

May 9, 2023

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

Attn.: Jessica Harmon

Via e-mail: [jharmon@midlandparknj.org](mailto:jharmon@midlandparknj.org)

Subject: Resolution Compliance Review  
MJ Prospect Holdings LLC  
d/b/a Ohana Dental LLC  
30 Prospect Street  
Block 13, Lot 1  
LAN Ref. #2.2428.260

Dear Ms. Harmon:

LAN Associates Engineering, Planning, Architecture, Surveying, Inc. (LAN) is in receipt of a revised site plan set from GB Engineering dated 03/01/23 as well as an architectural plan set from RDS Architects revised 04/17/23. We have reviewed the plans for compliance with the conditions of the Planning Board Resolution.

The conditions of the Planning Board Resolution are as follows, along with our comments.

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

**The applicant should provide a copy of their approval from Bergen County Planning and Economic Development, or a letter of no interest from same.**

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.
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.
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.
5. The applicant will replace the building mounted exterior light located on the south side of the building with exterior lights located on the addition, subject to the review and approval of the Board engineer with respect to location. All lighting on the site shall be restricted to this site and shall not spill over on any other sites. The Board shall retain jurisdiction to review the lighting for a period of six months after the issuance of the certificate of occupancy and require modifications as may be deemed necessary.

**The applicant should contact the board engineer once the light in question is installed to set up a site visit to review the placement of the light.**

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

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

**The applicant should provide a plan certification from the Bergen County Soil Conservation District, or a letter certifying that their approval is not required because the disturbed area will not exceed 5,000 square feet.**

8. Compliance with all checklist items and requirements in the correspondence from LAN Associates dated December 16, 2022, revised December 19, 2022.
9. The applicant shall install one make ready EV parking space in accordance with the applicable provisions of the Zoning Ordinance.

**The site plan has been revised to show one "Prop. Electric Vehicle Charging Only" sign, however the plan does not indicate that the space will be "make ready" in accordance with the ordinance requirements. If the space is only proposed to be "make ready" and not include a functional electric vehicle charging station at this time, then a "Prop. Electric Vehicle Charging Only" sign would not be appropriate at this time. Notes and details should be provided indicating how the space is to be made "make ready".**

10. The applicant shall install a Knox box for access for emergency services.

**A Knox box will be required as a precondition of the issuance of a certificate of occupancy. This should be coordinated with the Borough.**

The following are the relevant comments from LAN's 12/16/22 review letter. Comments that have been previously addressed have been omitted from this review. The numbering corresponds with the numbering from that review letter.

18. This checklist item is not completely satisfied: "The location, type, size of existing/proposed catch basins, manholes, and all utilities (gas, water, electric, telephone, cable, sanitary, storm), above and below ground." Because no significant changes are proposed to the parking lot that would affect the site utilities, LAN would support a waiver for this item, however the existing stormwater piping and other missing utilities on the site should be shown on a compliance plan set as a condition of any planning board approval.

**This comment has not been satisfied. The revised site plan does not show the existing utilities as required. The site plan should be revised to show the utilities.**

29. The board secretary should confirm that an escrow agreement is in place, and performance guarantees will be required as a condition of approval.

**The required escrow agreement and performance guarantees should be confirmed.**

30. The board may require additional information as they deem necessary to meet requirements of the ordinances. A Knox-Box for Fire Department key access should be provided as a condition of approval.

**See resolution condition #10.**

38. An approval may be required from Bergen County Planning and Economic Development. Given the small area of disturbance, it is unlikely that approval will be required from Bergen County Soil Conservation District. Any approval by the planning board will be subject to this or any other required approvals.

See resolution condition #7.

Site Plan:

20. The zoning table should be revised to include building height in stories and in feet. The existing and proposed building heights should be indicated.

**This comment has not been addressed. The site plan should be revised to include this information.**

26. The site plan shows a new section of retaining wall to replace the front steps that currently run from the front door of the existing building to the Prospect Street driveway. The site plan shows a keystone type wall. The applicant should consider a section of stacked stone retaining wall to match the existing retaining wall instead of a keystone type wall.

**My recollection from the hearing is that the applicant indicated that the new section of retaining wall would be made to match the existing wall. That being the case, the retaining wall detail on the site plan should be revised accordingly, as it currently shows a modular block retaining wall.**

Parking

30. The parking calculations on the site plan reference RSIS parking requirements, which are not applicable to this application. The chart also references parking requirements for multiple lots (Lots 1 and 5). This should be revised to only reference the subject lot.

**The non-applicable RSIS requirements are still shown. The parking table should be revised to eliminate these references. Also, the parking table should be revised to be consistent with the resolution with regards to the number of make-ready electric vehicle spaces and the credit given for the one proposed EV space.**

33. The applicant should provide testimony regarding compliance with current ADA standards. In particular, slope of the ADA-accessible parking space should be addressed, as well as the accessible route from the ADA-accessible parking space to the ADA-accessible building entrance. The ADA-accessible parking space and access aisle are required to have a maximum slope of 2% in any direction. The accessible route is required to have a running slope not to exceed 5% and a cross slope not to exceed 2%. The slopes of both the proposed ADA-accessible parking space and accessible route should be indicated on the site plan.

**The requested slopes are not shown on the revised site plan. The site plan should be revised to include the slopes as requested.**

36. The site plan should be revised to include dimensions of the driveways and parking lot drive aisles.

**The revised site plan does not include these dimensions. The site plan should be revised to include the dimensions as requested.**

## Stormwater / Utilities

38. The applicant should show the location of the existing utilities on the property and connections to the building and the existing stormwater structures on site.

**This information is not shown on the revised site plan. The site plan should be revised to include the requested information.**

## Architecture

39. There is a proposed roof overhang covering the new main entrance door at the rear of the building, across from the new ADA parking space. Based upon the architectural plans, it appears as if this overhang will encroach into the drive aisle of the parking lot. Encroachment into the required drive aisles is not acceptable.

**This issue does not seem to be resolved. It appears from the architectural plans that there is still a roof overhang that would encroach into the drive aisle. The plans should be revised to rectify this encroachment.**

40. The rear elevation view of the building appears to show a double door into the proposed foyer, from the parking lot, however the plan view shows only one exterior door at this location. This discrepancy should be rectified. The site plan also shows a concrete pad outside of this entrance location that appears to be wide enough for only one door. If a double door is proposed, the proposed concrete pad may need to be enlarged to accommodate the width of the double door.

**Testimony was provided indicating that the double door shown on the plans will have one stationary door and one active door.**

Should you have any questions regarding the above comment do not hesitate to contact me.

Respectfully submitted,



Erik Boe, PE, LEED AP

cc: Darryl Siss, Esq. (via email: [darryl@trslawfirm.com](mailto:darryl@trslawfirm.com))  
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