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 November 14, 2022. The meeting was called to order at 7:30 PM by Chairman Quinn who read the open public meetings statement and stated the requirements had been satisfied.

Chairman Quinn led the salute to the flag.

**ROLL CALL:**

The following individuals answered roll call:

 Secretary Daloisio

 Board Member Kistner

 Councilwoman Lovisolo

 Board Member Yaccarino

 Vice Chairman Sirico

 Mayor Bernstein

Chairman Quinn

Alternate Forbes

Alternate Putrino

**ABSENT**:

 Board Member Bergen

 The following individuals were also present:

 Board Attorney, Natalia Angeli, Esq.

 Board Engineer, Michael Vreeland

 Land Use Administrator, Linda Garofalo

 Borough Planner, Ed Snieckus

**PUBLIC HEARINGS**

Application File No: LUB 2022-20

Applicant: World Class Wireless, LLC

Address: 240 & 260 West Crescent Avenue, Allendale, NJ 07401

Block: 1005 Lots: 1 & 2

Proposed: Conditional Use, Site Plan & Variance approval to install a wireless communications facility on the property. Pursuant to 270-48.

**(carried from the meeting of October 19, 2022)**

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Mr. Edward Purcell, Attorney representing the applicant, is here tonight for Attorney Greg Meese. Mr. Purcell stated World Class Wireless has eliminated the variance for height of the support building and added a non-climbable fence.

Mr. Eric Sudman, Civil Engineer, stated we have a new **Exhibit A15** – we eliminated the height variance, we are now at 10 feet. Due to security concerns, the fence will have 1 inch mesh.

Chairman Quinn asked for questions from the Board.

Chairman Quinn asked for questions from the public.

Hearing and seeing none, he brought it back to the Board.

A written summation from Mr. Meese was handed out to the Board. Mr. Purcell also gave a verbal summation of the application.

Chairman Quinn asked what is the demand for this tower?

Mr. Strickland stated World Class Wireless provides liquidity to the markets so that the capacity is sufficient for our needs. We have relied on Mackay Brothers tower up until now. Our needs have grown beyond what the existing networks can provide. Jump Trading, LLC owns World Class Wireless. There’s an ever growing demand for more capacity for trading.

Chairman Quinn asked for questions from the Board.

Alternate Putrino asked about the alternate sites and if anything has come up since the last meeting.

Mr. Strickland stated we looked again at available properties in Allendale and Ramsey - water tank properties that are zoned properly for a communications tower. There are several in Ramsey but they’re zoned R3 residential. We found one suitable property that a pole could be built on, it’s in a R3 residential neighborhood.

Chairman Quinn asked if all the properties are municipal properties?

Mr. Strickland stated yes.

Chairman Quinn asked I’m going to assume a municipal property would be preferred?

Mr. Strickland stated we have no preference.

Chairman Quinn stated I prefer colocation of the tower.

Mr. Strickland stated this was considered but deemed too expensive.

Chairman Quinn stated the Board is not permitted to take cost into consideration when evaluating an application.

Chairman Quinn asked for questions from the public.

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Ms. Emily Christianson Flowers, 56 Berkshire Place asked is Jump Trading affiliated with crypto?

Mr. Purcell stated World Class Wireless has no crypto business.

Vice Chairman Sirico asked if the owner of World Class Wireless does trading with crypto?

Mr. Purcell stated we don’t know.

Chairman Quinn stated I have concerns with two towers located next to each other.

Mr. Purcell stated the applicant will work with the Borough on placement.

Chairman Quinn asked for questions from the public.

Hearing and seeing none, it was brought back to the Board.

