

BOROUGH OF MIDLAND PARK - PLANNING BOARD MINUTES
JANUARY 26, 2009

PLEASE TAKE NOTE:

ON MONDAY , JANUARY 26, 2009, THE PLANNING BOARD OF THE BOROUGH OF MIDLAND PARK HELD A REGULARLY SCHEDULED MEETING IN THE COUNCIL CHAMBERS, MUNICIPAL BUILDING, 280 GODWIN AVENUE, MIDLAND PARK, NJ. THE WORKSHOP BEGAN AT 7:30 PM AND THE FORMAL MEETING BEGAN AT 8:00 P.M.

WORKSHOP:

BERGEN COUNTY SPECIAL SERVICES- Block 13 Lot 3- 31 Highland Ave- Thomas Jodice of Bergen County Special Services proposed to replace an existing classroom trailer with an exact size replacement. Mr. Jodice confirmed that they are proposing only a single trailer. Board asked if the fire alarm system is run into the main panel and if ADA access is required. Board commented that the drawings submitted do not show any stairs, ramps or clearances and that state approval would be required prior to permit. Board secretary to write letter to the Board of Education with Board comments/recommendations.

GLEN JACOBSEN / JACOBSEN LANDSCAPING- Block 26 Lot 4- 445 Godwin Ave- Glen Jacobsen discussed structures placed on property without approval. Atty. Siss discussed use variance approval of 2002; use was approved by the Board of Adjustment but approval did not approve any structures; structures existing are illegal. A site plan application, for expansion of a non-conforming use, must be submitted to the Zoning Board of Adjustment.

FORMAL MEETING

READING OF THE OPEN PUBLIC MEETINGS ACT

PLEDGE OF ALLEGIANCE

ROLL CALL:

Mr. Kent Rigg, Chairman	present	Ms. Michelle Dugan	present
Councilwoman Nancy Peet	present	Ms. Stephanie Pantale	present
Mayor Joseph Monahan	present	Alt. #1 Jeffrey Bulick	present
Mr. Michael Rau	present	Alt. #2 (vacant)	-----
Mr. David Wostbrock	present		

Richard Wostbrock of LAN Associates and Darryl Siss, Board Attorney, were present on behalf of the Board.

Board member, Ms. Peet, arrived at the meeting at 8:10 pm.

REORGANIZATION

Mayor Monahan, Councilwoman Peet, Ms. Dugan, Ms. Pantale and Mr. Bulick were sworn in as members of the Planning Board.

D. Wostbrock made the motion to nominate Kent Rigg as Chairman, seconded by Ms. Pantale; all voted in favor. Mr. Rau made the motion to nominate David Wostbrock as Vice Chairman, seconded by Mayor Monahan; all voted in favor. D. Wostbrock made the motion to nominate Ms. Giardino as Board Secretary, seconded by Mayor Monahan; all voted in favor.

Mayor Monahan made the motion to appoint Darryl Siss, Esq. as Planning Board Attorney,

seconded by Mr. Rau; all voted in favor. Mayor Monahan made the motion to appoint LAN Associates as Planning Board Engineer, seconded by Mr. Bulick; all voted in favor.

Minutes of the 12/15/08 meeting were approved.

PUBLIC HEARINGS:

MARLOW PARK LLC- 445 Godwin Ave- Major Sub-Division- Atty. Buonocore advised that the engineer has not yet issued a response letter for submitted drawings. D. Wostbrock and Mr. Rau have listened to the tapes of the previous hearing, have so certified, and are eligible to vote. Motion by D. Wostbrock to carry application to February 23rd meeting, no further notice required, seconded by Mr. Rau; all voted in favor. Atty. Buonocore agreed to the extension of time.

