

March 20, 2008

A Regular Session of the Allendale Planning Board was held in the Municipal Building on March 20, 2008. The meeting was called to order by Mr. Quinn, Chairman, at 8:09 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: Mayor Barra, Mr. Fliegel, Mr. Quinn, Mr. Sirico, Chief Herndon, and Mr. Yevchak. Mr. Gravina and Mr. Tatosian were absent. Mr. Dunn was also present.

The minutes of the February 18th and February 21st meetings were before the Board for approval. Mr. Quinn said corrections had been submitted to Mrs. McCarthy in advance of this evening's meeting. Mr. Quinn asked if any Board members had any changes; there were none. On a motion by Mr. Sirico and seconded by Mr. Fliegel, all voted in favor to approve the minutes as amended. Mayor Barra abstained.

AGENDA ITEMS

Mr. Quinn stated that discussion of bylaws, procedures, related check lists and use permits is intended for work session only.

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, was present for the owner of the property. He had been sworn in.

Mr. Dunn stated that he researched this application, and his concern is that it might be a site plan. He said that clearly the devices are structures within the municipal land use act and the ordinance that pertains to that. Based upon his review, it is a site plan. Our engineer submitted a report dated March 20. After discussion between Mr. Kohut and Mr. Dunn, it was agreed that it ought to be a site plan review. Mr. Kohut responded that if that is the Board's decision, they will abide by it. Mr. Kohut asked if notice was required. Mr. Dunn said it was. Mr. Kohut said he will call the board engineer to discuss site plan application. It was noted that the engineer's letter was sent to owner and a copy sent to the attorney. Mr. Fliegel asked about the escrow amount requested. Mr. Kohut responded that if they move forward with the application, they will submit escrow with the application.

Proposed Awning - 2 Pearl Court

This proposal was discussed at the work session. The applicant was advised that the borough has an ordinance that covers awnings and they should review that ordinance and file appropriate permits. The applicant was not present.

Use Permit – Borst Landscaping & Design/Storage and Parking – D Zone

Mark Borst, representing Borst Landscaping, had been sworn in.

Mr. Borst's plans were discussed at Monday's work session and they were also a continuation from February sessions. Mr. Borst provided the Board with a new sketch and correspondence, dated March 20, between borough engineer and applicant.

At the last meeting, Mr. Borst asked for a Use Permit for a 3,000 square-foot warehouse to store dry goods and parking of 10 vehicles at 303 West Crescent Avenue. The Board asked for more information, and Mr. Borst redrafted a site plan of the property. Mr. Quinn stated that the Board had concerns with the parking aspects of the plan and reminded Mr. Borst that there is history on this property going back to 1980's.

Mr. Quinn asked Mr. Borst to review what was requested. Mr. Borst said they are requesting to park vehicles in the rear of property with 70 foot setback on Lot 10, which is adjacent to D Zone, Lot 11. The vehicles are under 12,000 pounds. They are 16 foot box trucks. There would be a maximum of ten vehicles. They are moved once in the morning and once in the evening. Their hours of operation are 7:30 a.m to 5:00 p.m., Monday through Friday. There are other commercial vehicles parked on the site, which he has delineated on the new sketch.

Mr. Quinn noted the issues that our engineer raised in his letter; however, Mr. Borst just received the letter at 4:00 pm today. Therefore, he can only address some of the issues.

Nicole Habeiche, PE, of Dewberry-Goodkind, Inc., said they used a previous report and looked at latest plan to make sure comments from original report are addressed. Her comments on March 20th report are as follows:

The applicant is proposing parking spaces for ten additional vehicles and 15 existing vehicles, for a total of 25 spaces. However, two separate site visits found over 20 vehicles parked throughout Lots 10, 11, 12 and 13. They are concerned about the deficit in parking spaces. The applicant responded that on Lot 12, there are 10 striped spaces. Ms. Habeiche asked the applicant to revise the plan and show the sufficient parking. Mr. Quinn asked if there was a limit. Ms. Habeiche said that the applicant proposes 25. Mr. Borst clarified that there are only about four employees that use parking. John's intent was to show all the existing conditions shown on the site plan.

The gross weight of 12,000 pounds as shown on plan is not in conformance with Section 270-18 C2 of the code, which limits vehicles to 8,000 pounds. Lot 10 is a residential zone, stated Mr. Borst, which is covered by the 120-foot rule.

