

**RESOLUTION
LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: January 20, 2021

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Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen			✓			
Daloisio	✓		✓			
Davis		✓	✓			
Kistner					✓	
Lovisolo			✓			
Councilman Sasso					✓	
Sirico			✓			
Mayor Bernstein					✓	
Chairman Quinn			✓			
Yaccarino – Alt. #1			✓			
Forbes – Alt. #2			✓			

Carried Defeated Tabled

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LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
PRELIMINARY AND FINAL SITE PLAN & MINOR SUBDIVISION OF
HAMPSHIRE VENTURE PARTNERS, LLC
BLOCK 1005, LOTS 3, 11, 20
(a/k/a 220/230 WEST CRESCENT AVENUE)

WHEREAS, the applicant, **HAMPSHIRE VENTURE PARTNERS, LLC** (“the Applicant”), who is the contract purchaser of the property located at 220/230 West Crescent Avenue, known as Block 1005, Lots 3, 11, 20 on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey, has applied to the Land Use Board of the Borough of Allendale in an application dated September 30, 2020 for Preliminary and Final Site Plan and Minor Subdivision approval, and associated variance relief and incidental waivers, for proposed minor subdivision and site plan improvements at the premises, which is located in the D-1 industrial

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zone, but subject to the Redevelopment Plan adopted by the Borough dated February 12, 2019, as amended May 12, 2020; and

WHEREAS, the Applicant is seeking site plan and minor subdivision approval to develop and subdivide the properties in accordance with the Borough's Redevelopment Plan at West Crescent Avenue; and

WHEREAS, the subdivision proposes a lot line adjustment between existing Lots 3 and 11 and subdivision of Lot 20 into two new building lots. Each of the four proposed parcels will accommodate a distinct use including public open space, continuation of the existing warehouse use, multifamily development and a new municipal facility fronting West Crescent Avenue; and

WHEREAS, Public Notice having been given by the Applicant in accordance with the requirements of the Municipal Land Use Law; and

WHEREAS, the Land Use Board has reviewed the evidence and testimony of the Applicant, and its professionals, including the applicant's architects, traffic engineer, planner and civil engineer and their respective reports and plans, detailed drainage calculations and environmental reports and testimony, and the testimony of other interested parties desiring to be heard at its public meetings on October 21, 2020, November 18, 2020, December 14, 2020 and December 16, 2020, and

WHEREAS, the Land Use Board has reviewed the reports and heard testimony provided to it by its Engineer, Planner and Traffic Consultant, and considered input from its public safety personnel and professionals; and

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NOW THEREFORE, BE IT RESOLVED by the Borough of Allendale Land Use Board, that it hereby makes the following findings of fact and conclusions:

1. Notice of the public hearing was properly given by the applicant in accordance with applicable law.

2. The property is located at 220-230 West Crescent Avenue, known as Block 1005, Lots 3, 11, 20 (“the property”) on the Tax Map of the Borough of Allendale.

3. The property was declared an “area in need of redevelopment” by the Borough Council on June 28, 2018, and a Redevelopment Plan dated February 12, 2019, amended May 12, 2020, prepared by Benecke Economics, was adopted by the Borough by Ordinance #19-03 and #20-11. The Redevelopment Plan was prepared consistent with the State of New Jersey Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-1 et seq.

4. A principal purpose of the Redevelopment Plan was the repurposing of the property. The Redevelopment Plan established the objectives for the property and general standards for the repurposing of the properties, including amending the Industrial zoning district (D-1) to permit multifamily residences as an overlay zone. The Redevelopment Plan also envisioned a municipal building and sufficient commercial/industrial space to attract quality commercial tenants and a residential development component consistent with affordable housing requirements.

5. The property is an approximately 9.75-acre tract with 342 feet of frontage on West Crescent Avenue between Hamilton Street and Myrtle Avenue. Lot 3 is centrally located in the

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tract with frontage on West Crescent Avenue and is currently developed and occupied with a two-story warehouse facility. Lot 11 is landlocked and is mostly forested with a paved parking area at the southerly end of the lot serving the warehouse facility. Lot 20 is developed with a one-story industrial building. Additional site improvements within the Redevelopment Area include paved parking and driveway areas, landscaped areas and improvements associated with the several proposed uses and the repurposing of the existing warehouse building for multiple tenants. The developed portion of the site is generally devoid of environmental constraints while the northerly undeveloped portion of Lot 11 is partially located within a 100-year floodplain associated with Ramsey Brook. Development surrounding the property consists of single-family development to the north and east, commercial/industrial development to the south and rail corridor, Ramsey Brook and Borough open space to the west.

