

March 19, 2009

A regular meeting of the Allendale Planning Board was held in the Municipal Building on March 19, 2009. The meeting was called to order at 8:14 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. Barra, Mr. Bernstein, Mr. Gravina, Mr. Quinn, Mr. Sirico, Mr. Herndon, Ms. Sheehan and Mr. Zambrotta. Mr. Fliegel arrived at 8:35 p.m. Mr. Yevchak, and Mr. Tatosian were absent.

Mayor Barra welcomed Mr. Zambrotta as a new alternate member of the Planning Board. He said he will be a great asset to the Board. Mr. Dunn administered the oath of office to Mr. Zambrotta.

Mr. Gravina moved, seconded by Mr. Sirico, to approve the minutes of February 16th as amended and the minutes of February 19th. On roll call, Mr. Gravina abstained. All other Council members voted in favor but Mr. Quinn abstained with regard to the February 16th minutes.

Allendale Whitney, LLC – Block 2101, Lots 1, 2, 3, 5, 6, 7 & 8 – Review of revised landscape plan and request for extension of time

Mr. Quinn said the landscape plan was taken care of at the work session. Mr. Dunn said the applicant indicated that in addition to some issues on the site plan, they wanted the Board to consider their request for an extension. The Board determined that unlike the approvals or extensions from site plan and preliminary and major subdivision approvals, this involves a developer's agreement and that is solely within the province of the Mayor and Council. They are the parties to the contract so they are the ones who have to decide the extent to which it is to be extended. Based upon that and anticipating that they will request a recommendation from the Board, he has prepared a resolution for recommendation to the Mayor and Council.

Scott Loventhal, managing member of the Whitney, LLC, said this is a 150 unit multifamily development known as the Whitney located on Chestnut Street. They are simply asking for an extension of the time within which to install the site improvements which are the subject of a developer's agreement dated April 13, 2007 between the Borough of Allendale and Sanford Freeman Associates which was assigned in February of 2008 to Allendale Whitney, LLC. As indicated at the Monday work session, his organization and entity took title to the property in July of 2008 and proceeded with site improvements in late August of 2008. They will recommence work on or about April 1, 2009 and are requesting that this Board make a recommendation to the governing body. They will schedule an appearance before them in the hopes that they will consent to an extension of time within which to make these site improvements.

Mr. Dunn said although Mr. Yakimik is not present this evening, it is important to note on the record that on Monday it was determined that there is no reason connected with this contract that would prevent the extension. He has prepared a resolution recommending an extension for up to and not exceeding two years.

Resolution was introduced by Mr. Herndon and seconded by Mr. Sirico. On roll call, Mr. Quinn, Mr. Barra, Mr. Herndon, Mrs. Sheehan, Mr. Sirico and Mr. Bernstein voted yes. Mr. Gravina abstained. (See copy attached and made a part hereof.)

Mr. Loventhal encouraged the Board members to look at the property so they can have a discussion regarding the buffer at an appropriate time, probably in May.

Allendale Associates – Site Plan Amendment – 25 Commerce Dr. and 90 Boroline Rd., Block 702, Lots 15 and 16 – Proposed installation of traffic control signage and speed bumps.

Andrew Kohut was present on behalf of Allendale Associates. They are present to discuss the installation of traffic calming devices which includes traffic control signage and speed bumps throughout both properties. David Sudacki from Lapatka Associates prepared the plan and is present to describe the proposed improvements.

Mr. Kohut said at work session on Monday, it was brought to his attention that two parking spaces are going to be removed. When he re-checked his calculations, he found that applicant is nonconforming when it comes to parking. As proposed, they are removing one spot on each lot. He thought the hatched markings on both lots were pre-existing but actually they are spaces that are being removed. Mr. Kohut said his publication notice included the catch-all phrase that includes any variances they may need. He believes that notice is sufficient for the variance that is required.

Mr. Dunn asked how many parking spaces are impacted by virtue of this application. Mr. Kohut said right now it is one on each lot; however, the engineer has brought to the Board's attention in his report the need for the handicap spaces to become ADA compliant. That would result in other spaces being removed. The Borough Engineer has also suggested that applicant put two-way signs on each of the speed bumps on lot 15 which would result in another three spaces lost. It would result in 10-12 spaces that would be removed, but all they are proposing at this time are the two spaces that he has pointed out.

Mr. Dunn said it appears that the notice is in order. There is no specific request for the parking variance but Counsel has a generic request for a variance for such items of the zoning ordinance that are incurred by virtue of the site plan application.

