

May 15, 2008

A Regular Session of the Allendale Planning Board was held in the Municipal Building on May 15, 2008. The meeting was called to order by Mr. Quinn, Chairman, at 8:10 p.m. The requirements of the Open Public Meetings Act were met by the required postings and notice to publications.

The following members answered roll call: Mr. Quinn, Mr. Bernstein, Mr. Fliegel, Chief Herndon, Mr. Sirico, Mr. Yevchak, and alternates Ms. Sheehan and Mr. Thomas were present. Mayor Barra, Mr. Gravina, and Mr. Tatosian were absent.

AGENDA ITEMS

The minutes of the April 14th and April 17th meetings were before the Board for approval. Mr. Quinn submitted his corrections for the April 17th minutes. Mr. Quinn asked if there were any other changes from the board; there were none. Mr. Yevchak made a motion to accept the minutes; Mr. Sirico seconded. On voice vote, all voted in favor.

Discussion of By-laws and Possible Adoptions

Mr. Quinn opened to the Board for discussion. There were no comments or questions from the Board. Mr. Sirico moved to accept the by-laws with amendments by Mr. Dunn; seconded by Chief Herndon. Mr. Dunn recommended that the By-Laws herein be referred to as "Rules and Regulations for the Borough of the Allendale Planning Board," version dated February 21, 2008. On voice vote, all voted in favor.

Discussion of Procedures, Related Check Lists and Use Permits

Mr. Bernstein will send the changes to the zoning code by email to the Board.

Use Permit – GE Healthcare, Block 702, Lot 14, 40 Boroline Road

Andrew Kohut, Esq., of Wells, Jaworski & Liebman, 12 Route 17 North, Paramus, New Jersey, was present on behalf of GE Healthcare.

Mr. Donald Matthews, Director of Quality for GE Healthcare, was sworn.

For the record, Mr. Matthews stated that intended use is for office. Previous use was office. Water requirements are sanitary only. Power requirements, 200 amps which is the existing service, are standard and will be supplied by Rockland Electric. Effluent or discharge is for sanitary purposes only. Fees and taxes have been paid.

Mr. Matthews explained that the company develops and distributes software for medical industry. The number of employees will be 20. Half of those will be on the road 4-5 days per week. The number of parking is 25, which Mr. Mathews testified is more than enough. There is no loading dock at the location. There will be no hazardous substances on property. Hours of operation are from 8 a.m. to 8 p.m. No weekends. Interior

changes will be an additional bathroom, for which they will apply for a permit. Mr. Quinn reminded Mr. Matthews to adhere to ADA laws with regard to adding a bathroom. Mr. Matthews testified there will be no additional signage.

Chief Herndon introduced the following resolution. Mr. Sirico seconded. All present voted in favor.

Whereas, GE Healthcare has submitted an application to the Planning Board of the Borough of Allendale for approval of a use permit pursuant to the Zoning Ordinance of the Borough of Allendale for the use of premises located in the EM Mixed Industrial Multiple Dwelling Zone; and

Whereas, said application is for the use of premises located at Lot 14, Block 702, 40 Boroline Road for the purpose of office for sales and software development; and

Whereas, the Planning Board has reviewed said application pursuant to the Ordinances of the Borough of Allendale;

Now, Therefore, Be It Resolved by the Planning Board of the Borough of Allendale that the aforesaid use application is hereby approved and recommended for approval by the Mayor and Council of the Borough of Allendale subject to the following conditions:

1. Issuance of any and all necessary construction and sign permits by the Construction Code Official,
2. Approval of the Fire Prevention Official, and
3. Approval of any agencies or governmental bodies having jurisdiction over this application.

Resolution of Memorialization – Mariconti/Philips-Gossweiler Minor Subdivision

Mr. Mariconti was present on behalf of the applicant.

Mr. Dunn read the resolution of memorialization regarding approval of the above application into the record. Copy of resolution is attached to the permanent record. Motion to accept was made by Mr. Yevchak and seconded by Chief Herndon. On roll call, all voted in favor with an abstention by Mr. Fliegel, and Mr. Thomas and Ms. Sheehan not voting.

Minor Subdivision – Kari A. Sheehan, 511 Brookside Ave., Block 1304, Lot 24

Richard Brady, Esq., was present on behalf of Kari Sheehan. Ms. Sheehan of 511 Brookside Avenue, Allendale, New Jersey, was present and was sworn.

