

BOROUGH OF MIDLAND PARK – PLANNING BOARD MINUTES
DECEMBER 20, 2021

PLEASE TAKE NOTE:

ON MONDAY, DECEMBER 20, 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	Ms. Stephanie Pantale	excused
Councilman Ken Kruis	present	Mr. Robert Mulder	present
Mayor Harry Shortway, Jr.	present	Alt. #1 Ms. Isabel Duffy	present
Mr. Michael Rau	present	Alt. #2 Mr. Bruce Goldsmith	present
Mr. David Wostbrock, Vice-Chair	present		

Attendance by Board Professionals: D. Siss, Attorney; E. Boe, Engineer; J. Burgis, Planner; B. Tombalakian, Traffic Consultant

Minutes of 11/15/21 meeting – approved

ZONING CERTIFICATES:

CLC Landscape Design – 41 Birch Street – BL 26.01 LT 31.02 – Richard Cording, applicant, sworn in – Mr. Cording took over construction division and does landscape design. Property will be used for offices and equipment storage; loading equipment and parking trucks. There is no existing site plan for this property, Mr. Cording only has a very old survey from the previous owner. Board recommends that an existing conditions survey be submitted. The Board questions the gas cans on site and if they're going to be welding; gas cans kept in a truck or trailer for use on job sites, they have a mechanic that welds for the purposes of maintaining their own equipment. The house and camper are not a part of the property he is leasing. Motion to approve the zoning certificate with a survey of existing conditions due in 90 days by Mr. Wostbrock, seconded by Councilman Kruis; all voted in favor. Mr. Cording was advised that the survey should be submitted to Mr. Boe for approval, he does not need to appear before the Board again unless there is an issue.

Yudin's Inc. – 300 Greenwood Avenue – BL 53 LT 4.01 – Robert Yudin, applicant, sworn in – uses the site for storage of major appliances. Mr. Yudin rents a space across the street and ran out of space, so he is renting this location for additional storage space. The Board brought up a comment from the Zoning Officer regarding the parking lot; Mr. Yudin's rental comes with one parking space, but they do not use it, since they park at the other location. The only time a vehicle is on site is when they load or unload. Motion to approve the zoning certificate by Mr. Wostbrock, seconded by Mayor Shortway; all voted in favor.

PUBLIC HEARING:

ABDD V. LLC/Dunkin' – 195 Godwin Avenue – BL 20.10 LT 5.01 – Councilman Kruis certified that he has listened to the prior hearing's recording and is eligible to vote; Mayor Shortway recused due to a conflict. Atty. Craig Feldman present on behalf of the applicant; continued application from the November meeting. Atty Feldman clarifies the settlement with the residential neighbor, Mrs. Ennis; the town or the Board are not obligated to enforce or follow-up on any post-construction matters that the applicant and Mrs. Ennis agreed to, except to the extent that some items like the fence are now a part of the site plan.

Joshua Sewald, Professional Engineer with Dynamic Engineering Consultants, previously sworn in. **Exhibit A6** – Site Plan Exhibit, dated 12/3/21. Prepared by Dynamic Engineering; the modifications made to the plan are reviewed. The overall footprint of the building has been reduced by 321 SF to 1,850 SF; the Baskin Robbins component has been eliminated, the outdoor freezer was brought inside. Two employee-

only parking spaces have been added to the loading area and the trash area was modified to provide two separate enclosures for trash and recycling. The curve radii around the drive-through was modified which brings the drive-through lanes closer to the building and increases the buffering around the property allowing room for grading, reducing the retaining walls on site. The curb line at the end of the loading area has been broken to allow for better circulation, employees and delivery trucks can drive straight through loading area if needed instead of only being able to back out. An additional retaining wall option is available should the application get approved on the original plan and the Board prefers to keep the retaining wall. **Exhibit A7** – Grading Plan Exhibit, dated 12/10/21. Applicant is now able to grade the perimeter to eliminate the northern retaining wall and reduce the southern retaining wall side to 30 ft with a maximum height of about 3 ft. Landscaping in these areas remain the same with ground cover added.

The Board questions if the changes made increase or decrease impervious coverage - impervious coverage was decreased, there was an increase in the concrete pad for the loading area but the the increase in buffers offset that change. Mr. Boe suggests the retaining wall be slightly higher than 3 ft to allow a row of buffer plantings, like evergreen, instead of ground cover - per Mr. Sewald can increase it to 5.5 ft maximum at its peak and add shrubs or arborvitae. Board asks for clarification regarding the fencing at the site; there is a 4 ft fence on the north side, a 4 ft fence on the south side and a 6 ft fence at the rear/west side of the site; any retaining wall would have a 4 ft fence on top. Discussion continues about the retaining wall option vs. the grading option; Mr. Sewald recommends the grading option, feels it will look nicer. The 150 ft queue length that is required ends prior to the two employee spaces where the first conflict would be with a customer parking space. The adjusted length, that includes the two employee spaces, is 195 ft.