6. The application proposed the subdivision of the three existing lots, Block 1005 - Lot 3, 11 and 20, into four new parcels, Block 1005 - Lots 3.01, 11.01, 20.1 and 20.02. The minor subdivision plan depicts a lot line adjustment between existing lots 3 and 11 and a subdivision of existing Lot 20 into two new lots. All of the proposed lots conform to the Redevelopment Plan's minimum bulk requirements. Each lot is intended for a distinct use as follows: Lot 3.01- Warehouse; Lot 11.01-Borough Open Space; Lot 20.01-Municipal Building; Lot 20.02- Residential.

7. The application also seeks variance relief from the Allendale Borough Code since the proposed Borough Hall building will encroach 5 ft into the required 5 ft rear yard setback and

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the proposed multi-family residential building will encroach 5 ft into the required 5 ft side yard setback. Both of these variances exist because the proposed Borough Hall building and the multi-family building are connected to each other in an effort to maximize the borough hall space. Additionally, proposed Lot 3.01 (warehouse lot) and Lot 11.01 (open space lot) will trigger the need for a permit pursuant to NJSA 40:55D-35 and 36 as they rely on access easement to access a public street when public street frontage is required and will not front upon an approved and improved street. At the suggestion of the Board, the applicant agreed to increase the height of the proposed 5-foot-high fence, the maximum height permitted, to 6 feet high requiring variance relief. The application also seeks a design exception/waiver from §147-32.E(3) for Lighting as the proposed foot-candle at the property line is 1.4 fc where the maximum permitted is 0.2 fc, and a waiver for a shared parking arrangement.

8. As part of the application, the applicant submitted the following:
 - October 5, 2020 Beattie Padovano, LLC correspondence (Antimo A. Del Vecchio) to Borough of Allendale Land Use Administrator;
 - Borough of Allendale Lane Use Board Application and associated documents;
 - Report entitled, “Environmental Impact Statement, West Crescent Avenue Redevelopment, Block 1005 Lots 3, 11 and 20, Borough of Allendale, Bergen County, New Jersey. The report prepared by Langan (Sean F. Moronski, PP, AICP) is dated September 25, 2020;
 - Report entitled, “Stormwater Management Report, for, West Crescent Avenue Redevelopment, Block 1005 Lots 3, 11 and 20, Borough of Allendale, Bergen County, New Jersey. The report prepared by Langan (Kevin J. Webb, PE) is dated September 25, 2020;

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- Report entitled, “Traffic Impact Study, For, West Crescent Avenue Redevelopment, Borough of Allendale, Bergen County, New Jersey. The report prepared by Langan (Karl Pehnke, PE, PTOE and Kerry A. Pehnke, PE) is dated September 25, 2020;
- Plans entitled, “ALTA/NSPS Land Title Survey, Hampshire Venture Partners LLC, 220 & 230 West Crescent Avenue, Lot 2, 11 & 20, Block 1005, Borough of Allendale. The plans prepared by Control Point Associates, Inc. (James D. Sens PLS) consist of two (2) sheets and are dated with a latest revision date of September 23, 2020;
- Plans entitled, “Proposed 70-Unit Residential, Development, Allendale, New Jersey”. The plans prepared by DMR Architecture (Kurt Vierheilig, AIA) consist of seven (7) sheets and are dated with a latest revision date of September 25, 2020;
- Plan entitled, “Allendale Industrial, 230 W. Crescent Ave, Allendale, NJ, 07401”. The plan prepared by Z+ Architects (Mary Fitzpatrick Scro, RA) is dated September 23, 2020;
- Plans entitled, “Allendale Borough Hall, West Crescent Ave, Allendale, NJ, 07401”. The plans prepared by Z+ Architects (Mary Fitzpatrick Scro, RA) consist of three (3) sheets and are dated September 15, 2020;
- Plan entitled, “West Crescent Avenue Redevelopment – Minor Subdivision Plan”. The plan prepared by Langan (Joseph E. Romano, PLS) is dated November 10, 2020; and
- Plans entitled, “Preliminary and Final Site Plan Application, For, West Crescent Avenue, Redevelopment, Block 1005, Lot 3, 11 & 20, Borough of Allendale, Bergen County, New Jersey”. The plans prepared by Langan (Kevin Webb, PE) consist of sixteen (16) sheets and are dated September 25, 2020;

