LAND USE BOARD

BOROUGH OF ALLENDALE

500 West Crescent Avenue

Allendale, New Jersey 07401

A Regular Meeting of the Allendale Land Use Board was held via teleconferencing on Go To Meeting due to the State of Emergency in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, New Jersey 07401 on March 17, 2021. The meeting was called to order at 7:31 pm by Chairman Quinn who read the Open Public Meetings Act statement and stated the requirements had been satisfied.

Chairman Quinn led those present in a salute to the flag.

**ROLL CALL:**

The following individuals answered roll call:

Board Member Bergen

Secretary Daloisio

Board Member Davis

Board Member Kistner

Board Member Lovisolo

Vice Chairman Sirico

Chairman Quinn

Alternate Yaccarino

Alternate Forbes

**ABSENT**: Mayor Bernstein

Councilman Sasso

The following individuals were also present:

Board Attorney Christopher C. Botta, Esq.

Board Engineer Michael Vreeland

Board Planner, Ed Snieckus

Land Use Administrator, Linda Garofalo

**APPROVAL OF MINUTES**

Motion by Vice Chairman Sirico**,** second by Alternate Yaccarino that the Minutes of the February 24, 2021 Regular Land Use Board Meeting were approved. There was no discussion.

On a roll call, the vote was recorded as follows: Board Member Bergen – aye, Secretary Daloisio – aye, Board Member Davis – aye, Board Member Kistner – aye, Board Member Lovisolo – aye, Vice Chairman Sirico - aye, Chairman Quinn – aye, Alternate Yaccarino – aye. Alternate Forbes – aye.

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**RESOLUTIONS**

**Application File No: LUB 2021-02**

**Resolution: 21-12**

**Applicant: Evan Karsch**

**Address: 37 Carteret Road, Allendale, NJ 07401**

**Block: 1503 Lot: 21**

**Application: Second floor addition over existing garage and first floor additional garage area**

A motion to adopt the resolution was made by Alternate Yaccarino and seconded by Vice Chairman Sirico. Roll Call: Board Member Bergen – aye, Secretary Daloisio – aye, Board Member Davis – aye, Board Member Kistner – aye, Board Member Lovisolo – aye, Vice Chairman Sirico – aye, Chairman Quinn – aye, Alternate Yaccarino – aye, Alternate Forbes – aye.

**Application File No: LUB 2021-04**

**Resolution: 21-13**

**Applicant: David and Yolanda Cafiero**

**Address: 100 Elbrook Drive, Allendale, NJ 07401**

**Block: 101 Lot: 14**

**Application: A 2-story addition to the right side of the dwelling and rear 1-story addition.**

**Section 270-(64.B (2)**

A motion to adopt the resolution was made by Board Member Lovisolo and seconded by Vice Chairman Sirico. Roll Call: Board Member Bergen – aye, Secretary Daloisio – aye, Board Member Davis – aye, Board Member Kistner – aye, Board Member Lovisolo – aye, Vice Chairman Sirico – aye, Chairman Quinn – aye, Alternate Yaccarino – aye, Alternate Forbes – aye.

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**PUBLIC HEARING**

**Application File No: LUB 2021-03**

**Applicant: Park & Ivy Properties, LLC**

**Address: 54 Park Avenue, Allendale, NJ 07401**

**Block: 1709 Lot: 7**

**Proposed: Build six townhouses, consisting of three stories – Preliminary Site Plan Approval, Final Site Plan Approval, Use and Bulk Variances, Variance Relief Pursuant to 40:55D-60 ©**

Mr. Botta stated I reviewed the Notice of Public Hearing and the Affidavit of Service to the properties on the 200 foot list and Utility Companies. The application has been properly noticed and may proceed.

Mr. Bruce Whitaker, McDonnell & Whitaker, LLC stated I am representing the applicant, Park & Ivy Properties, LLC. The application was previously heard and withdrawn. This is deemed by the Board to be a new application. The property is in the C1 district. There are no drainage improvements on the property. The applicant is proposing to eliminate the non-conforming use on the property. The Auto Repair Shop on this lot is not desirable for this area. The rear yard setback will be eliminated. The applicant is planning to demolish all buildings on the property. This will provide a significant improvement to the downtown area. There are 6 units, rentals that are 2 bedrooms and 1 Affordable Unit that will have 3 bedrooms. Residential use is permitted on this site. The property is 18,129 square feet. Other than height, we can meet the requirements of this zone. We are seeking a D1 and D6 variance. We are eliminating the non-conforming use, eliminating an unwanted use, we are proposing residential, we are proposing to have landscaping, drainage and provide a less intense use on the site, a total upgrade of the property. A use variance, height variance, bulk variance and Preliminary & Final site plan approval are required. We propose to bifurcate this application with the use and height variance approval testimony tonight by the site plan details if height and use are approved.