Meeting opened to the public for questions. Peter Jeffer, 212 Godwin Ave.; has questions about the queue and queue length, also where the handicap spaces are located and how wide they are; Mr. Sewald clarifies that the ordinance requires 150 ft queue length, and the way they are interpreting the ordinance they are providing 195 ft. and points out the handicap spaces on the site plan, they are 8 ft wide with 8 ft for loading. Meeting Closed to the public.

Cynthia Falls, Architect with GK+A Architects, previously sworn in. **Exhibit A8** – Proposed Plan, revised 12/9/21; the size of the building has been reduced in width. Ms. Falls addressed the Board's concerns about the outdoor walk-in box and brought it inside, and still reduced the building size to 1,852 SF; was previously 2,173 plus the box outside. **Exhibit A9** – Rendered Elevations, colorized, dated 12/9/21; updated to include walk-in changes. No signage requirements changed with the new building size, and the building has been raised approximately 1 ft to hide the A/C system units behind the monolith and parapet. Ms. Falls discussed the reduction of drive-through windows to one, the reduction of interior POS system stations and service stations which both reduce the parking requirement. Mr. Boe mentioned the effect of drive-through window/service station changes relative to parking requirements and queue length. Board discusses what qualifies as a service station.

Meeting was recessed for five minutes at Atty Feldman's request; returned at 8:29 PM

Ms. Falls resumes; clarifies that there are still two drive-through windows as in the original plan, no changes have been made to the number of windows. There is an optimal number of cars between the menu board and the window for optimal efficiency of the drive-through. Number of service stations totals one inside and two windows making the parking requirement 18 spaces.

Meeting opened to the public for questions. Mark Braunius, 35 Plane St.; questions size of the freezer box. Meeting closed to the public.

Craig Peregoy, Traffic Engineer with Dynamic Engineering Consultants, sworn in. Mr. Peregoy has a bachelor's degree in Civil Engineering and is licensed in New Jersey; accepted as expert. **Exhibit A10** – Traffic Impact Study, revised 4/5/21; reviews peak times for Dunkin', the morning is the most critical peak time. The pandemic made an accurate volume more difficult; Mr. Peregoy reviewed the method for calculating the percentage change in traffic pre/post-pandemic. Peak hours on weekday mornings start at 7:45am, weekday evenings start at 4:45pm, and Saturday is 11:30am - 12:30pm. A capacity analysis of the driveway resulted in acceptable levels of service. However, because there is concern the left turn exit, Mr. Peregoy recommends restricting that turn during peak times which improves the level of service at all peak

times. No left turn hours will be 7:00am – 10:00am and 3:00pm – 6:00pm. The left turn into the site already has a good level of service. 14 parking spaces are now provided, including two employee spaces, where 18 are required. Dynamic Engineering research found a maximum peak demand of 6.32 parking spaces per 1,000 SF of floor area, including employee parking and prior to the pandemic and mobile ordering, which would equal 12 spaces. This site is at a parking ratio of 7.5 spaces per 1,000 SF. Mr. Peregoy conducted drive-through queue counts at five other Dunkin' locations during the morning peak hour, the maximum average queue length was 8 cars; this site plan shows 14 cars can fit in queue, with 23 vehicles fitting on site before the queue backs up to the street. The queue analysis the county has asked for resulted in a max queue length of 4 cars. Mr. Peregoy is of the opinion that there is more than enough drive-through storage on this site.

Board discussed 9 ft aisle width and concerns with larger vehicles turning through drive-through lanes - the industry minimum standard is 9 ft. Board discussed the size of the car in the circulation plan. Applicant agrees to adjust lane widths from 9.5 ft in the bypass and mobile lanes and 9 ft in the drive-through to 9 ft in the bypass lane and 9.5 ft in the mobile lane and the drive-through. The maximum number of cars waiting in the study was 9 cars from the first window, which translates to 3 behind the order board on this site plan. Mobile ordering, pandemic percentage change, and County queue analysis discussed. Data regarding service times requested by Mr. Tombalakian. Per Mr. Sewald, the application is in the third review cycle with the County and have not been advised to restrict driveway movements at all. Mr. Peregoy revisits queue length; counting from the menu board to the street, this site has 245 ft or 12 cars queue length. Board questioned flow on site between joining queue and pulling into/out of a parking space and the delay for a left turn into the site; Mr. Peregoy to revise the capacity analysis to factor in the left turn restriction at the exit. Board also questioned ability of trucks turning into the site; the largest vehicle turning into the site would be the trash pick-up, other deliveries will be made by a box truck or a van.

Meeting opened to the public for questions. Mark Braunius, 35 Plane St.; questions enforcement of proposed signs/turn restrictions and 150 second order time. Peter Jeffer, 212 Godwin Ave.; would like to know how many cars passed the site each way between 7:45 and 8:45 am. Meeting closed to the public.