Mr. Ed Snieckus stated this is a unique application. The applicant indicated this is a D3 variance (for height). The use is permitted as a conditional use in the D1 district. The tower is 180 feet tall where 150 feet is required. This is the first application that is a point to point service. This is a capacity issue for the applicant and the related technology. The applicant indicated why they need this height. There are no other locations available. Colocation is recognized and locations for towers are scarce. The sway analysis has been done by the applicant. The systems characteristics have been reviewed. The applicant has provided testimony on other ways to reduce the impact. Positive criteria has been looked into. Safety has been testified to. Visual impact needs to be scrutinized. The Master Plan goals need to be addressed. Crown Castle was built before the standards were established by the Borough. The Board should consider the benefits versus detriments analysis as presented by the applicant.

Board Member Kistner asked did you take into consideration the 70 residential units that will be built?

Mr. Snieckus stated yes, these are shown on Exhibit A7.

Mr. Vreeland stated these type of applications do not come with site plan issues. The questions in my report have all been answered.

Chairman Quinn asked for comments from the public.

Ms. Emily Christianson Flowers, 56 Berkshire Place asked about the radio and radiation frequency and what studies were you siting when this was discussed?

Mr. Strickland stated we hold an FCC license and meet the federal requirements laid out by the FCC.

Ms. Flowers stated I’m concerned about radiation. Who is going to be monitoring that and that this will not be going above these limits?

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Mr. Purcell stated the FCC license states we need to comply with the FCC requirements. The FCC regulates this.

Mr. Vreeland stated in his notes it states there will be no generator, lights will be on a timer and shielded and there will be no lights on the tower.

Ms. Angeli stated we need 5 affirmative votes to approve this applicaton.

Secretary Daloisio stated I am voting no because there is a lot of extensive information, no benefit to Allendale, too tall, not happy with it being a second tower, if it falls, it could hit a

residence or a train.

Board Member Yaccarino stated he is voting no because of the height, it being two towers, and there is no benefit to the residents of Allendale.

Chairman Quinn stated he is concerned with the number of variances (7 C variances) the height variance (D variance), not good planning for two towers next to each other. There are residential units in the area. I don’t think the location is an appropriate site for two towers.

Alternate Putrino stated I think there’s a better location that won’t require 8 variances.

A motion to deny the application was made by Board Member Kistner, seconded by Secretary Daloisio. Roll Call: Secretary Daloisio – no, Board Member Kistner – no, Councilwoman Lovisolo – recused, Board Member Yaccarino – no, Vice Chair Sirico – no, Mayor Bernstein – recused, Chairman Quinn – no, Alternate Putrino – no.

Chairman Quinn stated the resolution will be memorialized at the next meeting on December 21, 2022.

Mayor Bernstein and Councilwoman Lovisolo rejoined the meeting.

Application File No: LUB 2022-21

Applicant: Alex Atamian

Address: 66 Valley Road, Allendale, NJ 07401

Block: 1203 Lot: 16

Proposed: Addition to the rear of the house for a new kitchen and covered entertaining space, new front porch and an addition over the existing garage. Pursuant to 270-64B (3). Approval to remove 28 trees.

Mary Scro, Architect and Alex Atamian, homeowner, were both sworn in by Ms. Angeli.

Ms. Angeli stated she has reviewed the public notice, mailings and taxes and this application is ready to proceed.

Mrs. Scro stated the application is a renovation of an older home that needs TLC. The homeowner is expanding the living space on the first floor and adding an exterior covered area.

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We propose a larger open floor plan. Four bedrooms will be made larger and a home office added. We are here for a side yard setback. The lot is uniquely shaped. The site plan shows the irregular shape. There is a 15 feet drainage easement on the left hand side of the house. The right side setback is 20 feet which is existing non-conforming. A front porch is proposed, it is open. On the floor plan, page SK-9, the front entrance is shown which is in the 40 foot setback. This is a hardship C1 variance request.

In response to Mike Vreeland’s report, the house will be resided. Exterior lighting will be installed at the exterior doors. Downspouts will be addressed by a civil engineer and there will be no run-off.

Drainage calculations will be provided.

Chairman Quinn stated I passed by the property today and it looks like a knock down.

Mrs. Scro stated this will be a major renovation.

Alternate Putrino asked how much of the foundation will be saved?

