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 in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, NJ 07401 on June 19, 2024. The meeting was called to order at 7:32 PM by Chairman Sirico who read the open public meetings statement and stated the requirements had been satisfied.

Chairman Sirico led the salute to the flag.

**ROLL CALL:**

The following individuals answered roll call:

Vice Chairwoman Bergen

Board Member Warzala

Board Member Putrino

Board Member Agugliaro

Councilman Daloisio

Board Member Dalo

 Chairman Sirico

 Mayor Wilczynski

 Alternate Butler

**ABSENT**:

Alternate Conte

 The following individuals were also present:

 Covering Board Attorney, Stephen Sinisi, Esq.

 Borough Engineer, Michael Vreeland

 Land Use Administrator, Linda Garofalo

 Board Planner, Ed Snieckus

Mr. Stephen Sinisi, Esquire stood in for Lawrence Calli as the Board attorney.

**APPROVAL OF MINUTES**

Motion by Councilman Daloisio, seconded by Vice Chairwoman Bergen, that the Minutes of the April 17, 2024 Land Use Board Meeting be approved. There was no discussion.

On a roll call, the vote was recorded as follows: Vice Chairwoman Bergen – aye, Board Menber Agugliaro – aye, Councilman Daloisio – aye, Board Member Dalo – aye, Chairman Sirico – aye,

Mayor Wilczynski – aye, Alternate Butler – aye.

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**RESOLUTION**

Application File No.: LUB 2024-05

Resolution No.: 24-13

Applicant: Ken Magro

Address: 345 Hillside Avenue, Allendale, NJ 07401

Block 101 Lot: 7

Application: Remove and replace existing driveway greater than 35 feet.

A motion to adopt the resolution was made by Vice Chairwoman Bergen – aye, seconded by Alternate Butler. Roll Call: Board Member Bergen – aye, Board Member Warzala – aye, Board Member Putrino – aye, Councilman Daloisio – aye, Chairman Sirico – aye.

**PUBLIC HEARINGS**

Application File No,: 2024-04

Applicant: Allendale Rehabilitation & Healthcare

Address: 85 Harreton Road, Allendale, NJ 07401

Block: 601 Lot: 7

Application: Construct an 8,541 square foot addition to a non-conforming assisted living and skilled nursing home.

**(carried to the meeting of July 17, 2024)**

Review and discuss **Fair Housing, the Land Use Plan Amendment and Hazard Vulnerability** **Study** – presentation by Ed Snieckus

Ed Snieckus, Borough Planner, stated this is the fourth round of Affordable Housing Rules. He handed out a memorandum showing the summary and due dates. In March 2024 Governor Murphy signed the Act. It abolishes COAH. It establishes strict timeframes. There will be costly responsibilities for towns.

Document dated May 15, 2024 the DCA is now in charge of the statewide need. A dispute resolution plan will be in place. On September 16, 2024 accounting is due, the Borough has already completed this. We need to report status of the third round plan, we have more credits. October 20, 2024 is the DCA deadline, the statewide, regional and local need to be established. On January 31, 2025 a resolution will be adopted that adopts the need numbers. Then we have to file with the DCA. February 25th is the due date for challenging. The Housing Plan is due. August 31, 2025 file action challenging the Fair Share plan. September 1st the plan is certified. In March of 2026 all zoning ordinance will be adopted, this is for 62 municipalities.

The Land Use Plan Amendment and Hazard Vulnerability Study – Use description and Land use

map should be re-evaluated. It’s important for the Borough to keep this up to date. Flood plains need to be looked at. Higher elevation for new construction needs to be looked at.

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An advisory group needs to be created. There will be a public outreach session. A tentative schedule needs to be worked out. By October/November, we hope to adopt this.

Mr. Sinisi asked about alternative dispute resolution.

Mr. Snieckus stated for example, something the municipality did not consider. The DCA can scrutinize this. A developer can object to this.

Mayor Wilczynski stated we are trying to be proactive. I’ve been going to seminars this past year. We are trying to protect the town and the environment.

Board Member Warzala asked is there a risk about changing the credits we have?

Mr. Snieckus stated if we carryover, the fourth round, we need to bring actual credits without bonuses.

Mayor Wilczynski stated we are need of special needs housing and senior housing. Flooding is an issue. This is challenging.

These discussions will continue.

Applicant File No.: 2024-07

Applicant: 115 West Crescent Avenue, LLC

Address: 115 W. Crescent Avenue, Allendale, NJ 07401

Block: 910 Lots: 5.01 & 5.02

Application: Subdivision to two lots

Mr. Kohut, representing the applicant, stated we were here last year and proposed a three lot subdivision. The applicant saw the Board had difficulty with the third lot, proposed to be a flag lot. My client came up with a two lot subdivision. It’s currently on the tax map as two lots. Zoning recognizes this as one lot. There are two lot variances for each lot. We have insufficient lot frontage – 115 needed, we are below that – (100’ and 101’.56.) The frontage is consistent with the neighborhood. We anticipate that the houses will have no variances.