9. The applicant presented testimony from Michael Scro, a licensed professional architect, who testified on the present conditions on the site and the proposed municipal facility. He testified that the proposed municipal facility would be a mixed-use building consisting of administrative offices on two floors, event/assembly space, a basketball court, kitchen and storage space. Mr. Scro testified about the exterior façade of the facility, which would integrate gables and glass to blend with the surrounding residential zone and block the residential structure behind it.

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Mr. Scro also testified about the landscaping, sidewalks and greenery components of the facility. The height of the municipal facility would be forty-three feet, which is compliant with the Redevelopments Plan and zone. Testimony was presented on the need for a variance in the right rear of the facility since there would be no setback from the proposed, adjacent residential multi-family use, and would incorporate a common wall to maximize space. The Borough Engineer and Borough Planner provided commentary and input on the testimony, as did members of the public in attendance on the meeting.

10. The applicant further presented testimony from Kurt Vierheilig, a licensed architect, who testified on the present conditions on the site, and the proposed multi-family residential component of the application. The multi-family residential building would be a “U” shaped structure with an internal courtyard. It would consist of a total of seventy (70) units, of which six (6) units would be classified as “low/moderate income”, and an additional three (3) would be “workforce” housing, which is consistent with the Redevelopment Plan. There would be seventeen (17) one-bedroom units, and fifty-three (53) two-bedroom units. The ground floor would contain a lobby area, club spaces, storage and elevators. There is exterior access to the courtyard greenspace through a five-foot pathway, and the main entrance to the building would be on the south side. All mechanicals will be set back on the roof to shield view from below. Every residential unit is designed to be ADA adaptable. He testified that the structure would be aesthetically pleasing and within scale and consistent with the adjacent municipal facility. The height would be forty-seven feet and six inches, which is compliant with the Redevelopment Zone.

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Signage would be on the south side near the main entrance. There will only be one sign and it will be illuminated. The courtyard space will be for passive recreation for residents of the building, and there will be sufficient access for emergency personnel and services. The Borough Engineer and Borough Planner provided commentary and input on the testimony, as did members of the public in attendance on the meeting.

11. The applicant presented further testimony from Michael Scro, a licensed professional architect, who testified about the proposed industrial/warehouse facility. He testified that the existing building would generally remain the same, with internal improvements made to accommodate the conversion of the building to a multi-tenant facility. Other improvements would consist of the installation of glass windows and doors and other minor external improvements to the façade. The present usage of the facility would continue, which is compliant with the Redevelopment Zone. There would be no enlargement or expansion of the structure.. The Borough Engineer and Borough Planner provided commentary and input on the testimony, as did members of the public in attendance on the meeting.

12. The applicant presented testimony from Kevin Webb, a licensed professional engineer, who testified about the present conditions on site and proposed site plan/subdivision. He testified that there would be no disturbance to the small area of wetlands on site. He testified about the reconfiguration of the lot lines to create four lots where three lots now exist, and changes to the internal lot lines. He testified as to ingress/egress from the site. He testified that the proposed Borough Hall and the proposed improvements met all bulk requirements, except for certain setback

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requirements for the multi-family and Borough Hall structures since they were abutting each other on the lot line, which would require a variance. He also testified about the need for a permit pursuant to NJSA 40:55D-35 and 36 and/or variance or waiver for the rear lots since there was no access/frontage on West Crescent Avenue. In all other respects, the site plan was compliant and consistent with the Redevelopment Plan. He testified about vehicular access to and traffic flow on the site, and parking requirements and provisions. He testified that stormwater management was incorporated into the site plan, that impervious coverage would decrease and that there would be improvements to existing stormwater management on site. Landscaping on the site would be maintained and improved, and fencing on the entirety of the northern border would be replaced. Lighting would have shielding installed so as to prevent spillage on residential neighboring properties. Mr. Webb stated that the applicant would agree to comply with all requirements of the written report prepared by Borough Engineer Michael Vreeland, dated October 20, 2020 as conditions of approval. The Borough Engineer and Borough Planner provided commentary and input on the testimony, as did members of the public in attendance on the meeting.