Mrs. Scro stated this is shown on SK-4, the back porch foundation will be removed. The pool and shed will be removed and rebuilt.

Chairman Quinn asked why is there a need for variances?

Mrs. Scro stated we tried to maintain as much of the existing foundation and build off of that. The easement is constraining.

Mike Vreeland stated you can’t build on a drainage easement, a Hold Harmless is usually required.

Secretary Daloisio asked if they could explain more about the easement?

Mike Vreeland stated there is an inlet on Valley Road. I don’t know what currently exists.

Secretary Daloisio asked if it is possible for the applicant to investigate and see if they can do away with the easement?

Mike Vreeland stated possibly there is a drain pipe to the inlet there.

Board Member Kistner stated there’s a lot of easements here.

Chairman Quinn asked about the driveway.

Mr. Atamian stated the driveway will be straightened out.

Chairman Quinn stated this is similar to the house design on the left when you come in on Valley Road.

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Mrs. Scro stated yes.

Secretary Daloisio asked if you looked into cutting back on the square footage and other options?

Mrs. Scro stated yes, the house is already non-conforming.

Chairman Quinn asked for questions from the Board.

Mr. Atamian stated there is a letter in the packet from the insurance company about cancelling coverage because of the trees. They don’t insure houses that they know are going to have a problem.

Chairman Quinn stated it looks like the trees have never been touched and are overgrown.

Mr. Atamian stated the trees are leaning over other properties, some have uprooted the garage slab. We plan to take down 28 trees and to plant shrubs and trees along the fence line, saving 8 existing trees.

Secretary Daloisio asked how many trees are lifting the slab? Do you need to take all 28 down now?

Mr. Atamian stated 6 trees are affecting the foundation, walkway and driveway. Others are leaning over the structure and some are onto the neighbors’ properties. We can trim some but the trunks are leaning.

Chairman Quinn stated there are some trees in the open area to the left rear property, why are those being taken down?

Mr. Atamian stated there will be site work done and the pool area. These are leaning to our home and to Lot 8.

Mayor Bernstein asked which drawing shows that 28 trees are coming down and 8 are staying?

Mr. Atamian stated it’s on the Lakeland survey.

Mayor Bernstein stated the letter from the insurance company doesn’t state that the trees led to the cancellation. Which trees are rotten on the Arborist’s letter?

Secretary Daloisio asked did the Arborist say the roots could be cut?

Mr. Atamian stated tree #3 and #5 are tall trees and cover a good portion of the home.

Chairman Quinn stated I think you’re going overboard with the tree removal. We value trees in this town.

Councilwoman Lovisolo stated trees #16-28 and the left side, I don’t understand those.

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Alternate Putrino stated it would be helpful to identify them and the Arborist will state if diseased. It would be easier for us to digest if we had this information.

Mr. Atamian asked if we could meet at a half way point?

Secretary Daloisio stated the code states 6 trees per year can be removed.

Alternate Putrino stated I suggest you talk to the Arborist, if these are Ash trees, maybe they have to come down due to disease. We’d like a good professional assessment by a Certified Arborist.

Councilwoman Lovisolo stated a landscaping plan along with a professional assessment is what we’d be looking for.

Chairman Quinn stated we can approve this construction plan here and then the landscaping

plan can be handled by the Engineer, Building Department and Property Maintenance officer.

Chairman Quinn asked for questions from the public.

Don Whittman, 27 Byron Court asked who has the final authority on the trees?

Councilwoman Lovisolo stated the Construction Code Official looked at it and we are looking into the code.

Board Member Kistner stated we had a Land Use Committee meeting today. The Ordinance reads that it should go to the Mayor and Council. It’s done as a team effort and we can contact an arborist used by the Borough o review a revised tree/landscape plan.

Mayor Bernstein stated we take this seriously.

Board Member Kistner stated the Land Use Committee, the applicant and I will work together on this.

Chairman Quinn asked for questions from the public.

Hearing and seeing none, it was brought back to the Board.

