

March 26, 2014

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on March 26, 2014. The meeting was called to order at 8:10PM by Ms. Tenghi who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following Board members answered to roll call: Mr. Jones, Ms. Hart, Ms. Chamberlain, Ms. Tenghi, Mr. Manning, and Ms. Weidner. Mr. Redling was absent.

On a motion from Ms. Chamberlain, seconded by Mr. Jones, the minutes from February 26, 2014 were approved.

On a motion from Ms. Tenghi, seconded by Mr. Manning, the Resolution for Memorialization for Raphael and Julie Cornacchia was approved.

The first variance application before the Board was for Joseph Conte from 40 Donny Brook Drive, Block 1102, Lot 1, which was a continuance from last month. Mr. Conte was sworn in. Mr. Conte explained that he gave the Board new revised plans that would address the Board members' concerns from the last meeting. The plans were dated March 16, 2014. The wall that the Board was concerned about was moved a foot inward towards the right and windows were placed on that part of the addition. Mr. Conte said the one thing that was added that wasn't discussed at the previous month's meeting was steps into the master bedroom which was located on A-1 page 2. Mr. Conte also turned in pictures to the Board of his home and property. Mr. Jones asked if the height was changed and Mr. Conte answered yes. His current roof is about 23.7 feet and they are proposing to add two feet to the roof because his architect decided not to build a flat roof but instead put in a roof with a pitch. The roof will not be higher than 25.7 feet. Ms. Tenghi told him that as long as the roof was less than 35 feet there would not be a problem. Mr. Conte said that they are adding to the roof because of the steps in the master bedroom.

Ms. Hart said that the new plans were better because with the addition set back a foot it breaks up that side of the house. Mr. Conte stated that having windows added also helps make that side of the house look better. Ms. Hart commented that the steps inside made the roof higher which adds to the plans. Mr. Nestor wanted to know the distance between the addition and the pool. Mr. Conte didn't know and Mr. Nestor told him that a pool has to be at least ten feet from the building. Ms. Tenghi added that this is because of safety measures. Mr. Nestor said that it will be a condition on approval. Ms. Hart said the setback is now 26.25 feet and Mr. Conte agreed. Mr. Nestor said that the addition was just put back a foot so it is still twenty-five feet from the property line. Mr. Conte would still need a seven foot variance on the left side.

Ms. Tenghi opened the meeting to the public, but no one approached, so she closed the meeting to the public and brought the meeting back to the Board. Mr. Nestor marked the plans A-3 March

26, 2014 and the pictures as A-4 March 26, 2014. Mr. Nestor asked when the pictures were taken and Mr. Conte said he had taken them the day before the meeting.

Ms. Hart asked if he was doing any work to the façade of the building and Mr. Conte said that eventually he would be fixing the columns. Mr. Manning felt the addition of the windows softened that side of the home. Ms. Tengi told Mr. Conte that she appreciated him coming back with new plans that provided less of an impact on the neighbors. Mr. Conte commented that he thought the plans were better now than before. Mr. Conte said that he is putting on the addition because he and his wife had a second child and they need more room. Ms. Tengi stated that she thought Mr. Conte's hardship was that his home was skewed to the left side of his property. She continued with noting that Mr. Conte has a bi-level so that he is limited in what he can do with the design of the house and putting on an addition. Ms. Tengi also felt the addition would not detrimentally impact the area and would provide the family with space that was needed.

On a motion from Ms. Tengi, seconded by Ms. Hart, the Conte variance application was approved with changes made to the height of the roof and a condition in the Resolution about the addition being placed at least ten feet away from the pool.

