

BOROUGH OF MIDLAND PARK - ZONING BOARD OF ADJUSTMENT MINUTES

April 8, 2009

PLEASE TAKE NOTE:

ON WEDNESDAY, APRIL 8, 2009, THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MIDLAND PARK HELD A REGULARLY SCHEDULED MEETING IN THE MIDLAND PARK COUNCIL CHAMBERS, 280 GODWIN AVE., MIDLAND PARK, NJ. THE FORMAL MEETING BEGAN AT 7:30 P.M.

FORMAL MEETING

READING OF THE OPEN PUBLIC MEETINGS ACT

PLEDGE OF ALLEGIANCE

ROLL CALL:

Ms. Linda Herlihy	present	Mr. David Zuidema	present
Ms. Patricia Jeffer	present	Mr. Glen Biswurm	present
Mr. Douglas Feick	present	Mr. John Meeks, Alt. #1	present
Mr. Richard Kroitsch	absent	Alternate #2- vacant	
Mr. Peter Braunius	present		

Doug Doyle, Board Attorney and Richard Wostbrock, Board Engineer, were also present on behalf of the Board.

Minutes of the March 11, 2009 meeting were approved.

PUBLIC HEARINGS:

HENPAL REALTY CO.- Block 6 Lot 1 & 17.01- 80 Godwin Ave- Greg Padovano, representing applicant, application carried to June 10, 2009, no further notice required. Atty. Padovano agrees to the extension of time.

CENTRAL AUTOMOTIVE ENTERPRISES, LLC- Block 41 Lot 1 - 595 Godwin Ave- Atty. Bruce Whitaker, representing applicant. Notices are in order. Property is in the B-1 zone, use is a conditional use, variances are required. Previous use was a gas station; cannot meet current conditional use requirements. Propose to put canopy over pumps and continue front yard parking. Property is irregular shaped with exiting structures; existing use is non-conforming. Atty. Whitaker believes 40:55d-70c, C-1 & C-2 criteria applies. Gas station use was not abandoned; conditional use did not expire. Variances required; section 34-7.3, set back where existing set back for pumps is at 14.4' and new set back proposed is 13.1', set back where the canopy has a 0 set back where 25' is required, and front yard parking. Application would be subject to Bergen County approval. Canopy is common for gas station design; convenience of customers and attendants; no detriment as it is not a full structure but a ceiling with supports. Benefits outweigh the detriments; better aesthetic design and upgrade of facility. Brian Shortino, Licensed Professional Engineer and Licensed Planner, sworn in, accepted as expert in both fields. Exhibits A-1 through A-6, site plan sheets 1-6, rev. date 12/22/08 and A-7, survey dated 7/10/08 titled SV-1. Mr. Shortino described site; 15,348 sf, triangular shape with longest frontage along Godwin Ave; easement area along front of 3,561.3 sf. Existing one story brick building approx. 28' x 56' with three service bays. Site currently under remediation; storage tanks and pump island have been removed. Parking spaces were not previously delineated on site. Free standing sign remains. Tributary of Goffle Brook flows from north to south direction under the site through a culvert. Outlet for brook is located at rear of building;

twin pipes 72" x 45" corrugated metal pipe to open water.

