

From: [Wendy Martin](#)
To: [Jessica Harmon](#)
Subject: Board Review of Ordinance 19-21
Date: Tuesday, September 28, 2021 10:32:32 AM
Attachments: [19-21 Chapter 34 \(RESTAURANTS - B-3 Business-Retail-Office\) Amendment.docx](#)
Importance: High

Good Afternoon Jessica,

Attached you will find a copy of Ordinance #19-21 that was introduced at the September 23, 2021 Mayor and Council meeting of the Borough of Midland Park. Please ask the Board to review and forward any comments or concerns to me. I am aware there is a 35 day review period for the Board, the Council would like to finalize this ordinance at the October 28, 2021 meeting, this would require a response from the Board no later than October 20, 2021.

The objective of this ordinance is to eliminate **drive throughs** for Restaurants in general, not other businesses.

If there are no comments or concerns we would move forward with adoption at the October 28, 2021 meeting. Should the Board have any comments or concerns the council will discuss and make any necessary changes and reintroduce at a later meeting.

Please feel free to reach out to me with any questions.

Thank you.

Regards,

*Wendy Martin, R.M.C.
Borough Administrator/Borough Clerk
Borough of Midland Park
280 Godwin Avenue
551-600-8295
Wmartin@midlandparknj.org*

**BOROUGH OF MIDLAND PARK
ORDINANCE #19-21**

AN ORDINANCE TO AMEND ORDINANCE #08-21 ENTITLED, “AN ORDINANCE TO AMEND AND REPLACE IN ITS ENTIRETY CHAPTER 34 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, ‘ZONING’” (RESTAURANT– DRIVE THROUGH’S)

BE IT ORDAINED by the Mayor and Council of the Borough of Midland Park, in the County of Bergen, and State of New Jersey as follows:

Section 1.

Ordinance #08-21, §34-3, Definitions, Subsection 34-3.1a, is hereby amended to add the following definition:

Restaurant, Drive-Through – An establishment in which food or drink is served to customers within automobiles outside of the confines of the building and where the consumption of such food or drink is intended to occur off the premises.

Section 2.

Ordinance #08-21, §34-7, B-1 Zone – Business District, Subsection 34-7.1, Use Regulations, paragraph a7, Restaurants, is hereby amended to read as follows::

Restaurants, provided however that drive-through restaurants as defined in this Chapter are deemed to be prohibited.

Section 3.

Ordinance #08-21, §34-9, B-3 Zone – Business-Retail/Office, Subsection 34-9.1, Permitted Uses, paragraph h, Restaurants, is hereby amended to read as follows::

Restaurants, provided however that drive-through restaurants as defined in this Chapter are deemed to be prohibited.

Section 4. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Wendy Martin, Borough Clerk

Harry Shortway Jr., Mayor

Member	Motion	Second	Aye	Nay	Abstain	Absent
Damiano						
Kruis						
Sansone						
DeLuca						
Peet						
Iannone						

Introduction: September 23, 2021

Final Adoption:

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432**

ORDINANCE #19-21

AN ORDINANCE TO AMEND ORDINANCE #08-21 ENTITLED, “AN ORDINANCE TO AMEND AND REPLACE IN ITS ENTIRETY CHAPTER 34 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, ‘ZONING’ (RESTURANTS – DRIVE THROUGH’S)

NOTICE IS HEREBY GIVEN, that the proposed Ordinance was introduced and passed on the first reading at a regular meeting of the Borough Council of the Borough of Midland Park, Bergen County, New Jersey, held on September 23, 2021, and that said Ordinance will be taken up for further consideration and final passage at the Regular meeting of the Borough Council on October 28, 2021 at 8:00 P.M., or as soon thereafter will be given the opportunity to be heard concerning the same. Meetings are currently being held in-person at 280 Godwin Ave and the public has the option of dialing in electronically due to the current situation involving the COVID-19 Virus and directives of State and County Governments

TAKE FURTHER NOTICE, that the Borough Clerk has posted a copy of said Ordinance on the bulletin board in Midland Park Borough Hall and will make copies of the Ordinance available to members of the general public who request the same.

**Wendy Martin, R.M.C.
Borough Clerk**

Proof of Publication required
1 Reprint requested

For the September 29, 2021 issue of The Record News

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432**

ORDINANCE #19-21

AN ORDINANCE TO AMEND ORDINANCE #08-21 ENTITLED, “AN ORDINANCE TO AMEND AND REPLACE IN ITS ENTIRETY CHAPTER 34 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, ‘ZONING’ (RESTURANT – DRIVE THROUGH’S)

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced at a regular meeting of the Borough Council of the Borough of Midland Park, Bergen County, held on September 23, 2021, and was passed on final reading and approved at a Regular meeting of the said Borough Council, held on October 28, 2021. Meetings are currently being held in-person at 280 Godwin Avenue, Midland Park NJ, and the public has the option to dial in electronically due to the current situation involving the COVID-19 Virus and directives of State and County Governments.

Lorenzo Damiano
Jerry Iannone
Kenneth Kruis
Robert Sansone
Nancy Peet
Lorraine DeLuca

ATTEST:
Wendy Martin
Borough Clerk

Proof of Publication required
1 Reprint requested

For the November 3, 2021 issue of The Record News