NEW BUSINESS:

VFW POST 7086- Block 27 Lot 11.02- 28 Faner Rd- Mr. Rigg stepped down for this application as he is a property owner within 200'. D. Wostbrock stepped in as acting chairman. Peter Jeffer, Esq. represented the applicant. Application is for a site plan waiver. R. Wostbrock reviewed drawings and noted that the drainage design proposed differs from ordinance requirements. No lighting changes are proposed; applicant advised that the existing lighting is sufficient to light up the entire parking lot. Board discussed the requirements of the site plan waiver and gravel vs. pavement drainage calculations. R. Wostbrock advised that the drainage capacity should be increased for larger storms; larger seepage pits or hook up with storm sewer on other side of the street. Atty. Jeffer believes that the drainage is not changing; they are changing from hard packed gravel to pavement and new drains should improve the drainage. Atty. Siss advised that the Board could consider that the change from gravel to asphalt does not affect the drainage. R. Wostbrock advised an increase in the design size to meet the ordinance would demonstrate that the changes made do not have a negative impact; no increase in run off. Motion by Mayor Monahan to approve site plan waiver with the condition that revised drainage calculations be submitted subject to Board Engineer approval, existing lighting to remain with no additional lighting, seconded by Ms. Peet; all voted in favor.

PUBLIC HEARINGS (continued):

BASELINE ASSOC- Block 17 Lots 22 & 23- 199-207 Franklin Ave- Mayor Monahan stepped down for this application due to a conflict. Continued from December meeting. Atty. Rogers reviewed status of application; public portion of meeting was closed at prior meeting. Applicant submitted new plans; Motion by Mr. Rau to open meeting to the public to present new drawings, seconded by Ms. Peet; all voted in favor. Atty. Siss reviewed memos from the Construction Official and the Fire Chief, dated 1/16/09; both had no comments and are part of the record along with the LAN Assoc. letter dated 1/26/09. Atty. Rogers reviewed efforts to accomplish shared parking; Block 17 Lot 13.01 & 23, property owned by Janet Harvey and is directly to the rear/northwest corner. Exhibit A-25, Letter of Intent dated 1/13/09 with attached diagram. Exhibit A-26, Revised site plan dated 1/13/09, 5 pages. Atty. Rogers described proposed shared parking; configuration will be off the rear property which will provide for eleven spaces on the Harvey property, access to Baseline property would take up one space for a net of ten spaces. If approved, a site plan application would be submitted for the parking lot construction. The location of the dumpster and turning radius on Baseline property

would be relocated to the rear of the two lane parking throughway. Shared parking arrangement would benefit the traffic pattern in the area and provide access for ten new spaces. Parking requirement of 85 spaces; 70 spaces would be provided with the shared parking vs. sixty currently proposed.

