

May 20, 2010

A regular meeting of the Allendale Planning Board was held in the Municipal Building on May 20, 2010. The meeting was called to order at 8:15 p.m. 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 roll call: Mr. Quinn, Mr. Barra, Mr. Fliegel, Mr. Herndon, Mr. Sasso, Ms. Sheehan, Mr. Sirico, Mr. Walters and Mr. Yevchak. Mr. Bernstein and Mr. Zambrotta were absent. Also present was Mr. Dunn, Board Attorney.

On a motion by Mr. Sirico, seconded by Mr. Herndon, the minutes of the work session of April 12, 2010 as amended by Mr. Quinn, and the minutes of the regular session of April 15, 2010 were approved as submitted.

Discussion – Master Plan Review

Mr. Quinn said the Board will be covering the Central Business District this evening and he invited members of the Chamber of Commerce to attend.

Mr. Snieckus, the Borough's planning consultant was present. He said the last master plan was adopted in 2005. According to the Municipal Land Use Law the master plan should be re-examined at least every six years. This consists of a re-examination of the goals and objectives, specific problems and issues that were addressed in the prior master plan and how those issues may have been resolved or changed into new issues to be addressed. The Planning Board expressed an interest in having the Central Business District discussed specifically with members of the Chamber of Commerce present to offer their input.

Mr. Snieckus said he has prepared a power point slide to assist with his presentation. The first slide encompasses the core area of the Central Business District with the C-1 and C-2 zones. The next slide shows the study area encompassing the C-1 and C-2 zone. It also includes some areas of adjacent B zone areas.

Mr. Snieckus said the last master plan had a series of goals and issues that were identified for the central business district as well as the remainder of the municipality. The first item is to maintain and enhance the viability of the central business district since it is a very important component to the operation and livelihood of the municipality. Under that goal and objective is the need to encourage a mix of appropriate land uses to complement the district. In addition, to promote a desirable visual environment by regulations, sufficient parking and loading requirements in order to meet the needs of the district and to promote a desirable pedestrian environment. There have been a series of improvements along West Allendale Avenue and now some of those streetscape and sidewalk improvements for pedestrians have been made at the Allendale shopping center. Vehicular and pedestrian traffic are separated in concise manners so that a pedestrian can safely walk and traverse the parking area.

Some other objectives that were identified are to minimize traffic congestion which would include improvements to intersections, promote increased commuter parking opportunities and

discourage developments that exacerbate traffic congestion. In addition, to promote a balanced tax base, establish districts with appropriate mix of residential and commercial, promote efficient use and development of land at appropriate locations, minimize public expenditures by designing appropriate improvements and preserve and enhance open space features. A statement is included that there is a need to promote conservation of energy and recycling.

Mr. Snieckus said that was the prior master plan statement and with that in mind, he looked at the major land use issues facing the Borough recognizing that the central business district is a significant feature and asset requiring periodic review of potentially permitted uses and standards for the location of buildings or parking lots. It needs to be recognized at the municipal level that those on the private side of retail business need to compete with significant competitive factors such as regional malls and the proximity to Rt. 17 as well as competition from the internet and mail order businesses. The community suffers if the downtown is not successful.

Mr. Snieckus said the last point is to improve the viability to maintain the tax base. There is a need to balance the taxes within the community and to make sure the non-residential assets of the community help to offset the impact to the residential part of the community. In addition to that there is a need to preserve historic structures and features.

Mr. Snieckus said there is always a need to re-evaluate regulations to make sure they represent modern standards. Businesses change and the needs of consumers change and there are new business types that evolve over time that the municipality needs to recognize through its permitted uses. More than ever with the increase in energy costs and the increase in congestion and traffic, there is the need to improve sustainability of the district. One of the components of the master plan that is being reviewed is called the sustainability element of the master plan. This is a separate study that looks at ways of improving the function of the municipal government to try to get more efficiency out of its operations and in addition, to recommend and encourage improvements to non-residential or residential developments. He said it is important to continue to expand pedestrian connections in the district and to connect the district to recreational features. The ultimate plan is to have an interconnected network of pathways and sidewalks so that someone could bike or walk to the various features within the community without having to get into a car recognizing that parking is a very limiting issue for the central business district.