Mayor Barra asked about the gross weight and referred to another issue in town on another property and that weight became a very significant factor. The Council passed a specific ordinance with regard to the 8,000 pound gross weight; it was amended in 2001. Mayor Barra is concerned that the ordinance should be applied to all applicants equally.

Ms. Habeiche noted that John mentioned that in his March 14th letter. Chief Herndon stated that he did not raise this issue because it is a commercial property.

Mr. Dunn said that under 270-18 C2, the provisions with regard to motor vehicles do limit weight to 8,000 pounds for commercial vehicles. Mayor Barra said the intent of the ordinance was not to have a commercial vehicle parked in a residential property.

Mr. Borst said that the 1986 resolution states commercial vehicles are allowed to be parked on Lots 12 and 13.

Mr. Bernstein asked if the town was grandfathering it or not addressing it because it is commercial property. Mr. Dunn said they might have to go to the Board of Adjustment.

Mr. Yevchak said the intention and spirit of the ordinance is to make sure commercial vehicles are not parked in residential areas. Mr. Quinn said the question is with the weight of the vehicles.

Mr. Dunn stated that because of lack of evidence with regard to the validity of non-conforming condition, the wise course would be to present this to the Board of Adjustment; it falls within their jurisdiction. This application is before the Planning Board as a Use Permit.

Mr. Fliegel made a motion to deny the matter as raising an issue of conforming use compliance under Borough Ordinance not within the jurisdiction of the Planning Board but within the jurisdiction of the Board of Adjustment under Municipal Land Use Act and deny this application; Mr. Yevchak seconded. All present voted in favor to deny; Chief Herndon abstained, as he was not present for previous discussions.

Use Permit - Michael Mahle Cheese Shop - 87 W. Allendale Avenue, Block 1807, Lot 6

Michael Mahle of 246 Park Avenue, Allendale, New Jersey, was sworn.

The applicant, Michael Mahle, plans to open a cheese shop in which they will sell specialty foods including farmstead cheeses, sandwiches, cheese knives, and other similar items. The prior use was a TV repair shop. Power requirements are standard and will be supplied by Rockland Electric. Taxes and fees have been paid.

There will be no more than four employees at a time. They will park in the back, which is allotted by the landlord. The owner will walk or bike to work. Hours of operation will be 10 a.m. to 7 p.m., Monday through Saturday and 10 a.m. to 2 p.m. on Sunday. Owner will comply with health codes. The deliveries to the store will be once every other week for cheeses; bread will be once a day, in the morning. If gift baskets are ordered, customers will pick them up. There will be no deliveries from the store to customers.

The store will sell items only; there will be no eating spaces or tables in the store. Mr. Mahle provided the Board with a schematic plan. No walls are being put up or being

taken down. The only items they will purchase are display cases and refrigeration. New drywall will be installed. No structural changes will be made other than installation of a new floor. The basement will be used for office and storage of mops and janitorial supplies.

Mr. Yevchak asked Mr. Mahle if he will be managing the store himself. Mr. Mahle responded that he will, full time. There were no further questions from the Board

Resolution No. 1 – Introduced by Mr. Bernstein, seconded by Mr. Herndon

Whereas, Michael Mahle, 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 Lot 6, Block 1807, 87 West Allendale Avenue for the purpose of retail cheese shop; 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, all present voted in favor.

Biosil Technologies - 80 Commerce Drive, Block 601, Lot 2

Andrew Kohut, Esq., of Wells, Jaworski & Liebman, Paramus, New Jersey, represented the applicant.

The intended use of the facility is for office, warehouse, research and development. 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.

Water requirements are domestic only. Power requirements and source is 200 Amps (existing) are 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. The number of employees is ten.

Ms. Celeste Whritenour, of Mahwah, New Jersey, General Manager of Biosil was sworn. She described the company as a specialty ingredient supplier to the personal care industry- hair, skin care and color cosmetics. Their ingredients go into finished formulas. No manufacturing is done in the facility. Anything manufactured is done in Canada or Rochester, New York. Hours of operation are 8:00 a.m. to 6 p.m., Monday to Friday. Most deliveries are UPS and FedEx, about once a week. Large deliveries, such as 55-gallon drums, are sent directly from Canada. Business is high revenue not high quantity. There are no toxic chemicals in their products and no special needs for venting or flammables.

