

July 12, 2010

A work session of the Allendale Planning Board was held in the Municipal Building on July 12, 2010. The meeting was called to order at 8:15 p.m. by Chairman Quinn, 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: Mr. Quinn, Mr. Sasso, Ms. Sheehan, Mr. Sirico, Mr. Zambrotta, and Mr. Walters. Mr. Bernstein arrived at 8:25 p.m. Mr. Barra, Mr. Fliegel, Mr. Herndon and Mr. Yevchak were absent. Also present was Mr. Dunn, Board Attorney.

Allendale Whitney, LLC – Chestnut St., Block 2101, Lots 1, 2, 3, 5, 6, 7, 8 – application for site plan modification with variance for fence height and sign size

Scott Loventhal, development manager for applicant said he has appeared before the Board most recently in October 2009 where they discussed conceptually with the Board saving an existing tree line along the rail and also discussed some landscape and front entry enhancements which they have now formalized. Scott Koenig, landscape architect with Lapatka Associates is present this evening to discuss the plan. He said in October 2009 there was discussion of an existing buffer that they had retained when they cleared the site. The original plan called for the site to be clear cut right to the railroad right of way and they felt that was not necessary or appropriate in light of the nuisance that the rail provides. They have beefed up the existing planting to compliment the existing tree line that they want to retain as part of the development. They are also looking for an additional sign at the front entry in order to allow southbound traffic to recognize the development. They are also looking to install an 8 ft. fence along the railroad right of way where a 4 ft. fence was previously proposed. The 8 ft. fence requires a variance.

Mr. Koenig provided a drawing showing the original landscape plan. It shows the easterly property line that is common with the railroad right of way and the location of the proposed 4 ft. fence. It shows the area of the proposed evergreens in the buffer treatment. The sizes range from 8 to 10 ft. height to 13 to 15 ft. in height at the time of planting. They propose an alternate landscape plan which is shown on the bottom half of the drawing. This is the same fence line but they show the location of 58 existing trees that they are proposing to retain. They are principally deciduous trees ranging in height from 30 to 50 ft. Supplementing those existing trees they propose 35 evergreen trees to be planted in the gaps between them. The original proposal called for 82 evergreen trees. In addition they are proposing approximately 64 large shrubs for planting underneath the remaining deciduous trees. They have found that there are 12 trees that were originally listed as trees to remain that have been lost and they have introduced 9 additional evergreen trees to fill those locations. The current count of existing trees went from approximately 58 to approximately 46 trees remaining and the proposed evergreen count went from 35 to 43. The revised alternate plan shows the fence as 8 ft. to replace the 4 ft. that was initially proposed. On the north side of the driveway they have proposed a decorative fencing treatment. A sign is proposed on each side of the driveway detailed on sheet 10 of the plans.

Mr. Loventhal said the approved 4 ft. fence provides nothing in the way of safety along the railroad. They feel the safety issue alone is sufficient reason for the granting of the 8 ft. fence

which they feel is in the best interests of the project. Mr. Koenig said the fence line falls immediately west of the property line and the trees along the tree line are from 2-3 ft. to upwards of 10 ft. from the fence line. The fence will be kept clear of the trees on the property.

Mr. Loventhal said he believes the base of the 8 ft. fence will be consistent with the ground floor of the units. It will be a standard board on board fence so it is not a sound barrier, but it is more of a safety issue. The fence is basically right on the property line. Photos were submitted for reference. Mr. Loventhal said from the second floor of the project the existing tree line will screen the project from the railroad right of way. In front of the those trees significant planting is proposed. He added that this project has not been analyzed from a cost prospective because the cost was irrelevant. The proposal is basically to protect the tree line and the buffer to screen the project and provide a level of privacy to the development.

Mr. Quinn asked if the shrubs that are going to be installed will be deciduous. Mr. Koenig said they are primarily deciduous. Mr. Quinn said that basically the fir trees that are going to be planted are the only things that will retain their foliage throughout the winter. Ms. Sheehan asked if they will be built up on a berm or will they be level. Mr. Koenig said they will be level.

Mr. Sirico asked if fence approvals are necessary from the railroad with regard to the installation of the 8 ft. fence. Mr. Loventhal said he is not aware of anything that is required. They are working with N. J. Transit and D.O.T. now.

Mr. Bernstein asked if the applicant is here for a variance from the Borough code or modification of their previous plan. Mr. Dunn said right now they are not here for either as this is not a formal application. A variance would be required for the 8 ft. fence.

Mr. Yakimik said he submitted a letter today regarding his completeness review dated July 12, 2010. He failed to recognize that perhaps the applicant needs a variance from the sign section of the code. Section 270.20D-2 requires no more than 16 sq. ft. for a sign within a residential zone. The original Whitney sign that was proposed on the original application is roughly 16 sq. ft. and the size is basically being doubled so he suggests a variance is needed. Mr. Loventhal said they have publicly noticed for Thursday's meeting and they specifically used the catch all of "any and all variances that may be determined at the time of hearing." He said the 8 ft. fence is a significant safety enhancement.