Board questioned ingress/egress from Godwin and the effects on abutting lots, how it could be used as a cut through to Franklin Ave, and what parking spaces would be shared. Andrew Missey, Engineer, previously sworn, reviewed A-26. Reviewed revised drawings; Franklin Ave 2 2 ft. wide easement dedicated for road widening, aligned parking on westerly side to prevent encroachment in front set back, set back variance will be required for the northeasterly corner of building, parking stalls parallel along the southwesterly side will be signed and designated for employee parking only, identify waiver for sight distance measurement, applicant will engage a carting company that will service the site with a medium duty truck, sidewalk under and in the rear of the building is extended westerly to meet with the exterior walk; other changes are made to the notes section. Mr. Missey confirmed that the shared parking arrangement will result in 59 spaces on the Baseline lot. Mr. Missey advised that the refuse container would be relocated if the shared parking is done, carting company would be able to pick up refuse in either location. Atty. Rogers reviewed LAN Assoc. 1/26/09 letter; comment #1, agree and will adjust plans to comply, #2, three spaces in question meet the 25' set back distance, better than parking lot directly to the west and north which has spaces immediately adjacent to the right of way. #4, agree to identify the parking spaces as employee only, #5, Sterling Carting has indicated they can meet and pick up refuse with a medium sized truck in the location specified on A-26; if the shared parking arrangement is used the refuse would be directly accessible. #6, will comply. R. Wostbrock questioned what size truck is proposed; Atty. Rogers advised that it is a 10' axle mid-sized truck. R. Wostbrock discussed his support of a waiver for sight distance; sight distance complies with Bergen County standards; if it is measured from the 15' county standard then the 175' distance is obtained. Motion by Mr. Rau to open meeting to the public for questions and comments for new testimony only, seconded by Mr. Pantale; all voted in favor. Atty. Bocchi, representing Salon Roberts, questioned if lot 12 is implicated in the shared parking arrangement. Peter Jeffer, 212 Godwin Ave., sworn in, commented that the shared parking would be a mistake and would have a negative impact on adjoining properties; would like his property isolated if shared parking is implemented. Atty. Rogers commented on advantages of shared parking. Nancy Bargmann, 183 Franklin Ave, sworn in, questioned if the applicant has a life time contract with Sterling Carting, if a traffic study would be required when a shared parking plan is submitted, how traffic will use the cut through. She feels the building should be smaller and more parking could be created. Gary Bardzell, speaking on behalf of his parents who live at 189 Franklin Ave, sworn in. Exhibit O-4, 1 sheet, copy of site plan, page 1 of 4, dated 1/13/09, marked up and color coded by Gary Bardzell. Mr. Bardzell questioned changes made to plan, sight distance line. Exhibit O-5, pictures taken by Mr. Bardzell, 1 sheet, measurements taken by G. Bardzell; Atty. Rogers objected to this document. Mr. Bardzell questioned sight distance and if the new fence impedes the required sight distance, variance for front yard set back on northeasterly corner, relocation of building and how variances would be affected, parking spaces marked employee only, and how the shared parking affects the application. Mr. Bardzell questioned the size of the refuse truck and turning radius, how fire trucks will access the property and commented on relocation and reduced size of building. Atty. Rogers questioned Mr. Bardzell about the length of fence that was recently installed and the strip of land between the property lines. Susan Aponte, 193 Franklin Ave, sworn in, questioned sight line distance, dangerous traffic, and believes the access road would

not be feasible. Norma Bardzell, 189 Franklin Ave, sworn in. Atty. Rogers placed an objection on the record that Mr. Bardzell has been representing his parents all along; if his mother is now speaking, he is no longer an interested party. N. Bardzell questioned bank floor plans and sealed plan. Gary Bardzell, previously sworn, questioned the ADA compliance. G. Bardzell questioned if the Board members received letters which were sent; Atty. Siss advised that the letters were not distributed to the Board members, one letter was received by Ms. Peet as a member of the Borough Council. G. Bardzell questioned if a condition of any approval could include a restriction that no variance would be granted for a doctors office. Nancy Bargmann, questioned Board procedures. Gary Bardzell, previously sworn, commented on loss of parking spaces on shared parking plan. Susan Aponte, previously sworn, discussed health and safety of her children. Motion by Mr. Rau to close meeting to the public, seconded by Mr. Wostbrock; all voted in favor. Atty. Siss advised that the Board must determine how the parking calculation should be applied for both the ATM and Drive thru window. Atty. Rogers summarized; propose to combine two lots to one, developed with one unified building; existing condition has six different structures and five different uses with numerous ingress/egress onto Franklin Ave; proposed use promotes purposes of zoning and planning. Use proposed is permitted, property is an irregular shaped lot; smaller uses on two separate lots would have a more significant impact than the single use on a larger property. Proposed project meets the requirements for coverage, set back on easterly side toward the residences, and buffer between the residential and business zone. Also, there is an area between the baseline property and the residential property to the east that goes from 2.3' to 4.7' to the rear; area is owned by the Borough of Midland Park; not considered for the calculation of the buffer requirement or set backs so it is in addition to the distances already specified. Variances required; loading dock, set back for parking space on north side, parking spaces, and front yard set back. Atty. Rogers advised that they can set back the building, if required by the Board, to eliminate the front yard set back variance. Combined lot area is 143,143 sf, more than meet coverage requirements and gore area further lessens impact to residential property. Loading dock is not necessary for type of use proposed. Do not believe delivery trucks will impact travel on the site; temporary issue which is alleviated in a period of minutes. Parking space variance; testimony submitted re: current banking trends vs. ordinance requirements. Brief submitted to Atty. Siss re: ATM; different from teller positions. ATM type banking was not contemplated by current ordinance. Idea of teller window is for people to stay in the vehicle; not utilize a parking space; ATM and teller window are types of banking processed that are not park of what was considered when the ordinance was drawn up. Parking should not be required for the ATM machine or the teller window; would result in a change of parking spaces required. Lighting meets or exceeds requirements of ordinance; shielding and directional lighting provided; ability to put timers on lights if required by Board. Efforts for drive thru protection; tall trees, lower bushes and shrubs, brick wall to shield lights, metal baffling for noise and fencing. Applicant will commit to planting trees prior to construction to lessen the impact to neighbors. Roof top units have been screened. Drainage system complies with requirements; will improve drainage. Boards comments have been considered re: shared parking; obtained commitment from adjoining property owner. Shared parking will benefit the municipality; promotes a defined item in the master plan; positive impact to neighboring properties and area of concern. Easement area of 2.5' will be dedicated to the Borough, three spaces in northwest corner meet code, refuse pick up concerns could be eliminated with the shared parking rearrangement. A fence was built to try to impact the sight line in a negative way; Board engineer explained the practical use of the sight line; waiver is requested. Expert testimony has been presented to justify variances; parking spaces provided are sufficient; Board should consider that both the

