

March 17, 2008

A Work Session of the Allendale Planning Board was held in the Municipal Building on March 17, 2008. The meeting was called to order at 8:08 p.m. by Mr. Quinn, Chairman. 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. Barra, Mr. Bernstein, Mr. Fliegel, Mr. Gravina, Mr. Sirico, and Mr. Yevchak. Mr. Herndon and Mr. Tatosian were absent. Mr. Dunn was also present.

AGENDA ITEMS:

Mr. Quinn stated that discussion of February's minutes would be postponed until Thursday's Regular Session. Mr. Quinn submitted his corrections to Gwen McCarthy.

Mr. Quinn stated that discussion of bylaws, procedures, related check lists and use permits would take place after other agenda items were discussed.

Traffic Calming Devices and Signage - 90 Boroline Road and 25 Commerce Drive

Andrew Kohut, Esq. of Wells, Jaworski & Liebman, 12 Route 17 North, Paramus, New Jersey, and David Sudacki, Project Engineer, Lapatka Associates, Inc., 12 Route 17 North, Paramus, New Jersey, were present for the owner of the property.

These are two adjoining properties. One tenant has office space in both properties. Given layout of lots, there are problems with regard to traffic speed in both lots. They propose and plan to place speed humps and striping to alleviate problem. This was submitted to the Building Department, and they advised that it be submitted to the Planning Board.

There was a discussion about the \$500 escrow fee that was requested by our engineer.

The engineer, Mr. Sudacki, stated that the property consists of two lots: Lot 16 is 15 Commerce Drive and Lot 15 is 90 Boroline Road. The site contains one one-story building. There are loading spaces on the south side of the building. Lot 15 has a similar layout: one one-story building. The site is accessed by two driveways off Boroline Road.

There are a few tenants in each building, and each tenant has one space. A walkway was added for access to/from each building.

Their proposal is standard striping in driveway and to install speed humps at various locations. These improvements would be used in conjunction with signage to identify them. They are proposing 10-mile-per-hour signs and pedestrian crossing signs.

There are two entrances on Commerce Drive. Their exhibit designated where the speed humps would be. One would be placed at the entrance to most southerly driveway, and before you get to the crosswalk. At the northerly property, they propose to install the speed hump before crosswalk.

The matter was opened to the board for questions. Mr. Quinn asked how many speed humps in total? The engineer stated that there would be a total of four. Mr. Quinn asked if there was signage there now? Mr. Sudacki said there was no signage. Mr. Sudacki stated there were incidents from pedestrians crossing and complaints of speeding cars.

Mr. Kohut was asked if other tenants had been notified. Mr. Kohut said a letter was sent to all tenants.

Mr. Barra asked how they propose to enforce the speed limit. The engineer responded that by putting a sign, it gives drivers notice and the speed limit they should be observing. Mr. Barra asked if they expect the Allendale Police Department to be involved. Mr. Kohut responded, no, not at all.

Mr. Quinn asked if the humps will be painted a bright color. Mr. Kohut said they would. Mr. Barra suggested that our traffic and safety officer look at this since it's on private property. Mr. Dunn said he thought that would be prudent. Mr. Fliegel asked Nicole Habeiche, PE, of Dewberry-Goodkind, Inc. if they have comments from an engineering standpoint. Ms. Habeiche responded that Mr. John Wittekind's intent was just to review the borough codes and meeting traffic standards. Mr. Gravina asked if Officer Griffith could look at the plan. Mr. Kohut said, yes; his client was trying to improve safety on the site. Mr. Kohut said he would return to Thursday's Regular Session of the Planning Board, and Mr. Kohut will write a written opinion to the Board and "cc" Sergeant Griffith. Mr. Kohut also stated that the owner will put money in escrow, if required, and also if the board requires permits, they will comply.

Proposed Awning - 2 Pearl Court

John Parrenti, Nicco LLC Designs said his client, Stryker, has employed him to design an awning, a covering for the entryway to their corporate office. His company fabricates awnings and signage. About three weeks ago, he submitted his design to John Wittekind and how it would be installed. This is just an awning, strictly a covering, no lettering. Color of awning is black. It is made of typical awning canvas, commercial grade. They work with the typical staple system and welded aluminum frame.

Mr. Bernstein asked why this matter was before the Board. Mr. Dunn referred to Section 270-33 under zoning ordinance, a canopy/marquee ordinance. Mr. Fliegel asked Mr. Dunn if he thought this proposal rises to that level. He also asked if it is in violation of the code. Mr. Dunn responded no, it is not in violation. Mr. Fliegel noted that the proposed awning is black, no lettering, and no safety issue and that there is not much to review. Mr. Dunn said the permit procedure is abbreviated in this case; no formal notice

is required. Mr. Parrenti said he already submitted Allendale's requirements for typical sign permits, such as his drawings in triplicate, dimensions of how it is fabricated, anchoring system, etc. Mr. Quinn stated that Mr. Parrenti simply has to make his case that it complies with the ordinance and that he should touch base with Mr. Wittekind.

