

Borough of Midland Park 280 Godwin Avenue • Midland Park, New Jersey 07432 Tel: 201-445-5720 • Fax: 551-600-8296 www.midlandparknj.org

September 20, 2021

PLEASE TAKE NOTE:

On Monday September 20, 2021, the Planning Board of the Borough of Midland Park will hold their regularly scheduled meeting in the Council Chambers, Municipal Building, 280 Godwin Avenue, Midland Park, NJ. The meeting will begin at 7:30 pm.

READING OF THE OPEN PUBLIC MEETINGS ACT PLEDGE OF ALLEGIANCE ROLL CALL

Approval of minutes - July 19, 2021

WORKSHOP:

Classy Chassis – 135 Greenwood Avenue – BL 35 LT 8 – Review tent issue

ZONING CERTIFICATES:

Antik Butik - 11 Paterson Avenue - BL 19 LT 3.01 - Retail/Antique Store

Certificates approved by the Zoning Officer or Zoning Board:

Ridgewood Periodontal – 413 Godwin Avenue – BL 26.01 LT 1.01 – Periodontal/Dentist Office Sheri Bechtel LCSW LLC – 24 Godwin Avenue – BL 5 LT 24 – Business Office/Patient Consultation Top Driving School, LLC dba New Life Driving School – 154 Godwin Avenue - BL 17 LT 4 – Driving School

PUBLIC HEARINGS:

None

COMMUNICATIONS:

Englewood Warehousing 3 LLC – 268 Greenwood Ave – BL 50 LT 9 – Release of Performance Bond

Marlow Park LLC – 80 Greenwood/445 Godwin/59 Greenwood – Updated Parking Analysis

2022 Meeting Schedule

ADJOURNMENT

BOROUGH OF MIDLAND PARK – PLANNING BOARD MINUTES

JULY 19, 2021

PLEASE TAKE NOTE:

ON MONDAY, JUNE 21, 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 ALLEGIANCEROLL CALL:Kent Rigg, ChairmanCouncilman Ken KruisMayor Harry Shortway, Jr.Mr. Michael Raupresent

Mr. David Wostbrock, Vice-ChairexMs. Stephanie PantaleprAlt. #1 Mr. Robert MulderprAlt. #2 Ms. Isabel Duffypr

excused present present present

D. Siss, Board Attorney and E. Boe, Board Engineer, were present on behalf of the Board.

Minutes of 6/21/21 meeting – approved

ZONING CERTIFICATES:

<u>Noble Klass Academy – 6 Prospect St – BL 13 LT 18</u> – Han Chen and Justin Kim, applicants, sworn in – Applicants have been in the business for 20 years, and this is a new location. Mr. Chen expects approximately 20 students at a time, about 5 per room. 80% of the students are in High School and the rest Middle School. Board questions parking on the property; Mr. Kim does not think parking will be an issue as most students will be dropped off and picked up, and their prime time for tutoring is late afternoon, early evening, and Saturday. Mr. Chen discussed hours; During the school year they will be open Tuesday through Saturday and then during the summer they will be open Monday through Friday for summer school with possible additional classes on Saturdays. There is no assigned parking on the property for this tenant. Motion to approve zoning certificate by Mr. Mulder, seconded by Ms. Pantale; all voted in favor.

NEW BUSINESS:

Highland School – 31 Highland Ave – BL 13 LT 3 –Peter Galasso, Principal of Highland School. Mr. Galasso would like to create an outdoor classroom. Board discussed the need for a survey and whether one has already been done or not; survey on file to show outdoor classroom is on the school property is strongly recommended. Mr. Galasso further described use– More teachers started taking their classes outside because of the pandemic in the spring and fall, not likely to be used in the winter. Classroom will be at the front of the school on the left-hand side. Location options are limited due to the rec fields, the playground and pavement areas and the large tree by the gymnasium. The design includes shrubbery and trees to make it as private as possible. Board has concerns about security issues, discussed lighting the area at night and reviewing plans with the PD. Mr. Galasso is instructed to be mindful of enclosing the area with shrubbery. Board also discussed stormwater. Per Mr. Boe, the new ordinance requires anything over 300 SF to provide stormwater mitigation, pervious pavers or a seepage pit are options. No motion required, Atty Siss to draft a letter summarizing the Board's comments.

COMMUNICATIONS:

Bond Ordinance Review – Ordinance #13-21 – No comments.

Zoning Certificate Checklist

- 1. Is the property located in the I-1 or I-2 Zone? Yes <u>Ves</u> No
- 2. If yes, the application must be submitted to the Planning Board pursuant to 34-21.3d.
- 3. Is the Proposed use permitted? Yes <u>Vo</u> No.
- 4. If no, application must be made to the Zoning Board of Adjustment.
- 5. Is there an increase in the parking requirements for the proposed over the previous use? Yes No <u>··</u>.
- 6. If no, skip to question #9.
- 7. If yes, does the site have enough parking spaces to meet the requirements of the Zoning Ordinance? Yes_____No_____.
- 8. If the answer to question #7 is no, an application must be made to the Zoning Board for a Parking variance.
- 9. Is there an accurate site plan, existing conditions plan, or an As-Built drawing on file, approved by the Planning Board or Zoning Board? Yes_____No____.
- 1. If the property is in the I-1 or I-2 zone, the applicant must submit a plan and parking analysis to the Planning Board for approval.
- 2. If the property is in the B-1, B-2, or B-3 Zone, the zoning officer at his discretion, <u>may</u> approve the plan and parking analysis for the purposes of issuing the Zoning Certificate.

NAME OF APPLICANT ANTIK BUTIK	(KRISTINE MULLER)
ADDRESS 11 PATERSON AUE BL	OCK 19 LOT 3-01 ZONE 1-2
PREVIOUS TENANT HETEMAN WINKLER	PREVIOUS USE RETAIL
UNIT# 12 AREA Sq. Ft. 400 PROPOSED USI	E RETAIL
CHANGES	
RELOCATION? PHONE 20+669-7089 EMAIL	
DATE 7 14 121 ZONING OFFICIAL Mal	APPROVED-Yes_ No
	USE_M_CCO REQUIRED?

	ZONING CI FOR NON- RES	vin Avenue		BORN OF THE AT
STREET ADDRESS OF PROPERTY: ATERSON AVE. MIDE	67432 A40 PARK NJ	ZONE:*	BLOCK:	BUILDING DEPT,
NAME OF OCCUPANT:**	AREA OF 13, 0		REA OF OCCUPANT	- SQ.FT. SECTION OF BLDG.
SOLE PURPOSE OF OCCUPANCY: Sell ANTIQUES			AntikBu	tik 109 mail.com
PREVIOUS TENANT, IF APPLICABLE	RMAN WIN	KLER		
NAME OF APPLICANT / IF A CORPORATION, NA Kristine Muller 34	ME AND ADDRESS OF IND	IVIDUAL MAKING A	PPLICATION:	
APPLICANT'S ADDRESS::				
APPLICANT'S PHONE: 201 669-70	0. Sectore 2 mount deve 200		time the	ller
NAME OF OWNER OF BUILDING: HEARY WOSTBROCK		S OF OWNER: TERNUTAL	VE MPN	J07432
CERTIFICATION THAT ALL CONDITIONS OF SITE	E PLAN AND BUILDING PER	MIT HAVE BEEN M	ET /fenny (Property)	H-Wottbroch Wher Signature)
LIST ALL OTHER OCCUPANTS OF BUILDING: Name:		Type of Business:	(•)	
RETAIL STURES		Antig	ne	
GARDEN SHOP		. 0		
				1. 1
PLANNED USE INCLUDING PRODUCTS OR SERV	/ICES SOLD OR MANUFAC	TURED:		
Incoming shipments: Type Conve Number weekly	yance Product	(Comments	
Outgoing shipments: Number weekly			OWNERT	DAS NAL ZAD
	MBER DAILY CUSTOMERS			
		OF DAYS OPEN WE		
			OTHE	ER NUISANCES
ANY FLAMMABLES OR EXPLOSIVES USED OR S	TORED?	AIN		
PROPOSED PERIOD OF OCCUPANCY: From		To		
COMMENTS:	(SPACE BELOW FOR PI	ANNING BOARD U	SE)	
		2		
·	anna an Airtean an Airtean an Airtean an Airtean an Airtean an Airtean Airtean an Airtean Airtean Airtean Airte			

NOTE: A SIGN PERMIT IS REQUIRED FOR ANY NEW SIGNS OR SIGN CHANGES----FLAGS AND BANNERS ALSO REQUIRE PERMITS. (Neon signs are prohibited)

