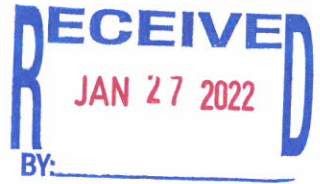




Engineering,
Planning,
Architecture,
Surveying Inc.



January 26, 2022

Borough of Midland Park
Planning Board
280 Godwin Ave
Midland Park, NJ 07432

Attn.: Jessica Harmon

Via e-mail: jharmon@midlandparknj.org

Subject: Resolution Conditions Review
1 Godwin Ave., LLC
Sola Salon
1 Godwin Ave.
Block 3, Lot 24.01
LAN Ref. #2.2428.257

Dear Ms. Harmon:

LAN Associates Engineering, Planning, Architecture, Surveying, Inc. (LAN) is in receipt of a revised site plan set last revised 1/20/22. The following is our review of those revised plans with respect to compliance with the approved resolution. Previous comments that are no longer applicable have been removed. New comments are shown in blue.

Resolution Conditions of Approval

Below are the conditions of approval as outlined in the approved resolution, along with our comments in blue.

1. That the granting of the application is subject to the approval of the Bergen County Planning Board.

An email from Mr. Bruce Whitaker, Esq. on 12/15/21 indicates “Michael Varner has confirmed that as long as there are not more than 5 additional parking stalls proposed, the County of Bergen has no interest in a review, and that is based on the last plan that was submitted dated November 5, 2021. On that basis, the County of Bergen has waived jurisdiction.” It remains the responsibility of the applicant to be sure all Bergen County requirements are met.

2. All improvements will be constructed in accordance with the plans. Notwithstanding, no approval granted herein shall be deemed to supersede any building code requirements.

Informational.

3. The applicant shall obtain and comply with any federal, state, county, and borough government rules, ordinances, or regulations with regard to the granting of the applications hereto, including the payment of all fees and escrows, established by the borough for the review of the subject application.

RECEIVED
MAY 1 2011

Informational.

4. To the extent not set forth above, the applicant shall comply with any and all applicable requirements of the Federal Americans with Disabilities Act.

Informational. The applicant will be required to comply with all ADA requirements.

5. All lighting on the site shall be restricted to this site and shall not spill over on any other sites and will meet all lighting minimum and maximum requirements of the Zoning Ordinance. The applicant shall install shields on all exterior lighting. The Planning Board and the Borough of Midland Park will have the right to review and require modifications to the site lighting for a period of 1 year from the date of the issuance of a final certificate of occupancy for both tenants.

The revised lighting plan demonstrates compliance with the applicable ordinance sections.

6. This approval is subject to all of the representations made by the applicant and its' experts.

Informational.

7. The applicant shall obtain and submit to the Planning Board a certification from the Bergen County Soil Conservation District, if required.

The disturbed areas are shown on the plan. Disturbance does not appear to exceed the threshold to require approved from BCSCD. The applicant remains responsible to adhere to any applicable soil conservation requirements.

8. The applicant will address all of the comments contained in the LAN Report.

All outstanding comments have been satisfactorily addressed.

9. The parking spaces along the south property line will be moved north approximately 8 feet off of the property line and the applicant will install a landscape buffer along the south property line in accordance with the requirements of the Zoning Ordinance and subject to the approval of the Board engineer.

The revised plans show an 8' wide landscape buffer with 6'-8' high arborvitae shrubs at 72" on center. This comment has been addressed.

Site Plan Review:

Below are the previously-issued site plan review comments, along with our comments (in blue) as to how each comment has been or needs to be addressed.

1. The salon and office uses are approved uses in the B-3 zone.

No response is required.

2. The plans and details for the dumpster enclosure are inconsistent, with some notations implying that the enclosure will be chain link fence with privacy slats and some of the details indicating that the enclosure will have a brick veneer wall. The plans should clarify the proposed dumpster enclosure materials. 6" diameter bollards (instead of the 4" bollards shown) should be considered for the rear of the dumpster enclosure to protect the rear fence or wall.

The plans have been revised. The plan and details show chain link fence with privacy slats. This comment has been addressed.

3. A new ramp is proposed at the proposed exterior door near the north-west corner of the building. The site plan indicates that a construction detail for this ramp is shown on the detail sheet, but no detail appears on sheet 7/7. The plans should be revised to include this construction detail.

The ramp detail has been revised and is satisfactory as shown. This comment has been addressed.