drive thru teller and ATM not require 8 spaces each; that a loading dock variance be granted, set back on westerly side variance be granted as it is diminimus as adjoining commercial properties go to the property line having no impact. Requests that Board consider application favorably. Board questioned how many parking spaces are considered for the variance. Applicant stipulated that one teller would handle both drive up lanes. Atty. Siss reviewed case law submitted by Atty. Rogers; issue was if an ATM constituted a bank on its own. Current parking calculation requirement of 85 included tellers inside the bank and one drive thru teller; or 40 spaces for the bank. Board discussed how to apply parking requirement to the ATM and drive thru teller. Board discussed use of other space in the building; general office space and insufficient parking. Board discussed lack of a loading space and concern about delivery trucks blocking doors and impeding driving aisle.

Atty. Siss reviewed variances and waivers; two waivers, sight distance may be slightly less than 175' required and one way aisle width where 12' is required and 9' and 11' are proposed, however this is eliminated if the shared parking is implemented. Variances are for no loading space and buffer along the west side where 14.4' is required and 6' is provided and parking spaces where 85 are required and 60 are proposed or 70 if shared parking is implemented. Applicant agreed to conform to the front yard set back by reducing the corner of the building. Application is presented with the shared parking as a condition. A C-2 variance is requested. Board discussed the parking deficiency. Board agreed that a total of 8 spaces will be applied to both the ATM and drive thru window leaving the required parking at 85 spaces. D. Wostbrock made a motion to deny the application; 20-25% reduced parking is proposed in a congested area, believes shared parking may not benefit this site as much as benefit the other congested areas; do not believe this site will benefit from the shared parking and may reduce their parking by having others use it to relieve congestion. He believes a loading space must be provided for a commercial building; access doors are located in the driving routes and trucks will park in front of the door and it will block drive access, seconded by Ms. Peet; Board questioned C-2 variance criteria; all voted to deny the application.

COMMUNICATIONS:

PETER ENGLISHMAN & SONS- Block 33 Lot 6- 60 West St- Board recommended return of unused escrow.

IOZZIA, FRANK- Block 20.09 Lot 7.01- 245 Godwin Ave- Board recommended return of unused escrow.

FAIRWAY ESTATES NURSERY AND GARDEN CENTER, LLC- Block 19 Lot 3.01- 11 Paterson Ave- Board reviewed LAN letter of 1/2/09 and accepted revised site plan for file.

Meeting was adjourned at 11:50 PM.

Respectfully Submitted,
Janet Giardino