Mr. Snieckus said approximately 47% of the district is commercial and office use is 16%, 5% is auto sales and service. Parking and transportation components are at 8% and Orchard Common Park at 9% of the district. Vacant areas are approximately 2%. He said it represents a typical downtown area and there is nothing of substantial concern from his standpoint.

Mr. Snieckus continued that a land use element is required in a master plan. This sets the exact land uses called for in specific areas of a municipality. The retail area which is shown in red covers the areas in the C1 and C2 uses within the downtown area. The areas of blue indicate areas of parking and of other municipal type uses within the business district, the park type areas and the special needs housing facility next to Orchard Common and multifamily uses adjacent to the downtown area. Currently there are no modifications planned for the central business zone. Existing permitted uses are general retail such as restaurants, ice cream parlors, banks or

professional service offices and residential on the second floor. It is recommended to continue the current permitted use standards that exist currently but one thought is to limit drive through activities, whether for banking or pharmacies to improve pedestrian orientation.

Mr. Snieckus said this is a general overview of some of the goals and objectives such as maintaining and enhancing the viability of the district. There is a specific statement in the master plan of no further expansion to the central business district. In addition to that wholesale sales are not permitted in the district. The goal is to maintain current building height at two stories and update regulations as appropriate to maintain the district's viability, improve identification and access to public parking areas through signage or things of that nature, continue to improve opportunities to expand public parking, improve connections to mass transit, greater pedestrian safety through enhanced crosswalks or walkways and extensions where appropriate and enhanced visibility of those crosswalks. There is a new law that was passed that requires cars to come to a full stop for a pedestrian in crosswalks in an attempt to try to address the issue of the amount of fatalities that occur in crosswalks in New Jersey.

Mr. Snieckus said there is a series of guideline type documents that he would like to include in the master plan. One is architectural guidelines and this is intended to help property owners to understand what goes into a successful downtown storefront. This could be a handout that is available in the Building Dept.

Mr. Snieckus said he believes the downtown area has a well designed streetscape area and he believes the town is aging well although there are some areas that need improvements such as the crosswalks on W. Allendale Avenue. The town has its clock, the landscaping and the decorative light fixtures. Those features should be maintained. Mr. Snieckus said under the D1, D2, E and EM zones he is reaffirming the light industrial aspect and research and office uses for these zones.

Mr. Quinn said it appears there are no significant changes being made to the existing master plan in terms of the downtown or central business district. He said the Board will welcome any comments from the public but asked if there were any questions or comments from the Board.

Mr. Fliegel said if you look at the railroad parking, there is a great expanse of parking that is not being used at all. The issue of employee parking always becomes a challenge. If we were to free up some parking areas within the train station or commuter parking area, that would provide an opportunity for employees to park and then walk to the individual businesses freeing up some commercial area spaces for patrons. Mr. Snieckus suggested discussing with N.J. Transit the possibility of allowing a small stretch of parking to be used during certain period of time or in certain locations for non-commuter parking.

Mayor Barra said there is an area that is owned by the Borough and not N.J. Transit and he has talked to the Council about converting that area to 2 hour parking for shoppers. The Facilities Committee wants to start a study to deal with streetscape. They are talking about cutting all the trees down because the trees on the south side are too big in comparison to the ones on the north side. Councilwoman Wilczynski is suggesting planting consistent trees on both sides. There have been discussions about improving pedestrian safety on Allendale Avenue by improving the

crosswalks. There was discussion of including benches and pottery planters. He invited the members of the Chamber of Commerce to talk to her about these things.

Mr. Quinn asked if the architectural guidelines will be a separate study. Mr. Snieckus said he has left it as a separate study but he can include components in the appendix of the master plan because it is meant to be a guideline and could be used as a handout for new tenants. Mr. Snieckus said if there was sufficient funding, he would be a proponent of such a study at some point.

Mr. Quinn opened the meeting to the public for comments.