4. Three ADA parking spaces are shown, which is appropriate for the proposed 68 parking spaces. One space is shown to be van accessible. The proposed ADA-accessible routes (from each ADA parking space to the entrance doors) should be shown on the plans, along with a notes indicating that the ADA parking space and aisle do not exceed 2% slope in any direction, and that the accessible route does not exceed 2% cross-slope or 5% running slope and meets ADA accessibility requirements.

The requested revisions have been made. This comment has been addressed.

5. The applicant should indicate if any improvements are proposed to the existing on-site pavement, other than re-striping.

A pavement mill and overlay detail has been provided. This comment has been addressed.

6. A stop sign & stop bar are recommended at the exits from the parking lot.

A construction detail for the proposed stop sign have been added to the revised plans. This comment has been addressed.

7. Curb stops or other protective measures should be considered to protect the building where the parking spaces are against the building.

Curb stops have been added to the revised plans. This comment has been addressed.

Many of the sidewalks, curbs, and driveway aprons around the property are in poor condition. Consideration should be given to replacement of these items as part of this project.

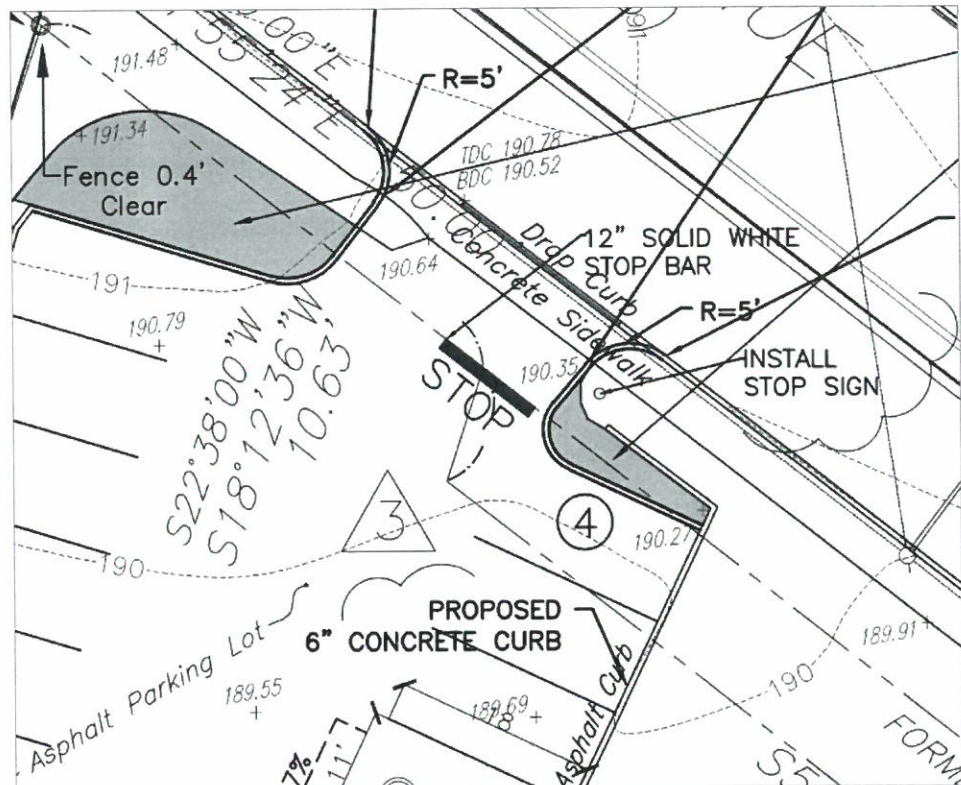
The revised plans indicate several sections of curbing & sidewalks to be removed and replaced.

- **The sidewalks along Cottage Street are indicated to be 4' wide sidewalks, 2' from the curb. The plans should be revised to show this configuration, as only the far side of the sidewalk is currently shown, and the proposed 2' grass strip is not shown. Notes or a construction detail should be added to the plans indicating the depth of topsoil and planting specifications for grass in the new 2' grass strip.**

The plans should have been revised to address this comment. This comment has been addressed.

- The Godwin Ave. driveway has been reconfigured with new curbing. The old, (highlighted) curb section should be removed as part of this reconfiguration. Furthermore, the existing drop curb as shown does not align with the new curbing. This should be rectified.

The plans should be revised to address the highlighted curb to be removed. The previously mentioned depressed curb has been revised as suggested. This comment has been addressed.



