

February 21, 2008

A Regular Session of the Allendale Planning Board was held in the Municipal Building on February 21, 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. Bernstein, Mr. Fliegel, Mr. Sirico and Mr. Tatosian. Mr. Barra, Mr. Gravina, Mr. Herndon and Mr. Yevchak were absent. Mr. Dunn was also present.

The minutes of January 14, January 17 and the Special Meeting of February 7 were before the Board for approval this evening. Mr. Quinn said corrections had been submitted to Mrs. McCarthy in advance of this evening. On a motion from Mr. Fliegel, seconded by Mr. Tatosian, the Board voted to approve the minutes as amended.

Appointment of Professionals

Mr. Dunn stated that this evening the Board Attorney and Board Engineer would be appointed. He added that the Planner would not be appointed this evening due to uncertainty regarding whether financial arrangements had been made for this position. Pay to Play forms were received from both Mr. Dunn and Mr. Yakimik. Mr. Dunn commented that his fee schedule will remain the same as last year.

Mr. Dunn read a resolution for his appointment into the record. A copy of that resolution is attached to the permanent record. Mr. Bernstein moved, seconded by Mr. Tatosian, to approve the appointment. On roll call Mr. Bernstein, Mr. Fliegel, Mr. Quinn, Mr. Tatosian and Mr. Sirico voted in favor.

Mr. Dunn commented that this is his 38th or 39th year as the Planning Board Attorney. He said the opportunity to work with this community has been "wonderful" and he continues to appreciate the opportunity to serve as the Attorney for the Board.

Mr. Dunn read a resolution into the record for the appointment of Mr. John Yakimik of Dewberry as the Board Engineer for 2008. A copy of that resolution is attached to the permanent record. Mr. Fliegel moved, seconded by Mr. Sirico, to approve the appointment of Mr. Yakimik. On roll call Mr. Bernstein, Mr. Fliegel, Mr. Quinn, Mr. Tatosian and Mr. Sirico voted in favor.

In response to a question from the Board, Mr. Yakimik noted that his fees have increased four percent from last year.

Bylaws, Procedures and Related Checklists

Mr. Dunn passed out revised copies of the document that was discussed at Monday night's Work Session. The issues will be further reviewed at the March Work Session of

the Board. Mr. Dunn commented that these Rules and Regulations are important and it is time that the Board has them in place. He asked for any members who have additional changes to send them to him before the next meeting of the Board.

Use Permit – Dr. Ted Campbell/Chiropractic Office

1 DeMercurio Drive
Block 1806, Lot 1

Dr. Campbell was sworn.

Mr. Quinn said the intended use of the facility is for a Chiropractic Office. The space was previously used by "Leadership U" a consulting service. Power requirements are standard and will be supplied by PSE&G and Rockland Electric. Water is for sanitary purposes. Effluent or discharge will be for sanitary purposes. The number of employees will be two and the parking requirements will be three. Taxes and fees have been paid.

Dr. Campbell said he is relocating his office to Allendale after having worked in Ridgewood for over twenty years. His x-ray equipment will be moved to this location and it will be inspected after the move. Doctors and other professionals also work out of this location. He will have an assistant working with him.

Resolution No. 1 – Introduced by Mr. Fliegel, seconded by Mr. Tatosian

Whereas, Dr. Ted Campbell 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 C-2 Central Business Zone, and

Whereas, said application is for the use of premises located at 1 DeMercurio Drive, Block 1806, Lot 1, for the purpose of a Chiropractic Office, and

Whereas, public hearing has been duly scheduled and notice thereof duly rendered pursuant to the statutes of the State of New Jersey and the Ordinances of the Borough of Allendale; 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 application is hereby approved 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.
3. Approval of the Health Code Official.
4. Approval of any agencies or governmental bodies having jurisdiction over this application.

On roll call Mr. Bernstein, Mr. Fliegel, Mr. Quinn, Mr. Tatosian and Mr. Sirico voted in favor.