The next application was for a Use Variance for Go Ahead and Jump, LLC, 80 Commerce Drive, Block 601, Lot 2. James Jaworski from Wells, Jaworski, & Liebman located at 12 Route 17 North in Paramus was sworn in as the attorney for the applicant. He was representing Michael Janay of Sky Zone. Mr. Janay is from 3 Suffolk Avenue in Maplewood and was also sworn in as the lease holder. Allendale Associates owns the property. It is in the EM-10 Multiple Dwelling Zone which doesn't contemplate the use for the indoor trampoline park that they are proposing. Mr. Jaworski stated that when the zone was developed indoor trampoline parks were not available which is why these parks were not included in the zoning uses at all. Mr. Jaworski remarked that nothing is changing on the site and everything will conform to the Code. He also said that Mr. Janay would explain more about the trampoline park so that the Board would understand what the park would entail. Mr. Jaworski mentioned he would also talk about parking which would probably be a concern of the Board. He also noted that the Code did not have criteria for parking for an indoor trampoline park. The closest thing in town would be an indoor physical fitness center, but even that is very different than what they were proposing. Mr. Jaworski told the Board that there are sixty or so facilities operating already and they would explain to the Board what happens with parking at those other sites. The hours of operation will typically be 3:00PM on Tuesday through Thursday and a bit different on the weekends. They will close at 9:00PM on weekdays. He continued with there are sixty facilities up and running already and another one hundred in the works to be built. Not one of the facilities has closed down because the places are fun and safe. There are limited amount of people who can use the facilities at a given time.

Mr. Nestor asked if the owner from Allendale Associates was represented at the meeting. Mr. Jaworski said that Mr. Thomas Bloomer was representing the Allendale Associates. Mr. Nestor

asked if he was backing this application and Mr. Bloomer said yes. Mr. Nestor asked about the document site plan from March 12, 2014 and asked if Mr. Wittekind had seen it yet. Mr. Jaworski said he didn't know but he did deliver the documents that the Board had received for the evening. Mr. Nestor wanted to make sure Mr. Wittekind had reviewed the parking for the plans. Mr. Nestor knew he rejected the application because of the Use Variance, but wanted to make sure that parking wasn't an issue. Mr. Jaworski responded that there are 126 parking spaces on this site and should be more than ample for this use. The other tenant would have about thirty-one spaces but no tenant is currently occupying the other space. Mr. Jaworski said that they would be taking about 75% of the allocated parking and that would be about ninety-five spots.

Mr. Jaworski asked Mr. Janay to explain more about his vision for the property. Mr. Janay is the leaseholder and owns the franchise rights for northern New Jersey. Mr. Janay showed a short video of the history of Sky Zone and what trampoline parks are like for visitors. Mr. Janay said that he is currently working on opening his first Sky Zone in Pine Brook, New Jersey. The trampoline park should be open in early June. Their philosophy is that if you can walk you can jump. The place is for toddlers all the way up to seniors. He said it a great way to get exercise, let your energy out, and have a fun at the same time. Sky Zone invented indoor trampoline parks about ten years ago and it is patented. They invented trampoline dodgeball which is very popular as there are leagues and tournaments. They have fitness classes for adults, performance level training for different age groups, and toddler groups that come to get their energy out. Kids come to have fun and get some exercise. He bought into the franchise because he brought his kids there and saw how much they loved the experience. It would be called Sky Zone Trampoline Park and it will be an independent franchise owned by Go Ahead and Jump LLC. He owns the one in Pine Brook and is building another one on Route 22 and is hoping to open two more in the next couple of years. Mr. Janay showed a diagram of the building which included a main play field, dodgeball courts, party rooms, and a café that will serve coffee and beverages and healthy snacks. Nothing gets cooked on the premises. If pizza is served at birthday parties it is brought in by the vendor. Mr. Janay explained that Sky Zone started as a professional sport that failed miserably. They built a multimillion dollar facility out in Las Vegas and because it wasn't doing well, local kids came in and asked if they could just jump. The owners allowed it and started charging a fee. This led to the trampoline parks of today. There are sixty open parks and 102 in development. The closest one is in Bethel, Connecticut. They are opening about one a week and they are all doing very well. As for hours, they are closed on Mondays. Tuesday to Thursday they are open from 3PM to 8PM to accommodate school hours. Weekends have extended hours but it depends on the demand. During the summer the hours are expanded to be seven days a week from 10AM to 8PM or 10PM. There is no corporate policy so it is based on demand. Sky Zone is open for most holidays. There are exercise classes for adults and exercise times for toddlers before the scheduled opening time but this also depends on demand for the programs. It varies from site to site. As for employees, they plan to have five salaried employees and about 100 part-time employees. Most of the employees