Mr. Fliegel arrived at the meeting at this point.

David Sudacki was sworn. He is a graduate of NJIT with a degree in civil engineering. He is a licensed professional engineer in the State of New Jersey employed at Lapatka

Associates. He has been accepted as an expert witness in one-half dozen or more towns in Bergen County.

The Board accepted him as an expert witness.

Mr. Sudacki said the plan is entitled "Sketch: Traffic Calming Plan and Signage" dated September 5, 2007, last revised March 3, 2009. (marked Exhibit A-1). He said the property in question is known as Block 702, lots 15 and 16, also known as 90 Boroline Road and 25 Commerce Drive. Lot 16 is located at the southwest corner of Commerce Drive and Boroline Road. Existing on the site is a one story building. The site is accessed directly from Commerce Drive. The circulation consists of two-way drive aisles throughout the site located on the north, south and west sides. Those drive aisles contain 90 degree parking on both sides. The overall circulation of the site consists of a U-shaped figure of the drive aisles with a dead end at the south end of the site. There are existing loading spaces located on the south side of the building. The existing tenant at this point is Lonza with mixed office, laboratory and warehouse uses. There are no retail establishments located on the site.

Mr. Sudacki stated that there are two entrances located on Commerce Drive. At each of those entrances they are proposing a stop sign, a painted centerline and a painted stop bar along with signage advising drivers of a 10 mph speed limit. The stop sign is for people exiting and the 10 mph speed limit is for all cars that enter the site. Heading towards the southwest corner of the property they are proposing a speed bump just to the south of the southwest corner of the building along with some centerline striping and signage advising drivers of the speed bump. The signage will be going in both directions. The speed bumps and the rest of the traffic calming devices were the request of one of the tenants of lots 15 and 16. One tenant occupies space in both buildings and there is pedestrian movement throughout the day going from one building to the other. There is an existing crosswalk connecting the two sites.

Mr. Sudacki was asked why speed bumps are not proposed on the northern portion of the parking lot. He said most of the pedestrian activity occurs at the south side of the lot 16 building and the north side of the lot 15 building. Most of the traffic that will be coming into the site that would like to go to this area of the site is probably going to use Commerce Drive rather than pull in and drive through the parking lot. Most of the people accessing the driveway will be employees or delivery trucks that have gone to the location a number of times so they do not enter the first entrance.

Mr. Sudacki said lot 15 is located to the south of lot 16. It has a similar layout as the lot to the north. The only difference is that the site is accessed from Boroline Road and it does not contain a dead end aisle. As a result of the accesses being located on this road it makes a longer straightaway. From where you enter the site to the first turn is approximately 740 ft. The tenants of this lot are the U.S. Post Office and also Lonza which also has space in the building to the north. The post office uses the southerly parking area of the lot.

Mr. Sudacki was asked to describe the proposed traffic calming devices. He said as soon as you enter the site there is a 10 mph speed limit. Continuing in a westerly direction you will come to the first speed bump that is being proposed along with signage associated with that speed bump. There is going to be some centerline striping and going in the other direction there will be a stop sign and a stop bar.

Mr. Kohut asked Mr. Sudacki if he sees any problems with that speed bump causing any delay entering the property and causing a backup on Boroline Road. Mr. Sudacki said based on his conversations with the applicant and with the few site visits that he made, he does not see a problem. Continuing in a westerly direction is the second speed bump along with centerline striping and a sign. In an easterly direction they are not proposing a sign because they do not want to lose more parking spaces. Continuing around the corner and heading northbound is the third speed bump along with centerline striping and another sign. As you make the turn and continue in an easterly direction, you come to the existing crosswalk where pedestrian crossing signs are proposed to alert drivers of any unexpected pedestrians stepping out into the traveled way. Continuing to the east is the fourth speed bump and signage in the one direction. This is where the parking space is proposed to be removed because of that sign. The reason for this sign is to advise of the speed bumps on the site when you enter the site this way. Continuing to the east you come to the second entrance and exit driveway which will be striped and with a stop sign. Mr. Kohut commented that one of the reasons for not proposing two-way signage is because they do not want to remove any of those parking spaces. He said the applicant tried to maintain a balance in proposing these safety measures and not losing too many parking spaces.