Mr. Quinn reminded the applicant that they will go through a fire inspection. He also reminded applicant they will adhere to the sign ordinance. Parking is plentiful as is. Renovation plans are in the early stage. They need to build a large office for their laboratory, which is similar to a kitchen, where they will use mixers, hot plates, and blending machinery. They plan to take down two large offices in the front and will build four moderate size offices. Chief Herndon asked if any product testing involves people or animals. Ms. Whritenour said no, and she also said any testing is outsourced. Ms. Whritenour explained that their lab is for development of new raw materials and in formulations for their customers in how to use their products.

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

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

Whereas, Biosil Technologies, Inc., 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 E Industrial zone; and

Whereas, said application is for the use of premises located at Lot 2, Block 601, for the purpose of office, warehouse, research and development; 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 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.
3. Approval of the Health Code Official.

4. Approval of any agencies or governmental bodies having jurisdiction over this application.

On roll call, all present voted in favor.

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

Owner: Allendale Associates

Stephen Euler (home address: 42 Alana Drive, Hawthorne, New Jersey; business address: 87 Hibernia Avenue, Rockaway, New Jersey) represented Solarbrite. They are a manufacturer/agent of imported tile products, and they sell to distributors. The tile is shipped right from Taiwan or China to their customers. They would occupy four offices. Previous use was office space. Power requirements are standard and will be supplied by Rockland Electric. Effluent or discharge will be for sanitary purposes. The number of employees is three. Fees and taxes have been paid.

Solarbrite plans to sublease office space from Esai Machinery. They need to have phone and cable lines installed by Cablevision. Currently cable is provided by Verizon; however, they prefer Cablevision because of their product.

Mr. Quinn asked Mr. Euler about signage. Mr. Euler stated they will have a small plaque on a cement block. Mr. Quinn reminded Mr. Euler to adhere to our signage ordinance. Mr. Euler said the hours of operation are from 8 a.m. to 6 p.m., Monday through Friday. Their deliveries arrive via UPS, DHL, or FedEx. The only items they will store are their samples. They are not open to the general public.

Resolution No. 3 – Introduced by Mr. Sirico, seconded by Mr. Yevchak

Whereas, Esai Machinery USA/Solarbrite, Inc. 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 E Industrial zone, and

Whereas, said application is for the use of premises located at Lot 15, Block 702, 90 Boroline Road, for the purpose of subleasing office space; 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 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.
3. Approval of the Health Code Official.

4. Approval of any agencies or governmental bodies having jurisdiction over this application.

Upon roll call, all present voted in favor.

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

Mr. Fliegel recused himself because he knows the applicants.

Jay Atkins was present representing the applicant. Mr. Atkins requested a postponement to next month's meeting. He advised the Board that the engineer could not be present at tonight's meeting. A letter from the engineer dated March 15, 2008, was confirmed that it was received.

Mr. Sirico made a motion to postpone the application; Chief Herndon seconded. Upon roll call, all present voted in favor with the exception of Mr. Fliegel, who had recused himself.

Minor Subdivision – Kari Sheehan, 511 Brookside Avenue, Block 1304, Lot 24

Mr. Quinn stated for the record the application is incomplete. Mr. Dunn stated the engineer prepared a letter dated March 15, 2008; and Mr. Dunn prepared a letter informing the applicant that they must comply with the requirements in the March 15th letter from the engineer. A motion was made by Mr. Sirico to declare the matter incomplete; seconded by Mr. Fliegel. Upon roll call, all voted in favor with the exception of Chief Herndon, who recused himself.

Site Plan - A&P Shopping Plaza, Block 1807, Lots 1 & 2

Mr. Quinn discussed the presentation, which had been made at the March 17th work session. He stated that based upon the presentation, the Borough Engineer sent a letter to the applicant dated March 17, 2008, to advise the applicant that there were deficiencies in checklist requirements for a site plan. A motion was made by Mr. Fliegel; seconded by Mr. Sirico. Upon roll call, all present voted in favor with the exception an abstention by Chief Herndon. Mr. Sirico stated, for the record, that the Board was disappointed by the lack of the applicant's addressing our concerns particularly parking.

A motion was made to adjourn the meeting by Mr. Fliegel; Chief Herndon seconded the motion. Upon roll call, all voted in favor. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Lisa Caccavale-Soto