because they represented a danger to their property. The trees were dead and this was confirmed by Mr. Yakimik. Mr. Whitaker indicated that three very large trees were removed. The tree company left some equipment on the site without permission from the church. One trailer is still there and the Church will see to it that it is removed. There was also a Hazmat trailer parked on the site. Mr. Barra commented that is a CERT trailer and he believed the Church gave permission to park there. He doesn't believe the town will have a problem with the CERT trailer being there and is looking into the circumstances behind it. Mr. Whitaker came tonight because of the e-mail, and he didn't want the Board to think that after graciously giving the approval that the Church was trying to violate the law. If there are other trees to be removed they will get the correct permits unless it is under an emergency situation as these dead trees were. Mr. Yakimik stated that he was at the site today with Mr. Wittekind who is the code official. The tree removal had nothing to do with the proposed construction.

Changes to D-Zone

Mr. Snieckus gave an introduction to what had been discussed about the D-zone at previous meetings, and referred to his memo of January 10, 2012 regarding recommendations he suggested to the Board. Some of the suggestions were refinements based on what had been discussed at the November meeting. Mr. Snieckus reminded the Board that there are two areas in Allendale that are in the D-zone a northerly area on West Crescent Avenue and a southerly area located on Chestnut Street. The southerly area is on the Waldwick side of the tracks but is in Allendale. The D-Zone contains light industrial uses which are permitted in the zone. The Council and Land Use Committee have identified the need to take a look at the regulations in the D-zone as it has not been modified since the 1950's. It is appropriate in the Master Plan Review that the Planning Board review ordinances to make sure they represent contemporary standards and that they are aligned regulations and permitted uses within this zone. Since the zone is in two separate geographic locations, it is recognized that there are differences between the northerly area and the southerly areas. The northerly area has residences nearby and has issues with traffic on West Crescent Avenue that need to be addressed. There are no similar concerns with the southerly area. Therefore, it is recommended that the D-zone be divided into two zones called D-1 and D-2. This was identified in the Master Plan as an option so the Planning Board is consistent. At the last meeting, there was discussion on the uses and that the existing uses do not represent contemporary standards or building configurations and characteristics of that zone. Mr. Snieckus explained that in a prior document a thorough analysis of the D-zone criteria or bulk criteria was described. This includes the setbacks, amount of building coverage, and other things that relate to the bulk of the building and design and construction of the property. There was discussion on some of the uses like carburetor repair that are outdated and should be removed from the zone. There also needs to be sensitivity in the northerly area as the noise and smells from a lawnmower repair shop would be in close proximity to a residential district.

Mr. Snieckus went through the recommendations from his report. One was to separate the D-zone into two zone districts to allow a specific set of permitted uses to be allowed in each zone. Number two was to allow commercial food preparation businesses where food is prepared but not consumed on the premises. There would be no catering or banquet halls allowed in the zone. Mr. Quinn asked if language could be created to make sure people understood that no one was allowed to come into the premises and eat. Mr. Snieckus agreed. Number three was indoor recreation. Mr. Snieckus wanted to mention that existing buildings there now have large floor spaces because they are warehouses or industrial types of facilities with large open span rooms. In the recommendations they try to consider uses that might benefit from that type of space that are not currently permitted but could be permitted to help further the viability of that zone and maintain the tax ratables. Part of the effort in the Master Plan is to balance commercial ratables versus taxing of residential properties so we can offset the tax impact on the residential properties by promoting nonresidential uses within the community. This is a balancing act. Indoor recreation and individualized instructional sports training facilities we have recommended

in many other communities. Examples would be a batting cage or speed improvement centers also known as sports training facilities where someone would learn how to hit a ball better, run faster, throw harder, etc. Mr. Snieckus said that they wanted to be cognizant of the interpretation of that sports facility as they should not try to include health clubs. This may lead to a greater parking and traffic demand. The Board also stated that they did not want to permit a bowling alley at this location. It is not appropriate due to the location as it is not along a major highway and access is not free-flowing and widely available. This location has limited site distance up and down West Crescent Avenue, it is adjacent to residential areas, and although there is a traffic improvement plan scheduled for the future, the Board would not want to add to the traffic hardships in that area.

