

BOROUGH OF MIDLAND PARK – PLANNING BOARD MINUTES

JANUARY 24, 2022

PLEASE TAKE NOTE:

ON MONDAY, JANUARY 24, 2022, 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	present	Ms. Stephanie Pantale	excused
Councilman Ken Kruis	present	Mr. Robert Mulder	present
Mayor Harry Shortway, Jr.	present	Alt. #1 Ms. Isabel Duffy	excused
Mr. Michael Rau	present	Alt. #2 Mr. Bruce Goldsmith	present
Mr. David Wostbrock	present		

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

REORGANIZATION:

Meeting turned over to Atty. Siss for reorganization. Mr. Rigg, Mr. Rau, and Mr. Goldsmith were sworn in.

Motion by Mr. Rau to nominate Mr. Rigg for Chairperson, seconded by Mr. Wostbrock; all voted in favor except for Mr. Rigg who abstained. Meeting turned over to Chairman Rigg.

Motion by Mayor Shortway to nominate Mr. Wostbrock for Vice-Chairperson, seconded by Mr. Rau; all voted in favor except for Mr. Wostbrock who abstained.

Motion by Mr. Wostbrock to nominate Ms. Harmon for Secretary, seconded by Mr. Rau; all voted in favor.

Motion by Mr. Wostbrock to re-appoint Darryl Siss, Esq. of Teschon, Riccobene & Siss, P.A as board attorney and re-appoint LAN Associates as board engineer, seconded by Mr. Rau; all voted in favor

Revised minutes of 11/15/21 meeting – approved

ZONING CERTIFICATES:

Certified Refrigeration – 20 Birch Street – BL 26.01 LT 32 – John Battaglia, applicant, sworn in – Stores appliance parts for service calls they do in Bergen County. Moving to this location for more space. Motion to approve the zoning certificate by Mayor Shortway, seconded by Mr. Wostbrock; all voted in favor

James Cheney Construction – 95 Greenwood Avenue – BL 33 & 35 LT 1 & 12 – James Cheney, applicant, sworn in – Mr. Cheney is a contractor and stores his van and tools in the location, uses space as a workshop and has both indoor and outdoor storage. Motion to approve the zoning certificate by Mr. Wostbrock, seconded by Councilman Kruis; all voted in favor.

Floyd's Market LLC – 59 Greenwood Avenue – BL 33 LT 7.01 – Din Allall, applicant, sworn in – has a specialty food store, will use location only for storage of dry goods (e.g. nuts, candy, chocolate). Motion to approve the zoning certificate by Mr. Wostbrock, seconded by Mayor Shortway; all voted in favor.

Olah Inc. – 80 Greenwood Avenue – BL 26 LT 4.01 – Gordon Heffner, applicant, sworn in – has a trade show company and is using the space for storage of furniture. Motion to approve the zoning certificate by Mr. Rau, seconded by Mr. Wostbrock; all voted in favor.

OLD BUSINESS:

129 Godwin Ave LLC/Starbucks – 129 Godwin Ave – BL 20.01 LT 1 – Received a post-construction traffic report dated 9/14/21 and speaker volume information. Report concluded there were no issues. Board discussed potential problems with the report. Mr. Boe is unsure what action the Board could take at this time. Board discussed discrepancy between what the report says about how far the queue backs up vs. how far Board members themselves have witnessed it. Board agrees that there are no site related changes to remedy the problems that are observed and that likely operational changes are needed. Atty Siss to reach out to the Atty from the application to discuss, recommends contact from Mayor & Council.

COMMUNICATIONS:

1 Godwin Ave LLC/Sola Salon – 1 Godwin Ave – BL 3 LT 24.01 – received a compliance engineering review from LAN Associates. No action needed.

Marlow Park LLC – 80 Greenwood/445 Godwin/59 Greenwood – Updated parking analysis, no action needed.

PUBLIC HEARING:

ABDD V. LLC/Dunkin' – 195 Godwin Avenue – BL 20.10 LT 5.01 – Atty. Craig Feldman present on behalf of the applicant; continued application from the December meeting. Confirmed receipt of the 1/21/22 report from LAN Associates and HyeCraft LLC. Mayor Shortway recused due to a conflict.