- New on-site curbing is proposed along the north-west property line. The applicant proposes to locate this curbing 2' off the property line to protect the fence from vehicles parked in front of the fence. This, however, means that the actual space between the curb and the end of the parking space will only be 16', and it would be assumed that the vehicles would overhang the curb. While the intent is understandable, this is not permissible without a design waiver for the depth of the parking space, as the overhang cannot be considered part of the parking space depth. As such, the proposed curbing should be relocated to allow for full-depth parking spaces.

The previously proposed curbing has been removed. Curb stops are proposed at the end of the parking spaces to protect the adjoining fence. This comment has been addressed.

8. The building envelope (principal building setbacks) should be shown on the plan.

The plans have been revised to include the principal building setbacks, as requested. This comment has been addressed.

9. Ordinance section 34-3.1.a indicates that the lesser dimension shall be considered the frontage of the lot and the greater dimension as the depth of the lot. As such, the frontage is considered the Godwin Ave. frontage, and the Cottage Street frontage is considered the lot depth. This is correctly shown in the bulk table. Ordinance section 34-14.1.a, however, indicates that on corner lots, the yard depth or setback from each street shall not be less than the required front yard on each street. As such, the bulk table shall be revised to show the required, existing, and proposed front yard setback to both the Godwin Ave. and Cottage Street rights of way. Based upon the information shown in the bulk table on the site plans, the front yard setback to Cottage Street appears to be conforming. The front yard setback to Godwin Ave. is a pre-existing non-conformity.

The plans have been revised as requested. This comment has been addressed.

10. There are three existing non-conformities shown on the bulk table. The front yard setback to the Godwin Ave. ROW is 15.5' where 25' is required, and the improved lot coverage is 92.35% where 75% is allowed. The bulk table should be revised to indicate that the improved lot coverage has an existing non-conformity. Finally, the landscape area is sub-standard. (This is discussed below in the landscaping comments.) This should also be noted as an existing non-conformity.

The plans have been revised as requested. This comment has been addressed.

11. Some of the bulk zoning requirements shown on the bulk table on the site plan are incorrect. The zoning table provides separate bulk requirements for "retail" and "office" under B-3. Because the basement office use is secondary to the upstairs salon use, we assume the "retail" bulk requirements are more appropriate. Assuming that the requirements for B-3 (retail) are applicable, the required rear yard principal building setback should be 25' (20' is shown on the bulk table). The required side yard setback should be 24' (12' is shown on the bulk table.) Neither of these revisions will result in additional non-conforming conditions.

The plans have been revised as requested. This comment has been addressed.

Stormwater

12. No change is proposed to the quantity of impervious area on the site, and the area of land disturbance is minimal. As such, no stormwater improvements are proposed.

No response is required.

13. Stormwater from the site sheet flows off the property in the southerly direction onto the neighboring property to the south or into the ROW of Cottage Street.

No response is required.

14. The applicant should provide testimony confirming that the proposed improvements will not increase stormwater flow from the site.

No response is required.

Parking/Loading

15. The parking calculations shown on sheet 3 of 7 indicates a mix of services stations and office space with a total parking requirement of 131 spaces. The parking calculations appear to be consistent with the Schedule II parking requirements of the ordinance. The applicant should provide testimony to clarify the meaning of "large units" & "double units" as noted in the parking calculations. The proposed site plan layout indicates 68 parking spaces, 63 spaces less than the 131 parking spaces required by the ordinance. The applicant should provide testimony discussing this parking deficiency so that the

board may make a determination as to the adequacy of the proposed parking for the proposed uses and whether a parking variance is appropriate.

No response is required.

16. Ordinance section 32-6.2-b-2 prohibits parking within a required front yard. Both the existing parking adjacent to Godwin Ave and along Cottage Street violates this requirement. Two parking spaces along Godwin Ave. fall within the Right-of-Way. These are existing non-conformities for which a design waiver will be required. Similarly, ordinance section 34-16.2 also makes the same prohibition. A variance will be necessary to provide relief from this requirement for this existing non-conformity.

No response is required.

17. Ordinance section 32-6.2-b-2 also prohibits parking closer than 6' to a side or rear lot line. The existing parking violates this requirement. This is an existing non-conformity for which a design waiver will be required. Similarly, ordinance section 34-16.2 also makes the same prohibition. A variance will be necessary to provide relief from this requirement for this existing non-conformity.

No response is required.

18. Ordinance section 34-14.7.f. prohibits improved lot coverage other than driveways and walkways, within 5 feet from any lot line. The existing parking lot is closer to the property line. A variance will be required providing relief from this requirement for this existing non-conformity.