Mr. Kohut said he would like to turn to the Borough Engineer's report. In the last section of his letter he proposed that the stall lines are severely worn at both sides and difficult to distinguish and that all spaces should be restriped. Mr. Kohut said that will be done. The letter also indicates that the parking stalls should be ADA compliant. He asked Mr. Sudacki to describe what will result in making these spaces ADA compliant. Mr. Sudacki said that on each of the two sites there are 4 handicap spaces located on the north side of the building. Right now they may be wider than a normal space but they are just labeled as handicap spaces. The current ADA code requires an 8 ft. wide space with either another 8 ft. wide hatched area next to it which would allow it to be van accessible or a 5 ft. wide space next to it. For this site one 8 ft. handicap space is needed with one 8 ft. striped area for van accessibility and the other three would have to be an 8 ft. space with a 5 ft. striped area. As a result another four spaces would be lost on each site. Mr. Sudacki said he has been on the site a number of times and there has always been empty spaces. The type of uses at this site do not have seasonal issues where they will be more crowded at certain times. As a result he does not see any detriment in allowing these variances to be granted. The safety benefits would outweigh any negative implications from the variance and the zoning ordinances of the Borough would not be impaired.

Mr. Sudacki was asked to describe lot 15. He said they are proposing to remove one parking space for the purposes of signing for the speed bump. The same situation as on lot 16 would apply to the handicap spaces.

In regard to the parking requirements for lot 15, Mr. Sudacki said 323 spaces are required. 224 exist and as a result of the one space being removed, they are proposing 223. If they remove the four spaces for the handicap parking there would be 219 spaces. He believes the benefits of providing the safety measures and the handicap parking outweigh any detriments and will not impair the intent of the zoning ordinance. With regard to the northern lot 16, there is a total requirement of 277 spaces. 196 exist on the site. Currently applicant is proposing 195. With the new handicap striping it will result in 191 spaces proposed.

In regard to the Borough Engineer's comments, Mr. Kohut asked Mr. Sudacki's opinion on his request that the speed bumps be changed to speed humps. Mr. Sudacki said he believes the Borough Engineer's comments were made because speed bumps are no longer permitted on roadways; however, this is a parking lot where speeds are not comparable to those on roadways. These speed bumps are just being installed to slow down cars and trucks.

In regard to the issues with regard to the two-way signage on Lot 15, Mr. Sudacki said two-way signage is not being provided on that lot because it would result in the loss of an additional 3 parking spaces. In regard to breakaway signs, he said the applicant would work with the Borough Engineer to provide these signs to his satisfaction.

In regard to Item No. 5 which discusses the entrance to Boroline Rd., Mr. Sudacki said based on discussions with his client and the few site visits he made, he does not see a problem. Changing the pedestrian path on the southern lot would result in the loss of another space. This is a pre-existing condition that allows someone crossing from one building to directly access the main entrance to the second building. People from Lonza will be able to access their entrance directly with the pedestrian path being located at that point as they do currently.

Mr. Kohut said to date they have not received any comments from the Traffic Safety Officer so if there is a report it will be answered.

Mr. Quinn asked if this will be brought up to ADA standards. Mr. Kohut said yes, but they are not proposing the two-way signage at this point.

Mr. Sudacki explained the rationale for the speed bump rather than the speed hump or traffic table as recommended by the Borough Engineer. He said the property in question is a parking lot as opposed to a road and they are trying to slow down vehicles. A speed hump is 12-14 ft. wide whereas the speed bump is only 3 ft. wide. At the work session there was discussion as to whether the speed bump should be moved closer to the cross walk. Mr. Sudacki said this would result in the loss of 1-2 spaces.

Mr. Quinn asked if there were any questions from members of the Board.

Mr. Bernstein asked how much time Mr. Sudacki spent at the property in preparing his report and during what time of day. Mr. Sudacki said he was there this morning and Monday before the meeting. He was there one day during the day and he has been there during this last year when they first started this application but he does not remember the times.

Mr. Bernstein asked if he has seen any motorcycles there. Mr. Sudacki said he has not. Mr. Bernstein said the Borough Engineer indicates in his letter that speed bumps are “primitive”. He also says they are dangerous for motorcycles. Mr. Bernstein asked what kind of space loss there would be if applicant were to change to speed humps. Mr. Sudacki said he did not believe they ever investigated the possibility of using speed humps so he does not have that information.

Mr. Sirico said he puts a lot of credence in what the Borough Engineer says and he is not a fan of speed bumps. He has ruined cars on them even going slow. He would like to see the plan with the speed humps and look at how many spaces truly are lost because there was a comment that there is ample parking at the location.