Use Permit – The Pizza Guy, LLC

83 West Allendale Avenue
Block 1807, Lot 6

Applicant Gunther Bilali of Franklin Lakes, New Jersey was sworn.

Mr. Bilali said his application is for a small food store. The previous use was the same. Water will be used for sanitary purposes. Power will be standard and will be provided by Rockland Electric. Effluent or discharge will be for sanitary purposes. Mr. Dunn stated that the applicant's notice was in order. Mr. Quinn noted that taxes and fees have been paid.

Mr. Bilali said he will run an old fashioned pizzeria that will be community and child friendly. He will install a pizza oven and will make a lot of cosmetic improvements and thoroughly clean the facility. There will be no major interior changes. The space is approximately 800 square feet.

Mr. Bilali said he has been in the food business for a number of years. He ran a restaurant in New York City for eight years until he lost his lease and the building was torn down. He grew up in Bergen County and presently lives in Franklin Lakes and is aware of this community's standards.

The business will be open seven days a week. Monday through Thursday the pizzeria will be open until 9 p.m.. On Friday, Saturday and Sunday it will be open until 10 p.m. The restaurant will open at 11 a.m. every day but Sunday when it will open at 1 p.m. There will be seating for approximately thirty people.

Mr. Bilali will abide by the health code standards as well as the town standards for signage. The Board encouraged Mr. Bilali to have his employees park at the back of the store in order to leave street parking available for customers. Pizza delivery is planned at this time. Deliveries of supplies will be made to the back of the store before 10 a.m. on a slow day. He will arrange for carting service.

Resolution No. 2 – Introduced by Mr. Sirico, seconded by Mr. Tatosian

Whereas, The Pizza Guy, LLC, 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 C-1 Central Business Zone, and

Whereas, said application is for the use of premises located at 83 West Allendale Avenue, Block 1807, Lot 6, for the purpose of a Pizzeria, and

Whereas, public hearing has been duly scheduled and notice thereof duly rendered pursuant to the statutes of the State of New Jersey and the Ordinances of the Borough of Allendale; 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 application is hereby approved 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.
3. Approval of the Health Code Official.
4. Approval of any agencies or governmental bodies having jurisdiction over this application.

On roll call Mr. Fliegel, Mr. Quinn, Mr. Tatosian, Mr. Sirico and Mr. Bernstein voted in favor.

Use Permit – Borst Landscape and Design – Storage/Parking 303 W. Crescent Avenue
Block 904, Lots 10 and 11

Mr. Mark Borst of Wyckoff, New Jersey was sworn.

Mr. Borst said he is seeking approval for vehicle parking for ten vehicles and additional warehouse space for his landscaping company.

Mr. Quinn noted that water will be used for sanitary purposes and power will be used to provide lighting for the warehouse. There will not be any employees at this location. Parking will be for ten vehicles. Fees and taxes have been paid.

Mr. Borst said his business is located at 261 West Crescent Avenue. This application is to use the property at 303 West Crescent Avenue for storage of dry supplies off season, such as snow equipment and lawn maintenance equipment.

Mr. Borst said this is the first step toward expanding his business, because if it is to expand he will have to have additional space. Some of the parking spaces that will be utilized will be behind the building and won't be visible to the public.

Mr. Dunn expressed concern that part of the property is located in the D Zone and part of it is in the A Residential Zone. It is a non-conforming use that dates back to 1960. The non-conforming condition for the construction yard dates back to 1958. He is not prepared to say a non-conforming use is being expanded by this application, but to do so would be discouraged. Mr. Dunn said the Board doesn't have jurisdiction over non-conforming uses and they may not have the jurisdiction to permit this use. The portion of

the application that is a concern involves the ten parking spaces because some of the parking lot is in the residential zone and part of it is in the commercial zone.

Mr. Yakimik said he too has concerns about this application. He asked that the applicant show precisely where he will park the vehicles on a site plan. He added that a full site plan review is not necessary but the applicant should show where the vehicles will be parked and where other equipment on the site will be moved. Mr. Fliegel asked if the masonry buildings are in the D Zone and if the area to the right of that is in the A Zone. Mr. Dunn responded that the description was correct. Mr. Borst said the ten parking spaces are located in both zones. He also pointed out that Mr. Foreit owns the property under discussion as well as the adjacent property.