Joshua Sewald, Professional Engineer with Dynamic Engineering Consultants, previously sworn in. **Exhibit A12** – Site Plan Rendering, dated 1/24/22. Prepared by Dynamic Engineering; the modifications made to the plan are reviewed: the drive-through and mobile lane widths have been increased to 9.5' and the bypass lane is 9', the crosswalk was relocated to the northern side of the driveway pending County approval, the retaining wall on the northern side has been eliminated and grading with ground cover will be there instead, the southern retaining wall has been reduced from 200' to 50' long and 4' at it's tallest, the slope will be stabilized with more landscaping, the rest of the landscaping on the site will be enhanced, and the lighting plan has been modified to comply with the ordinance. Perimeter fencing of the site is reviewed: the western property line will have a 6' white vinyl fence that will be 3" off the property line on the applicant's side, the northern and southern property lines will have a 6' fence, with a 4' fence on top of the southern retaining wall. Irrigation will be provided to support the proposed landscaping. Queue length requirements for the drive-through are discussed, a minimum of 150' queue length is required, 195' from the service position to the 1st parking space conflict point. The addition of the dual drive-through lane for mobile order pick-up allows for 14 cars to stack before you get to the loading space, and there is an additional 100' between the end of the 195' queue and the curb line at Godwin Avenue. Board questioned proposed plantings that may be in the county's sight distance line, applicant to either change out the species or move them back. Existing wooden fence on the applicant's southern property line to be removed and proposed 6' white vinyl fence to comply with setbacks and sight distance requirements. Mr. Boe questioned the new turning radius for access for trucks – per Mr. Sewald, the drawings have been updated, reviews the circulation plan and the recommended truck route. Mr. Sewald also reviews parking – 14 spaces with 2 being dedicated employee spaces.

Meeting opened to the public for questions. Lyn Wynbeek of the Midland Park Christian Reformed Church; questions the fence on top of the retaining wall. Peter Jeffer, 212 Godwin Ave.; questions the changes to the pedestrian walkway – applicant is not moving the crosswalk on that side of the street. Emmy Eliya, 222 Godwin Ave.; questions number of cars that fit in the drive-through – between both lanes, 14 can stack plus an additional 100' after the before you reach Godwin Ave, both lanes have been widened to accommodate larger sized vehicles. Meeting Closed to the public.

Craig Peregoy, Traffic Engineer with Dynamic Engineering Consultants, previously sworn in, will be referring to the previous Traffic Impact Study, **Exhibit A10**, and the report from the Board Traffic Consultant from 1/21/22. Mr. Peregoy addressed the 2016 ATR counts; a source of pre-pandemic traffic count data close to the proposed site was found from 2016 and the same location was recounted to find a percentage that COVID is depressing traffic. The actual volume from those ATR's was not used, just the percentage to project a normalized traffic count at the proposed site. Mr. Peregoy also discussed the researched parking rate based of 6.32 spaces per 1,000 SF which is 12 spaces for this site. The ordinance requires 17.4 spaces and 14 are proposed, although the ordinance does not take the drive-through into consideration, which would have a mitigating effect on parking. The Board discussed the 2 dedicated employee spaces, as they are in the loading zone they are non-conforming, therefore only 12 proposed spaces are actually provided. Mr. Peregoy discussed the queue study that was done; observed the number of vehicles in the stack at 5 different Dunkin' locations in NJ and the average maximum demand was 8 vehicles in the drive-through stack with 9 vehicles being the highest count at any time. Mr. Peregoy reviewed service time of 150 seconds from the menu board to the window vs. service rate of 25 seconds at the window that is expected by the operator, used 30 seconds in the queue model for the county as that is the industry standard. Peak hour on Saturday is when there would be the most concern about the queue length backing up at the exit, restricting the left turn exit during peak hours will mitigate any stacking issues during all peak times; left turn exit restriction to be 7:00 AM – 10:00 AM and 3:00 PM – 6:00 PM. Board discussed concern for the left turn in during peak hours, per Mr. Peregoy, the left turn in has a good level of service. Discussion continued regarding service times from the order board and both windows, the mobile order merge process, and the order process/drive-through overall flow. The applicant's position is that the mobile order lane will help decrease service times and reduce the burden on parking needs. The applicant would be willing to increase the hours of the left turn exit restriction if it were to be a problem.

Berge Tombalakian, HyeCraft LLC, Board Traffic Engineer – sworn in. Mr. Tombalakian reviewed several points for the Board to consider. The 2016 traffic counts in front of the CVS do not include the impact of Goffle Road traffic so that the baseline of that calculation may affect the capacity analysis. Atty Feldman and Mr. Peregoy reiterated that the 2016 and 2020 data gathered from those traffic counts had no relevance in the traffic impact study whatsoever, they were only used to create a percentage of change in traffic volume due to the pandemic and could have been taken anywhere. Other items Mr. Tombalakian thinks the Board should consider include the employees carpooling as that is variable and may not be enforceable, the average vehicle length used in the study considering possible driver behavior, possible effects of service time variations on the queue, and how drivers will handle the merge. Board discussed potential conflict with the queue length passing through the parking area and potential saturation of the property, i.e., how much it would take to back up onto Godwin Avenue, etc. Mr. Peregoy stated that this proposed Dunkin' has much more queuing space than most other fast-food locations in town; there is another location that fits 9 vehicles in their queue and sometimes has another 10 vehicles backed up onto the street, they could all fit on this proposed site.

Meeting opened to the public for questions, with none, meeting closed to the public.