are high school or college students. It is a first job that many love. Most will be court safety monitors. Mr. Janay said that since they are typically only open after 3PM, the majority of customer traffic is from Friday evening to Sunday evening when most every other business is closed. During the summer months it is still mostly heavy on the weekends when they have birthday parties. The owners all look for the same things in a building and it is typically two parking spaces for 100 square feet. Most employees are dropped off as they don't have cars. Most visitors come in groups as they don't come in one at a time. One parent may bring three or four kids. There have been parking engineering studies done and they don't need that much parking. There may be an odd time that everyone comes at once but usually that does not happen.

Mr. Jaworski asked Mr. Janay to explain his search for the right spot for Sky Zone as they have several criteria that they look for in a building. The right demographics was one of the reasons why Mr. Janay was attracted to Allendale. Mr. Janay liked what he saw in Allendale such as the population density; the amount of children, seniors, and other groups; the wealth in the area; and the location geographically; which he felt all fit the criteria of what he was looking for in a town. Ms. Tengi asked about price and was told that people come for thirty, sixty, or ninety minutes and pay roughly between twenty-five to thirty dollars. Mr. Manning asked how many people Mr. Janay could get on a Saturday afternoon. Mr. Janay said they could only have 160 jumpers at any given time. That is a corporate requirement and can't be changed. It is basically for safety reasons. He stated that you typically get one non-jumper for every 2.5 jumpers. Most of the parents sit in the café and wait or drop their kids off and pick them up later.

Mr. Manning wanted to know if this application had been discussed with the fire department. Mr. Jaworski said that they would apply with the Code and Mr. Janay said that it is a 34,000 square foot facility. Mr. Janay said they looked at many buildings before they found this one as it takes a certain type of building to have the trampoline park. It has to have high ceilings, wide columns, space for the dodgeball courts, and access to get into the building. He said that most people carpool as that is what he found at other facilities. Parking hasn't been an issue at the other places and that is why they look at more industrial spaces. Since they are open off hours, they are not bothering the neighbors and they can use the other parking spaces in the complex if needed. Most Sky Zones are in industrial parks only two of them are in retail centers. Ms. Tengi found that at a similar facility most kids were dropped off.

Mr. Janay said that they start the day with the younger kids and by the end of the day they have the older kids. Ms. Tengi asked about safety and Mr. Janay said that safety is their number one priority. No one is allowed to double jump on a trampoline. There are three main ways that people are injured on trampolines which include falling off the trampoline, going through the springs, or having a big and small person jump together and the big person falls on the small person. They do strict size separation and the trampolines are smaller so there are never two people on them. The pads are bonded to the springs. Sometimes they have twisted ankles, but they have fewer injuries than tennis does. Mr. Jaworski asked Mr. Janay how his company keeps

