

BOROUGH OF MIDLAND PARK – PLANNING BOARD MINUTES

OCTOBER 18, 2021

PLEASE TAKE NOTE:

ON MONDAY, OCTOBER 18, 2021, THE PLANNING BOARD 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.

SUNSHINE LAW STATEMENT: This meeting is being held in accordance with the Sunshine Law, notice having been published according to law with a copy on file in the Borough Clerk's Office and a copy posted on the bulletin board in the Municipal Building.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Kent Rigg, Chairman	present	Mr. David Wostbrock, Vice-Chair	present
Councilman Ken Kruis	present	Ms. Stephanie Pantale	present
Mayor Harry Shortway, Jr.	present	Alt. #1 Mr. Robert Mulder	present
Mr. Michael Rau	present	Alt. #2 Ms. Isabel Duffy	present

D. Siss, Board Attorney and E. Boe, Board Engineer, were present on behalf of the Board.

Minutes of 9/20/21 meeting – approved

PUBLIC HEARING:

1 Godwin Ave LLC/Sola Salon – 1 Godwin Avenue – BL 3 LT 24.01 – Notices were in order. **Exhibit A1** – Application. **Exhibit A2** – Affidavit of Service, Certified Mailing, Proof of Publication, Property List. Atty. Bruce Whitaker represented applicant 1 Godwin Ave LLC who is also the property owner; application for amended site plan approval and parking variance for a beauty salon. The property is in the B3 zone, and the use is permitted in the zone. The basement has office space, and the first floor will be leased to Sola Salon for beauty salon studios; this is not the type of salon that was thought of when the parking ordinance was created. The Zoning Officer determined a parking variance is required but the entire property is developed with no ability to create additional parking. The building has been vacant, and the applicant is proposing to upgrade the property. Sola Salon franchise has 500 locations, and all the stylists are independent contractors with established clientele. The facility is open 7 days a week with each stylist having their own leased space and their own hours. The facility and business model do not encourage walk-ins. Sola Salons did an extensive review of the site and feel it will more than meet their needs for parking spaces. The office space in the basement will be occupied by the owner of the building for use as administrative offices. They expect to have a maximum of 3 people in the offices at a time, which will use fewer parking spaces than what is required in the ordinance. The main floor will be exclusively used for Sola Salon. Atty Whitaker proposes that the parking variance, if granted, be specific to this business based on the unique circumstances. Variance relief is being sought under C1 and C2 criteria due to the existing parking that cannot be expanded and the proposed renovations.

Rick Steier, principal of 1 Godwin Ave LLC, sworn in. Applicant/owner closed on the building in February 2020. The building has 2 floors about 7,500 SF each and both floors were built out with offices and medical exam rooms. The previous use was a medical office with 11 doctors and a security firm and Mr. Steier has never heard of any previous issue with parking. The lease agreement is subject to land use approval. The proposed exterior renovation will give the building a whole new look; the roof, façade, parking, and landscaping will all be updated. The owners propose to occupy one-third of the basement space to have offices in town. There will be not more than 4 people in the office at any time with no visitors and the hours would be 9 AM – 5 PM. The business would not have any large signs outside, the primary building identification would be as Sola Salon. Board questioned the basement plans having 6 offices for 4 people; they are just building out the available space they have. Meeting open to the public for questions or comments, with none, meeting closed to the public.

Alex Krukis, Director of Operations and Construction for New Jersey franchisee of Sola Salon, sworn in. Mr. Krukis is responsible for planning, design, construction, and operation of Sola Salon franchises of