13. The applicant presented testimony from Karl Pehnke, P.E., PTOE, a licensed traffic engineer. Mr. Pehnke testified about the traffic study and parking analysis which he prepared as part of the application. He testified that he used historical data from the County to extrapolate normal and projected traffic conditions in and around the site, in light of the current pandemic. He concluded that the proposed redevelopment would not significantly impact traffic operations and intersection capacity in the redevelopment area. He further testified as to the shared parking

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analysis that he had conducted as part of the application. A shared parking arrangement is permitted as a component of the Redevelopment Plan. The multi-family and municipal office redevelopment is proposed to be supported by 155 parking spaces. The parking supply is comprised of 129 standard parking spaces, 18 compact parking spaces, and 8 accessible parking spaces. The surface lot configuration allows the various tenants/residents to share the parking supply. He testified as to the shared parking model he prepared, and calculated that the redevelopment would have a maximum parking demand of 162 spaces without considerations of shared parking. When consideration is given to shared parking, the calculated individual land use maximum parking demand of 162 spaces is reduced to 105 spaces, a 35% reduction in the maximum parking demand. This would result in a surplus of 50 parking spaces from the maximum parking demand and the proposed parking supply of 155 spaces. He testified that the development's access and internal circulation layout will provide efficient access and on-site circulation, will accommodate passenger vehicles, service vehicles and emergency vehicles, and that the parking supply will adequately accommodate anticipated parking demands. The Borough Engineer, Borough Planner and the Traffic/Parking consultant retained by the Land Use Board all provided commentary and input on the testimony, as did members of the public in attendance on the meeting.

14. The Land Use Board retained Walter Lublanecki, PE, as a Traffic/Parking consultant to review the applicant's Traffic Impact Study, and provide commentary and input on the application. Mr. Lublanecki submitted a report to the Land Use Board, dated December 8,

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2020, and provided testimony to the Board. Mr. Lublanecki stated that the applicant's Traffic Impact Study was prepared in accordance with accepted traffic engineering standards and practices. However, Mr. Lublanecki also conducted an independent traffic count and analysis, and testified that his results and findings were consistent with those submitted by Mr. Pehnke. Mr. Lublanecki made suggestions to avert queuing in the southbound direction on West Crescent Avenue which could tend to block the site driveway and prevent vehicles from turning into and out of the site. He also testified that the maximum parking demand for the residential and office uses will be approximately 110 spaces under his shared parking analysis, and that there are enough spaces to accommodate normal parking demand. He suggested enforcement to limit the size of activities on site to prevent any possible parking encroachment onto neighboring streets or properties.

15. The applicant presented testimony from Paul Grygriel, P.P., a professional planner, who testified about the rationale for proposed variance relief requested in the site plan/subdivision. He testified that the Board could grant the variances under the C(2) criteria of the MLUL, since the benefits of the variance relief outweighed the detriments, and the granting of the variances would have no negative impact on the zone or the public good. He testified that in fact the grant of the variances would be a better alternative than compliance, since they were consistent with the Redevelopment Plan and would have no negative impact on the Master Plan. He further testified that light, air and open space are being maintained even with the variances requested, which is a goal of the MLUL. He further testified that the inclusion of workforce housing and low/moderate

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income housing was consistent with the Master Plan and the Redevelopment Ordinance and further objectives of the Borough, and that all uses on site were also consistent with the Redevelopment Ordinance. He also testified that the use of a 6' high fence where 5' high is permitted was appropriate as it provided a further buffer between the redevelopment of the Property and the adjacent single-family homes. The Borough Planner provided commentary and input on the testimony, as did members of the public in attendance on the meeting.