Mrs. Scro stated we will follow-up with the Arborist’s information.

A motion to approve the application was made by Councilwoman Lovisolo, seconded by Vice Chairman Sirico. Roll Call: Secretary Daloisio – aye, Board Member Kistner – aye, Councilwoman Lovisolo – aye, Board Member Yaccarino – aye, Vice Chair Sirico – aye, Mayor Bernstein – aye, Chairman Quinn – aye, Alternate Forbes – aye, Alternate Putrino – aye.

Chairman Quinn stated the resolution will be memorialized at the next meeting on December 21, 2022.

Ms. Angeli stated this application will be memorialized at the December 21, 2022 LUB Meeting. The permits can be applied for but not approved until after this date.

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Application File No: LUB 2022-22

Applicant: Nicholas & Kristine Luisi

Address: 735 W. Crescent Avenue, Allendale, NJ 07401

Block: 2204 Lot: 1

Proposed: Second Floor Addition and Poolhouse. Pursuant to 270-64B (2)

Ms. Angeli stated she has reviewed the public notice, mailings and taxes and this application is ready to proceed.

Mr. Chris Blake, Architect and Nicholas Luisi, homeowner were both sworn in by Ms. Angeli.

Mr. Luisi stated we like old homes and we fell in love with this house. The upstairs bedrooms are small, the bathroom is awkward. Our families are both large and we need room for entertaining.

Mr. Blake stated the proposal is to expand the second floor which includes the bedrooms and bathroom. It’s a traditional house. We propose to increase the bedroom level to the rear, extend the side walls. The house is on a long, narrow property. The first floor is bigger than the second floor. This is a simple addition to the rear of the property. The hardship is based on the fact that the house is located where it is on the property and the property is 100 feet wide where 130 feet is required. We are in the AA zone. We plan to add a pool house also. Another variance is required as the pool house is not located on the back half of he rear property. Property is narrow but very deep.

Board Member Kistner stated I met the previous owners and you bought from a very nice couple.

Chairman Quinn asked why not move the pool house further to the rear?

Mr. Luisi stated the pool house will cover the existing pool equipment as well as to provide shelter/entertainment space.

Chairman Quinn asked for questions from the Board.

Chairman Quinn asked for questions from the public.

Hearing and seeing none, it was brought back to the Board.

Mr. Vreeland asked what the finishes will be of the addition?

Mr. Luisi stated everything will match and be the same. There will be no spotlights.

Mr. Vreeland stated you may have to file a plot plan for drainage.

Mr. Snieckus stated this is definitely a hardship condition due to the property configuration.

A motion to approve the application was made by Councilwoman Lovisolo, seconded by Vice Chairman Sirico. Roll Call: Secretary Daloisio – aye, Board Member Kistner – aye,

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Councilwoman Lovisolo – aye, Board Member Yaccarino – aye, Vice Chair Sirico – aye, Mayor Bernstein – aye, Chairman Quinn – aye, Alternate Forbes – aye, Alternate Putrino – aye.

Chairman Quinn stated the resolution will be memorialized at the next meeting on December 21, 2022.

Ms. Angeli stated this application will be memorialized at the December 21, 2022 LUB Meeting. The permits can be applied for but not approved until after this date.

**DISCUSSION**

Councilwoman Lovisolo stated we have been discussing the tree issue at the Land Use Committee Meetings. It is an ongoing issue.

When we built our house, we took down and replanted trees.

Neighbors complain about having drainage problems when people take down a lot of trees.

Chairman Quinn stated the Board has been invited to the Holiday Party on December 2nd.

I thank Ed Snieckus and Mike Vreeland for attending tonight.

**OPEN TO THE PUBLIC FOR COMMENT**

**ADJOURNMENT:**

On a motion by Secretary Daloisio, second by Board Member Kistner, with all members present voting in favor, the meeting was adjourned at 9:35 PM.

 Respectfully submitted,

 Linda Garofalo

 Linda Garofalo