Mr. Dunn said the application before the Board does not reference the sign and says that the sign is in compliance. He said that has to be addressed. Mr. Loventhal said they were not able to find the section of the ordinance that addressed the number of signs. Mr. Dunn said at this point it should be listed and detailed on the application. Mr. Loventhal said running through the balance of Mr. Yakimik's completeness issues they are all housekeeping in nature and they will bring proof of property taxes being paid in full. If there is a deficiency in escrow that will be taken care of as they make deposits on a regular basis. Mr. Yakimik said he did notice that on the application there was a revision to a rear entry plan and he believes that should be front entry plan. Mr. Loventhal agreed it should have said front entry.

Mr. Yakimik said it would be a good idea for the applicant to send a written notice to the County Planning Bd. advising them of these modifications and they can advise whether or not they want to see the application again. Mr. Yakimik said a memo was submitted on March 16, 2009 which stated that there was a concern about the supplemental planting that the shrubs and new trees might be competing with the existing trees and root masses might be destroyed by the new plantings. He said the application is under performance guaranty and there are maintenance guarantees in place in case the new plantings do not survive. He thinks that some of the shrubs may have to be installed closer to the buildings than what is shown on the plan. Mr. Koenig said it was always understood that there will be adjustments in the field to the plantings that are shown on the plan. Mr. Yakimik said where the 8 ft. fence intersects the 3 ft. fence at the front of the project where the right of the way line for Chestnut St. intersects the right of way for the railroad, he would ask that the fence be installed completely out of the Chestnut St. right of way.

Mr. Yakimik said he wholeheartedly endorses the installation of the fence on the south side of the entrance where one did not exist on the previously approved plan. There is a drop off there that is a safety issue. From a safety standpoint the installation of a 3 ft. high fence there makes it safer but it is necessary to look at the site lines and site distances that might be compromised as a result of putting that fence there. He would ask that the stop bar for the striping and the stop sign get pulled forward and close to Chestnut St. so when drivers come out of the development they have better lines of sight. As far as screening in the wintertime is concerned, there will be conifers that are 6 to 8 ft. high that will be supplemental as opposed to a clear cut and staggered row of conifers which was the original plan.

Mr. Walters said in picture No. 1 it appears that some of the trees are dead. He asked if there is a provision to pull any of those trees out. Mr. Loventhal said those trees are intended to be removed.

Mr. Dunn said the applicant is authorized to proceed with the hearing on Thursday.

#### Discussion – Proposed Restricted Commercial District (Restaurant L)

Mr. Quinn said copies of the proposed ordinance have been provided to the Board. The question before the Board is whether or not there is an overall benefit to the Borough as a result of the ordinance. His view is that the Borough's master plan is clear that the Borough does not want any further expansion on Franklin Turnpike and the only benefit is to the restaurant. Mr. Walters said he looks at the front entrance and the parking in front as a negative today. He said the Board has been told the head count for the restaurant will go from 94 to 115 yet there is some outside seating that he has not had an answer as to whether or not it is up to code.

Ms. Sheehan said the improvement to the restaurant could be considered a benefit to the Borough. Mr. Manning said he agrees that this is a compelling benefit to have another well known restaurant in town but he struggles to find a real net benefit to Allendale because of his fear of the domino effect of the commercial district zoning on Franklin Turnpike.

Mr. Dunn said he would suggest that this be discussed in conjunction with the master plan with advice back to the Land Use Committee. He said the Land Use Committee is solely a committee of the Mayor and Council. Their function is to be involved with and investigate potential areas

that may need adjusting within the Borough. Mr. Bernstein said the thought was to bring the matter to the Planning Board and make it part of the process to review and recommend. Mr. Dunn said the normal procedure would be to refer it formally to the Board as to whether it is consistent or not consistent with the master plan. Mr. Dunn said the property owner was previously before the Board of Adjustment for a variance. They were denied and appealed it to the Superior Court where it is now pending. If the Planning Board were to recommend to the Land Use Committee or the Mayor and Council that it felt this was a good idea and amend the master plan accordingly, the property owner and the Bd. of Adjustment felt this would resolve their litigation.

Mr. Quinn said he feels if the Board goes this route with the new zone as requested, the master plan will have to be amended fairly significantly because it is a clear conflict.

Mr. Sirico commented that the way he reads the ordinance it is specifically targeted toward Restaurant L. He asked if it also encompasses Savini's Restaurant. Mr. Dunn said we have to ask our planner how this is going to apply to Savini's. Mr. Quinn said he feels the master plan is pretty clear that there shall be no expansion of the commercial zone on Franklin Turnpike.

Mr. Quinn said Mr. Yakimik had sent a memo regarding the A & P. They are asking for some relief from some of their escrow postings. Mr. Yakimik said there are two minor items remaining. One is the planters at the northern end of the mall. The number of planters is not sufficient and they need to be supplemented. The second thing is they need a sign off from the County that they have completed all of the improvements in accordance with the approved plan. That is particularly important because they are now seeking certificates of occupancy for some of the tenants. There will be a maintenance bond in place for two years that should cover any landscaping that may die or any defects that occur at the site over the next two years.

Ms. Sheehan asked about the signs on the stores. Mr. Yakimik said the signs are under the jurisdiction of the Construction Official. It is his understanding that the permanent signs have been ordered and have not arrived yet.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Barbara Knapp