

March 24, 2010

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on March 24, 2010. The meeting was called to order at 8:10 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, Mr. Jones, Mr. Redling, Mr. Manning, Ms. Chamberlain, and Ms. Weidner. Also present was Mr. Nestor, Board Attorney.

On a motion by Ms. Chamberlain, seconded by Mr. Jones, the minutes of the meeting of February 24, 2010 were approved as submitted. Approval was unanimous.

Frank Paparozzi, 21 Kayeton Rd., Block 509, Lot 20 – Request for Extension of Variance granted by Resolution adopted April 22, 2009

Mr. Paparozzi was sworn. He said he is requesting an extension from the variance that was granted last April. Work has not been started because of financial reasons. Based on the scale of the project it is not something that he can do piecemeal and nothing on the plan has changed. Everything will be just the same as the project that was approved last April.

The meeting was opened to the public for comments and there being none, the meeting was closed to the public.

Mr. Jones stated that given the fact that the entire Board was present at the time this was heard 11 months ago, he would like to make a motion to extend the one year limitation pursuant to all of the stipulations that were in the original resolution. Mr. Nestor added that it has been determined that given the situation as stated by the applicant, a hardship has been established for the extension. Motion was seconded by Mr. Manning. On roll call, all Board members voted in favor.

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

Ms. Chamberlain said she called the Borough Engineer's office this morning for plans to show the installation of the traffic light at the intersection of Myrtle and Crescent. The installation is set for the first week in June by the County. She felt this is something that should be considered when the application is heard by the Board.

Harold Cook from the firm of Perconti and Cook was present as attorney representing applicant. He said the Black Belt Academy is proposed to occupy approximately one-third of this space. The building is now vacant. A use variance is required because this is an industrial zone and he believes a martial arts school would be considered a recreational use which is not a permitted use in this zone under the ordinance.

Mr. Cook said his client has retained the firm of Kauker and Kauker, professional planners. Mr. Kauker has prepared a report which he received this afternoon. Copies were submitted to all of the Board members and the professionals. It is his understanding that the application is before the Board this evening for a completeness review and to set a date for public hearing.

Mr. Cook said his client retained Dolan and Dean, Traffic Engineers. It is his understanding Ms. Dolan spoke to Mr. Yakimik earlier today and rather than a full traffic analysis, he is requesting more of a report addressing the issues. Ms. Dolan will be present at the public hearing to testify and address the issues that the Borough Engineer's office has raised concerning the site.

For the reasons set for in Mr. Kauker's plan, he feels that while this is not a permitted use in the zone it would be compatible and it would not present parking problems because there will be a lot of drop offs and the peak hours of the academy are different from an industrial use so they are compatible with one another. With respect to the traffic, she is going to address the entire building because this tenant is only going to occupy one-third of the space, so the traffic report will address not only the effects of this tenant but the overall building and the area.

Mr. Cook said revised plans have been submitted to the Board and he feels they are ready to proceed to a public hearing.

Mr. Nestor explained that what the Board is doing today is a completeness review and what the Board is going to be telling the applicant is that based on the documents that have been presented to the Board and the review of those documents by its retained professionals, that the applicant has submitted enough information to proceed to public hearing.

Nicole Shapiro, licensed professional engineer with the Borough Engineer's office, said she reviewed the check list submitted by applicant. She commented that as far as she knows, the Zoning Official has not seen any of these plans. Mr. Nestor suggested that the plans be submitted to him tomorrow for his review. He pointed out that it is not the job of this board to look through these plans and determine what variances are required. Mr. Cook said he will see that the Zoning Official receives a copy of the plans tomorrow.

Mr. Nestor asked if the County has been notified of this application since it is on a County road. Mr. Cook said they are on the list of adjoining property owners and will be notified. He will also send them a copy of the application and plans.

Ms. Shapiro said going through the checklist she found some missing items. The first is the certificate of the Borough Tax Assessor that all taxes and assessments on the property have been paid. Mr. Cook said he will follow through but he can represent that he represented Bilmar Properties when they bought the building a few months ago and as part of the closing, the taxes were paid.

Ms. Shapiro said the list of property owners within 200 ft. of the property was not submitted. Items 15 and 26 on Schedule B – contours on the existing plans as well as the location of existing drain pipes, water and sewer mains, etc. are needed. They need to look at existing conditions and what is being proposed and they want to make sure there is no change in grade

elevation and no change in the drainage and they can't determine that if there are no existing contours or information like that on the plan. She is unclear whether the proposed improvements on the plan whether they were going to be adding details such as regrading or repaving the arcing area. If so, they would like contours and spot elevations and any underdrain systems that are within the parking areas to be shown on the plan.

Mr. Cook said he will speak to their architect tomorrow and ask him to note any material changes to the plan as well as contours and site elevations. Ms. Shapiro said also included should be any drastic change to the grade within the parking lot and curbing if it is to be added. She said it was unclear at the rear of the property separating the parking lot from the Borst landscape parking area in the rear whether there was curbing. She would also like to see where the existing inlets and drainage features are located to make sure that everything is draining properly on the site. She said proof that application to the Bergen County Planning Bd. should also be included.

Mr. Nestor commented that applicant is asking for a waiver on the proposed sign easements where required. He recalls seeing on the plans that there is going to be signage on the building. He believes the signage will be in conformity with the zoning ordinance and he does not think it is proper to ask for a waiver.

Ms. Hart asked if all of the issues that were brought up at the last meeting have been addressed. Mr. Cook said the size of the parking stalls has been addressed.

Ms. Shapiro said this evening she only looked at the traffic report for completes. She didn't go into great detail but did see that they revised the parking and also took out some of the spots at the entrance which in her conversations with Bergen County were in conflict with the entrance. \

Mr. Nestor said as far as he can see from the plan the applicant is looking for a use variance to allow this facility to be in that location. Applicant is also seeking variances with regard to the number of parking spaces, the size of the individual spaces and the front yard setback.

The meeting was opened to the public for comments and there being none, the meeting was closed to the public.

Ms. Tengi moved that this application be deemed complete as submitted as per the recommendation of both Counsel and Borough Engineer. On roll call, Mr. Jones abstained. All other Board members present voted in favor.

On a motion by Ms. Tengi, seconded by Mr. Jones, the meeting adjourned.

Respectfully submitted,

Barbara Knapp