which there are 6 in New Jersey. He has seen them through from design to permitting to construction to operation. The stylists that lease the spaces are independent beauty professionals that are licensed and rent from Sola Salon. Their lease includes utilities and facility maintenance. The typical stylist works 3-4 days a week for 25-30 hours seeing 25-40 clients, working with all scheduled appointments. The facility itself is not designed to accommodate walk-ins; there is no general waiting area and there is a security access control system at the door. The 110 SF studios include cabinetry, a shampoo bowl, and chairs. Spa professionals can have a vessel sink. Sola Salon has staff for maintenance and leasing but no full-time employee on site. The building is open 7 days a week, 8:00 AM to 10:00 PM. Stylists typically see 1 client at a time with larger suites having 2 chairs available. Sola Salon has parking requirements of their own based on their experience and the average need in the New Jersey locations and they feel this site meets their needs. There have been no parking problems reported at their other New Jersey locations. **Exhibit A5** – Parking Data of Sola Salon. Mr. Krukis explained the 2 key criteria for Sola Salon when calculating parking; they never reach more than 60% occupancy even at peak demand which for the proposed Midland Park location would result in needing 48 parking spaces and they recommend 1.5 spaces per client chair in the facility which for the Midland Park location would be 60 spaces. Data from other New Jersey locations show peak demand at those locations is Friday afternoon and Saturday morning/early afternoon, Mr. Krukis expects that the occupancy at those times would be 75% so the maximum parking need in Midland Park for those peak demand times will be 58 parking spaces. This coincides with a time when the basement office will be closed so the entire lot will be available. Board confirmed number of operators proposed; there are 35 studios, but 5 are doubles so there will be 40 total chairs. Double rooms are 200 SF where a stylist could have 2 clients at a time. Board questioned how much parking is available in the other New Jersey locations; they are all in strip malls. The lease agreements which are typically 1 year do not allow for a sublease. Board discussed the need for the independent contractors to each obtain their own Zoning Certificates. **Exhibit A6** – Floor Plan & Fixture Plan dated March 24, 2021. Layout of Sola Salon location showing the individual studios and common areas. Each studio is denoted as a standard, a large which has the capacity for 1 styling chair but about 150 SF, or a double. The walls are floor to ceiling, there will be a central fire alarm system, not smoke alarms in each individual studio and typically there is a smoke detection equipment in the HVAC system. There will be sprinklers in each studio. The breakroom is not for the clients, but the restroom is available to the public. Meeting open to the public for questions or comments, with none, meeting closed to the public. Board questioned if there will be a master key available; doors are sliding aluminum and glass with a master key available, lock box outside will have a master key and code or key fob. Each exterior door will have an access control panel. Board further discussed parking; 100% occupancy has never happened according to Sola Salon, at 90% occupancy the parking would be maxed out.

William Page, Professional Engineer and Planner, sworn in and accepted as expert. **Exhibit A3** – Site Plan Set, 7 pages, dated July 20, 2021. **Exhibit A4** – Site Plan Set, 7 pages, revised October 18, 2021, including Lower-Level Architectural Plan dated July 22, 2021, and Colorized Signage Plan dated July 20, 2021. Exhibit A4 Site Plan was revised based on the comments in Mr. Boe's engineering review. Mr. Page reviewed the existing conditions and proposed changes. A4 drawing 3 of 7 shows changes to the handicap ramp with railing on the west side of the building and dumpster enclosure on the southwest side. Bollards have been changed from 4 inch to 6-inch diameter and area is enclosed with a chain-link fence with privacy slats. Both handicap ramps have been updated to meet ADA requirements for slope and cross slope. Stop bars and stop signs added to both entrances and exits. The parking lot will be milled and paved with 4-inch-wide striping in all spaces. Drawing 4 of 7 shows a colorized rendering of the Signage Plan – Building will be a light brown color, there will be a white Sola Salon sign on the east side and the west side. On the west side, the insignia sign is located separately from the lettering. Because of the distance between the two a sign variance is needed. Signs are 3 feet high, more than 8 feet off the ground and the length is compliant with ordinance, insignia and lettering are both internally lit. The proposed lighting plan shows wall packs on the west, east and south sides, lighting in the parking area and a light near the dumpster area, all to comply with the Borough's lighting requirements. All proposed lights will be shielded so if adjustments are needed, they can adjust the shields. A 6-month look period on the lighting is offered. Board mentioned Mr. Boe's comments about the lack of lighting at the center of the parking lot, they will add lighting to meet the minimum requirement there. Mr. Boe also addressed the lights showing overcast light onto the residential neighbor's property on the south side that exceed the allowable limit, with the fixture on the property line. Mr. Page agrees to address the issue and work with Mr. Boe to comply with the ordinance. The height of the fixture is 10 ft. A colorized rendering of the landscaping plan is shown on exhibit A3. The north and east areas are the only places that can be landscaped. Additional shrubbery is proposed along the north side of