Mr. Walters asked how Mr. Snieckus came up with the 5000 square foot benchmark. Mr. Snieckus has dealt with facilities of this size in his experiences with other towns. He feels it is a way to control the maximum square footage that could occur within that location. It is not a total negative but that is the benchmark. Mr. Walters wanted to know if Mr. Snieckus had looked at physical therapy or rehab facilities that would be considered more medical than recreational. Mr. Walters felt there was a need for those in North Jersey. He also felt it would provide more one to one personal training than gyms and the density would be less. Mr. Snieckus responded that the individualized instruction in his report included all of the above. Physical therapy would be recommended for the zone. It is different than a sports training type of facility due to required licenses and certifications.

Mr. Walters then asked if in the D-zone medical marijuana would be allowed because he knows a number of towns have shot it down and whether they would be better off mentioning it or not. Mr. Snieckus said that another similar entity would be adult entertainment. The way it is approached in many communities is to talk about it openly in the Master Plan. Discussing the criteria in that type of use and developing a game plan so the Board would be able to control an application such as having a strategy that makes it very difficult (setbacks from schools and for residential areas) to implement. Mr. Walters stated that he thought adult entertainment was more retail while medical marijuana was more D-zone material. He also felt they would need more square footage than the Board would be allowing. Mr. Snieckus said that they would have to watch how the State handles things in this area in the future. He gave the example of child day care centers and how the state has trumped the ability of towns to control where they are located. He did think the proximity to schools would help control such uses in the future.

Mr. Snieckus continued with number four in his report that suggested martial arts and gymnastics instruction as two additional uses that could be permitted in this district. He also suggested studios for instruction of musical and other fine and performing arts. Mr. Snieckus understood that the Board was concerned about the size of such a facility. So, Mr. Snieckus added to the report that instruction studios contain a maximum floor area of 2500 square feet to limit the size of the facility. Mr. Walters asked about whether the School of Rock in Waldwick would qualify. Mr. Snieckus felt it would as they do have audiences come to watch students

perform there. He mentioned that Allendale has ordinances for performance standards which have maximum noise levels that can be generated at residential property lines. Those regulations control everything from emergency generators to noise from facilities. You can try to control them from exceeding the noise levels, but it may be a problem. Mr. Quinn responded that the square footage limitations would cut out space for concerts or recitals. Mr. Snieckus commented that the buildings are set back from the residences. Mr. Quinn mentioned that some clubs like tennis or racquetball would generate more traffic than the Board would like to see there. Mr. Walters felt that the size limitations would not allow for those types of sports clubs. Mr. Quinn replied basketball courts or soccer courts might fit in that space.

Mr. Snieckus said the number six recommendation was licensed rehabilitation and physical therapy clinics. Item seven talked about medical and dental offices with further clarification on medical and dental uses that could be permitted in the zone. We added medical imaging and medical dialysis facilities which are recommended to be specifically listed as permitted uses. These uses are consistent with the parking needs associated with general medical practitioners.

Number eight was digital data storage centers as they are in demand and in a trend in the adaptive reuse of warehouse and light industrial facilities. Whether they choose to be in the D-zone is a question because they will want to be close to electricity and internet capabilities. These facilities also need emergency generators and it can be an issue with noise especially for the local residences. These generators also have to be tested weekly sometimes and this will need to be regulated as to when this is done. The recommendation is only during the day between the hours 9AM to 6PM. They would also require certain setbacks for that type of use equal to the principal building setbacks. Mr. Walters questioned the 100 feet front yard setback, and Mr. Snieckus said that 100 feet is what exists for the principal buildings. He would not want to see a generator closer than that as the Board would probably want them to the side or rear of the buildings so they are out of sight. Mr. Snieckus also suggested double wall tanks for the fuel sources for generators as the DEP requires this right now. He also advised the Board that a leak detection system should be linked to the building alarm or monitoring systems, and that an emergency contingency plan be set-up with the police and fire departments. Emergency generators should also be required to meet the strictest standards applicable in Chapter 170 of the Borough code. Each unit shall have a sound cover that meets these standards and they should be screened from view with landscaping. Mr. Quinn asked if the ordinance covers all of this already. Mr. Snieckus responded that these are DEP regulations that are covered but yet it is good to make things obvious with regulations so that everyone is aware of what is expected.