Mr. Fliegel said he will review it and propose a resolution.

Use Permit – Borst Landscaping & Design/Storage and Parking
303 West Crescent Avenue, Block 904, Lots 10 & 11

Mr. Mark Borst was present representing Borst Landscaping and Design. This is a continuation from February's session. Mr. Borst resubmitted the plan and sent it to John Wittekind for comments. Mr. Borst also included pictures from the property to show how they want to improve the site and how they want to remove the bigger eyesores on the property.

Mr. Borst said he received Mr. Wittekind's letter of March 14, and he tried to go over every item. Mr. Quinn asked Nicole Habeiche of Dewberry if she had a chance to look at John's letter. She said she had not.

Mr. Barra referred to the resolution and had questions. Mr. Borst said he read the resolution carefully and he understands the main concern is with Lots 12 and 13. Lots 10 and 11, where the vehicles are being parked does not seem to be the issue. Lot 10, with the 120 foot rule from the industrial zone going into the residential property; as long as there were vehicles within that 120, everything was within the code.

Mr. Borst also brought the original resolution plan dated 1985. According to that plan, for Lot 10, truck and passenger vehicle parking was permitted. Mr. Borst said that in reading the resolution, it sounds like he would be better off parking vehicles there rather than trailers. But, from a visual standpoint, he thinks the trailers would be less offensive than trucks. Mr. Borst said he is looking for guidance from the Board: would you rather see a trailer there or truck? Mr. Barra responded that the Board has to be consistent with prior resolutions and zoning ordinance. Mr. Borst said he is giving the neighbors a 70-foot buffer with his proposed plan.

Mr. Fliegel said that he thinks this goes back to discussion from last month where we were looking for direction from John and counsel as to what the Board should be doing. We did not have public objection. There is an empty lot next door, lot 31. Mr. Fliegel said he thinks the Board has to lean on our professionals and members of the Board who are attorneys to look at these documents and give us some direction. Mr. Dunn responded that the application is simple enough and that the only question is compliance with the resolution from 1985. Mr. Fliegel stated that, as a layman reading through this, I think we're in compliance with the parking, as indicated on Mr. Borst's plan.

Mr. Barra stated that if the Board believes conceptually they are ok with the plan, that Mr. Dunn could look at it again to make sure that the Board does not violate prior

existing resolutions and move accordingly. Mr. Sirico responded that as long as engineering is ok with the proposed plan, he is ok with it too. Mr. Fliegel reminded the Board that they had testimony last month that Mr. Borst is in compliance with the zoning ordinances that prohibit noises at certain times of day. Mr. Sirico asked if Borst was working on weekends. Mr. Borst responded that they work Monday through Friday, and occasionally on Saturday.

Mr. Yevchak said he will review the proposal and submit a resolution.

Use Permit - Michael Mahle/Cheese Shop, 87 West Allendale Ave., Block 1807, Lot 6

Michael Mahle was present on behalf of himself. The owner is Bondgard FS, LLC. They plan to sell specialty foods including farmstead cheeses, sandwiches, cheese knives, and other similar items. There would be no more than four employees, usually three at a time. The previous tenant was a TV repair shop. There is a bathroom on the premises, and water requirements are for sanitary purposes. There is a sink, which will be used for general cleaning of knives and equipment. Power requirements are 12 amps. Effluent or discharge: none foreseeable. Parking needs are provided by spaces in the back of the store. Mr. Quinn stated that fees and taxes were paid.

Mr. Mahle explained that the store name, Bongard, is Swedish for farm or farmstead, and they would sell non-factory cheeses, specialty sandwiches, dry goods, gift baskets, and the like. The hours of operation would be 10 a.m. to 6 p.m. from Monday through Saturday, and from 11 a.m. to 3 p.m. on Sunday. Question was raised about deliveries. Mr. Mahle responded that there would be no deliveries; gift baskets would be pick-up at the store only. Question was raised about food deliveries. Mr. Mahle stated there is no back to the store and, therefore, deliveries would be from the front door. Mr. Fliegel asked how often the deliveries would be. Mr. Mahle stated once every two weeks.