track of the amount of jumpers on the trampolines. He explained that everyone buys a ticket which is a sticker that goes on the person and explains the court time. Before you go on the court you get a rule speech from one of the monitors. Monitors check to make sure that a person is supposed to be on the courts. If they go over 160 jumpers, they can't get another person on the court. Ms. Hart asked about parents who come to supervise and Mr. Janay said they sit in the café as they can't be on the court unless they have paid. Ms. Weidner asked whether more spectators would come to the tournaments and Mr. Janay answered that it is not a spectator sport. Games go by pretty quickly and people usually do not come to watch. Ms. Hart asked how many monitors they would have on the court and Mr. Janay said on a full day they would have five or six. Mr. Jaworski asked Mr. Janay if memberships were allowed and he said no. They can get multiple passes but no memberships are available. Every court monitor is trained in basic first aid and salaried positions have to be certified in first aid and in CPR. Mr. Nestor asked why Mr. Janay was using only  $\frac{3}{4}$  of the building and Mr. Janay said it wasn't vacant when he signed the lease. He didn't know it was vacant until this evening. Mr. Janay would have considered it but the building is already large. He was not sure he would want one of the largest Sky Zones in the country. Ms. Chamberlain asked how many employees maximum would they have on the campus and he said twenty-five on weekends or when they are crowded.

Mr. Manning asked what the building was for in the past so Mr. Thomas Bloomer from Allendale Associates, located at 359 Veterans Boulevard, was sworn in to testify. He is Vice-President of Construction. Mr. Nestor asked if he had authority to speak on behalf of Allendale Associates and he said he did. The last tenant was Seemans and the original tenant in the building was Sanyo which came in 1992 and stayed for 20 years. Sanyo had about 22,000 square feet which they used for office and warehouse space. The other section which is 11,000 square feet was occupied by Implex which made artificial joints and by Energex which was a medical supply company. Mr. Manning asked about the number of employees each of those companies had but Mr. Bloomer didn't know. Mr. Nestor asked if members of the public went to the businesses in those buildings and Mr. Bloomer said yes. Mr. Manning asked about exit doors near the loading docks and he was told that there are two doors on either side of the docks. There is another door on the backside of the building and there are two main entrances to the building. There is another front entrance which will be used in case of fire.

Mr. Jones asked for more specific hours as he felt that made a difference to the Board. Mr. Janay said that was difficult to do, but Mr. Jones said his use was contingent on the hours of operation. Mr. Janay said it is really about demand, but also stated that the earliest they would be open would be 7AM for private sky aerobics classes. The latest Sky Zone closes would be during the summer on Saturdays at midnight. He also stated that during the fall, winter, and spring hours would be Tuesday through Thursdays 3PM to 8PM; Friday 12PM to 11PM; Saturdays 10AM to midnight; and Sundays 12PM to 7PM. They are closed on Mondays. Ms. Tengi asked Mr. Nestor what hours were permissible under the Code and he said it was in section 270.80c. Mr. Jones said that he was reading the hours from the Code and the hours were 6:30AM to 8:30PM

Monday through Friday and on Saturday 8AM to 5PM. The Board determined that these were delivery hours and Mr. Nestor stated that he wanted Mr. Wittekind to look everything over.

Mr. Nestor said they were also over in impervious coverage but Mr. Jaworski said that this is pre-existing and not changing at all. Mr. Nestor continued that the Board had to make decisions on the use itself, the parking, and any other contingencies that may arise. Mr. Nestor asked if there was street parking and Mr. Jaworski said he wasn't anticipating any from his client and would accept that as a condition as part of the Resolution. Mr. Nestor asked who else was testifying that evening and Mr. Jaworski said his planner, civil engineer, and architect. Mr. Nestor questioned whether any consideration was given to the traffic flow but Mr. Jaworski said they didn't because of the easy access from Route 17. Mr. Nestor said that people could enter from Boroline Road but could not exit that way onto Route 17. Mr. Jones asked about food and Mr. Janay said there are no warming ovens so nothing will be heated. Mr. Jones inquired how many parties could run concurrently in the space and was told by Mr. Janay that there are five party rooms and they take a maximum of twenty kids in each. Ms. Tenghi asked what the maximum amount of people they would anticipate with parties and Mr. Janay responded about 280 people. Mr. Janay reminded the Board that it is usually about one parent for every three jumpers and the parents can drop the kids off and leave or they can stay in the parent lounge.