Although it was not necessary, the meeting was opened to the public for comments. When there were none, the matter was returned to the Board.

Mr. Borst said the hours of operation would be from 7:30 a.m. to 5:00 p.m., five days a week. If there is rain on a weekday then the employees will work on Saturday, but no earlier than 8:00 a.m.

Mr. Borst was requested to enlarge the entire site plan for the next meeting of the board and to designate the parts of the facility that will be the subject of his lease. He was requested to work with the Borough Engineer and was instructed that he may have to post a fee to do so.

Mr. Borst was notified that there would be a Work Session of the Board on March 17, with the Regular Meeting on March 20. Mr. Yakimik asked for all documents to be turned in to the Board ten days in advance of the meeting.

Mr. Tatosian asked if ten spaces would be adequate for the applicant's current and future needs. Mr. Borst responded that ten spaces would be sufficient.

Mr. Fliegel moved, seconded by Mr. Sirico to carry this application until the March meetings of the Board. On voice vote all members voted in favor.

Request for Amendment to Major Subdivision Approval – John Sebastian

Mr. Yakimik said he had received a letter dated February 21, 2008 from Mr. Bruce Whitaker, attorney for Mr. John Sebastian. In it he requests a waiver of item B-2 that requires the applicant to obtain an absence/presence of wetlands from the NJDEP. He said the applicant has completed all other conditions.

As requested by the Board, Dewberry conducted an independent evaluation of the site on February 11, 2008. The conclusion of the evaluation is that there are no regulated wetlands on the site. As such they support the waiver requested by the applicant.

Mr. Dunn read a resolution on this matter into the record. A copy of the resolution is attached to the permanent record. Mr. Fliegel moved to accept the resolution, seconded by Mr. Tatosian. On roll call Mr. Sirico, Mr. Bernstein, Mr. Fliegel, Mr. Quinn and Mr. Tatosian voted in favor.

Mr. Sirico noted that some tree clearing and disturbance of the area has taken place. Mr. Yakimik responded that it is his understanding that everything has been done according to Code.

Request for Assignment of Developer's Agreement – The Whitney

Mr. Quinn noted that this topic was discussed at length at Monday night's Work Session. It was noted that representatives of Garden Homes were present at that meeting. The complex will be built as previously agreed or they will have to come back before the Board.

Mr. Dunn read a resolution on this matter into the record. A copy of the resolution is attached to the permanent record. Mr. Tatosian moved to accept the resolution, seconded by Mr. Fliegel. On roll call Mr. Bernstein, Mr. Fliegel, Mr. Quinn, Mr. Tatosian and Mr. Sirico voted in favor.

Minor Subdivision – Mariconti/Phillips-Gossweiler

679 Franklin Turnpike
Block 910, Lot 10

Mr. Quinn noted that the completeness review for this minor subdivision was discussed at Monday night's Work Session of the Planning Board. The matter was declared complete at that time. That action should be confirmed at this evening' meeting of the Board.

Mr. Fliegel noted that he recused himself from the matter on Monday evening and would have to do so tonight also. Without Mr. Fliegel, the Board would not have a quorum to vote on this matter.

This matter will formally proceed as a minor subdivision at the March 20, 2008 meeting of the Board. It was noted that Mr. Atkins, attorney for the applicant, commented on Monday night that he will proceed with the application in March or April. Mr. Dunn said if the applicant wishes to carry the application until April, that will be acceptable.

At the close of the meeting, Mr. Yakimik said there are still names of Veterans that have not been used for street names. He distributed a list of those names to the Board.

On a motion by Mr. Sirico, seconded by Mr. Tatosian, the Board voted unanimously to adjourn at 10:00 p.m.

Respectfully submitted,

Gwen McCarthy
Recording Secretary