Joseph Burgis, Burgis Associates, Board Planner – sworn in. The biggest concern is parking and the issue of having 12 on-site spaces with 7 employees. Some of the concern is reduced by the drive-through because otherwise those people would be parking, but employee use of public transport is too variable to consider. The concerns about landscaping and setbacks have been addressed, especially with the home to the rear, as there is a decent landscape plan with a lot of screening.

Meeting opened to the public for comments. Atty David Becker on behalf of Patricia Ennis who is the neighbor to the rear; submitted **Exhibit E1** in November, applicant has worked with them to address their concerns and Atty Becker has clarified the 6' white vinyl fence 3" off the property line, irrigation, and the hours of 5:00 AM – 9:00 PM. Per Atty Becker, if those were to be made part of the resolution then they would be in support of the application. Peter Jeffer, resides at 29 Post St., owns 212 Godwin Ave., sworn in - Godwin Ave. is tough to navigate in the morning and afternoon, the traffic is awful, and a left turn anywhere is hazardous. Maneuvering a fire truck down Godwin Ave. is already difficult and the intensity of the use will make it worse. There is no benefit to the town, only the applicant; offers concern with the garbage truck, the

parallel parking spots, the parking, and says people won't obey the left turn signs or look both ways when crossing the street. Per Mr. Jeffer, this application does not consider the residents of the area, and this is going to make it busier; there is no legal reason to grant the requested variances. Tryne Brenna, 30 Pleasant Ave., sworn in – Ms. Brenna has lived there her entire life and worked her first job at the Friendly's; it was a food establishment and will be one again. It is an improvement on the aesthetics of the town and the applicant was very accommodating to the requests of her mother (Patricia Ennis). The proposed plans will be a good thing for the town if traffic remains under control; they are providing a service and bringing in people, it is not a bad thing. Meeting closed to the public.

Atty Feldman offered a summary of the application. This is a permitted use in the zone which will be a substantial improvement over the existing conditions. The proposed building will be smaller and centered on the site to allow for better buffers, reducing impervious coverage and building coverage. The site will be re-graded which will eliminate runoff into neighboring properties, modern, compliant lighting will be installed, and significant landscaping will be added to improve buffers - 23.6% landscaping provided where 15% is required. Brand new fencing will be installed, and the applicant has worked closely with their neighbors. Dunkin' is the perfect use for this lot, and there are few free-standing restaurants that can operate at the square footage they are proposing and do the planned improvements. There will be safe one-way circulation with the convenience of drive-through, mobile order and walk-in options, the queue requirement is met and exceeded with additional space in the mobile lane. Restricting the left turn exit during peak times will prevent excess stacking and comparable Dunkin's show the proposed parking is adequate for their needs. The applicant will comply with reasonable reviews and is confident in their operation; they have been in the community for a long time and would like to continue to be. Most of the variances pertain to technical buffer requirements and the deviations are minimal. There are no structures in the buffers which will be wider than they are today and enhanced with a significant increase in landscaping; the plan for the buffers have been reviewed by the neighbors who are directly affected. Overall, the proposed plan offers material, substantive changes that are a benefit to the community; the use, the added green space, the proper grading, the improved buffers, and the modern lighting are all a benefit to the town and the C2 criteria is met regarding the variances as any detriments are outweighed by the benefits.

Variances and conditions are reviewed by the Board. Variances include: off-street parking in the front yard – part of two stalls encroach into the front yard, off-street parking within 6' of the side and/or rear yard – six stalls are proposed within 2.6' of the northern side yard, 12 parking spaces provided where 18 are required, 10' planted buffer zones required along the side yard and rear yard – the side yard buffer varies from 4.4', no parking/access aisle in the buffer zone – bypass lane encroaches on the buffer, drive through and outdoor ordering stations must be located a minimum of 75' from residential zone – the ordering location is approx. 51.5' from the rear property line, one freestanding sign is permitted – five are proposed and two of them exceed the 12 SF required, lot coverage has been reduced from 78.8% to 76.2% – 75% is required. Waivers include: parking in the proposed buffer zones, 5' planted buffer around off-street parking area, and driveway closer than 50' to another driveway. Board reviewed some specific conditions: left turn exit prohibited during peak hours as stated and the Board may review with or without a study to further restrict or prohibit the left turn if needed, install signs for no parking on other properties if requested, remove/lower the plantings in the sight line in the front of the property if needed, hours of operation restricted to 5:00am – 9:00pm, **Exhibit E1** to be part of the resolution with the condition that the Board does not have enforcement over the things not in their control, sprinklers to be installed, drive-through order board volume to be reviewed in six months, may require lower volume.

Motion to approve application with variances and conditions as listed by Mr. Mulder, second by Mr. Rau; all in favor, except Mayor Shortway who recused.

Meeting adjourned – 10:17 PM
Jessica Harmon