Ed Karpagian, State Farm Agent with offices on West Allendale Avenue, said he is speaking as a member of the Chamber and a building owner. He appreciates the concerns expressed by the Mayor. In moving forward with the master plan, he asked that the Planning Board keep in mind that the Chamber is very concerned about downtown and its aesthetic look, and the maintenance of the improvements that have been made. He said Allendale has a historic look and small town appeal. He said the property owners are willing to make improvements to the buildings. He said that he and the members of the Chamber are anxious to help out in any way they can. He said he wants people to feel safe and comfortable when they do business in the community. He feels there is potential for improvement and the extra parking is an excellent idea.

Mr. Quinn asked if there are any specific things the Chamber would like to see. He said he would like to encourage people to walk. Mr. Karpagian said at certain times of the day there is no parking available on the main street. There is a lot of unused parking at the train station and if there is a portion that could be used for the public that would be beneficial or if parking meters were a consideration. He said the Chamber would help out as much as possible. Mr. Quinn said this Board does not favor metered parking in general.

Mr. Walters asked if there have been studies done with regard to metered parking. Mr. Snieckus said the benefit of metered parking is there is greater utilization of parking spaces because people are conscious of the time. The downside is people may be discouraged from parking because of the cost of using meters. Westwood has dealt with that problem by trying to keep their meter prices reasonable. Ridgewood went the other way and is too extreme by trying to limit the time people stay in their parking space. The other aspect of metered parking is that it provides an income stream to maintain the streetscape. It provides a turnover of parking spaces and reduces the potential abuse of parking by employees parking in patron spaces. He suggested looking at the Mayor's suggestion of a potential area of 2 hour parking.

One of the business owners said the area next to TD Bank by DeMercurio Drive would be a great area for a small municipal parking lot.

Geraldine Marson, 211 West Crescent Ave. said she loves the concept of downtown Allendale and walking around it but she agrees that parking is a big problem. She does not think the solution is installing meters. She believes the issue is making it more available to the townspeople by foot. She feels that the sidewalks in many areas are terrible and they are not maintained. She believes it is the property owner's responsibility to maintain the sidewalks but

this is not enforced. She said many people would like to walk from Boroline Rd. to town but they don't because the sidewalks are all broken up. She suggested addressing the sidewalks leading into town. Mayor Barra said the Borough has for the first time appropriated money in the capital budget for sidewalks.

There being no further comments, the meeting was closed to the public.

Mr. Snieckus said he has planned as his next step to have a discussion about the open space plan and the sustainability element conducted at one meeting. He said the Board could establish a public meeting for those two elements in order to get them adopted independently from the master plan. Mr. Quinn said with regard to the business district one of the issues may be the architectural handout issue and whether we want to commission a separate study on that at some point. Also whether we want to consider meters or any other ways to help the parking situation and create foot traffic.

Discussion - Proposed Restricted Commercial District

Mr. Barra said the Mayor and Council were approached by the owner of Restaurant L about changing the zoning because it is grandfathered to use as a commercial establishment. They came before the Land Use Committee and had several meetings and discussions. They concluded it probably should be evaluated in the context of the master plan and the timing was appropriate. They felt it was appropriate to get the opinion and comments of the Planning Board. Mr. Snieckus gave his evaluation and recommendation and the Land Use Committee felt instead of going to the Council for a change in zoning it made sense to go before the Planning Board since it should be part of the master plan. Mr. Strauch, a representative of the Land Use Committee, was present this evening.

Mr. Dunn said this is an informal referral at this point from the Land Use Committee. If this had gone to the Mayor and Council as a Land Development Ordinance it would be referred to the Planning Board before the adoption of an ordinance. At this point it is an informal discussion and any recommendation would be non-binding, so it is not a public hearing and not the appropriate time for any testimony.

Mr. Snieckus said there were several comments in the 2005 master plan about several pre-existing non-conforming uses within the Borough. Restaurant L was identified as one of those uses. The intention was to try to address them in the master plan in some manner. Elimination of these uses is unlikely and such uses may be regulated as conditional uses to insure that these properties remain sensitive to the needs of the residential neighborhoods. Mr. Bruinooge, the attorney for Restaurant L, appealed to the governing body with a recommendation that this be permitted as a conditional use in that zone which is the A residential district. Mr. Snieckus said he had difficulty in trying to limit the locations where this type of conditional use could be established. Another option would be to look at it as a new zone. However, if you establish a new zone and it is specific as to one or two lots, the issue of spot zoning becomes a concern. Are you establishing a zone just for the benefit of a specific user and not serving the public good?