The applicant is requesting that a portion of her property be subdivided and transferred to her neighbors, the Dryers. Mr. Brady showed Ms. Sheehan the site plan revised May 12, 2008, by the Borough Engineer. She testified that the document accurately depicted her

property. Ms. Sheehan testified that the area shown is that which she would like to transfer to her neighbor.

Mr. Quinn stated that the new buyer cannot subdivide and build on the parcel of land. Mr. Yakimik, in response to Mr. Quinn's question about a variance issue, stated that existing Lot 24, Block 1304, proposed Lot 24.01, has inadequate area within 250 feet of the frontage line from Brookside Avenue. Mr. Yakimik's understanding is that this is a pre-existing, non-conforming condition.

The applicant should receive approval from the Bergen County Planning Board since Brookside Avenue is a Bergen County road. Mr. Brady testified that that application has been filed.

Mr. John Dryer, 6 Butternut Road, Allendale, New Jersey, was sworn. Mr. Brady showed Mr. Dryer the same map and site plan of the proposed transfer. Mr. Dryer testified that his intentions are to preserve the lot and provide a recreation area for his children. For the record, Mr. Quinn asked if he had any intention to subdivide the parcel; Mr. Dryer said he did not.

For the record, Mr. Yakimik distributed the revisions he received from the applicant on Tuesday, May 13, which were basically a response to his May 9th letter. He stated that the points in his May 13th letter were minor. He pointed out that the applicant should file with the Bergen County Planning Commission. All conditions that Mr. Yakimik mentioned in his letter will be met, stated Mr. Brady.

For the record, the site plan was marked as A-1 dated May 12, 2008.

No comments or questions from the public.

A motion was made by Mr. Sirico to approve; seconded by Chief Herndon. On roll call, all voted in favor.

Site Plan – A&P Shopping Plaza, Block 1807, Lots 1 & 2 (completeness review)

Mr. Quinn stated that he felt the applicant complied with the Board's concerns with regard to parking and safety issues. With regard to design, landscaping, and lighting features, etc., those issued will be discussed in the near future at more Planning Board meetings.

A motion was made that the A&P Site plan application be deemed complete by Chief Herndon; Mr. Yevchak seconded. On roll call, all voted in favor.

Mr. Yakimik asked Mr. Dunn about the timeline. Mr. Dunn thought it was 45 days but will confirm that. Mr. Yakimik stated that he will have his report to the Board by the June meeting.

Mr. Quinn asked how many feet the addition is. It is 97 feet, Mr. Yakimik testified. Mr. Sirico had questions with regard to “what-ifs.” Mr. Yakimik recommended to all members of the Board that they walk the property, rather than just rely on looking at the site plan on paper.

Review and Recommendation – Ordinance No. 08-13 – An ordinance to amend Chapter 270 of the Code Entitled “Zoning” pertaining to swimming pools

Mr. Bernstein stated that this ordinance has been presented one time through the Council and the second reading will be next Thursday. It is before the Planning Board for review and recommendation; but ultimate approval rests with the Council.

Mr. Quinn reviewed the ordinance; he said the change is from 20 feet to 10 feet from pool to any building or structure on a property. Mr. Bernstein stated that 20 feet is more than is necessary from a zoning perspective. He also said that neighboring towns have less restriction.

Mr. Quinn opened the meeting to the public for comments; there were none.

Mr. Dunn read the resolution recommending adoption of the amendment to the zoning ordinance into the record. Copy of resolution is attached to the permanent record.

Mr. Fliegel moved to accept the resolution; seconded by Mr. Yevchak. On roll call, all voted in favor.

Mr. Fliegel asked Mr. Yakimik about the cul-de-sac on Chestnut and about the State’s letter, which stated that they will not review it or make a determination unless the neighboring town, Waldwick, signs on and agrees. Mr. Yakimik said he spoke with the Mayor about it and the next step is it will go back to the Public Works Committee. Mr. Yakimik said a component of that is the Whitney’s timetable. They believe it has become a political issue rather than a safety issue, and they are disappointed.

Mr. Yakimik advised that a stop work order has been issued by the Construction Code Official to 77 West Allendale Avenue and the applicant has sent a letter from the attorney.

A motion was made to adjourn the meeting by Mr. Fliegel; Mr. Yevchak seconded. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Lisa Caccavale-Soto