Side planter areas running parallel to side property lines, serving as buffer areas on easterly and southerly side. No specific drainage structures on property; within easement area along Godwin there is an existing inlet which ties into the inlet in the curb line of Godwin Ave. Board questioned status of remediation; responsibility of seller. Atty. Whitaker will supply additional information on remediation. Distance of existing pump islands to property line was 14.4'. Irregular shape property; triangular shape, no benefit of rear yard; largest part of lot constitutes frontage. Relocation of pump island maintains 14.4' set back except where it meets the curvature along Godwin where it is 13.1'. The existing pump island was relocated for two reasons; a portion of the existing pump island sat on top of the culvert through the property; it was shifted to the easterly side and the island was elongated to add another dispenser. The canopy does not encroach into the 50' right of way. Mr. Shortino explained decrease in property set back for the island; inappropriate to curve island to follow contour of front property line. Pump islands will be elongated to 24' x 68' with three fuel dispensers, separated by 24' apart and three columns to support canopy separated by 24' apart. Bollards will be placed on easterly and westerly ends to protect islands. All disturbed areas are currently gravel. Propose two underground storage tanks; 8' diameter, 12,000 gal tanks, one tank contains regular gasoline, one tank will be compartmentalized with diesel and supreme fuels. Pumps will be blend dispensers. Pump island has been removed from on top of the culvert; easier maintenance. Distance between the face of the existing building and the face of pump island is 32'; three service bays are located in the building and cars will need room for maneuverability; to move the island closer to building would be tighter than it should be; they are maintaining existing set back to pump islands. Normal back up for perpendicular space is 24' plus 8' for car parked in fueling position for total of 32'. Canopy is supported by three canopy columns separated by 24'; three canopy columns are located on the pump island; within the footprint of the island; no columns on the corners of the canopy. Formal delineation of parking spaces; facing site from Godwin, handicapped space is on the right side of building; remainder of parking is 8 spaces on the southerly side and four spaces on the easterly side for total of 12. Twelve spaces are required and provided. A-8, site plan, page A-2, colorized version. R. Wostbrock questioned existing vs. proposed number of pumps, reasons for increase and if traffic queing is expected. Mr. Shortino advised that they are offering diesel fuel; this was not offered in previous use. Island length existing was 28' and proposed island is 57'. Board questioned curb cut locations; approx. 38' on the easterly side, 40' on the westerly side. Two driveways exist; westerly driveway nearest Central Ave and easterly side; movement for easterly driveway is two way and westerly driveway, per Bergen County, is one way entrance. Bergen County has requested one way signage to be installed. There is no restriction for turning out of the easterly driveway. Board questioned how truck movements would be made, the size of trucks coming in for diesel fuel and the fuel delivery route. Deliveries are controlled and can be late at night or non-peak hours. R. Wostbrock questioned if the County has asked for any additional right of way; Mr. Whitaker stated no. Mr. Shortino described existing drainage of site vs. new canopy that incorporates downspouts and columns where subsurface piping will tie into inlet in easement area; reduces surface water runoff at site and keeps the fueling area under canopy dry and safer. Mr. Shortino described lighting plan on drawing #4, indicates eight surface mounted canopy lights; mounted to bottom of ceiling; all 320 watts. No light spillage to adjacent properties; there is light spillage into the Godwin Ave right of way. Board questioned previous site lighting. Height of canopy to bottom of canopy is 15 2' with a 3' fascia for 18 2' overall height. Purpose of canopy; current gas station design, protection from the elements for attendants and public, more visibility, safer environment, water is not falling where fuel is being dispensed. Exhibit B-1, LAN letter dated 12/31/08, Board questioned #7 & 8; Mr. Shortino advised that lighting is not provided because the parking spaces will not be used by the motoring public; this will not be a retail business or convenience store. The parking spaces will be for repaired or to be repaired vehicles. Applicant will illuminate the property during closed hours for security as suggested by the police dept. Board noted that there are twelve parking spaces noted on the plan, however there are also three bay spaces. R. Wostbrock questioned lighting spillage on the street; proposed lighting is surface mounted,

would suggest recessed lighting be used to reduce glare in street and side spill; currently not compliant with ordinance.

Mr. Shortino can provide recessed lighting and will provide revised light calculations. Board questioned the island length; 57'; what creates the increase in length over existing when one pump is added. Recommended distance between pumps is 24', original pump island was 20' center line to center line. R. Wostbrock commented on drainage easement; Atty. Whitaker will provide deed of easement. Mr. Shortino described signs proposed; 2 signs, 21sf, Citgo letters 2' x 10.5', letter internally illuminated, on each of the west and east, or short sides, of the canopy. Existing free standing sign is to remain. The canopy fascia will not be lit, just the letters. Board discussed what portion of the painted fascia is considered a sign. Pump signs are also considered signs. Maximum building signage is 84' and canopy signage is 36', re: ordinance 34.17. Atty. Whitaker advised that certain signs are mandatory for a gas station and will research and advise specific signage proposed. R. Wostbrock questioned site security during remediation, fencing is not secure. Site will require DEP approval. R. Wostbrock advised that site is over on maximum improved lot coverage; currently non-conforming; questioned if there are any changes proposed on site to reduce non-conformity. Applicant could extend planters to reduce impervious coverage; can change length but not width, will research possibilities. Board questioned if the bay spaces could be counted as spaces to reduce coverage. Applicant will repave the entire site. Board questioned if the applicant can consider two pumps and not increase it to three; increasing the intensity of use. Meeting opened to the public. Richard Groves, 24 Park Ave, questioned height of buildings, elevations, and what changes to existing building are proposed. Kevin Southey, 569 Godwin Ave, questioned hours of operation, what would be sold at this location and if any additional screening will be provided, especially on the easterly side. Meeting closed to the public. Application carried to May 13, 2009, no further notice required, Atty. Whitaker agrees to the extension of time.

NEW BUSINESS:

URBAN MOTOR CAR CO., INC- Block 17 Lot 2.01- 146 Godwin Ave- Applicant submitted a site plan waiver application. Motion by Mr. Braunius to request an appearance by Mr. Graf at the May 13th meeting to make a determination on the request for a waiver. R. Wostbrock will submit review letter and recommendations.

TUDOR PARK LLC- Block 4 Lots 19 & 20- 65 & 85 Maltbie Ave- Motion by Ms Jeffer to recommend return of the escrow balance except for \$750., seconded by Mr. Braunius; all voted in favor.

Board discussed availability of members for upcoming applications.

Meeting was adjourned at 9:45 PM
Janet Giardino, Board Secretary