the building with Japanese maple trees. Grass and landscaped area on the east side will remain. The west side and south side both have curbing with no place for additional landscaping. There are no proposed free-standing signs on the property at this time. The detail sheet includes the detail for the parking lot, dumpster area, and a small 2 ft high retaining wall needed to help meet ADA slope requirements. Any additional detail issues can be made to comply with Mr. Boe's comments.

From the planning perspective, Mr. Page described how the uniqueness of the property and inability to develop it further classifies this as a C1 and C2 variance. The ordinance for a beauty salon is 1-10 chairs, so this is very different from the original intent. As Mr. Krukis stated, he does not think they are going to need more than what is there, and Mr. Page agrees. There are other variances and waivers that are pre-existing non-conformities including the 5 ft. buffer between the parking stalls and the property line and impervious coverage which is 97.2%. As to the negative criteria, this would not be a substantial detriment to the community, it would be a benefit to the location to have the building enhanced inside and outside. It is also not a detriment to the master plan as it is a different situation than what was intended when the ordinance was written. No existing non-conformity is exacerbated by this application. Board discussed the parking on the south side; the aisle is oversized, so the Board recommends shortening that distance to allow the applicant to remove the 1 ft. of asphalt from the residential neighbor's property on that side and add a buffer which would also help with the lighting issue. Applicant agrees to this modification. Atty. Whitaker has filed for an exemption with the County. There are no proposed changes to the drainage, broken sidewalks and aprons will be fixed, exterior sprinklers will be used for the new landscaping, and the dumpster area will be moved to accommodate the new buffer area. Mr. Boe also noted the lack of an existing or proposed loading space would need to be included as a new variance since the use is changing. Meeting open to the public for questions or comments, with none, meeting closed to the public.

Motion by Ms. Pantale to approve this application based on its unique use, granting a parking variance for 67 parking spaces where 138 are required, a signage variance permitting 2 signs on the west side of the building and a variance for a lack of loading space with the following conditions: approval is related to this specific business model, no more than 5 employees in the basement office space at a time, a re-evaluation of the lighting plan in 6 months, applicant must meet all the lighting requirements of the ordinance and comply with all of Mr. Boe's comments in the engineering review, parking spaces on the south side and dumpster area to be moved approximately 9 ft. to install a buffer area with planting subject to Mr. Boe's approval and in accordance with the requirements of the ordinance, all broken sidewalks and curbs to be repaired, exterior sprinklers to be used with landscaping, no additional chairs than what is shown on the plan (40 total) permitted, no waiting area for clients permitted, and county approval required if applicable - seconded by Mr. Wostbrock; all voted in favor.

COMMUNICATIONS:

Zoning Ordinance Change – Ordinance #19-21 – Board discussed ordinance change. Restaurants are also permitted in the I2 zone, which was left off the proposed ordinance, so if the intent is to prohibit drive-through restaurants in all zones it should be consistent for all zones where restaurants are permitted. Motion by Mr. Wostbrock to direct Atty. Siss to advise that the ordinance is not averse to the Master Plan, recommend including the I2 zone if they want to truly prohibit drive-through restaurants, and put a footnote in the Off-Street Parking for eateries that says drive-throughs are prohibited. Seconded by Ms. Pantale; all voted in favor.

Meeting adjourned – 10:05 PM
Jessica Harmon