No response is required.

19. Ordinance section 32-6.2-c-1 requires a parking lot aisle width of 24' for 90 degree parking. Scaling the proposed site plan, it appears as though several spaces have less than a 24' aisle width. Some of the existing parking spaces scale to be less than 18' in depth, which results in a wider existing aisle width, so when the new parking striping is shown at the required 18' depth, the aisle width appears to be sub-standard. The applicant should provide dimensions of the existing and proposed drive aisles. Aisle widths less than 24' for 90-degree parking would require a design waiver. This is an existing condition, in that the overall parking lot width is not proposed to be changed.

No response is required.

20. Ordinance 32-6.2.b.3. prohibits parking spaces in any required buffer zone. As no buffers are provided and parking exists in the required buffer area, this is an existing non-conformity for which a design waiver is required.

No response is required.

21. Ordinance section 34-16.3 requires off-street loading in accordance with Schedule III. For a "service establishment", Schedule III requires one loading space for a building over 5,000 sf. No loading space is proposed. A variance is required for relief from this requirement.

No response is required.

Lighting

22. Ordinance section 32.6.1-e. requires adequate lighting to ensure safe movement of persons and vehicles for security purposes. The proposed lighting intensities are not consistent with the requirements of ordinance section 32-6.5.f. This ordinance section requires a minimum lighting intensity of 1.5 fc for commercial parking areas, with a maximum intensity at the property line of 1.0 fc. (Lower for residential neighboring properties – see below.) The applicant should provide testimony as to the adequacy of the proposed parking lot lighting with respect to safety & security. If the proposed on-site lighting levels remain inconsistent with the requires light levels, a design waiver will be required.

The revised lighting plan demonstrates conformance with the ordinance requirements. This comment has been addressed.

23. The applicant should provide testimony regarding how the lighting was designed so as to “minimize glare and reflection on adjacent properties” as required by ordinance section 32-6.1(e).

No response is required.

24. The mounting height of the wall-mounted exterior lighting should be noted on the lighting plan.

This information is shown on the revised lighting plans. This comment has been addressed.

25. Ordinance sections 34-13.6.c. & 34-15.5 also provide additional requirements for lighting. The requirements of these sections should also be addressed, notably the maximum light spillage onto neighboring properties. The lighting plan shows several areas where the proposed lighting levels spilling onto the residential property to the south of the subject property exceed the allowable 0.5 fc. A variance will be required to allow these lighting levels. Proposed lighting levels should also be shown at the property line on the opposite side of Cottage Street.

The revised lighting plan demonstrates conformance with the ordinance requirements. This comment has been addressed.

Landscaping

26. Ordinance section 32.6.2.h.3. indicates that "Off-street parking areas shall have planting buffer strips at least five (5) feet in width around the perimeter of the parking area. Such buffer strips shall be interrupted only at points of ingress and egress and where the parking area or access drive abuts a building on the same lot." No buffer strips are provided around the parking lot, although there is an adjacent vegetated buffer strip on the property to the west which provides some buffering in that area. This is an existing non-conformity for which a design waiver is required.

No response is required.

27. Ordinance section 32.6.2.h.3(b) indicates that: "Whenever a parking area is adjacent to or within a residential zoning district, the plantings within the buffer strip around the perimeter of the parking area shall be at least five (5) feet in height along those areas abutting the residential zoning district." The property to the south of the subject property is in the R-2 zone, so a design waiver is required for this existing condition.

No response is required.

28. The subject parking area is across the street (Cottage Street) from a residential zoning district (in Ridgewood). The board should consider whether the existing buffer plants meet those requirements, acknowledging that the condition is existing. If this ordinance section is considered applicable, this would also be an existing non-conformity for which a design waiver is required.

No response is required.

29. Some new landscaping is proposed along the north façade of the building, in an area that is currently grass. Ordinance section 32-6.9 describes the requirements for planted areas and buffer zones. 32-6.9.c requires that not less than 15% of the total lot area shall be devoted to landscaping. (The bulk table should be updated to include this 15% requirement.) The updated site plan indicates that the existing/proposed % of planted area is 7.65%. A design waiver is required for this existing condition.

No response is required.

30. Ordinance section 34-15.1 requires a vegetated buffer zone wherever a nonresidential use abuts a residential zone. No buffer zone currently exists, and none is proposed. A variance is required for relief from this requirement.

