

July 14, 2014

A work session meeting of the Allendale Planning Board was held in the Municipal Building on July 14, 2014. The meeting was called to order at 8:05 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. Sasso, Mr. Walters, Mr. Sirico, Ms. Sheehan, and Mr. Zambrotta. Mr. Barra, Mr. Scherb, Mr. O'Connell, and Ms. Checki were absent.

The matter before the Board was the cursory review of the application and consideration of completeness for the Calvary Lutheran Church subdivision. Mr. Yakimik said that it was a little bit more than what the agenda stated. He continued that the applicant has now come back for final approval. Mr. Yakimik called the work session because he wanted to discuss it before deliberating the finality of the application. The applicant obtained a permit from the New Jersey Department of Environmental Protection (DEP) which took approximately two years to acquire. Mr. Yakimik wanted to talk to the Board about the procedure going forward. The application was mostly complete. The Board received documents including the final plat but Mr. Yakimik had documents from December that the Planning Board did not receive. These documents included updated site plans and back-up engineering calculations to support the changes the DEP wanted to make to the plans. Mr. Yakimik questioned whether the Board wanted these documents because that made the application incomplete. If the Board did not need the documents then the application would be complete. Mr. Dunn asked if there was a checklist for the application and Mr. Yakimik said that there was a checklist. Mr. Dunn inquired what the requirement was for the final approval and Mr. Yakimik said that the applicant needed to give a final plat which was submitted. Mr. Yakimik added that along with this part the applicant has to finalize the site plans.

Mr. Dunn asked if there were major differences between the initial application and the application being submitted for final approval. Mr. Yakimik said the only substantial difference he could see was that the DEP required the applicant to increase the size of the detention basin. The increase in area went from 8,316 cubic feet to 11,854 cubic feet which adds 3,538 cubic feet to the basin. The original detention basin was irregular in shape and the new basin looks more like a capsule with smoothed out edges. Mr. Yakimik said that was the only substantial change from preliminary to final. Mr. Dunn asked if it would show on the plat and Mr. Yakimik said that it would not because it is a physical feature and not a property line. Mr. Dunn wanted to know how the Board would define the differences and Mr. Yakimik said that he knew from comparing the two sets of plans from the ones he was just given to the site plans from back in December. Mr. Dunn said they could always ask the applicant for more copies and Mr. Yakimik agreed. Mr. Quinn and Mr. Zambrotta declared that the Board should see the new plans especially if there was a substantial increase. Mr. Yakimik said he thought it was an oversight

on the applicant's part because procedurally the applicant should have given all Board members copies. Mr. Walters asked if it mattered whether the applicant turned in the materials today or on Thursday and Mr. Yakimik said that it mattered when it came to determining completeness. Mr. Yakimik stated that he could call the applicant and ask for more copies for the hearing. Mr. Dunn said a hearing would not be necessary unless there was a significant difference in the plans and that the applicant would have to give the neighbors ten days notice which could not be done for this Thursday's meeting. Mr. Yakimik said then the question to the Board was whether this was a substantial change or not. Ms. Sheehan asked what Mr. Yakimik thought because she felt there was a change because the basin was a lot bigger. Mr. Zambrotta asked if that was the purpose of Thursday's meeting to determine whether there was a change and whether there should be a hearing or not. Mr. Yakimik replied that tonight was a discussion on where they would take things on Thursday and Mr. Quinn added that they could always tell the applicant to come on Thursday to discuss matters more fully.

Mr. Sirico believed that the Board spent a lot of time on the application and the bigger the detention basin the better the water situation would be for the surrounding area. Mr. Zambrotta responded that the testimony from the public was that they did not want a big detention basin at the street level. Mr. Yakimik said that the Board might need to hear from the applicant's engineer as to what the changes were so that the Board would have a better understanding. Mr. Walters asked if Mr. Yakimik thought that thirty to forty percent difference did not affect the application and Mr. Yakimik responded that he thought it was more about aesthetics than engineering or capacity. Mr. Zambrotta felt the Board should still look at the application. Mr. Walters asked if the setbacks were affected in anyway but Mr. Yakimik said he hadn't had a chance to look at everything but he would do so for Thursday's meeting. Mr. Zambrotta commented that if the edges have changed maybe the setbacks have too. Mr. Sirico said he would like Mr. Latinsics to overlay the old plans on the new. Mr. Walters believed that the Church should not have to spend more money sending their professionals to go over the plans again. He also felt that if the Board's professionals stated for the record that the changes were minimal that he would be satisfied. Mr. Sirico said that they would not necessarily have to come they could just send the plans. He also stated that the Board spent so much time on these plans especially when it came to water and drainage that having them changed may make a difference and he wanted to make sure he understood what the changes were before signing off on the application. Mr. Yakimik said that if the Board sees a substantial change then it would go to another public hearing. Mr. Yakimik asked if the Board wanted the engineer to come and do testimony before or during the public hearing but Mr. Quinn remarked that the public hearing would have to be noticed so that meeting would have to wait until August or September. Mr. Quinn asked what a forty percent increase means and Mr. Yakimik said that it was closer to thirty percent. Mr. Zambrotta asked about the dimensions and Mr. Yakimik said that the detention basin became fatter and deeper. Mr. Sasso said he thought deeper was better but asked how much wider it was going to become and Mr. Yakimik said that it would probably be the same dimensions but instead of being one shape it would be another. The Board members asked

a couple more questions about the basin and whether there were other changes but Mr. Yakimik said he had not done that kind of checking over the plans but would for the next meeting. Mr. Yakimik brought the plans up to the dais so the Board members could see it for themselves. Mr. Walters said that more water being retained would be better for the public and Mr. Yakimik agreed. He added that the DEP wanted a larger detention basin because of the upstream properties.