Mr. Snieckus mentioned that Mr. Fliegel had expressed some concerns through an e-mail regarding some of the recommended uses in the D-zone conflicting with what is already in the C-1 and C-2 zones which is the central downtown district. One of the main components of the Master Plan is to protect the downtown, encourage the uses to occur there, and not to steer uses away from the downtown that would negatively affect the downtown. The only use proposed in the D-zone that would potentially have an impact would be the medical office use. Mr. Snieckus

said typically boards need to be careful on how much office space is allowed in downtown areas. Downtown should have a lot of retail and related services and medical offices should be on second floors or off side streets not on the main roads. He felt the D-zone should allow medical offices as it gives the zone more options and allows people to put a medical office in a different area in town. Most of the uses suggested for the D-zone are not C-zone types of businesses. They will need enough room for vehicles like trucks to park and for their employees to park. Mr. Quinn saw two applications recently for orthodontist offices and thinks that the D-zone would be another venue for those types of applications. He also mentioned a t-shirt shop application for a basement space that had a restaurant and apartments above it and the potential for fires worried him. These applications would work in the D-zone. Mr. Zambrotta asked what would be a better use for a basement. Mr. Quinn responded storage would be the best as he felt it was not a place for manufacturing. Mr. Barra felt that Mezza Luna was putting more seating in their basement. Mr. Quinn said he also saw an application for a physical therapy clinic to go in by the A&P and thought this was another example of why they needed more space for these types of places in the D-zone.

Mr. Fliegel had also questioned how much vacant space was currently in the C-zone. Mr. Snieckus felt there was about 3400 square feet available, but asked Mr. Walters to check to see if that was correct. Mr. Barra said there were not a lot of empty stores in town. The one he could think of was at the corner of Maple and Allendale Avenue. He said that Black Millwork could be empty by the end of this year. Mr. Walters said he thought it would be another eighteen months. Mr. Snieckus said there is another 2200 square feet available on West Crescent. He felt there would be a minor impact on the C-zone. Mr. Zambrotta asked why these uses were not applicable for the southerly region. Mr. Snieckus replied that the goal is to encourage adaptive reuse on West Crescent at this time. Mr. Zambrotta stated that it is more important to get the right tenants in this area rather than in the southerly area. Mr. Walters added that the Board could re-evaluate the southerly area in the future. Mr. Snieckus noted that they could clean-up the D-2 zone but focus on the new uses in the D-1 zone.

Mr. Snieckus started to talk about parking regulation controls and parking standards. He raised the issue that the Board wanted more information last time on medical and dental offices for the standards of one parking stall per fifty square feet as being very restrictive. He provided a breakdown of what surrounding communities are requiring for their standards. Some communities did not differentiate between medical and standard office space. Some do as there are differences in the turnover rate in parking between a medical office and a standard office. Mr. Walters commented that in a standard office people are there for eight hours whereas with medical offices there is more turnover in the parking. Mr. Snieckus continued with the fact that he felt there should be different standards. There are standards ranging from 50 square feet, one space for 150 square feet, one space for two hundred square feet, all the way up to one space for 250 square feet. The one space for 200 square feet, also known as 4 spaces per 1000 square feet, is more of your standard office type square footage. Right now we expect one for 200 or five for