1

** EACH OCCUPANT MUST HAVE HIS OWN CERTIFICATE OF OCCUPANCY: IF YOU VACATE, SUCCESSOR WILL REQUIRE A NEW CERTIFICATE.

ł



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ZONING CERTIFICATE

BLOCK: 26.01 LOT: 1.01 LOCATION: 413 Godwin Avenue

ZONING DISTRICT: B-2

OWNER OF PROPERTY: 413 Godwin Associates ADDRESS: 34 Maynard Court, Ridgewood, NJ 07450

NAME OF OCCUPANT: Ridgewood Periodontal EMERGENCY CONTACT: Daniel Barabas

201-447-0885 201-739-5936

PREVIOUS TENANT: JACOBSEN LANDSCAPING

This is to certify that the above-described premises together with any building theron, are used or proposed to be used as or for:

PERIODONTAL/DENTIST OFFICE

Which is a:

- (X) Use permitted by Ordinance
- () Use permitted by variance approved on______ subject to any special conditions attached to the grant therof.
- () Valid nonconforming use as established by () finding of the Zoning Board of Adjustment, or () by the by the undersigned Zoning Officer on the basis of evidence supplied by the applicant as specified on the reverse hereof. Also specified on the reverse hereof is a detailed statement of all aspects of the conforming use.
- () There is a nonconforming structure on the premises by reason of insufficient
 () setback, () side yards, () rear yard, () other (specify)

FIRST FLOOR ONLY

A separate permit is required for any new construction, alteration, alarms or signs (neon signs are prohibited).

PARKING: ______ X_ADEQUATE _____ INADEQUATE PLAN ON FILE:_____ APPROVED SITE PLAN _____ PARKING SCHEMATIC

Date

Cc: Police Dept., Fire Prevention Official, Fire Dept., Construction Official, Board of Health (if applicable)

Zoning Certificate Checklist

- 1. Is the property located in the I-1 or I-2 Zone? Yes_____No____.
- 2. If yes, the application must be submitted to the Planning Board pursuant to 34-21.3d.
- 3. Is the Proposed use permitted? Yes_V_No____.
- 4. If no, application must be made to the Zoning Board of Adjustment.
- 5. Is there an increase in the parking requirements for the proposed over the previous use? Yes <u>No</u>.
- 6. If no, skip to question #9.
- 7. If yes, does the site have enough parking spaces to meet the requirements of the Zoning Ordinance? Yes_____No_____.
- 8. If the answer to question #7 is no, an application must be made to the Zoning Board for a Parking variance.
- 9. Is there an accurate site plan, existing conditions plan, or an As-Built drawing on file, approved by the Planning Board or Zoning Board? Yes <u>V</u>No
- 1. If the property is in the I-1 or I-2 zone, the applicant must submit a plan and parking analysis to the Planning Board for approval.
- 2. If the property is in the B-1, B-2, or B-3 Zone, the zoning officer at his discretion, <u>may</u> approve the plan and parking analysis for the purposes of issuing the Zoning Certificate.

NAME OF APPLICANT RINGEWOOD PERIODONTAL

ADDRESS 413 GODWIN AVE BLOCK	K26.01 LOT 1.01 ZONE B. 2
PREVIOUS TENANT JACOBSEN LANDSCAPING	PREVIOUS USE BUSINESS OFFICE
UNIT# AREA Sq. FtPROPOSED USE	DENTAL OFFICE - 155 FLOORD' LY
CHANGES	
RELOCATION? PHONE 201-739-5936 EMAIL	CBARABASC GMAIL COM
DATE 7 14121 ZONING OFFICIAL Mall	YING - APPROVED You VIL
UCC USE GROUP: PREVIOUS USE B PROPOSED US	E_B_CCO REQUIRED?_No



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ZONING CERTIFICATE

BLOCK: 5 LOT: 24 LOCATION: 24 Godwin Avenue

ZONING DISTRICT: B-3

OWNER OF PROPERTY: Dochart Inc ADDRESS: 134 Lake End Rd, Newfoundland NJ 07435

NAME OF OCCUPANT: Sheri Bechtel LCSW LLC732-580-1818EMERGENCY CONTACT: Art Messineo201-960-0332

PREVIOUS TENANT: Full Service Realty LLC

This is to certify that the above-described premises together with any building theron, are used or proposed to be used as or for:

Business Office/Patient Consultation

Which is a:

- (x) Use permitted by Ordinance
- () Use permitted by variance approved on_____ subject to any spectial conditions attached to the grant therof.
- () Valid nonconforming use as established by () finding of the Zoning Board of Adjustment, or () by the by the undersigned Zoning Officer on the basis of evidence supplied ny the applicant as specified on the reverse hereof. Also specified on the reverse hereof is a detailed statement of all aspects of the conconforming use.
- () There is a nonconforming structure on the premises by reason of insufficient
 () setback, () side yards, () rear yard, () other (specify)

135 sq ft / 2nd floor

A separate permit is required for any new construction, alteration, alarms or signs (neon signs are prohibited).

PARKING: ______ X_ADEQUATE _____ INADEQUATE PLAN ON FILE:___X___APPROVED SITE PLAN _____ PARKING SCHEMATIC

Mal Bung 7/28/21 Date

Cc: Police Dept., Fire Prevention Official, Fire Dept., Construction Official, Board of Health (if applicable)

Zoning Certificate Checklist

- 1. Is the property located in the I-1 or I-2 Zone? Yes_____No____.
- 2. If yes, the application must be submitted to the Planning Board pursuant to 34-21.3d.
- 3. Is the Proposed use permitted? Yes <u>✓</u> No____.
- 4. If no, application must be made to the Zoning Board of Adjustment.
- 5. Is there an increase in the parking requirements for the proposed over the previous use? Yes <u>No</u>.
- 6. If no, skip to question #9.
- 7. If yes, does the site have enough parking spaces to meet the requirements of the Zoning Ordinance? Yes_____No_____.
- 8. If the answer to question #7 is no, an application must be made to the Zoning Board for a Parking variance.
- 9. Is there an accurate site plan, existing conditions plan, or an As-Built drawing on file, approved by the Planning Board or Zoning Board? Yes <u>V</u>No .
- 1. If the property is in the I-1 or I-2 zone, the applicant must submit a plan and parking analysis to the Planning Board for approval.
- 2. If the property is in the B-1, B-2, or B-3 Zone, the zoning officer at his discretion, <u>may</u> approve the plan and parking analysis for the purposes of issuing the Zoning Certificate.

NAME OF APPLICANT SHERI BECHTEL LCSW LLC
ADDRESS 24 GOISWIN AVE BLOCK 5 LOT 24 ZONE B-3
PREVIOUS, TENANT FULL SERVICE REALTY PREVIOUS USE RUSSIES AND
UNIT# HOM AREA Sq. Ft. 135 PROPOSED USE BUSINESS OFFICE PATIENT CONJULTATION
CHANGES
RELOCATION? PHONE 732-580-1818 EMAIL_ 5 Bechtel 1818 @ GMAIL. COM.
DATE 71 24 1 21 ZONING OFFICIAL Ma Jung APPROVED-Yes No_
UCC USE GROUP: PREVIOUS USE BPROPOSED USE BCCO REQUIRED?



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ZONING CERTIFICATE

BLOCK: 17 LOT: 4

ZONING DISTRICT: B-1

LOCATION: 154 Godwin Ave

OWNER OF PROPERTY: Warren Struz ADDRESS: 81 Sicomac Ave, North Haledon, NJ 07508

NAME OF OCCUPANT: Top Driving School, LLC dba New Life Driving School EMERGENCY CONTACT: Christopher Oh

201-689-1999 201-563-5462

PREVIOUS TENANT: New Life Driving School

This is to certify that the above-described premises together with any building thereon, are used or proposed to be used as or for:

OFFICE FOR DRIVING SCHOOL

Which is a:

- (X) Use permitted by Ordinance
- () Use permitted by variance approved on______ subject to any special conditions attached to the grant thereof.
- () Valid nonconforming use as established by () finding of the Zoning Board of Adjustment, or () by the by the undersigned Zoning Officer on the basis of evidence supplied by the applicant as specified on the reverse hereof. Also specified on the reverse hereof is a detailed statement of all aspects of the nonconforming use.
- () There is a nonconforming structure on the premises by reason of insufficient
 () setback, () side yards, () rear yard, () other (specify)
- 222 sf Ground Level * Maximum of 2 employees. No driving school vehicles are to be kept at this site, approved for office use only per parking analysis dated 1/7/2016

A separate permit is required for any new construction, alteration, alarms or signs (neon signs are prohibited).

If there is a Knox Box on site - no exterior locks may be changed without first consulting the fire official.