Mr. Botta stated since D variances are required, the elected officials will not be participating. Mayor Bernstein and Councilman Sasso are not present tonight. Hearing the use variance first is an efficient way to hear this application.

Mr. Dan LaMothe, Engineer, Lapatka Associates, was sworn in and his credentials accepted by Chairman Quinn.

Mr. LaMothe stated he prepared the plans. The existing site was shown on the screen, it is colorized. We exceed the required parking by 4 spaces. Parking spaces will be 9 x 18. A two-way driveway is proposed. A 6 foot fence is proposed. A height variance is required. A parking stall size variance is required. The Engineer and Planners’ letters have been reviewed. We can make revisions to address the concerns. The setback requirements are all met. There is a streetscape on Park Avenue. New sidewalks, curbs and apron are proposed. The lighting requirements will be complied with. A small identification sign is proposed with the address that will not interfere with the driveway. There are 3 stories so that we have the garages at the ground level with the townhouse above.

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Chairman Quinn asked for comments from Mr. Vreeland, the Borough Engineer.

Mr. Vreeland stated he has no comments at this time.

Chairman Quinn stated the front is not the front, it is the side of the building.

Mr. LaMothe stated it was laid out this way to accommodate the parking.

Chairman Quinn asked for questions from the Board.

Board Member Bergen stated are there 6 spaces on the street?

Mr. LaMothe stated yes, there are 6 garages and 12 spaces on site. The Park Avenue spaces are not included in the count.

Secretary Daloisio stated is the handicap space for visitors or residents?

Mr. LaMothe stated either.

Secretary Daloisio asked where will the snow be plowed and stacked?

Mr. LaMothe stated to the South side of the lot along the curb line. A private company can take the snow away if there’s a large storm. Additional drainage would be added to the plan. The hedges will screen the parked cars, a low hedge is proposed along Park Avenue. The proposal is an improvement as to what is currently there today.

Board Member Davis asked how will garbage and recycling be handled?

Mr. LaMothe stated a private hauler will come to pick it up.

Mr. LaMothe stated the garbage will be stored near Park Avenue.

Mr. Whitaker stated we can stipulate to private carting and add a dumpster style area.

Mr. Snieckus asked what is the closest proximity to the property line for the rear yard decks?

Mr. LaMothe stated 5 feet clear of the property line. This is a 10 x 10 deck.

Board Member Lovisolo stated will the tenants park in front of their own unit?

Mr. LaMothe stated we tried to lay it out that way. The visitor spaces can be used by anybody.

Board Member Kistner asked if there is a second means of egress.

Mr. Whitaker stated the Architect will go over this.

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Chairman Quinn opened the meeting up to questions from the public of the Engineer on his testimony.

Debby Lyon, 88 Park Avenue, stated I live here for 26 years. This is a residential area and I object to Mr. Whitaker’s comment that this is the downtown area.

Mr. Whitaker stated this property is located in the C1 commercial district zone.

Ms. Lyon stated the rear deck and height of the building, will this affect the privacy of the neighbors?

Mr. LaMothe stated there will a 6 foot fence. The decks are close to the grade.

Ms. Lyon stated there are 4 separate variances required – two for use and one for height and a variance for the size of the parking spaces.

Mr. Whitaker stated there is a use and height variance, the parking spaces comply with the RSIS.

Ms. Lyon stated is your snow removal plan appropriate for 2 feet of snow?

Mr. LaMothe stated yes, the snow can be accommodated on site.

Ms. Lyon stated the side of the building faces Park Avenue, is that correct?

Mr. LaMothe stated yes, that is correct.

Daniel Manning, 47 Mallison Street, stated I’m concerned with the water run-off. Where will the water go?

Mr. LaMothe stated the driveway is pitched towards Park Avenue. The grade will be lowered at this area.

Mr. Manning stated there should be a catch basin.

Mr. LaMothe stated we’re going to add some additional inlets. We will be redirecting the run-off away from Mr. Manning’s property in the rear of the site.

Mr. Vreeland stated I agree with the applicant’s Engineer. The inlets should prevent any issues regarding run-off to neighboring properties.

Todd Peterson, 43 Mallison Street stated that someone living in an ADA unit will have difficulty dragging the garbage cans down to the street. A four foot fence is not enough for privacy.