Thomas Miller, Surveyor, 44 Great Bay Drive, Somers Point was sworn in and his credentials accepted by Mr. Sinisi. The exhibits that were already distributed to the Board are not being marked into evidence.

Mr. Miller stated he prepared the subdivision survey. The lots are substantially oversized. There are two curb cuts on the property.

Mr. Vreeland prepared a memorandum dated June 14, 2024, the applicant will comply with all items in his memorandum.

Chairman Sirico asked if you looked at just having it remain as one lot?

Mr. Miller stated we are looking to go with the tax map and be consistent, leaving it as 2 lots.

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Councilman Daloisio stated we heard there is a lot of flooding in the rear of the lot. What is the slope?

Mr. Miller stated the topographical survey dated April 26, 2024 shows the rear is lower.

Councilman Daloisio asked can you show us the low area?

Mr. Miller showed the Board the location on the survey – the southeast corner.

Board Member Dalo stated before the previous application, I walked the property and there is an elevation of 304.17. There seems to be a dry well that runs south. I don’t see any related information on that.

Mr. Miller stated we don’t have any of this information now.

Vice Chairwoman Bergen stated the plan shows a 15 foot side setback. Have you done calculations of what it needs to be, to conform?

Mr. Kohut stated no, we haven’t.

Mr. Vreeland stated the lot may not be as wide as it’s supposed to be depending on the size of the house.

Board Member Putrino asked what size house can be built without a variance? I’d like to know this.

Board Member Dalo stated this subdivision seems incomplete. I’d like to see a full picture.

Mr. Kohut stated we are seeking to create the lots themselves. We are not looking for variances for a house. We can try to show the Board the size of a house that could go there.

Mr. Vreeland stated a purchaser may think there’s a 15 foot side setback.

Mr. Snieckus asked if any soil tests have been done?

Mr. Kohut stated we can have the Engineer testify to that.

Mr. Vreeland stated the lot numbering needs approval by the Tax Assessor. This Subdivision will be approved by Deed. Electronic copies will need to be provided. The Water Company is Veolia.

Chairman Sirico asked for questions from the public.

Mark Savastano, 22 Vreeland Place asked Mr. Kohut about flooding on the property. Is he aware of the alterations that were done to the property by the current owner?

Mr. Kohut objected to this question.

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Chairman Sirico asked for questions or comments from the Board. None were heard.

Ms. Afton Savitz, Engineer, 99 Park Avenue, Rutherford was sworn in and her credentials accepted by Mr. Sinisi.

Ms. Savitz stated there is a grade change in the rear yard. The Planner will handle the information about the setbacks. A 2,500 square foot house could be built here and have no variance with a 15 foot side yard setback. A plot plan will be required with a structure on it.

Chairman Sirico asked for questions from the Board.

Mayor Wilczynski stated on the existing property there are a lot of trees in the rear. Can you say if trees were removed would it make a difference?

Ms. Savitz stated a stormwater analysis is required with calculations and that will determine the answer.

Ms. Savitz stated the property is in Zone A, minimum side yard setback is 15 feet, gross building area is 2,500 square feet. There are no wetlands on site.

Mr. Vreeland stated he has no comments.

Chairman Sirico asked for questions from the public. None were heard. Brough it back to the Board.

Spach Trahan, Planner, 70 Hudson Street, Hoboken was sworn in and her credentials accepted by Mr. Sinisi.

Ms. Trahan stated the lot, as it is, is a 65,000 square foot lot in the A zone. There is 200 feet of frontage. This was two lots on the tax map. 100 and 101.56 frontage, C variances are required. This is a technical variance.

Exhibit A1-Board titles “Deficient Lot Widths in the A Zone” shows the area and the lot widths. This is an oversized lot. There were two units on this lot. This would be a low impact density. The four surrounding lot widths are 97 feet, 93.28 feet, 93.28 and 100+ feet. Across the street they are 109.9, 85, 100, 100.5 and 100.5.

A conforming house could fit on each lot.

Chairman Sirico asked for questions from the Board.

Board Member Putrino stated we have a lot of deficient lots and this shows it. These are smaller homes on these deficient lots.

Ms. Trahan stated I didn’t do a study on the size and age of these existing homes. This will bring the property into conformance.

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Vice Chairwoman Bergen asked the two lots made one lot previously because they wanted to build one large house?

Councilman Daloisio asked when you looked at the houses that are highlighted in orange were the homes centered on the property?

Ms. Trahan stated I don’t know.

Mr. Kohut stated this had one house across the lot line and it automatically merged to one lot.

Councilman Daloisio stated I can’t see someone coming here and building a small house on this lot without coming to this Board.

Mr. Kohut stated this proposal is a better zoning alternative than leaving as one lot and building a huge house.

Chairman Sirico asked for questions from the Board.

Mr. Snieckus asked the map has dimensions, what about the quantity?

Ms. Trahan stated there are 14 lots in this A zone on W. Crescent Avenue that are non-conforming. Nine are conforming.

Chairman Sirico asked for questions from the public.

Mr. Savastano, 22 Vreeland Place, Allendale asked two dwellings have been mentioned in your testimony, are you aware it was one house?