Mr. Kohut said right now the way this site is set up there is ample parking but what happens if the post office or the warehouse use leave and an office comes in. His client is concerned with taking away too much parking. As it stands now, complying with the ADA and putting in the two-way signage they are down 9 spaces. If a new tenant comes in they may have to come before this board for a parking variance. He added that in these parking lots you will not see the speeds that you are going to see on the road so he does not think it can be judged in the same manner as you would judge a speed bump on a road.

Mr. Bernstein asked what is the balancing test that the Board should apply when there is something that might be safer but there would be an additional cost or detriment to the applicant. Mr. Dunn said the safety standard is inherent in the ordinance and the Board’s duty here in dealing with site plans or waivers from site plan design standards is basically to make sure there is compliance with the ordinance and standards. In the case of waivers from any site plan design standards, applicant does have to establish hardship or some particular reason for granting it. He added that safety can be a consideration for denial of a site plan but in an interior lot like this he is not aware of any precedent where that would apply.

Mr. Herndon asked if applicant would consider rumble strips as opposed to speed bumps. He added that speed humps are permitted on roadways but speed bumps are not.

Mr. Kohut said he believes the Board needs to look at the safety improvements they are making in regard to slowing cars down so pedestrians walking back and forth do not get hit. He believes that significantly outweighs the chance of a motorcycle skidding out because of a speed bump.

Mayor Barra pointed out that there are speed bumps at Crestwood Lake and asked if Chief Herndon is aware of any issues. Chief Herndon said he is not aware of any but that is not to say it hasn't happened, but there is nothing significant that stands out in his mind. Mr. Gravina said he drives through Crestwood Lake quite a bit and the bumps do slow him down.

Nicole Habeiche from the Borough Engineer's office said she believes Mr. Yakimik's intent is that when a person is going to an office or warehouse building where he works every day, he knows where the speed bumps are located and is familiar with the area but emergency vehicles are not because they are not in the parking lot all the time. As for motorcycles, a speed hump, because of its length, is safer for motorcycles..

Ms. Quinn commented that the applicant has stated that they are willing to re-stripe the entire lot and comply with the ADA requirements.

Mr. Bernstein said he will be willing to support the speed bumps but he is troubled by the lack of signs for vehicles going in the other direction. He asked if the applicant would be willing to revise the plans to have the signs in both directions wherever there is a speed bump. Right now on the plan there is only one spot where there is a sign going in both directions. Mr. Kohut said if this needs to be a condition of approval, his client consents to it. Mr. Bernstein asked if the speed bumps can be painted. Mr. Sudacki said the speed bumps come with black and yellow stripes. Mr. Bernstein asked about stripes leading up to the speed bumps. Mr. Kohut said they would be willing to do some type of striping leading up to the speed bump. He added that applicant as a condition of approval would be willing to work with the Traffic Safety Officer. If he agrees that striping leading up to the speed bump is acceptable for safety purposes, they will be willing to do that. They will also adhere to his recommendations regarding signage.

Mr. Herndon commented that with adverse weather conditions such as snow, striping would be more effective because the signs will be obscured by parked cars.

Mr. Dunn asked Ms. Habeiche if she feels there ought to be a performance guarantee for this type of application. Ms. Habeiche said she thinks Mr. Yakimik was just bringing it to the Board's attention.

Mr. Herndon suggested going with the striped signs, reducing the number of extra signs on the site and putting "speed bumps ahead" on the ingress and egress roadways into the industrial park. Mr. Kohut said that would not be a problem.

The meeting was opened to the public for comments and there being none, the meeting was closed to the public.

Mr. Fliegel moved, seconded by Mr. Bernstein to authorize the Board Attorney to prepare a resolution of memorialization to grant approval subject to the following conditions: ADA compliance on parking spaces for each lot; review of the plan by Traffic Safety Inspector as to whether signage or striping is needed on the lot 15 2-way sign; and if the

Safety Officer agrees that striping is enough, a speed bump ahead sign on each entrance; re-striping of the lot; and breakaway signs for any signs that are going to be placed in the roadway.

On roll call, all Board members present voted in favor.

Escrow Account – 475 Franklin, LLC

Mr. Dunn said a hearing on this matter is scheduled on the 26th at the County Board of Appeals. He expects by next week that the matter should be dismissed.

On a motion by Mr. Herndon, seconded by Mr. Gravina, the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Barbara Knapp