Mr. Manning expressed concern about the parking and Mr. Janay said that since the business is open during off hours they can use the parking spaces from the other businesses if needed. Ms. Tenghi asked what the other businesses were on Commerce Drive and Mr. Bloomer said that half of the businesses are vacant at the present time with most being Monday through Friday operations. Mr. Nestor asked about what size the other Sky Zones were and Mr. Janay said they were between 30,000-35,000 square feet. Mr. Janay concluded that they are right in the average. Mr. Nestor commented that they could have over 500 people there during the course of the day and Mr. Janay concurred. Mr. Janay added that on the weekends they get about 85% of full capacity. Ms. Weidner asked if people could reserve their spots and Mr. Janay said they could do it online. Ms. Weidner asked if there was a game room where people would want to stay longer and Mr. Janay said no. Ms. Chamberlain said she liked the idea of Sky Zone but was worried about the parking. She was looking at the Code for an indoor physical fitness center vs. Sky Zone and was afraid that there were too few parking spaces for what might be needed. Mr. Nestor said that there are no members so there is a lot of turnover. He added that a physical fitness center is not permitted in this zone. Ms. Tenghi responded that some of the permitted uses in the zone are archaic and there has been a lot of turnover in the zone. The businesses help keep the local taxes down so they may have to look outside the box. Mr. Nestor said the Code was revised in 2006 and Mr. Jones said it was revised in 2009. Mr. Nestor felt the turnover of people coming in and out was not considered for this zone and that they had to take everything into consideration. Mr. Manning asked if a traffic study could be scheduled and Mr. Nestor told the members that it was up to the Board. Mr. Jaworski said they didn't do a traffic study but if the Board wanted one he would do it. Ms. Tenghi said they were going to request a traffic study of

the area. Mr. Manning asked about the vacant spaces and Mr. Bloomer said that he had some clients looking into them. If there are only 26 spaces allocated for the other side than that could impact who comes into the other side. Both attorneys agreed that it was speculative at this point. Mr. Nestor said that this type of facility was not contemplated for this zone. He thought the building was fine for this place but he was worried about the traffic and the parking. Mr. Janay commented that no one contemplated this use for the zone back ten years ago. Mr. Jaworski agreed with Ms. Tengi that changes have to be made so that some of the buildings can be occupied. Mr. Janay said he could provide them with a parking study that was done on some of the Sky Zones. Mr. Nestor wasn't sure of the relevance of that but Mr. Jaworski said that it might help the Board see how the parking is not much of an issue in a similar situation. Mr. Manning felt that the trampoline park was a fine idea but the traffic impact concerned him.

Ms. Tengi opened the meeting to the public, but no one approached, so she closed the meeting to the public. Mr. Janay finished his testimony by saying that they are very community oriented. They have fundraisers, birthday parties, field trips, etc. Ms. Hart asked for a potential opening date and Mr. Janay said six to eight months based on approval. Ms. Hart asked if they had a cleaning system and he said they have a full maintenance schedule and that everything is cleaned and sanitized. Ms. Hart questioned whether there was an age that must have supervision and Mr. Janay replied that toddlers and preschoolers need to be supervised but kids who were five and older could be on the court alone because the monitors take care of everything. Mr. Nestor asked if they were regulated by county or state agencies and the answer was no. Mr. Nestor inquired if they had insurance and Mr. Janay said yes and it was a lot lower than people would expect due to the safety features they have in place. Ms. Hart asked about whether people could flip on the trampoline and Mr. Janay responded by saying that single flips only were allowed. Mr. Nestor asked if he looked at other facilities in any of the local towns and Mr. Janay said he visited about forty-five different buildings. Mr. Janay continued that it is very difficult to find a building that meets the needs of the Sky Zone requirements. Ms. Hart said she would rather see something like this close to 17 rather than Crescent Avenue. Ms. Tengi said that she couldn't understand why recreational facilities were not considered when the Council redid the use. Mr. Nestor said they needed more insight into what the process was and why things were done the way they were.