Mr. Sirico asked if this was Mr. Mahle's first foray into this. Mr. Mahle responded that he worked for the Zagat Survey; he has a degree in culinary management and public relations. Mr. Sirico asked if the store would make sandwiches. Mr. Mahle said, yes, they would be made at the store; all available for take-out. Mr. Mahle was reminded by the board that all health code issues and sanitary issues would have to be adhered to.

Mr. Yevchak asked what suppliers would be used. Mr. Mahle stated an importer/dairy from Northern California; Crystal Imports; and Northeast Artisans from the Hudson River Valley; and Dan Barber, a chef/owner from an upstate New York restaurant. Mr. Sirico asked about refrigeration. Mr. Mahle showed the temporary plans he had and that a construction code official will look at them. Mr. Quinn asked Mr. Mahle to have his employees park anywhere but front, parking in the back would be best. Mr. Mahle agreed.

Mr. Bernstein said he will review the proposal and submit a resolution.

Use Permit - Biosil Technologies, Inc., 80 Commerce Drive, Block 601, Lot 2

Nature and purpose of intended use is office, warehouse, research and development. Water requirements are domestic only. Power requirements and source is 200 Amps (existing) and from Rockland Electric. Number of employees would be ten. Effluent or discharge is domestic only. Parking requirements are for 25. Fees and taxes have been paid.

Andrew Kohut, Esq. of Wells, Jaworski & Liebman, 12 Route 17 North, Paramus, New Jersey, and Celeste Whritenour, General Manager of Biosil, were present representing the company.

Ms. Whritenour explained that Biosil is a cosmetic ingredient distributor. They deliver raw materials for the personal care industry, which is hair care, skin care, and cosmetics. They are not involved with commodities; they are involved with specialties. They are the U.S. distributor for two European companies; therefore, their products are not opened. They ship to the customer. They have their own line of products which are manufactured in Canada. Occasionally they repack from a 55-gallon drum to small 5-gallon pails, and occasionally they provide sampling.

Mr. Quinn asked if any special equipment was needed for their ingredients? Ms. Whritenour said no special handling or venting is needed. They are non-hazardous products. There is one hazardous product on premises; they are the distributor for Dow Chemical for one of their preservatives. It is not a flammable liquid; it is a slow burning solid, a powder. It is delivered in a sealed fiber drum; they distribute it to customers on the EastCoast. It is never opened on their facility. Mr. Yevchak asked what it is used for. Ms. Whritenour responded that it is a preservative.

The company has been in business since 1993. They are currently in Paterson. She was asked why she is moving to Allendale. She responded they are moving because of image and can use more space.

Ms. Whritenour said they will be building an applications lab to formulate products; the lab is like a kitchen. Mr. Quinn asked if there would be a need for venting. Ms. Whritenour said they will install a hood; but in all their years of business, they never had to use it.

Mr. Fliegel asked about their hours of operation. Ms. Whritenour responded they would do business from 8:30 a.m. to 5:30 p.m., Monday through Friday. Mr. Fliegel asked about deliveries. Ms. Whritenour said their deliveries arrive between 8:30 a.m. and 11:30 a.m.

Mr. Sirico will review the proposal and submit a resolution.

Use Permit - Esai Machinery USA/Solarbrite, Inc., 90 Boroline Road, Block 702, Lot 15

No one was present for this application.

Minor Subdivision - Mariconti/Phillips-Gossweiler, 679 Franklin Tpke., Block 910, Lot 10.

Mr. Fliegel recused himself because he is within 200 feet of the property in question.

The applicant is making a formal presentation on Thursday. Mr. Barra asked when the COAH issue should be raised. Mr. Dunn said they need to comply with the ordinance and they would not be having a developer's agreement because there are no long-term improvements involved.

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

Applicant was not present. Nicole Habeiche said their letter was very straightforward and that Dewberry stated that items were missing, and the application was deemed incomplete. Mr. Dunn said they should be sent a letter advising them of incomplete items.

Site Plan – A&P Shopping Plaza - Block 1807, Lots 1 & 2 (Completeness Review)

Neil Kilstein, Kilstein & Kilstein, was present representing the applicant, Allendale Shopping Plaza

The applicant acquired the property in December 1979. The property borders three streets. Its address is 35-63 West Allendale Avenue, although the property fronts DeMercurio Drive, and the southern border runs along West Orchard. The property is known as Lots 1 and 2 in Block 1807. It is a seven-acre site. The applicant is proposing:

- (1) a façade renovation (Keith Lesser, architect, to make presentation);
- (2) site renovations: landscaping, lighting, new parking configurations; and
- (3) a small addition of 4,910 square feet at south end of the shopping mall.