Mr. Snieckus said this is a pre-existing nonconforming use and it has been there for a significant amount of time. The issue of whether or not it would eventually convert to a conforming use is

difficult at best. In addition to that the location of the property is such that it is right next to the other commercial uses in Waldwick. It is right next to an existing gas station in Waldwick further leading to the potential that it may not become a residential property in the near future. He said in lieu of that what we are looking at is an actual recommendation for a new zone to be established specifically at this location. This is a pre-existing condition with an adjacent municipality where the zoning permits commercial use right up to the municipal boundary line of that property. There is a certain level of activity of use on the property. The owner has spent funds to modernize and improve the building but the site plan and site design is still somewhat lacking from the standpoint of parking distribution. There aren't appropriate buffers around the property to mitigate the visibility of the parking lot as well as parking availability. I-Squared came to the Borough with the concept of a new zone that would be labeled the RC zone and specific conditions for performance standards in the ordinance could be established such that we would have public benefits as a result of rezoning this parcel with specific buffer and setback requirements so that if there are ever any further additions they would have to be a certain distance away from the side property lines that are zoned as residential and other bulk type criteria would be assigned to that use.

Mr. Snieckus said what he has provided in his memo of May 7 is a series of items that look at some of those specifics again in the ordinance to try to address and improve some of the normal criteria that are established in the new zone. He got into issues such as types of permitted uses, minimum width of lot criteria, setback criteria, and lighting controls. Mr. Quinn said the Board received Mr. Snieckus's memo and a sketch that was sent out within the last day or two but no one has had the opportunity to do any hard thinking about this.

Mr. Fliegel said this property was purchased knowing that it was a nonconforming use and that already limits what can be done with the property. Mr. Snieckus said one of the benefits of the zone itself that he tried to touch on is that specific performance standards are put in that are not part of the property now such as buffer requirements. For instance someone can operate the business the way it is without adding any additional landscaping or improvements to the building to improve the aesthetics or functional aspects of the property. There are several parking spaces that are now a pre-existing nonconforming condition with people backing out towards Franklin Turnpike and parking spaces right on the sidewalk along Franklin Turnpike without the ability to have any landscaping or buffering to offset that condition.

Mr. Fliegel said with the zoning change they would not need to go in front of the Board of Adjustment. Mr. Snieckus said they would have to come to this board for site plan approval if it was a permitted use. The Board would then look at the criteria to effectuate the improvements. Mr. Dunn said it is his understanding that there is ongoing litigation and anything the board does now in this informal master plan context is not part of the record. He would advise against commenting on anything that might relate directly to that litigation. He does not think it means the Board cannot consider that in deciding what to do but he thinks this issue of dealing with this property which we call generically spot zoning has to be limited to the plan and zoning issues existing in the Borough as they apply to these things. For example, if someone comes in and a zoning change is done merely for the purpose of benefiting the property owner, that is spot zoning. If you are dealing with one or two properties that are affected by a zoning change, it is pretty clear in the law it has to be in the context of an overall zoning plan. He said that doing it

in the context of a master plan is probably the ideal way to deal with it. He commented that it was stated in the prior master plan that these particular uses, primarily restaurants, are not going away. Mr. Fliegel commented that the nursing home did go away and the property converted to a conforming residential use that benefited everybody in the area.

Mr. Dunn said the Board should not be confusing spot zoning with a non-conforming use. They are two entirely different concepts. We should be doing this because it is good planning and not just because it is a nonconforming use. The policy of the law is to discourage nonconforming uses and to bring them back into conformity and that is seldom done by spot zoning.

Mayor Barra said the Council is trying to avoid passing the ordinance and asking for the Planning Board's recommendations in a week so it was decided to present it to the Planning Board first. He said if the answer is no, the Land Use Committee must decide whether they want to recommend or not recommend the proposed ordinance to the Mayor and Council for introduction and then to the Planning Board. He said the Land Use Committee felt this was a better way of doing it to give the Board more time to talk and think about it before reaching a decision.