PARKING: ____ADEQUATE ____ INADEQUATE PLAN ON FILE:____APPROVED SITE PLAN ____PARKING SCHEMATIC

9/10/21 ning Officer Date

Cc: Police Dept., Fire Prevention Official, Fire Dept., Construction Official, Board of Health (if applicable)

Zoning Certificate Checklist

- 1. Is the property located in the I-1 or I-2 Zone? Yes____No____.
- 2. If yes, the application must be submitted to the Planning Board pursuant to 34-21.3d.
- 3. Is the Proposed use permitted? Yes <u>Ves</u> No
- 4. If no, application must be made to the Zoning Board of Adjustment.
- 5. Is there an increase in the parking requirements for the proposed over the previous use? Yes <u>No</u>.
- 6. If no, skip to question #9.
- 7. If yes, does the site have enough parking spaces to meet the requirements of the Zoning Ordinance? Yes_____No____.
- 8. If the answer to question #7 is no, an application must be made to the Zoning Board for a Parking variance.
- 9. Is there an accurate site plan, existing conditions plan, or an As-Built drawing on file, approved by the Planning Board or Zoning Board? Yes____No____.
- 1. If the property is in the I-1 or I-2 zone, the applicant must submit a plan and parking analysis to the Planning Board for approval.
- 2. If the property is in the B-1, B-2, or B-3 Zone, the zoning officer at his discretion, <u>may</u> approve the plan and parking analysis for the purposes of issuing the Zoning Certificate.

ADDRESS 154 GODWIN BLOCK 17 102 4 BODWING SCHOOL -> TOP DEWING SCHOOLLY.
BLOCK / LUI 7 70NE K-/
PREVIOUS TENANT NEW LIFE DRIVING SCHOOL PREVIOUS USE "R" (DRIVING SCHOOL
UNIT # GION AREA Sq. Ft. 222 PROPOSED USE B (DRIVING SCHOOL)
CHANGES
RELOCATION?PHONE 201-244-1000 EMAIL TOP DRIVING NJC GMAIL, COM.
DATE 9/ 1 21 ZONING OFFICIAL M JANUA APPROVED No No
UCC USE GROUP: PREVIOUS USE_B_PROPOSED USE_B_CCO REQUIRED? NO

Amy Davidson

From: Sent: To: Cc: Subject: Amy Davidson Thursday, August 5, 2021 3:10 PM Moe Abouda Jessica Harmon RE: permit # 20200227

Good Afternoon,

I have forwarded your request for the release of the performance bond to the Planning Board Secretary, Jessica Harmon, (copied on this email) to be added to the August 16th Planning Board Agenda. Please be aware that a maintenance bond, per your resolution, must be provided in order to release of the performance bond.

Regards,

Amy Davidson Technical Asst. to the Construction Official

280 Godwin Avenue Midland Park, NJ 07432 551-600-8279 M-F 8:30AM-12:30PM

From: Moe Abouda <mabouda@sparqllc.com>
Sent: Monday, July 12, 2021 9:55 AM
To: Amy Davidson <ADavidson@midlandparknj.org>
Cc: Michael Paskas <mpaskas@sparqllc.com>; Paul Chaderjian <pchaderjian@sparqllc.com>
Subject: permit # 20200227

Amy,

Thank you for your time on the phone. As requested we are looking for the release for the bond on this project. If there is something you can provide us in writing that would be great. Thank you for your time.



Moe Abouda Project Manager (862) 276-3488 M|(201) 676-7805 O | <u>mabouda@sparqllc.com</u> 268 Greenwood Ave Midland Park, NJ 07432 <u>sparqllc.com</u> | <u>LinkedIn</u> | <u>Facebook</u> | <u>Instagram</u> | Twitter

Western Surety Compa

SITE IMPROVEMENT

Performance Bond

Bond # _____72223019

KNOW ALL PERSONS BY THESE PRESENTS: That we_

Englewood Warehousing 3, LLC

Principal, and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the State of <u>New Jersey</u> as Surety, are held and firmly bound unto <u>Borough of Midland Park</u>

as Obligee, in the sum of Forty Thousand Eight Hundred Sixty-Eight and 00/100

Dollars (\$ ______\$40,868.00 ______) lawful money of the United States of America, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns firmly by these presents.

attached to and made a part hereof at certain land known as 268 Greenwood Avenue, Midland Park NJ 07432

all of which improvements shall be completed on or before the date set forth in the agreement or any extension thereof, and the Principal provides this bond as security for such agreement.

NOW, THEREFORE, the condition of this obligation is such, that if the Principal shall carry out all the terms of said agreement relating to the site improvements only and perform all such work as set forth in the attached agreement, then this obligation shall be null and void; otherwise, to remain in full force and effect.

No party other than the Obligee shall have any rights hereunder as against the Surety. The aggregate liability of the Surety on this bond obligation shall not exceed the sum stated above for any reason whatsoever.

SIGNED, SEALED AND DATED THIS 13t	hDAY OFDecember,2019
	PRINCIPAL:
SURETYON	Englewood Warebouring 5, LLC
CORPORATE	By:
* SEAL *	SURETY:
	WESTERN SURFTY COMPANY
Form F7485-12-2004	By: Attorney in Fact
DODODODODODO WESTERN SURETY COMPANY . ONE OF	
	AMERICANT OLDEST FONDING COMPANIES OCOOCCOCCOCCOCCOCC

Vestern Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

72223019 Bond No.

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint PATRICK AMAISSE

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Englewood Warehousing 3, LLC

Borough of Midland Park Obligee:

Amount: \$1,000,000.00

1.1111100

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

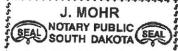
If Bond No. 72223019 _ is not issued on or before midnight of _ December 20. 2020 , all authority conferred in this Power of Attorney shall expire and terminate.

period, Western Surety Company has caused these presents to be signed by its Vice President, Paul T. Bruflat, and its d this 13th day of December 2019



WEST SURET OMPANY ruflat, Vice President

On this 3th day of _, in the year _____2019____, before me, a notary public, personally appeared December Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



onr Notary Public - South Dakota

My Commission Expires June 2021

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 13th _ day of December 2019 SURETY COMPANY

Paul T. Bruflat, Vice President

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.

Form F5306-10-2017



May 7, 2021

Sent Via Email: jharmon@midlandparknj.org

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

Attn: Ms. Jessica Harmon, Secretary

Subject: Midland Park Planning Board/ Englewood Warehousing 3,LLC Site Plan Application for Site Improvements As-Built Survey Review 268 Greenwood Ave. Block 50, Lot 9 LAN Job #2.2428.246

Dear Ms. Harmon:

LAN Associates, Engineering, Planning, Architecture, Surveying, Inc. (LAN) is in receipt of an existing conditions survey, dated 3/11/21. LAN has reviewed this plan and performed a site visit to review the site. From that site visit, we noted the following:

- 1. The landscaping was installed in general conformance with the approved plans. It was noted that some of the plantings appear to be unhealthy. The applicant will be responsible for replacing these plantings if they die.
- 2. The Knox box was installed on the building. It should be confirmed that the fire official has reviewed and approved of this installation.

After our review, it is LAN's opinion that the improvements were constructed in general conformity with the approved plans. LAN would take no exception to the issuance of a CA, presuming the following are provided to the Planning Board:

- 1. A copy of an approval letter from Bergen County Planning Board (or a letter indicating that BCPB approval was not required in accordance with Resolution condition #1.)
- A copy of the final approval from BCSCD should be provided to the board in accordance with Resolution condition #7 (assuming the project was subject to the jurisdiction of the Bergen County Soil Conservation District.)
- 3. Proof of recording of the subdivision deed merging the two lots into one lot in accordance with resolution condition #12.

LAN ASSOCIATES

It should be noted that in accordance with the approved Resolution, Item #5, "The Planning Board will retain jurisdiction for a period of one year after the issuance of a certificate of occupancy for the improvements to review the lighting and impose additional requirements." This condition shall remain in effect for one year.

Respectfully submitted,

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

Erik E. Boe, PE

EB:eb/P:\200-AE\2400-2499\2428\2428.246\Admin\Letters\2428246LHarmon050721.docx

cc: File #2.2428.246 Darryl W. Siss, Esq. (Via Email: <u>dsiss@trslawfirm.com</u>)

Jessica Harmon

From:	Michael Rau
Sent:	Tuesday, May 25, 2021 1:50 PM
То:	Jessica Harmon
Subject:	RE: 268 Greenwood Ave - Englewood Warehousing 3 LLC

My Apologies Jess,

Yes, the Knox Box has been installed & keys placed inside. This happened some time ago. I dealt with Sparq Communications.

Any questions please feel free to reach out to me with any other questions.