Ms. Chamberlain asked Mr. Bloomer how many properties they owned in Allendale and he said six. They are located at 40 and 90 Boroline Road; and 25, 50, 80, and 110 Commerce Drive. Ms. Chamberlain asked whether overflow parking would be possible and Mr. Bloomer said there are historically a lot of empty parking spaces. Ms. Tengi said that most of the parents don't stay at these places as they drop the kids off and leave. Mr. Nestor stated that the tenant location site plan dated March 12, 2014 was marked as A-1 March 26, 2014 and the PowerPoint Presentation A-2 March 26, 2014. A copy of the presentation will be given to the Board in the near future.

The next witness to testify was Peter Wells who was sworn in. His office is located at 251 Park Avenue in Park Ridge. He has been a licensed architect in New Jersey since 1983. He is also a

licensed professional planner and Construction Code Official. He has testified in front the Board in the past and has testified in many towns in the area. Mr. Wells was also the Code Official in Paramus for ten years. Mr. Wells had overall floor plans that he marked as A-1 March 6, 2014 and larger scale floor plans of the tenant space that he marked as A-2 March 6, 2014. Mr. Nestor marked the drawings as a set as A-3 March 26, 2014. Mr. Wells described what was going into the trampoline park. He noted where the main court was located, the dodgeball courts, the mezzanine, the slam dunk basketball court, the party rooms, the break room, and the office. Mr. Wells said he couldn't comment on the neighboring buildings but could tell the Board why this building would be good for Sky Zone. The building has tall open spaces and the office space that is there now can be easily demolished. The sprinkler system can be maintained. The building can be easily modified to accommodate Sky Zone. It is a type two construction which means it has steel frames and concrete floors with noncombustible construction. It is a safe building and has many egresses. It will be an open floor plan and that will go towards the safety of the building. The existing building is 45,370 square feet and Sky Zone will be taking 75.1% of that which is 34,104 square feet which leaves 11,266 square feet for another tenant. The mezzanine is less than 2000 square feet so the total square foot is 37,000 square feet. It is basically one person for 160 square feet. The occupancy in this building is less than an office building. The trampolines are taking up a lot of space not the people coming to use them. Mr. Nestor said he didn't have anything for signage but Mr. Wells said the signage would comply with the Code. He doesn't see any problems with construction that would upset the Code Official or fire department. Mr. Manning asked if it will be handicapped accessible and he said yes especially the outside. Mr. Nestor added that they would have to comply according to Code. Mr. Janay said they do have handicapped people come to use the facilities.

Mr. Wells was asked about his opinion on the parking situation. He gave some examples as to what other towns were doing and declared that he did feel that carpooling was popular and that he didn't think parking would be a problem based on what he has seen in other places. Mr. Jones asked about his opinion on the different uses in zones and Mr. Wells said that the big box stores are dying because people are shopping on-line. Uses that towns currently have listed are changing faster than the towns can keep up with. Towns have to go back to their Master Plans and look at how they can help those larger empty businesses be filled with clients. Mr. Janay and Mr. Jaworski also gave examples as to what other towns in the state are doing with changing uses.

Ms. Tengi was worried about traffic on East Allendale and suggested a traffic study. She also questioned whether they could be open on Sundays due to the Blue Laws. Ms. Hart felt they didn't want retail in this zone and wasn't sure if this would be considered retail or not. Mr. Manning asked if there was anything in the Town Code that would say what is allowed on Sundays due to the Blue Laws and Mr. Nestor wasn't sure but would look into it.

The Board would like to schedule the next meeting for the week after April Spring Break. Wednesday, April 30<sup>th</sup> would be their first choice followed by the Tuesday or Thursday of that week.

On a motion from Ms. Hart, seconded by Ms. Chamberlain, the meeting was adjourned at 10:30PM.

Respectfully submitted,

Diane Knispel