Mr. LaMothe stated a 6 foot fence is preferred.

Mr. Manning stated have you considered a berm with plantings in the corner?

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Mr. LaMothe stated there will be a 6 foot fence along this line.

Mr. Whitaker stated we will take these comments and work with Mr. Vreeland and show the plan to the neighbors that there will be no run-off to the neighbors.

Michelle Murray, 15 Oakwood Road, asked will there be lighting on top of the building?

Mr. LaMothe stated only above the door for security purposes. There will also be 2 decorative lights for the parking lot.

Mr. Peterson asked there will be lights in the parking lot?

Mr. LaMothe stated that a light is proposed close to the driveway and one in the middle of the parking lot. These will be LED light bulbs and they can be controlled to reduce spillage.

Mr. Whitaker stated there is a 6 month adjustment period on lights.

Nancy Greene, 42 Park Avenue, asked is there a way the public can access the plans? Is there a 6 foot vinyl fence proposed on the property line.

Mr. Whitaker stated plans were delivered in electronic form and access should be provided to the public as required and replied yes to the fence.

Ms. Greene stated will there be decks or patios?

Mr. LaMothe stated either.

Ms. Greene stated there’s a crumbling retaining wall on the edge of the property. What will you do about the transition?

Mr. LaMothe stated we would be willing to repair the wall.

Vinny Krug, 128 Orchard Park asked if there will be any COAH units.

Mr. Whitaker stated there will be one COAH unit with three bedrooms. This will be an ADA accessible unit.

Mr. Krug asked will the building be 39 feet high?

Mr. LaMothe stated yes.

Mr. Krug asked if it will be over 40 feet to any of the adjacent properties.

Mr. Botta stated we don’t measure that way. We measure height from ground to highest point in one location.

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Ms. Greene stated the townhouses across from this property are lower. If the water is going toward Park Avenue won’t this affect them?

Mr. LaMothe stated no, the water that runs to Park Avenue currently runs to the stormwater inlets.

Kathy Riker, 211 Orchard Park stated when the parking spaces are all full, can fire safety get through?

Mr. LaMothe stated yes, the RSIS requires 24 feet access way, 25 feet is proposed which is the Allendale standard.

Todd Peterson are you approving the use variance tonight?

Mr. Botta stated the other testimony needs to be heard.

Ms. Greene stated we haven’t been able to see the plans yet, can we ask the Board to hold off on the vote?

Chairman Quinn stated you are seeing the plans now and a vote is dependent on completion of all testimony.

Secretary Daloisio stated I didn’t see the A/C units on the drawing. Where are they?

Mr. LaMothe stated at the back corners of the units.

Secretary Daloisio asked if a private carter will take the garbage from the units.

Mr. Whitaker stated I will discuss this with my client.

Ed Snieckus stated the back area grading plan, can we view this?

Mr. Jacob Solomon, Architect, 1425 Plaza Road, Fair Lawn was sworn in and his credentials accepted by Chairman Quinn.

Exhibit E – Architectural plan

Mr. Solomon stated Exhibit E1 shows the elevation plan.

Each unit has a garage space, entrance with foyer, access to the patio or deck and a full bath. The family room in the Affordable unit will be a bedroom.

A2-shows the upper levels, 2nd floor – living room, powder room, staircase, kitchen and dining area and sliding glass doors.

3rd floor plan – two bedrooms with private bathrooms.

The Affordable unit is a 3 bedroom unit. The decks are 10 x 10. The A/C units will be in the rear and screened.

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Sheet A3-front elevation which is the parking area. Garage door and front door are shown, stone and siding to be used and decorative dormers and shingle siding. Windows are egress and sliding glass doors. The right side elevation can be dressed up to look like a front entry with a door moved to face Park Avenue. All four sides will have same type of elements used. We can reduce the height of the building by going

to a flat roof with a skirt around it. The building can be lowered 3 feet by doing that. The height can be reduced to 36-37 feet.

The last exhibit is a colored rendering.

Chairman Quinn asked for questions from the Board.

Secretary Daloisio stated the building is pleasing to look at. Are there any alternate plans for five units?

Mr. Solomon stated we chose this based on the parking that was available. We’d still have three stories.

Secretary Daloisio asked will there be attic storage space?

Mr. Solomon stated no, the attic is three feet high.

Secretary Daloisio asked where will the hot water heaters be located?

Mr. Solomon stated they can be tankless or can accommodate a 40 gallon hot water tank, in the closet, direct vent, on the second floor.