Sincerely,

Mike Rau, NJCEM Fire Official Borough of Midland Park, N.J. 201-445-2044 Mrau@midlandparknj.org

From: Jessica Harmon <JHarmon@midlandparknj.org> Sent: Tuesday, May 25, 2021 11:09 AM To: Michael Rau <Mrau@midlandparknj.org> Subject: RE: 268 Greenwood Ave - Englewood Warehousing 3 LLC

Following up on this - I know you said yes but can you email it?

Jessica Harmon Planning and Zoning Board Secretary Borough of Midland Park 551-600-8284 jharmon@midlandparknj.org

From: Jessica Harmon Sent: Tuesday, May 18, 2021 11:30 AM To: Michael Rau <<u>Mrau@midlandparknj.org</u>> Subject: 268 Greenwood Ave - Englewood Warehousing 3 LLC

Mike -

Can you confirm if you reviewed/approved of the installation of the Knox box installed on this building?

Thank you!

Jessica Harmon Planning and Zoning Board Secretary

***CORRECTED LETTER**



BORO OF HID DARK

MAR 1 8 2020

BUILDING DEPT

COUNTY OF BERGEN

DEPARTMENT OF PLANNING AND ENGINEERING

One Bergen County Plaza • 4th Floor. • Hackensack, N.J. 07601-7076 Tel. (201) 336-6446 • Fax (201) 336-6449

James J. Tedesco III County Executive

Joseph A. Femia, P.E. Director/County Engineer

February 26, 2020

Englewood Warehousing 3, LLC 61 Lake Road. Far Hills, New Jersey 07931

RE: Site Plan Exemption No. SPEX20-05 Englewood Warehousing 3, LLC Block 50, Lots 9 & 10 <u>Midland Park</u>

Dear Applicant:

A Review by the Department of Planning and Engineering's Site Plan Review Team of the above-referenced plan indicates that Bergen County Planning Board approval will not be required.

Sincerely,

Timst

Eric V. Timsak Supervising Planner

C: Midland Park Planning Board; Construction Official Page Consultants, Inc. Colin M. Quinn, Esq.

*Incorrect Town Referenced

Berge	en County Soil Conservation Dist	rict
BORGOSWOL	700 Kinderkamack Rd., Suite 106 Oradell, NJ 07649 2021 Telephone: (201) 261-4407 Fax: (201) 261-7573	New Jersey Natural Resources Conservation Program State Soil Conservation Committee

REPORT OF COMPLIANCE

This certifies that the Soil Erosion and Sediment Control measures to the extent indicated comply with the Soil Erosion and Sediment Control Plans as certified by the Soil Conservation District pursuant to Chapter 251, P.L. 1975 as amended, the Soil Erosion and Sediment Control Act, (NJSA 4:24-39 et seq.)

To: MR MARK BORNINGER Construction Official
Municipality: MINLAND PARK SCD Application No: 20-2396
Project Name: PARICING LOT
Block(s): 50 Lot(s): 10 Street Address: 268 GROONWOOD ANDNOS
Block(s): Street Address:
CONDITIONAL COMPLIANCE* (CRC)

***CONDITIONS:**

1. Establishment of permanent stabilization of all disturbed areas in accordance with the certified soil erosion and sediment control plan.

Conditions above must be satisfied no later than	
FINAL REPORT OF COMPLIANCE Invalid if checked in addition to the CRC and/or ROC boxes unless authorized by district official) Date: _57524 Signature of District Official:	
Distribution: Municipal Construction Office (white), Developer/Owner (yellow), District (pink)	

From:	Neil Rubenstein
To:	Amy Davidson
Cc:	Jessica Harmon
Subject:	RE: MP - Englewood Warehousing Recording of Deed
Date:	Monday, August 9, 2021 3:21:51 PM

Amy,

Yes I did. If you would like a copy I can give you one on Thursday, Neil

From: Amy Davidson <ADavidson@midlandparknj.org>
Sent: Monday, August 9, 2021 2:30 PM
To: Neil Rubenstein <neil@realtyappraisal.net>
Cc: Jessica Harmon <JHarmon@midlandparknj.org>
Subject: MP - Englewood Warehousing Recording of Deed

Hi Neil,

Can you please confirm that you received proof of recording of the subdivision deed merging the two lots into one lot for Englewood Warehousing 3 LLC, 268 Greenwood Ave, Block 5 Lot 9.

Amy Davidson Technical Asst. to the Construction Official 280 Godwin Avenue Midland Park, NJ 07432 551-600-8279 M-F 8:30AM-12:30PM

Bergen County Clerk Bergen County Clerk One Bergen County Plaza Hackensack, NJ 07601 (201) 336-7000 www.bergencountyclerk.org/	JERSH	INSTRUMENT# 2020039283 V 3570 936 RECORDED DATE: 04/15/2020
Document Type: SUBD	DIVISION DEED	Transaction #: 1517664 Document Page Count: 15 Operator Id: DS
RETURN TO: COLIN QUINN ESQ 745 KINDERKAMACK ROAD RIVER EDGE, NJ 07661		SUBMITTED BY: COLIN QUINN ESQ 745 KINDERKAMACK ROAD
		RIVER EDGE ,NJ 07661
·····		SECONDARY NAME
ENGLEWOOD WAREHOU	ISING 3 LLC	ENGLEWOOD WAREHOUSING 3 LLC
ADDITIONAL PRIMARY N	JAMES	ADDITIONAL SECONDARY NAMES
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MARGINAL REFERENCE DOCUMENT DATE: 12/18/20 MUNICIPALITY: MIDLAND P LOT: 9 BLOCK: 50	019	INSTRUMENT#: 2020039283 Recorded Date: 04/15/2020
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DOCUMENT DATE: 12/18/20 MUNICIPALITY: MIDLAND P LOT: 9 BLOCK: 50 FEES/ TAXES: RECORDING FEE STATE RECORDING FEE COUNTY RECORDING FEE	019 ARK \$20.00 \$70.00 \$70.00	INSTRUMENT#: 2020039283 Recorded Date: 04/15/2020 I hereby CERTIFY that this document is recorded in the Clerk's Office in Bergen County, New
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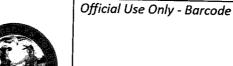
OFFICIAL RECORDING COVER PAGE

Page 1 of 15

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes. *COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION. Derd pp #93 Bergen County Recording Data Page Honorable John S. Hogan Bergen County Clerk



Official Use Only – Realty Transfer Fee

 Date of Document:
 Type of Document:

 12/18/2019
 Subdivision Deed

 First Party Name:
 Second Party Name:

 Englewood Warehousing 3, LLC
 Englewood Warehousing 3, LLC

 Additional Parties:
 Additional Parties:

N IS REQUIRED FOR DEEDS ONLY
Lot:
9 & 10
Jersey 07432

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGE INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY

Original Book:

Original Page:

BERGEN COUNTY RECORDING DATA PAGE

Please do not detach this page from the original document as it

contains important recording information and is part of the permanent record.

Prepared by:

Colin M. Quinn, Esq.

SUBDIVISION DEED

This Deed is made on December 18, 2019.

¥

BETWEEN: ENGLEWOOD WAREHOUSING 3, LLC

whose address is 268 Greenwood Avenue and 9 Clinton Avenue, Midland Park, New Jersey 07432, referred to as the Grantor.

AND: ENGLEWOOD WAREHOUSING 3, LLC

whose address is 268 Greenwood Avenue and 9 Clinton Avenue, Midland Park, New Jersey 07432, referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of less than \$100.00. The Grantor acknowledges receipt of this money.

Tax Map Reference.(N.J.S.A. 46:15-1.1)Borough of Midland ParkBlock No.50Lots: 9 & 10

Property. The property consists of the land in the Borough of Midland Park, County of Bergen, and State of New Jersey. The legal description is:

See Legal Description attached hereto and made a part hereof.

Tract 1 - Block 50, Lot 10

BEING THE SAME PREMISES CONVEYED to 511 Broad Street Associates, LLC, a New Jersey Limited Liability company, by Deed from Douglas A. Cagney by his Attorney in fact, William C. Cagney and Anne Helene Cagney by her Attorney in fact, William C. Cagney, as joint tenants, dated August 5, 2005, recorded August 24, 2005 in the Bergen County Clerk/Register's Office in Deed Book 8879, Page 30.

Tract 2 – Block 50, Lot 9

BEING THE SAME PREMISES CONVEYED to 511 Broad Street Associates, LLC, a New Jersey Limited Liability Company, by Deed from Ad-A-Name, Inc., a New Jersey Corporation, dated August 5, 2005 and recorded August 24, 2005 in the Bergen County Clerk/Register's Office in Deed Book 8879, Page 435.