Mr. Sasso asked what would happen if the residents objected to the new plans and Mr. Zambrotta responded that the public would only get another hearing if the Board found that the changes were substantial. Mr. Zambrotta said that it didn't look like there were substantial changes visually but his only concern was if there was a safety issue with the new depth of the water in the basin. Mr. Sasso asked if the applicant was going to be present on Thursday and Mr. Yakimik didn't know. Mr. Dunn said a completeness application is done by the Board and the applicant does not have to be present. He added that when it comes to final approval if the changes are substantial then there would be another application and another hearing. The Board would have to determine if they felt the changes to the basin were considered substantial. He noted that having the public come back for a second round is not necessarily fair to anyone. Mr. Dunn asked Mr. Snieckus what he has seen in the field and Mr. Snieckus said that usually the changes are minor and involve a lot line, field conditions, or street alignment and then there is no second hearing. Mr. Zambrotta felt the shape may not constitute a significant change but that Mr. Yakimik should report back to the Board on Thursday if he finds any changes. Mr. Walters commented that the DEP made these changes. Mr. Yakimik said that it looks like it is 1.5 feet deeper. It also will have the split rail fence and mesh on it and it is still enclosed and protected. Mr. Snieckus said the landscape plan looks the same. Mr. Quinn asked if they were going to invite the applicant and the engineer to come on Thursday. The Board decided that this was a good decision and that opening the meeting to the public would not happen because it was an administrative function. The Board requested four copies of the site plans for the next meeting. The meeting would also be done to determine completeness. Mr. Sasso asked for the best case scenario for Thursday and Mr. Dunn said that they would decide the application was complete and final approval would be given. The worst case scenario would be that the changes were substantial and they would have another public hearing.

Mr. Quinn said the next item to discuss was the Zoning Board of Adjustment's approval of a trampoline park in the EM Zone on Commerce Road. Mr. Quinn felt the Zoning Board completely misread the Master Plan and misinterpreted the meaning. Mr. Quinn added that they took testimony from a traffic expert and a planner but had no one from the Borough to counter any of the testimony. Mr. Quinn wanted to know from Mr. Dunn if there were any actions the Board could take. Mr. Sasso said it was his understanding that the Code Official denied the application because of the use and then the application went to the Zoning Board and Mr. Quinn agreed with Mr. Sasso on how the process worked. Mr. Walters asked what the Zoning Board had to do with the Planning Board and Mr. Quinn said the fact that the Zoning Board

misunderstood the Master Plan was a problem. Mr. Dunn said that the interpretation belongs to the Board of Adjustment. The Board could register their displeasure but couldn't do anything else about it because it was a Use Variance and that goes under the Board of Adjustment. Mr. Zambrotta said that application may be done but questioned how it impacts the overall Master Plan and suggested that the Board may need to make things clearer in the Master Plan. Mr. Sirico and Mr. Snieckus agreed. Mr. Sirico added that they spent time on D-1 and D-2 Zones maybe the Board should look into doing the same thing for the EM Zone. Mr. Snieckus said that in a difficult economy these warehouse types of buildings become empty and the owners are now trying to fill the space. Sometimes that means bringing in new uses and a trampoline park is a very new use. Mr. Sasso mentioned that some uses have not been invented yet. Mr. Snieckus said that it could be a short amendment to the Master Plan. Mr. Quinn asked if they considered policing and ambulance corps if someone got hurt. Mr. Zambrotta said it is an adaptive reuse of that area which brings in people and business. Mr. Quinn said that his issue was zoning and the use and Mr. Yakimik's issue was that there was no site plan review. Mr. Walters said his biggest concern was parking. Mr. Zambrotta said that it is a different intensity than an industrial facility. Mr. Walters said from a realtor perspective there are many empty buildings all around and buildings are being given back to lenders because the landlords can't pay the taxes and you have to let the market in some essence determine who is moving in because we can't plan for it. Mr. Zambrotta reiterated that maybe it was time to relook and clear up that part of the Master Plan. Mr. Sirico stated that in the past these types of issues would come before this Board because of the use permits. The Board decided that it was all about interpretation as the Master Plan did say things about individualized instruction and that they should relook at the uses for the EM Zone in the future.

Mr. Sasso said there have been a lot of personnel changes. Mr. Wittekind the Code Official is leaving and the search for a new Code Official is ongoing. There is also a new Borough Clerk and a new Deputy Clerk.

On a motion from Mr. Walters, seconded by Mr. Zambrotta, the meeting was adjourned at 9:05PM.

Respectfully submitted,

Diane Knispel