NOW, THEREFORE BE IT RESOLVED by the Land Use Board of the Borough of Allendale on this 20th day of January 2021 that Preliminary and Final Site Plan and Minor Subdivision approval, permits pursuant to NJSA 40:55D-35 and 36 and associated variance relief and incidental waivers, for the premises at Block 1005, Lots 3, 11, 20 as shown on the Tax Map of the Borough of Allendale, is hereby **GRANTED** subject to the following conditions:

16. All the conditions set forth in the findings of fact of this Resolution are made conditions of this approval and must be adhered to and complied with by the Applicant. The Applicant shall comply with all of the subdivision conditions set forth on the plans set forth in Paragraph 8 of this Resolution and marked as Exhibits during the Public Hearing. (Exhibit A1-A17), including but not limited to “West Crescent Avenue Redevelopment – Minor Subdivision Plan” prepared by Langan (Joseph E. Romano, PLS) dated November 10, 2020 and “Preliminary and Final Site Plan Application For West Crescent Avenue Redevelopment, Block 1005, Lot 3, 11 & 20, Borough of Allendale, Bergen County, New Jersey”, prepared by Langan (Kevin Webb, PE) dated September 25, 2020, which may be updated subject to any conditions and revisions as set

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forth in this Resolution. The Applicant shall perfect this subdivision by filing the subdivision by Deeds, for which the Deeds and legal descriptions shall be subject to review and approval by the Land Use Board Engineer and Borough Attorney.

17. The applicant shall make recommendations to Bergen County consistent with the recommendations of the Board's Traffic/Parking consultant, including the following: 1) At the intersection of the site driveway and West Crescent Avenue, "Don't Block the Box" striping should be provided on West Crescent Avenue directing motorists not to block the site driveway and allow vehicles to turn in and out; 2) a flashing "Do Not Block Driveway" sign (sign with perimeter LED lights, solar powered if feasible) should be installed facing southbound traffic on West Crescent Avenue right before the driveway.

18. A curb shall be provided along the south side of the site's access road creating a physical barrier between the site and the property to the south. Curbing shall be continued to the back of the site so that spillover traffic or turnarounds from the adjacent commercial property will be prohibited. The applicant shall further agree not to enter into any easements or shared parking/access arrangement with the commercial property to the south of the premises.

19. Installation of a new six-foot fence along the northern border of the site, with attendant and appropriate buffer landscaping based on the recommendations of the Board Planner, Edward Snieckus, P.P., in his memorandum to the Land Use Board dated December 4, 2020 and his testimony at the Public Hearings. The one-foot increase in height will provide a better and more effective buffer to the adjacent single-family homes. Applicant shall also install a four-foot

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fence along the western property line between the multi-family unit and warehouse, as also set forth in the December 4, 2012 memorandum.

20. There will only be one building mounted sign permitted on the multi-family residence on the south façade and it may be illuminated. Applicant shall consult with the Borough Engineer and/or Borough Planner on final plans for such illumination.

21. Applicant shall comply in all respects with all applicable State, County and Municipal codes, ordinances, rules and regulations, and remain subject to all other governmental approvals prior to development, including any and all State Department of Environmental Protection rules and permits.

22. Approval by the Bergen County Planning Board. If any material changes are required by the Bergen County Planning Board to the plans, as approved by this Resolution of the Allendale Land Use Board, such changes will be brought by the Applicant on a forthwith basis before the Allendale Land Use Board which retains jurisdiction over this application and reserves the right to amend or withdraw its approval of this application.

23. Approval by the Bergen County Soil Conservation District.

24. If necessary in connection with any construction permit, approval by the Borough of Allendale Police Chief and the Borough of Allendale Fire Chief/Fire Prevention Bureau, and the issuance of the proper permits from the Borough of Allendale, including but not limited to, if applicable, Tree Removal Permit, Soil Movement Permit, Plot Plans, and Water and Sewer Connection Permits.

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25. Applicant shall be required to enter into a Redevelopment Agreement (or agreements) to be prepared by the Borough Attorney. The Applicant shall post all necessary fees, and pay all expenses for the Borough's professionals as it pertains to the review of this application and preparation of the Redevelopment Agreement, and post adequate performance guarantees as may be permitted by NJSA 40:55D-1 et. seq. to protect the interests of the Borough and to secure the performance of development.