BEING THE SAME PREMISES CONVEYED to Englewood Warehousing 3, LLC, a New Jersey Limited Liability Company. by Deed from 511 Broad Street Associates, LLC, a New Jersey Limited Liability Company, dated August 31, 2017, recorded September 29, 2017 in the Bergen County Clerk's Office in Deed Book 2735, Page 2426-2432.

This Deed is recorded for the purpose of perfecting and memorializing a minor reverse subdivision merging Lots 9 and 10, Block 50, on the Borough of Midland Park Tax Map into a single lot, in accordance with N.J.S.A. 40:55d-47, which reverse subdivision was approved by the Midland Park Planning Board by Resolution dated October 21, 2019.

The undersigned certify that the premises presently known as Lots 9 and 10, in Block 50, as shown on the Borough of Midland Park Tax Map was merged into one lot by virtue of a minor reverse subdivision approval granted by the Borough of Midland Park Planning Board on October 21, 2019 and that the above Deed accurately and clearly describes the minor reverse subdivision approval by the Borough of Midland Park on October 21, 2019.

APPROVED:

(seal)

KENT RIGG, *Chairman* Midland Park Planning Board

JANET GIARDINO, Secretary (seal)

JANET GIARDINO, Secretary Midland Park Planning Board

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is now called a "covenant to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

(seal) JOHN CELENTANO, Managing Member EXGLEWOOD WAREHOUSING 3, LLC

STATE OF NEW JERSEY, COUNTY OF BERGEN) SS.:

I CERTIFY that on December 18, 2019, JOHN CELENTANO, Managing Member of ENGLEWOOD WAREHOUSING 3, LLC, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his act and deed; and

(c) made this Deed for less than \$100.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5)

Claudace (John (seal)

CANDACE COBB A NOTARY PUBLIC OF NEW JERSEY. MY COMMISSION EXPIRES JULY 16, 2024

SUBDIVISION DEED	Dated: December 18,2019
ENGLEWOOD WAREHOUSING 3, LLC,	Record and Return to:
Grantor, TO ENGLEWOOD WAREHOUSING 3, LLC, Grantee.	Law Offices of Colin M. Quinn, LLC 745 Kinderkamack Road River Edge, NJ 07661

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DEED DESCRIPTION (LOT CONSOLIDATION, BLOCK 50, LOT 10)

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Midland Park, in the County of Bergen, State of New Jersey, located at 268 Greenwood Avenue.

Block 50 Lot 10

BEGINNING at a point on the northeasterly sideline of Greenwood Avenue (60' ROW), said point being the intersection formed by said northeasterly sideline of Greenwood Avenue with the northwesterly sideline of Clinton Avenue (60' ROW) and running thence:

- Along said northeasterly sideline of Greenwood Avenue, on a bearing North 40 degrees 30 minutes West a distance of 200.00 feet to a point; thence
- 2. On a bearing North 49 degrees 30 minutes East, a distance of 100.00 feet to a point; thence.
- 3. On a bearing South 40 degrees 30 minutes East, 100.00 feet to a point; thence
- 4. On a bearing South 49 degrees 30 minutes West, a distance of 50.00 feet to a point; thence
- 5. South 40 degrees 30 minutes East 100.00 feet to a point, thence
- 6. Along northwesterly sideline of Clinton Avenue, on a bearing South 49 degrees 30 minutes West, a distance of 50.00 feet to a point or place of Beginning.

(Area equals 15,000-sf., 0.344-acres)

The above description being drawn in accordance with a survey prepared by Weissman Engineering, Co., dated August 29, 2017.

FOR INFORMATION ONLY:

Commonly known as:	268 Greenwood Avenue
	Tax Block 50, Tax Lot 10 and 9
	Borough of Midland Park, New Jersey

Page Consultants Inc.

Book3570/Page942 CFN#2020039283

BOROUGH OF MIDLAND PARK COUNTY OF BERGEN PLANNING BOARD

RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL FOR PREMISES KNOWN AS BLOCK 50, LOTS 9 and 10, KNOWN AS 268 GREENWOOD AVE AND 9 CLINTON AVE., BOROUGH OF MIDLAND PARK COUNTY OF BERGEN, STATE OF NEW JERSEY

WHEREAS, an application has been submitted to the Borough of Midland Park Planning Board by Englewood Warehousing 3, LLC for site plan and variance approval for the premises known as Block 50, Lots 9 and 10 on the current tax assessment map of the Borough of Midland Park; and

WHEREAS, public hearings of the Planning Board were held on Monday, August 26, 2019 and September 16, 2019 (in which due notice was given) and during which the Planning Board heard testimony by the applicant and its consultants, representatives, and experts, and the Planning Board reviewed and considered all correspondence, maps, plats, reports and public input, if any, on the application, as well as a presentation by the applicant's attorney, Colin Quinn, Esq., together with all exhibits submitted as evidence; and

WHEREAS, during the public hearing the following was introduced by the applicant as exhibits:

- A-1 Application for Development
- A-2 Plans prepared by Page Consultants, Inc. dated January 9, 2019, with a final revision date of July 11, 2019, consisting of 9 pages
- A-3 Plan prepared by Page Consultants, Inc. entitled "Interior Layout" dated January 9, 2019, consisting of one page
- A-4 Correspondence from LAN Associates originally dated April 15, 2019, with a final revision date of August 26, 2019.
- A-5 Memorandum from Police Chief marked as received on August 21, 2019.
- A-6 Memorandum from Fire Prevention Official marked as received on July 3, 2019
- A-7 Memorandum from Fire Prevention Official marked as received on September 13, 2019
- A-8 Correspondence from LAN Associates originally dated April 15, 2019 with a final revision date of September 13, 2019
- A-9 Plans prepared by Page Consultants, Inc. dated January 9, 2019 with a final revision date of August 27, 2019, consisting of 9 pages.

- A-10 Plan prepared by Page Consultants, Inc. entitled "Consolidation Plan" dated August 27, 2019, Consisting of One Page
- A-11 Plan prepared by Page Consultants, Inc. entitled "Drainage Areas" dated August 27, 2019 consisting of one page

WHEREAS, the application submitted by the applicant requires the following relief:

Waivers

;

Section 32-6.2(b)(2) No parking permitted in front yard. Parking proposed in front yard.

Section 32-6.2(b)(3) Parking spaces not permitted in any required buffer zone. Parking within 6 foot buffer proposed along rear of parking lot.

Section 32-6.2(e)(3) No entrance or exit drive permitted closer than 50 feet to right-of-way line of intersection street. Entrance/exit to parking lot proposed at 26.5 feet from intersection.

Section 32-6.2(h)(3) 5 foot buffer required around parking area. 4.34 foot buffer proposed at rear property line.

Section 32-6.5(f)(2) Minimum light levels throughout parking area to be 1.5 foot-candles. Areas of parking lot proposed to be 0.4 foot-candles.

Section 32-6.5(f)(4) Maximum light level at property lines is 1.0 foot-candles. Light levels at front and rear property line exceeds 1.0 foot-candles.

Section 32-6.9(c)(1) Not less than 15 percent of total lot area required to be devoted to landscaping. 10.07 percent landscaped area proposed.

Variances

Section 34-11.2(f) Maximum impervious coverage is 80 percent. Proposed is 88.84 percent.

Section 34-13.6(c) Prohibits spillage of lighting exceeding .5 foot-candles onto adjoining properties or public right-of-way. Level is exceeded along the front and rear property lines.

Section 34-14.7(f) Paved areas shall not be located less than 5 feet from any lot line. Paved area is on the lot line along Greenwood Ave and 4.34 feet from rear lot line.

Section 34-15.1 A 5 foot buffer is required for non-residential uses which abut residential zone. 4.34 feet is proposed along residential zone.

Section 34-15.5 Prohibits spillage of lighting in excess of .5 foot-candles onto adjoining residential properties. Level is exceed along rear property line.

Section 34-16.2 No off-street parking located in required front yard. Parking proposed in front yard.

Section 34-16.2 No off-street parking located closer than 6 feet to side or rear lot line. Parking is proposed 4.34 feet from rear lot line.

Testimony

WHEREAS, The Planning Board heard testimony from the applicant's representatives as follows:

August 26, 2019 Meeting

;

The applicant's attorney, Colin Quinn advised the Board that the property had been the subject of a previous application many years ago in which the Planning Board approved a merger of the two lots. That merger was never perfected by recording of a deed and the Borough of Midland Park continues to show the property as two lots on the tax map and tax bills. There are two buildings on the property, a large commercial, warehouse type structure and a residential type structure which has been used for commercial uses. The larger commercial building on the property encroaches over the common lot line. The merger of the lots would eliminate this non-conforming condition. The applicant further proposes to demolish the existing residential-type structure which would eliminate the two principal buildings on the merged lot. The demolished building would be replaced by a parking area for the existing commercial building and would provide the number of parking spaces required by the zoning ordinance.