Mr. Dunn said from the standpoint of the owner of this property, right now this matter is in litigation. He has been to the Board of Adjustment and they have acted adversely with regard to it. They have rejected the idea of the expansion of the non-conforming use. That is a use variance and the most severe under the Land Use Act. Therefore from the owner's perspective he would like the Board to view it more pro-actively to see if it can amend the zoning ordinance to render that application before the Board of Adjustment moot. He said he does not think it is proper in this context that we have this in our master plan review at this point.

Mr. Barra said the Land Use Committee felt there were a lot of issues such as lack of parking and this would provide a lot more parking and there would be a better buffer in front of the restaurant. There would be additional seats and there would be no outdoor seating. Mr. Barra indicated that after considering all of these issues, Mr. Bernstein felt it would be a plus for Allendale if it were done this way compared to the way it is right now. Mr. Strauch said he felt it would be better if the Board had all of this information. He agrees that this could be a net gain to Allendale and not just to the immediate neighbors if the right provisions were put on this proposed zone. A Board member said he is concerned about "creep" that may occur in the future and he feels that adding a whole new zone to one piece of property on one side of town is a serious consideration. Mr. Strauch said if this moves forward what is done will look cleaner from the road and be less annoying to the neighbors.

Mr. Herndon asked how many parking spaces are required and how many are proposed in this new scenario. Mr. Snieckus said 49 spaces are required and 60 are proposed. A Board member asked if the spaces are relative to the number of seats. He said it looks like the size of the building is doubled and the seating is going from 94 to 115 seats so it is a 20% difference but the building is doubling in size.

Chief Herndon said the comment was made by Mr. Strauch that this scenario places restrictions on the property but for the past 75-80 years this building existed and there were restrictions on

the property. Mr. Strauch said they are enhancing the setback, removing the parking a little further away from the residential, getting rid of the parking that backs onto Franklin Turnpike, requiring more evergreen type buffers. His understanding is that when the work is done it will look better, it will function better and be less of a nuisance to the neighbors. The noise issue has been addressed by the hours of operation. Mr. Quinn said the issue of the parking on Waibel won't go away just because there is a parking lot there. Mr. Fliegel mentioned the nursing home on Franklin Turnpike and said the only reason it went away is because the owner had an economic benefit to convert it to the conforming residential use rather than continuing the nonconforming operation. He said if the owner needs to expand to stay economically feasible they are spending a lot of money to have an additional 20 seats.

Mr. Quinn said he had several questions. If the adjoining lot were to be purchased and the parking lot put behind it, does it meet the zoning standards. Mr. Snieckus said it is an oversized lot in the A zone. They can subdivide the rear portion and make it part of this property. The lot would conform but not the existing structure's setback to the new property line.

Mr. Quinn pointed out that the current master plan states as a goal "to preserve and enhance the suburban character of the existing one and two family residential neighborhoods, establishing regulations that limit the nature, scale and location of non-residential uses and home occupations and commercial development of any kind shall not expand on Crescent Avenue or Franklin Turnpike as it has in Waldwick. He said the question is – is the transitional nature of this property and some of the buffers that are to be put in good enough. He said he is struggling to see where this proposal will be a benefit to Allendale. He said he doesn't see how putting in 20 extra seats is economically tenable. Mr. Quinn said he is concerned about spot zoning and this is a plan for a very specific piece of property and he feels that the transitional nature is a stretch. He suggested that the Board members may want to take a look at it and come back at next month's work session for further discussion.

Mr. Herndon asked Mr. Snieckus what he means by tandem parking spaces. Mr. Snieckus said it means one behind the other. The consensus of the Board was that there were enough questions and concerns to not act on this tonight and consider it for further review at the next work session.

Mr. Quinn requested that the Certificate of Compliance issue be placed on the agenda for the next work session.

Mr. Yakimik brought the Board up to date on the progress at the A & P shopping center. He suggested that Mr. Wittekind be contacted regarding any potential violations.

The meeting adjourned at 11 p.m.

Respectfully submitted,

Barbara Knapp