BE IT FURTHER RESOLVED that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant's and the Borough's professionals, in connection with the testimony that the applicant is entitled to variance relief for setbacks on the multi-family and municipal facilities, and for a six foot fence on the northern property line, due to the fact that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and that the benefits would outweigh any detriment to the public good (N.J.S.A. 40:55 D-70C.(2)).

Specifically, the application (1) relates to the specific piece of property at 220/230 West Crescent Avenue; (2) the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement by waiving the setback requirement and allowing a six foot fence in this instance since it is a more effective use of property and open space, and since the aesthetics of the property will be significantly improved; (3) the variances can be granted without substantial detriment to the public good since they will have no negative impact on the surrounding properties or the zone; (4) the benefits of the deviation to permit the variance relief will substantially outweigh any detriment and (5) the variance relief will not substantially impair the intent and purpose of the

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zone plan and zoning ordinance, since it will be consistent with the zone plane. As such, in this instance, the granting of the variance will benefit the community in that it represents a better zoning alternative for the property than would a strict adherence to the Zoning Code and Redevelopment Plan.

BE IT FURTHER RESOLVED that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant and the Borough professionals, in connection with the testimony that the applicant is entitled to a waiver to permit shared parking on the site, as permitted in the Redevelopment Plan.

BE IT FURTHER RESOLVED that the Allendale Land Use Board specially adopts and accepts the testimony of the applicant and the Borough professionals, in connection with the testimony that the applicant is entitled to a permit pursuant to NJSA 40:55D-35 and 36 to allow proposed Lot 3.01 (warehouse lot) and Lot 11.01 (open space lot) to rely on access easements since they will not front upon an approved and improved street; and for a waiver of lighting restrictions on the southeast corner of the property since the proposed foot-candle at the property line at this location is 1.4 fc where the maximum permitted is 0.2 fc.

BE IT FURTHER RESOLVED that the Allendale Land Use Board hereby grants approval of Preliminary and Final Site Plan and Minor Subdivision approval, permits pursuant to NJSA 40:55D-35 and 36 and associated variance relief and incidental waivers, subject to the following additional conditions, which shall be complied with prior to the issuance of a construction permit:

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- A. All permits, fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the applicant's plans, shall be obtained and paid for in full to the Borough of Allendale by the applicant.
- B. Applicant and its professionals shall work with the Borough Engineer and Borough Planner in the event that any field adjustments shall be required for the proper construction of the proposed improvements, including any adjustments to drainage and stormwater management, so as not to negatively impact any surrounding properties, signage, and lighting so as to avoid any spotlights or excessive light spillage from the property.
- C. Any and all Deeds, Legal Descriptions, Easements and/or Cross-Easements in connection with the subdivision shall be subject to review and approval of the Borough Attorney, Board Attorney and/or Borough Engineer.

BE IT FURTHER RESOLVED construction shall proceed in accordance with this Resolution, the approved plans and drawings marked in evidence, including any revisions mandated by the Board's professionals, the testimony of the applicant and professionals, and in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

BE IT FURTHER RESOLVED that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee therefore. The Secretary shall also file a copy of this Resolution in the offices of the Borough Clerk, Building Inspector, Construction Code Official, Tax Assessor and the Borough Attorney and shall publish a brief notice of the decision in the official newspaper, the cost of which shall be paid for by the applicant.

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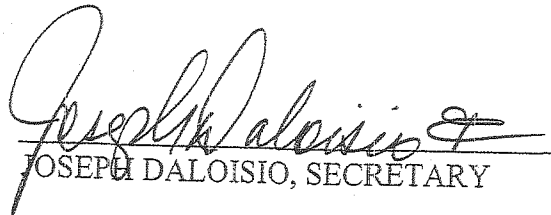
Approved: Jan 20, 2021

ALLENDALE LAND USE BOARD



KEVIN QUINN, Chairman

Attest:



JOSEPH DALOISIO, SECRETARY

Adopted: January 20, 2021