William Page testified on behalf of the applicant. Mr. Page was accepted by the Board as an expert in the field of engineering. Mr. Page introduced Exhibits A-2 and A-3. He testified as to the general improvements proposed to the site and the waivers and variances that are required The primary improvement to the property is the demolition of the residential-type building which will be replaced by a parking lot. With the addition of the parking lot the number of parking spaces on site will be sufficient, along with the parking provided in the front of the remaining building, to meet the requirements of the zoning ordinance. A handicapped parking space is located in front of the building along Greenwood Ave. The location of the parking lot and the limitations caused by the configuration of the property causes the need for a number of variances. The rear of the parking lot is designed to provide a small turn-around area for the last two parking spaces. The curb for the turn-around area is almost on the property line dividing the adjacent residential property. This violates the 5-foot buffer requirement between commercial and residential uses. In order to meet the number of parking spaces required, parking is required in the front yard along Greenwood Avenue, which requires a variance but is an existing condition. With respect to lighting, two wall-packs are proposed on the side of the building, and one light pole is proposed along the southeast side of the parking lot near Clinton Avenue. A variance is required as there is some light spillage onto Greenwood Avenue from the existing fixtures and the adjacent residential lot to the rear which exceeds the maximum permitted by the zoning ordinance. This spillage is minimal. The lighting also requires a waiver from the site plan requirements as the minimum light levels in the parking area is proposed to be 0.4 footcandles where 1.5 foot-candles is required throughout the parking area. It is his opinion that lighting provided is sufficient given that the proposed use of the property.

With respect to drainage, a seepage pit has been proposed, and the system has been designed for the 100-year storm. The seepage pits provide an overflow pipe that leads to the existing storm drain in the street.

The entrance to the new parking lot is located 24 feet from the intersection of Greenwood Avenue and Clinton Avenue, where the site plan ordinance requires a minimum of 50 feet. Although additional landscaping is proposed, the landscaped area is deficient, as 10.07 percent landscaped area is proposed where 15 percent is required. A new sidewalk is proposed along Clinton Ave. and on Greenwood Ave. up to the parking lot entrance.

Mr. Page offered the opinion that the improvements to the site overall constitute a significant improvement over that which exists and that by eliminating the lot line the encroachment of the commercial warehouse building over the property line is eliminated. The demolition of the residential type house will allow for increased parking to meet the requirements of the zoning ordinance, significant landscaping is proposed and the overall plan provides for improved traffic circulation on and off of Greenwood Avenue. He also noted that the installation of sidewalks which provides for a safety factor.

Nicholas Ponzini testified on behalf of the applicant. He testified that he is the controller of the applicant. The applicant, Englewood Warehousing 3, LLC, will be the occupant of the building. The company is a general contractor for the wireless communications industry. There are approximately three to five employees on site at any one time, and they own three small cargo vans. General office hours are 8:00 AM to 5:00 PM, Monday through Friday. There are limited visitors. Deliveries are usually only United Parcel Service, and there is not a lot of truck traffic.

The Board expressed concerns and offered suggestions to the proposed improvements. The grading for the handicapped space appear to exceed the maximum grading permitted for handicapped access. The Board also noted that the aisle in the parking area exceeded the distance required by ordinance and if the aisle width were reduced additional buffering could be provided along Clinton Ave. and there could be more access area between the lot and the building access. With respect to the waivers and variances required for buffer along the residential zone, if the turn-around area along the residential property was eliminated the buffer area could be increased and reduce the need for that variance. The entire parking lot could be moved closer to Greenwood Avenue which would also allow for a wider buffer between the residential lot. The Board also questioned whether the calculations for drainage took into account the additional area of the roof that is now draining into the parking lot by the installation of leaders and gutters. The Board also expressed concern that the door on the northeast side of the building may not provide sufficient clearance for the door to swing outward and may need a landing and step.

At the end of the testimony, the applicant agreed to review the concerns expressed by the Board and make a number of revisions to the plans. The applicant indicated that the plans would be revised and submitted prior to the next meeting. The matter was carried to the September 16, 2019 meeting.

September 16, 2019 Meeting

7

Mr. Page testified for the applicant. He introduced revised plans which were marked as Exhibit A-9 and outlined the changes made in the plans. Revisions included adding information requested by the Board and the Board engineer. Substantive revisions included the elimination of the turnaround area which increased the size of the buffer adjoining the residential property, bollards added along the rear property line for safety, moving the parking area towards Greenwood Ave., and reducing the width of the parking lot aisle from 30.9 feet to 28 feet. Sixfoot-high Arborvitae trees were added to the buffer area along the rear property line adjoining the residential area, and Arborvitae trees were also added to the buffer area along Clinton Avenue. The revisions resulted in an increased buffer area both along the rear and side property lines and a reduction of the impervious coverage. The distance of the entrance to the parking area to the intersection was increased from 24 feet to 26.5.

With respect to the drainage, calculations have been revised, and a second seepage pit has been added. The grading in the parking lot has been increased to one percent to allow for better drainage to the seepage pits. Although the drainage plans and calculations do not incorporate the addition of the roof drains, he noted that the drainage plan does provide more than what is required for the roof drains and the increase in impervious coverage, which was confirmed by the Board engineer.

Other revisions include the installation of a landing, step and handrail at the rear entrance for safer access and a wheel stop has been placed in the parking space directly adjacent to that doorway. The handicapped parking area has been redesigned so that the grading meets all regulations.

Public Comment and Questions

WHEREAS, the matter was open to the public for questions of the witness and comments to the application at both the August 26th and September 16th meetings. Pat DePinto appeared at the August 26th meeting. She owns the adjoining residential property. She indicated she would prefer a thick buffer to create a screen for her property. She also noted that the drainage from the property currently drains out to Greenwood Ave. and occasionally floods.

Findings of Fact and Conclusions of Law

WHEREAS, the Planning Board makes the following findings of fact/conclusions of law:

1. The property is located in the I-2 zone and is currently improved with a commercial building and a residential type structure that has been used as an office. By resolution of the Planning Board, approval was granted in 1987 for the merger of the two lots with the two buildings currently located on the property. Since that time, the property has been used in accordance with that approval, but no document was recorded to perfect the merger. The tax map of the Borough continues to show the property as two tax lots.

2. The large warehouse building on the property encroaches over the common property line. The merger of the two lots represents good planning, as it will eliminate the encroachment. The demolition of the residential-type structure and the installation of a parking lot also represents good planning, as it eliminates a non-conforming structure and provides sufficient parking for the remaining building and use on the site.

3. The site does not currently provide the number of parking spaces required by the zoning ordinance. The current layout provides parking in the front yard along the building along Greenwood Ave. While that condition will continue, the addition of the parking lot as proposed will provide additional parking and reduce the dependence on the parking along Greenwood Ave. The parking lot proposed will allow the property to comply with the parking requirements of the zoning ordinance. Such compliance results in a number of design waivers and variances as outlined herein. Taken together, the waivers and variances required are due to the irregular shape of the property and the benefits of providing the parking outweighs any detriments to the public in general.

4. The variance for the buffer, paving and parking along the rear property line is required to provide the parking required and offset by the solid plantings and will not negatively affect the adjoining residential property. Considering the minimal use and traffic in the parking area, the buffer area provided is sufficient.

5. The site plan ordinance requires a minimum of 1.5-foot candles in the parking areas and there are areas that only provide 0.4-foot candles in the parking area. This lighting level should be sufficient given the type of operations on the site. Additional lighting fixtures to meet the requirements of the ordinance would result in additional glare on the adjoining residential property. The light levels that exceed the maximum 1.0 foot-candles permitted along the front property line are from existing fixtures and are along Greenwood Ave. and will not have any negative effect on the public. The light levels that exceed the 0.5 foot-candles permitted at residential property lines are in isolated areas and are reduced to 0.0 foot-candles a short distance on the adjoining property. The planning board shall retain jurisdiction for a period of one (1) year after construction to re-evaluate and require additional lighting in the parking area or reductions to the lighting levels along the property lines.

6. The variance for impervious coverage is due to the installation of the parking lot. As noted, the additional parking provides a significant improvement and benefit. The increase in impervious coverage is offset by the addition of landscape area along Clinton Ave. and the drainage improvements

7. The improvements to the property and the elimination of the lot line and building encroachment taken in totality represent good planning and a significant improvement of the use and aesthetics of the property and represents sound planning and more than offsets any minor detriment that may be created by any of the waivers or variances requested.