one thousand for general office space. One per 250 may be better so we are not requiring too much parking and having greater impervious coverage than we need in our communities. More restrictions could limit the reuse of some of these locations. Mr. Walters went into some ratios of some of the buildings he has sold. He thought 6.7 per 1000 square feet was still high for parking standards and that he was more comfortable with the number 5 per 1000 square feet. Mr. Barra asked about the professional building located across the street from the AB&G as to the parking standards. It was also brought up that there is another professional building next to Rite Aid, and another building on De Mecurio Drive. Mr. Barra asked for the comparisons and Mr. Snieckus said he would look into it. It was discussed that the buildings may be smaller in size, but it would be beneficial to see what the parking standards were for each building. Mr. Snieckus said he was recommending standards on the conservative side. Mr. Walters answered Mr. Snieckus' previous question about retail space and said there was space available in the Azarian building with 7400 square feet. Mr. Snieckus said there was a standard for physical therapy places for one parking space per 150 square feet of space.

Mr. Yakimik wanted to make sure that consistency was used for the parking standards especially if there were similar uses. Mr. Snieckus felt that physical therapy was more like a medical type of use because people would be in a waiting room before they meet a trainer. He also recommended in his report that the Borough limit the hours of operation for this area of the Borough in order to safeguard the adjacent residential land uses from impacts of a 24 hour operation at a facility. He mentioned that some communities are having problems with 24 hours stores now. Mr. Walters asked about an Urgent Care facility. Mr. Snieckus responded that it is similar to an outpatient surgery center.

Mr. Snieckus talked about suggestions for changes to the Master Plan for this zone as the uses will be updated or modified. He remarked that the D-zone should be divided into two zones with the D-1 zone district which is the northerly part on West Crescent Avenue near a residential district, being separated from the southerly zone which would be designated as D-2. Some of the previous uses are obsolete including carburetors and small machine repair and manufacturing, typewriters, and photo finishing. The D zones encourage light manufacturing, processing, assembly, research laboratories, and office uses. Since there has been a reduced demand for these facilities in recent years, there is a need to re-evaluate the uses permitted so the current buildings can succeed. The D-1 zone district would allow additional uses such as professional sports training, medical offices, rehabilitation centers, digital data centers which would be appropriate adaptive reuses for the current buildings in this zone. These new uses will be complementary to the uses in the C-1 and C-2 commercial district in the downtown area and not be detrimental to the economic success of the area.

Mr. Barra was worried about prejudice in the zone based on the owner not being able to rent. Mr. Snieckus did not feel this was an issue as retail uses were for the C-zone. Mr. Barra was more concerned about the language than the zoning. Mr. Snieckus asked if he meant is it better to be general than more specific. Mr. Snieckus felt it was more important to protect the C-zone from

its competition from the Internet or regional shopping centers. Allowing retail uses to expand outside the C-district would enable uses to be pulled out from the downtown area and reduce the vitality and integrity of the central business district. This is supported and recognized by your Master Plan and it is a strong statement to promote uses that are complementary and not detrimental to the C-1 zone, therefore, is a good statement to make. Mr. Zambrotta asked if it would be better not to say that one area was better than another. Mr. Barra commented that he wanted a vital downtown as he just went to Ridgewood and many stores were empty. He felt it would affect the town, vitality of the community and real estate values as a resident. Mr. Barra was worried about the language favoring one zone over the other and having people who are not being favored start lawsuits. Mr. Quinn wanted to know if it could say that the C-zone is more retail-oriented than the D-zone. Mr. Snieckus said that could be clarified. He said it was to be complementary. Mr. Quinn thought the report was well-prepared as he was originally concerned about whether the Board could say some of the things they specifically wanted and thought Mr. Snieckus had done a good job with that part. He also mentioned that traffic flow was a concern as it was a difficult location.

Mr. Sirico wanted to know about the one building in D-1 and what was currently in there. Mr. Scherb felt it was a few companies a couple of years ago, but wasn't sure what it was today. Mr. Quinn felt they could be more liberal in that zone. Mr. Walters wanted to know about day care centers and Mr. Snieckus responded that it was already permitted in all nonresidential zones because the State had already taken that away from the local municipalities.