Ms. Trahan stated yes.

Mr. Savastano asked are you aware of the Achitectural details?

Ms. Trahan stated no.

Mr. Savastano asked are you aware of the placement of the home?

Ms. Trahan stated yes.

Mr. Savastano stated I understand the desire to do the subdivision. I question the type of home and have concerns about water. I have pictures of flooding on that property.

Mr. Savastano continued I’m concerned how this property will be developed. I question how the surrounding properties will be affected. Future development, the character of the neighborhood and water are my concerns.

Mr. Kohut stated changes to the property were reviewed and approved by the Borough Engineer.

Mr. Kohut gave his closing statement.

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Alternate Butler stated I think there’s some risk here and some question marks.

Vice Chairwoman Bergen stated I agree, I am concerned with what can be built here. I’d like to see more information.

Cindy Schottanes, 18 Elmbrook Place, Bloomfield, Applicant, stated there are two families under contract to purchase these lots and they are related.

Councilman Daloisio asked do these buyers understand the conditions of the lot?

Ms. Schottanes stated yes.

The Board took a break from 9:45-9:54 PM. Everyone was present when they returned.

Mr. Kohut stated Ms. Trahan will speak about lot line movement.

Ms. Trahan stated I’m hearing from the Board that what will be built here will need a variance. A 2 floor, 3,000 square foot home needs a 30 x 50 foot lot. I‘m recommending leaving the lines as is, there is no practical benefit to moving them.

Councilman Daloisio stated I hope the perspective buyers understand the criteria.

Alternate Butler asked shouldn’t the issues with water be discussed?

Mr. Vreeland stated we work on this with the plot plan at submission time.

Chairman Sirico stated this would be handled as any other new construction is.

A motion to approve the application was made by Councilman Daloisio, second by Board Member Warzala. Roll Call: Vice Chairwoman Bergen - aye, Board Member Warzala – aye, Board Member Putrino – aye, Board Member Agugliaro – aye, Councilman Daloisio – aye, Board Member Dalo – aye, Chairman Sirico – aye, Mayor Wilczynski – aye, Alt. Butler – aye.

Application File No.: 2024-08

Applicant: Donna & Paul Dec

Address: 54 Grey Avenue, Allendale, NJ 07401

Block: 913 Lot: 6

Application: Addition to allow for enlarged kitchen and living space, additional garage bay

and three season screened porch. Front yard setback variance 270-57B

Mr. and Mrs. Dec were sworn in. Mrs. Dec stated we have an irregularly shaped lot, have been living here 30 years. We need more space. They provided testimony on plans and design.

Mr. Sinisi stated part of your submission packet is that your taxes are current.

Mrs. Dec stated yes, they are current.

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Chairman Sirico asked for questions from the Board.

Vice Chairwoman Bergen asked the property side yard setback will be 15 feet, is that in compliance?

Mr. Dec stated the front right corner needs a variance.

Vice Councilwoman Begen asked are you adding onto your garage?

Mr. Dec stated we are enclosing the front porch and will add the space to the living room.

This would be consistent with the neighborhood. We are adding 250 square feet.

Vice Chairwoman Bergen asked is there a wall and fence on the other side?

Mrs. Dec stated there is a PE&G easement there.

Mr. Vreeland stated time was spent with the Architect trying to avoid coming to the Board.

Mrs. Dec stated we have many variations from the Architect.

We will have some soffit lighting, but no spotlights.

Also, a pellet stove or wood burning stove may be installed.

Councilman Daloisio stated roof leaders should not be directed towards the neighbors.

Mrs. Dec stated understood.

Chairman Sirico asked for questions from the Board.

Mr. Snieckus asked if the addition is closer to the neighbor?

Mr. Dec stated yes.

Chairman Sirico asked for questions from the public.

Richard Moon, 99 Pittis Avenue, Allendale stated I live to the SW of the Decs. I don’t have any issues with this variance.

Councilman Daloisio stated this is exactly why people seek variances.

Mr. Vreeland stated this is an odd shaped piece of property. It’s a front yard setback on a culdesac. There are some unique characteristics in this application.

A motion to approve the application was made by Board Member Putrino, second by Councilman Daloisio. Roll Call: Vice Chairwoman Bergen - aye, Board Member Warzala – aye, Board Member Putrino – aye, Board Member Agugliaro – aye, Councilman Daloisio – aye, Board Member Dalo – aye, Chairman Sirico – aye, Mayor Wilczynski – aye, Alt. Butler – aye.

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Chairman Sirico stated to the Board please do the Stormwater and Cyber Mandatory courses on-line that were emailed to you. Get back to Kim in DPW and Linda after you have completed the courses.

Thank you to Mayor Wilczynski – the Dine the Dale was great.

**OPEN TO THE PUBLIC FOR COMMENT**

**ADJOURNMENT:**

On a motion by Board Member Dalo, second by Alternate Butler, with all members present voting in favor, the meeting was adjourned at 10:35 PM.

 Respectfully submitted,

 Linda Garofalo

 Linda Garofalo

 Land Use Administrator