WHEREAS, the Planning Board has considered the request by the applicant for the variances and waivers set forth above. In considering the overall application to be in accordance with sound and proven zoning and planning principles, the Planning Board has determined that, based on the above

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mentioned facts and the testimony of the witnesses, the requested variances can be granted without causing a substantial detriment to the public good, nor substantially impairing the intent and purpose of the Midland Park Zoning and Land Use Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board that based upon the above findings of fact and conclusions of law that the application of Englewood Warehouse 3, LLC for preliminary and final site plan approval and reverse subdivision approval for the merger of the two lots for those premises known as Block 50, Lots 9 and 10, along with the waivers and variances set forth herein in accordance with the plans and exhibits is hereby granted; and

BE IT FURTHER RESOLVED that the approvals set forth above are subject to the following conditions:

- 1. That the granting of the application is subject to the approval of the Bergen County Planning Board, if necessary.
- 2. All improvements will be constructed in accordance with the Plans. Notwithstanding, no approval granted herein shall be deemed to supercede 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 Planning Board will retain jurisdiction for a period of one year after the issuance of a certificate of occupancy for the improvements to review the lighting and impose additional requirements.
- 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.
- 8. Applicant shall enter into a Developer's Agreement in a form to be prepared by the Planning Board or Borough Attorney and shall post of Performance Guaranty pursuant to Municipal Land Use Law in accordance with the engineer's estimate.
- 9. Compliance with all checklist items and requirements in the correspondence from LAN Associates dated September 13,2019 (Exhibit A-8).
- 10. A Knox box will be installed on the site in a location approved by the fire official.

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- 11. All dumpsters will be located inside of the building.
- The applicant will prepare and record a subdivision deed merging the two lots 12. into one lot, the form of which will be subject to the approval of the planning board attorney, the borough attorney and the board engineer.
- 13. The applicant will redesign the elevation of the seepage pit grates to increase the pitch of the parking lot as suggested in Paragraph No. 29 of the LAN Associates letter dated September 13, 2019.

BE IT FURTHER RESOLVED that the Chairman and the Secretary of the Board are hereby authorized to affix their signatures to this resolution granting approval for preliminary and final site plan and variances. The Secretary of the Board is hereby authorized to advertise the action taken by way of this resolution in the local newspaper and furthermore send certified copies of this resolution to the Borough tax assessor, construction code enforcement official, building sub-code official, zoning official, the borough attorney, and the applicant's attorney.

Approved: October 21, 2019

Planning Board of the Borough of Midland Park

JANET GIARDINO, Secretary

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By: KENT RIGG Chairman

CFN#2020039283 Book3570/Page950



MAINTENANCE BOND

Bond Number: 72223019

KNOW ALL PERSONS BY THESE PRESENTS, That we Englewood Warehousing 3, LLC

	01
268 Greenwood Ave., Midla	nd Park, NJ 07432 , hereinafter
referred to as the Principal, and	
as Surety, are held and firmly bound unto Borough of	Midland Park
of 280 Goodwin Ave., Midland Park, NJ 0743	, hereinafter
referred to as the Obligee, in the sum of Forty Thous	and Eight Hundred Sixty-Eight and 00/100
Dollars ($(40,868.00)$), for the payment of whic and assigns, jointly and severally, firmly by these prese	h we bind ourselves, our legal representatives, successors nts.
WHEREAS, the said Principal entered into a contract w	i th the Borough of Midland Park
	dated
08/27/2019 , for Ex	pand Parking Lot For Insured Business - 268

Greenwood Ave.

WHEREAS, said contract provides that the Principal will furnish a bond conditioned to guarantee for the period of $\underline{-}$ $\underline{-}$

WHEREAS, the said contract has been completed, and was approved on <u>August 18</u> 2021

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of \underline{Two} (_2_) year(s) from and after <u>August 18, 2021</u> then this obligation shall be void, otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED this 18th day of August 2021

Englewood Wa	rehousing 3, LLC Principal)	_ (Seal)
	Surety Company (Surety) Attorney	CORPORATE SEAL (S. COLUMNIA)

Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

72223019 Bond No.

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint C. Bendt

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Englewood Warehousing 3, LLC

Obligee: Borough of Midland Park

Amount: \$1,000,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

If Bond No. 72223019 _ is not issued on or before midnight of December 20, 2021 all authority conferred in this Power of Attorney shall expire and terminate.

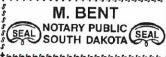
In Witness Whereof, Western Surety Company has caused these presents to be signed by its Vice President, Paul T. Bruflat, and its th corporate seal to be affixed this August __ day of _ 202



WES SURET COMPANY

bruflat, Vice President

18th _, in the year ________, before me, a notary public, personally appeared On this _ day of _ August Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said opporation



Notary Public - South Dakota

My Commission Expires March 2026

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

	reof, I have hereunto	set my hand and seal of Western Surety Company this	18th	day of
August	,2021	WESTERN	SURETY	
		and	1. Day	

Paul T. Bruflat, Vice President

To validate bond authenticity, go to <u>www.cnasurety.com</u> > Owner/Obligee Services > Validate Bond

Form F5306-11-2020

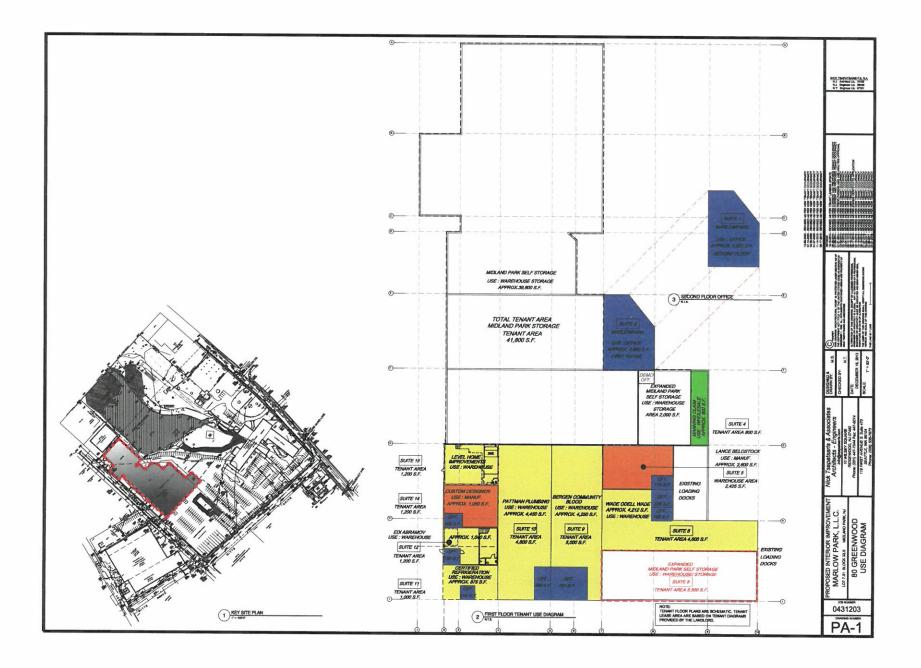
BORORECEIVED AT DEC 11 2020 BUILDING DEPT.