The revised plans show an 8' wide landscape buffer with 6'-8' high arborvitae shrubs at 72" on center. This comment has been addressed.

Signage

31. The applicant proposes new signage on both the east-facing and the west-facing building façades. The signage consists of building-mounted lettering of the name of the facility on each façade, along with a circular company logo sign on each façade. No ground-mounted signage is proposed.

No response is required.

32. Ordinance section 34-17.8.b.1 allows one sign erected on any entrance wall and one on any wall facing on a street. This signage shall not extend more than 12 inches from the face of said wall shall have the bottom of said sign structure not less than eight feet above the ground level. The sign drawing appears to show the proposed signage higher than 8'. It also notes all proposed signage will be 3" deep. The applicant should confirm the height of all proposed signage above adjacent grade.

No response is required.

33. The proposed signage on the west-facing façade (facing the parking lot) includes two signs – the lettering and the logo sign. The lettering is proposed on the brick building wall, with the logo sign to be mounted on the wood cladding above the entrance door. This requires a variance, as only one sign is permitted on each façade, and two are proposed on the west-facing façade.

No response is required.

34. The proposed signage on the east-facing façade (facing Cottage Street) includes the same type of signage, but the logo sign is located adjacent to the lettering signage. The board may consider this as one sign, as permitted by 34-17.8.b.1.

No response is required.

35. Ordinance section 34-17.8.b.2 requires that the maximum aggregate total sign area of all signs shall not exceed 1½ square feet for each linear foot of that portion of the building front occupied by the applicant. The west-facing building façade is 130'-5" in length, for which the ordinance would allow signage of 195.6 sf. On this façade, the proposed lettering signage would be 68 sf, and the logo sign would be 7 sf, for a total area of 75 square feet. This is less than the allowable sign square footage for this façade.

No response is required.

36. The east-facing façade (which faces Cottage Street) is the same length (130'-5"), allowing for a sign area of 195.6 sf. The proposed signage on this façade totals 96 sf (with the lettering and logo sign considered together.) This is less than the allowable square footage for this façade.

No response is required.

37. Ordinance section 34-17.8.b.2 also indicates that the maximum height of the signage shall not exceed two feet if the building front is 40 feet or less in width, 2½ feet high if building front is more than 40 feet but less than 80 feet in width, and three feet high if the building front is 80 feet or more in width. Because the building is wider than 80 ft, the proposed sign height is permissible.

No response is required.

38. Ordinance section 34-17.8.b.3 indicates that the maximum width of the signage shall not exceed 90% of the width of the storefront or wall of that portion of the premises occupied by the occupant erecting the sign and upon which it is attached. The proposed signage complies with this requirement.

No response is required.

39. The logo signs are proposed to be internally illuminated. Ordinance section 34-17.9.k requires that illuminated signs be turned off by 11:00 pm. The applicant should provide testimony regarding the proposed timing of the sign illumination. The plans do not indicate any illumination for the proposed lettering signage. The Applicant should provide testimony regarding any proposed external illumination of the lettering signage.

No response is required.

New Comments

40. **The writer spoke with the applicant about the existing ADA ramp adjacent to Cottage Street. The writer approved of the removal of this ADA ramp and the relocation of the adjacent ADA parking spaces to the west side of the building adjacent to the ramp at the north-west entrance to the building. The plans have been revised to show the removal of the old ADA ramp on the east side of the building. This area is now proposed to be grass. The applicant shall remain responsible for compliance with all ADA requirements.**

41. **Several revisions have been made to the existing conditions plan, including several areas labeled "Right-of-way" that were not included on the approved plan set. Please provide an explanation for these revisions in your response letter, including the nature of these areas, and any information as to their purpose and what entity that may have rights to these areas. Also, please indicate what (if any) limitations there are for these "Right-of-way" areas.**

The applicant has indicated that the easement shown on the revised plan are existing, and that "No major construction is proposed in the easements that would impact or negatively impair their intended use." This comment has been addressed.

It is LAN's opinion that the applicant has demonstrated compliance with the conditions of the board resolution.

Respectfully submitted,

LAN Associates, Engineering, Planning,
Architecture, Surveying, Inc. (LAN)



Erik Boe, PE, LEED AP

cc: File #2.2428.257
Darryl Siss, Esq. (via email: darryl@trslawfirm.com)
Bruce Whitaker, Esq. (via email: mcwhitlaw@optonline.net)
Joseph Visaggio, EIT (via email: joseph@pageconsultantsinc.com)