Secretary Daloisio asked is there a storage area in the garage?

Mr. Solomon stated yes.

Chairman Quinn asked if the garage level room could be explained.

Mr. Solomon stated in the rear of the garage there will be a family room and full bath. This could become a bedroom. The Affordable unit will include a third bedroom.

Chairman Quinn asked what safety precautions will be taken for the garage and family room/bedroom room.

Mr. Solomon stated there will be two layers of sheetrock, garage door will be a 60 minute fire door, all meeting fire code standards.

Chairman Quinn stated the Board received a letter from the Fire Officials this evening.

Mr. Whitaker stated I have not reviewed this.

Chairman Quinn stated this needs to be reviewed and addressed at a future meeting.

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Chairman Quinn asked for questions from the Board.

Mr. Vreeland asked if this rendering is representative of the colors and finishes, if approved.

Mr. Solomon stated everything will be similar.

Mr. Vreeland asked for the gross building area.

Mr. Solomon stated the Engineer testified to this – 13,860 square feet.

Board Member Bergen asked if Mr. Solomon could go over how the height will be lowered.

Mr. Solomon stated to reduce the roof ridge height, we will be doing a flat roof. It would appear to be a hip roof.

Mr. Whitaker stated we will be addressing all concerns.

Mr. Snieckus stated he would like to see an illustration of the building height lowered.

He also stated that in the Affordable unit, you need to accommodate the turning of a wheel chair.

Mr. Solomon stated yes, the units can be made adaptable to be barrier free.

Mr. Snieckus stated regarding the patio and rear area, units 3 & 4, decks are 5 feet off the property line – this may cause a height issue with the distance to the property lines. The soil is at ground level, did you consider a shorter patio area so as to not disturb the trees that serve as a buffer to adjacent property.

Mr. Vreeland stated are there any ADA accessibility issues with the second and third floors?

Mr. Solomon stated the path of travel would be accessible. We may have to widen the stairs. This would accommodate a chair lift.

Chairman Quinn opened the meeting up to questions from the public of the Architect on his testimony.

Mr. Manning stated his main concern is that this building is too tall. He asked if the client has considered four units. This is a massive unit in the middle of a residential area.

Mr. Whitaker stated we’ve done several reviews, we hear your comments about height. We thought this was more appropriate as opposed to a commercial unit with two residential units above. We felt this was a better alternative. We will come back with a revised plan. Your comments are understood.

Chairman Quinn stated the intensity is on the high side on less than a ½ acre site.

Chairman Quinn asked for questions from the public.

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Ms. Lyon stated there are two visitor parking spaces, correct?

Mr. Solomon stated the Engineer testified to this.

Ms. Lyon asked where will the visitors park?

Mr. Whitaker stated we have provided spaces, there are 15 spaces required by the RSIS.

Mr. Peterson asked if the A/C units that are in the back are screened with a fence.

Mr. Solomon stated the units can be screened and installing lowest noise units will be looked into.

Mr. Peterson stated I believe 4 units, lowering the roof and have parking on the property would be appropriate for this property. Has any consideration been given for the home to the North on what a 40 foot building would do to the sunlight on that home?

Mr. Whitaker stated the Planner will testify to this.

Ms. Greene asked what is the setback for this residential building?

Mr. Whitaker stated we are code compliant.

Mr. Vreeland stated I will look into the setbacks for a deck if it is provided.

Ms. Greene stated there will be blocking of light for the property to the North.

Chairman Quinn stated the Planner will address this.

Mr. Krug stated he has issues with the patio vs. the deck, A/C units within the 10 foot setback, utilities in the attic and fire protection.

Mr. Whitaker stated we will look into this. We will read the fire report.

Mr. Krug asked to the doorways in the Affordable Housing Unit.

Mr. Whitaker stated this was testified to.

Secretary Daloisio asked if there will be any standby generators.

Mr. Whitaker stated none are being proposed.

Vice Chairman Sirico stated there is one unit with the bathroom on the first floor.

Mr. Solomon stated this will be revised.

Chairman Quinn stated this applications is carried to the meeting of April 21, 2021, no new

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notice is necessary, time is waived for the Board to act.

Mr. Botta stated the electronic plans will be posted on the Borough website.

**OPEN TO THE PUBLIC FOR COMMENT:**

**ADJOURNMENT:**

On a motion by Secretary Daloisio, second by Board Member Lovisolo, with all members present voting in favor, the meeting was adjourned at 10:42 PM.

Respectfully submitted,

Linda Garofalo

Linda Garofalo