Mr. Quinn started to discuss the next steps for the Board. The Board needed to find a time to hear the public's comments. After that meeting, the Planning Board would make a recommendation back to the Council who will decide whether or not to make the changes. Mr. Barra was more concerned about the process as when the Council had a public session, some people from the public were critical of the notice. Mr. Barra felt the residents within two hundred feet should be given a certified notice of the public meeting. He felt that the Planning Board should publicize the meeting as much as possible. Mr. Barra suggested inviting the Chamber of Commerce and the people who own the properties in the D-zone. There was a question about the language changes and Mr. Snieckus suggested that the next meeting be treated as a work session so he could refine the recommendations and set the public forum for the following meeting. Mr. Barra questioned whether a report could be done between a Monday and a Thursday. Mr. Snieckus felt it was too short of a time period to get the report done. Mr. Barra asked whether they could do it at one work session and have the public session the following month. Mr. Barra felt everyone needed three weeks to get the word out to the public about the meeting. Mr. Barra even suggested putting the report on the website. Mr. Quinn felt the public might have a different perspective and that getting the word out about the meeting and the report was important. Mr. Dunn asked if the Council was going to formulate an ordinance and if they would have a public meeting for that too. Mr. Barra agreed that the procedure would be for another meeting if the ordinance was to be adopted but if no changes were to be made the public

would be fine with it. He felt the Planning Board public hearing was where the public comments should be made. It was decided to have a February work session where the language could be finalized and a public meeting in March. The information will be put on the website, and all residents within a 200 foot distance will be notified by certified letter. The Chamber of Commerce and realtors will be invited. It was also decided that Mr. Snieckus would write a report for the public based on what it would say in the upcoming ordinance.

Mr. Fliegel commented that Mr. Snieckus' report was geared to the northerly section of the D-zone but he wanted to know if it was the Board's opinion to limit it to that zone or include the southerly part too. Mr. Quinn stated he felt that the Board could be less specific on the southerly part than the northerly part. Mr. Snieckus said that both zones are included in the amendment because the zones are being separated. However, certain uses were being taken out of both zones as the point was to clear up the language. Mr. Zambrotta commented that the Board was taking out usages for both zones, but not adding anything to the southerly zone. Mr. Fliegel was under the impression that they should do something for that zone. There was discussion amongst the Board members about if something wasn't mentioned it could not be done in that zone. Mr. Barra suggested some things may be appropriate for the southerly zone that would not be appropriate in the northerly zone. The southerly zone on Chestnut is busy because of the businesses in Waldwick and there is plenty of traffic on that street. Mr. Barra commented that Allendale may be too restrictive in that area and businesses may go to Waldwick because it is less restrictive. Mr. Yakimik cautioned the Board on adding to the traffic issues on Chestnut without there being improvements on the road. He told the Board it is dangerous and the street has many traffic delays at that intersection. Mr. Zambrotta provided a list of businesses across and down the street from Allendale's D-2 zone. Mr. Yakimik and Mr. Barra discussed that the D-2 zone is only one location and will probably not change much in the foreseeable future. Mr. Zambrotta suggested that the Board zone to the location and not the building as the building could burn down tomorrow.

Mr. Snieckus said he would make some suggestions at the next meeting for the southerly zone. Mr. Fliegel asked if they would increase the notice for the residents within 200 feet to include the southerly zone. This would include the condos at The Whitney and the Waldwick businesses. Mr. Sirico asked how many lots there were on the southerly zone and the answer was that there are two lots of which only one is developed. The Board decided to notify the southerly area of the changes.

The next meeting will be Thursday, February 16th. As for changes to the Master Plan, that will occur when the Council gives its approval for the recommendations from the Planning Board. Another public meeting will be held in the future.

There was some discussion on the culvert and whether the blockage was cleared out, and the bridge on Forest and when the construction will be finished.

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

Respectfully submitted,

Diane Knispel