Matthew Flynn, Planner – sworn in. Masters in Planning, licensed in New Jersey and nationally certified; accepted as expert. **Exhibit A11** – 9-Sheet Planning Exhibit, dated 5/10/21; Mr. Flynn reviews contents of packet. Lot is a 21,968 SF lot, the existing building coverage will decrease from 11.5% to 9.89% with the proposed Dunkin' at 1,852 SF. Architecture and compatibility of the surrounding zone is met through compliance with bulk requirements. Lot coverage is decreasing from 78.8% to 72.2% which is a reduction of 1,459 SF of impervious coverage. Proposed use is similar to previous use as a restaurant, and drive-throughs are permitted in the zone, but a variance is needed related to the residential property in the rear for the ordering location which is within 51.5 ft of a residential zone where 75 ft is required. The variance is being mitigated by extensive landscaping showing the intent to separate the zones is met. Property is in the B-1 zone, the Church property to the South is split-zoned, also requiring a variance for a buffer to a residential zone although it is not a residential use. All the relief requested is justified by the flexible C2 balancing test; the benefits outweigh the detriments. The benefits of the proposed plan include smaller building that will be centered on the site, improving the setbacks to the side yard and front yard, better landscaping, better residential buffering, similar use as previous restaurant, new retaining walls, impervious and building coverage both reduced, and one way circulation for better maneuverability. These benefits all promote the purposes of the Municipal Land Use Law including desirable visual environment, promotion of the general welfare, variety of uses in appropriate locations, and free-flow of traffic.

Mr. Flynn reviews the negative criteria and variances. Off-street parking in the required front yard which is prohibited, de minimis exception as it only pertains to a portion of 2 parking stalls. Off-street parking within 6 ft of the side and/or rear yard prohibited, proposing 6 stalls within 2.6 ft of the northern side yard and there is a bypass aisle within 2.7 ft of the southern side yard. Both side yards are to other parking lots and the buffer to the north will be improved. 12 parking spaces (14 including employee spaces) proposed where 18 are required; per Mr. Flynn there is adequate testimony on the record that this meets the actual demand for this use. A variance is needed for a non-residential use abutting a residential zone without the required planted buffer along the side and the rear yard, the proposed buffer along the side yard to the church varies from 4.4 ft where 10 ft is required. Buffer zone shall consist of a strip of land equal to 10% of the average width and

depth of the property but not less than 5 ft along the side and rear yard. No parking or access aisle shall be located in the buffer zone; bypass aisle encroaches upon the required buffer zone. Proposed drive-through or outdoor ordering location within 51.5 ft of a residential zone where 75 ft is required; proposing robust landscaping to that residence, creative planning solution and intent is met. Five proposed freestanding signs where one is allowed, two of the proposed freestanding signs exceed 12 SF; three are directional signs, there is a clearance bar and a menu board. Directional signs and clearance bar have no branding, safety only. Design waivers include parking proposed in the buffer zones, off-street parking with a planted buffer of at least 5 ft in width around the perimeter of the parking area, and driveways closer than 50 ft to another driveway on the same site.

Board discussed variances requested, buffer requirements, and measure of intensity of the site. Mr. Boe questions the site lighting spillage - applicant agrees to eliminate the issue. Mr. Burgis and Mr. Flynn discuss adequacy of parking provided, 10 ft buffer requirement to a residential zone regarding the Church property; Mr. Burgis requests a landscaping plan to show how the buffer non-conformity is being addressed and what landscape features consist of. Mr. Sewald references **Exhibit A1**, 31 evergreen trees, 63 evergreen shrubs, 24 deciduous shrubs, about 14 plantings for ground cover, and a fence. **Exhibit A6** also shows there is a 10 ft grass area between the curb line and the property line. There is limited buffer to the neighbor to the north, where they do not have a buffer and the building is going to be moved from the property line. Buffering to the west is improved due to the reconfiguration of the parking and circulation and the landscaping mentioned. The neighbor to the south has very close parking; drive-through does encroach some but the majority has been further improved with the 10 ft wide landscaping strip and an additional 8 ft buffer between the radius and the property line which is a major improvement on existing. Atty Siss asks for further clarification regarding the height and spacing of the buffer at the southern property line as the ordinance requires a continuous screen of plant material at least 6 ft in height. Mr. Sewald reviews plantings; all rows have a staggered centerline.

Meeting opened to the public for questions. Peter Jeffer, 212 Godwin Ave.; questions need for variances and if use can be downsized. Meeting closed to the public.

Mr. Burgis questions which freestanding signs exceed the 12 SF requirement; the clearance bar is approximately 28 SF and the menu board is approximately 20 SF. Mr. Tombalakian requested several documents from the traffic engineer. Mr. Boe feels it would be appropriate to resubmit an updated final site plan. Board discussed alternate retaining wall plan and the Board agreed they prefer "Wall Option B" for the shorter wall.

Motion to carry application to the January 24, 2022, meeting with no further notice required by Mr. Wostbrock, seconded by Councilman Kruis; all voted in favor except Mayor Shortway who recused. Applicant consents to the extension of time.

COMMUNICATIONS:

1 Godwin Ave, LLC/Sola Salon – 1 Godwin Avenue – BL 3 LT 24.01 – e-mail correspondence from Bergen County Department of Planning & Engineering, LAN Associates resolution compliance engineering review; an updated review letter should be coming this week. Per Mr. Boe, Bergen County has no comment.

Meeting adjourned – 10:44 PM
Jessica Harmon