They plan to increase the parking substantially. They realize this is a lengthy application, and they are not presenting on Thursday. They haven't noticed it because their application has not been deemed complete. They want to present it in a manner that will provide answers to all the Board's questions.

Experts to present are the engineer, Tibor Latincics of Conklin Associates, and Keith Lesser of ISL Architects.

Mr. Latincics made the following presentation. Sheet #1 details the site and conditions, providing a 2002 aerial photograph of the property. He described the site and topography. They are proposing on the northern end, which is heavily used for parking. They propose to rotate the parking and to correct the situation there, where there is too

much pavement at that point on the site. Sheet #2 details existing conditions. Sheet #3 provides lighting plan and focuses on the addition at the south end of the site as well as landscaping. Sheet #4 is soil erosion control plan. Sheet #5 is the maneuvering of large tractor trailers and fire trucks on the site, specifically focusing on large semi-trailers.

The applicant is asking for a major variance that goes to the parking. Allendale has a very restrictive parking requirement, which calls for one stall per 100 square foot gross floor area. Currently there are 359 parking stalls on the site. If they applied the ordinance today, it would require 805 parking stalls. They are trying to rotate the parking stalls at the primary entrance, picking up a few stalls. They investigated restriping the stalls to 9 x 18, especially along the perimeter at the southern end of the site. The ordinance requires 10 x 20, but they were seeking to maximize the number of parking stalls.

Mr. Barra stated to the applicant that 13 months ago, they were presenting to the board and that not one thing was addressed. Mr. Barra went on to state that this is one of the most unsafe parking lots you will ever walk in--not just for children, although that is paramount--but for adults as well. Mr. Barra stressed that is a very unsafe parking lot. People have to walk between cars; and if they have children with them, it's even more unsafe. Mr. Barra reminded the applicant that they were supposed to come back 2-3 months later and now it's 13 months later. Mr. Barra explained that, looking at this proposed plan, there is not one safe pedestrian passageway; and the applicant was told by the Board, it was their number one concern.

Mr. Barra urges the applicant to retain a traffic and safety expert and consult with our traffic safety officer and come back with a viable plan that addresses safety issues. Applicant responded that Ricciola engineering of Pompton Plains will be retained as traffic engineer.

Mr. Yevchak expressed his concern about situation near the karate school, which is very dangerous as it is now. Mr. Bernstein supported Mr. Yevchak's concern, especially the dangerous situation navigating children in the parking lot.

Mr. Gravina asked how fire trucks would get in and out with this new design. Mr. Latincics responded as they do today at the north end and at the south end, just farther south.

Mr. Fliegel asked about COAH obligation with regard to the new retail space. Mr. Barra responded that the Board should know by the time this is done, but he believes there would be monetary obligation from the developer to the town.

Mr. Fliegel asked if the lighting would be brighter in the new plan. Mr. Latincics responded that the plan calls for a softer lighting scheme. They propose to mimic the lighting along DeMercurio Drive. Mr. Fliegel said that in his opinion, the applicant has to propose a safer environment. There is a tremendous burden of proof for the applicant to add retail space when the parking is insufficient.

The engineer promised to come back addressing the Board's safety and traffic concerns.

Mr. Sirico asked about tree removal. The engineer said about 30 trees would be removed.

Mr. Barra told the applicant's representatives that residents are complimentary of how the A&P looks, but that he hears nothing but negative comments about the rest of the shopping center. Mr. Barra asked when they want to start construction. They responded in spring of 2008, closer to summer. Mr. Barra reminded the applicant that there is one store whose awning is almost torn down. He reminded the applicant that they need to address the unsightliness of the shopping center before they start construction.

Mr. Barra also reminded the applicant that there are potholes in that lot that are unsafe for pedestrians and traffic. There are safety hazards and issues that need to be addressed. The applicant promised that pot holes will be fixed as soon as possible, and they will have a traffic expert next month.

Mr. Latincsics asked if they could get reports from the Water Department, Shade Tree Commission, Police Department, Fire Department from the initial submission so they can address the issues. Mr. Dunn said that, as a matter of course, when an application comes in, those boards should have been notified.

It was decided that discussion of bylaws, procedures, related check lists and use permits would be moved to next month. Mr. Dunn said that he is reviewing use permit ordinances and has looked at other towns, and has a proposed ordinance which brings us into more appropriate procedures. Mr. Dunn will distribute it for the Board's consideration and give a copy to Dave Bole. Mr. Barra said there is a Land Use Committee meeting next Tuesday and Mr. Bole will be at that meeting.

Mr. Barra made a motion to adjourn; Mr. Fliegel seconded the motion. The meeting adjourned at 11:00 pm.

Respectfully submitted,

Lisa Caccavale-Soto