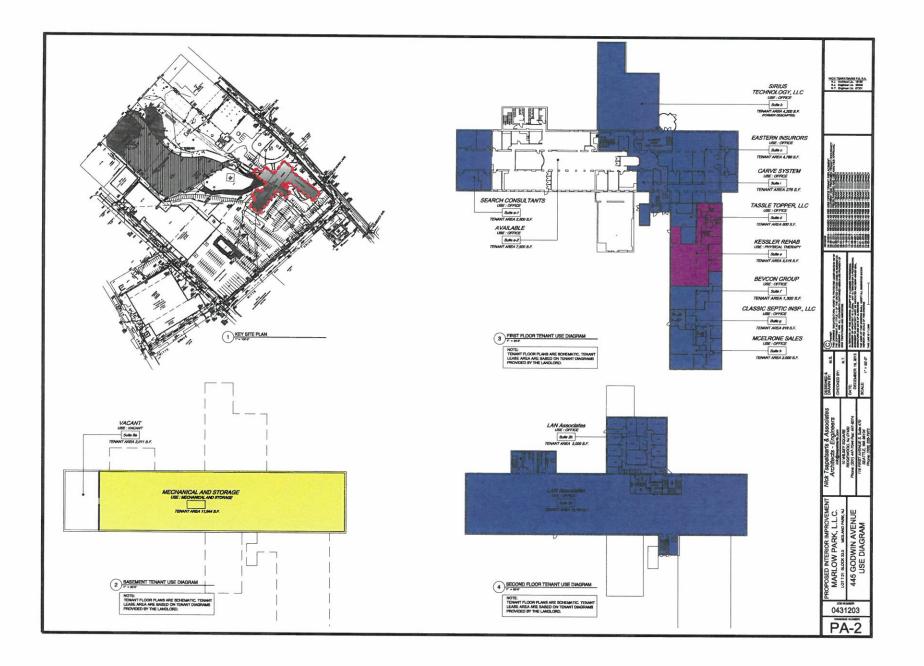
Table 3.1 - Marlow Park - Existing Conditions & Proposed Parking Analysis					Prior Revisions
				Eviction	2/21/2018
Block and Lot	Building General Building Use Required Parking	Existing Parking	6/21/2018		
				raiking	8/30/2018
Block 26.00,	80 Greenwood Avenue	Refer to Individual Building Analysis (Table 3.1a)	53.01	246.00	4/1/2019
Lot 4.01	445 Godwin Avenue	Refer to Individual Building Analysis (Table 3.1b)	189.33	346.00	9/17/2019
	Site Total		242.34	346.00	11/13/2019
					11/20/2019
Block 33.00,	59 Greenwood Avenue	Refer to Individual Building Analysis (Table 3.1c)	59.71	37.00	1/16/2020
Lot 7.01	Site Total		59.71	37.00	1/27/2020
					3/9/2020
	Combined Lots Pa	urking Analysis	302.05	383.00	4/23/2020
	Required Parking per	Ordinance #14-19**	226.54		5/29/2020
Parking Surplus of existing onsite parking 156.46					
Planning Board Resolution Dated June 17, 2013; up to 92 stalls on Block 26.00, Lot 4.01 may be shared with Block 33.00. Lot 7.01. 60 stall					10/22/2020
	lock 26.00, Lot 4.01				11/10/2020
For Non-Residential	Mixed Uses with more than 10	tenants and more than 4 non related uses, the gro	oss parking requirements s	hall be lessened	Last Revised
25%					12/10/2020

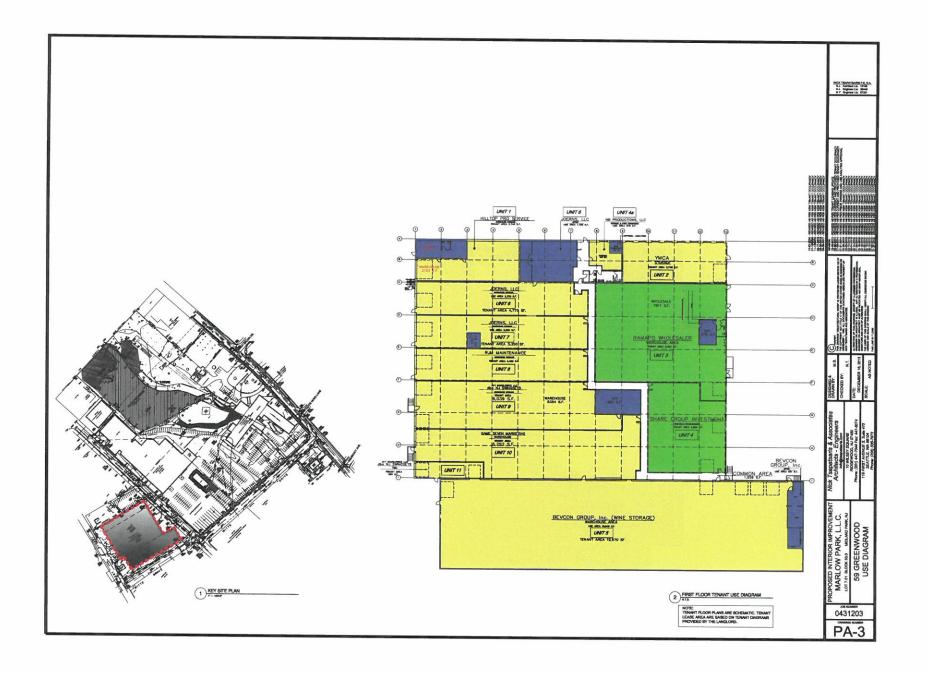
Suite	Principal Use	Tenant Use	Tenant	EXISTING AREA (SF)	Ord. Parking Rate	PARKING REQ.
Suite 1	Office	Office	Marlow Park	1,950	250	7.80
Suite 2	Office	Office	Marlow Park	1,950	250	7.80
Suite 3	Warehouse	Refer to Self Storage Demolised Office	Midland Self Storage Midland Self Storage	Refer to Self Storage (V Refer to Self Storage (V	Varehouse) Varehouse)	
Suite 4	Wholesale	Wholesale Establishment	Manning Claim	800	600	1.33
Suite 5	Warehouse	Industrial Manufacturing Office Space	Lance Belostock	2,425 175	400 250	6.06 0.70
Suite 6	Warehouse	Warehouse Storage Office Space	Wade Odell Wade Wade Odell Wade	<mark>4,212</mark> 388	employee 250	4.00 1.55
Suite 8	Warehouse	Self Storage (Warehouse)*	Midland Self Storage	5,500	employee	1.00
Suite 9	Warehouse	Warehouse Storage Office	Bergen Comm. Blood Bergen Comm. Blood	<mark>4,250</mark> 750	employee 250	4.00 3.00
Suite 10	Warehouse	Warehouse Office Space	Pattman Plumbing Pattman Plumbing	4,450 350	employee 250	<mark>2.00</mark> 1.40
Suite 11	Warehouse	Warehouse Storage Office Space	Certified Refrigeration Certified Refrigeration	875 125	1 250	1.00 0.50
Suite 12	Wholesale	Warehouse Storage Office Space	Edi Abramov Edi Abramov	<mark>1,040</mark> 160	Employee 250	2.00 0.64
Suite 14	Manufacturing	Industrial Manufacturing Office Space	Custom Designers Custom Designers	1,050 150	400 250	2.63 0.60
Suite 15	Warehouse	Warehouse Storage	Level Home Improvements	1,200	Employee	3.00
dland Park Self Storage	Warehouse	Self Storage (Warehouse)* Common Area	Midland Self Storage Industrial	41,800 3,330 76,930	employee employee	2.00 0.00
e: Increase of Midlan	d Park Storage Wareho	use by 2,000 SF. reallocation of va	cant tenant Techni Service	and the second	uired Parking Spaces	53.01

1		ble 3.1b - Marlow Parl	TT	Т		
Suite	Principal Use	Tenant Use	Tenant	EXISTING AREA	Ord. Parking Rate	PARKING REQ.
Basement	Storage/ Mechanical	Storage/ Mechanical		11,944	employee	0
Basement (Ba)	Vacant	Vacant	Vacant	2,011	0	0
	Office	Office Space	Common area	470	250	1.88
First Floor (a)	Office	Office Space (variable user occupancies 10,000 sf of total occupied area)	Search Consultants Available Available	2,500 7,500 0	250	40.00
First Floor (b)	Office	Office Space	Sirius Technology, LLC	4,200	250	16.80
First Floor (c)	Office	Office Space	Eastern Insurors	4,513	250	18.05
First Floor (d)	Office	Office Space	Tassle Topper, LLC	600	250	2.40
First Floor (e)	Physical Therapy	Physical Therapy	Kessler Rehab	3,516	200	17.58
First Floor (f)	Office	Office Space	Bevcon Group	1,300	250	5.20
First Floor (g)	Office	Office Space	Classic Septic Insp.	819	250	3.28
First Floor (h)	Office	Office Space	McElrone Sales	2,000	250	8.00
First Floor (i)	Office	Office Space	Carve Systems	276	250	1.10
econd Floor (2a)	Office	Office Space	LAN Associates	15,760	250	63.04
cond Floor (2b)	Office	Office Space	LAN Asspciates	3,000	250	12.00
		1		60,409	[189.33
				445 Godwin Requ	ired Parking Spaces	189.

Suite	Principal Use	Tenant Use	Tenant	EXISTING AREA (SF)	Ord. Parking Rate	PARKING REQ.
Unit 1	Warehouse	Storage/ Warehouse	Hilltop Pro Service	2,153	Employee	4.00
		Office Space	Hilltop Pro Service	593	250	2.37
Unit 2	Warehouse	YMCA Storage	YMCA Storage	2,745	employee	2.00
Unit 3	Wholesale	Wholesale Establishment	Ramapo Wholesaler	7,817	600	13.03
		Office Space	Ramapo Wholesaler	275	250	1.10
Unit 4	Wholesale	Wholesale Establishment	Share Group Invest.	3,895	600	6.49
Unit 4a	Storage & Post Production	Storage/ Warehouse	NB Productions, LLC	479	Employee	2.00
		Office Space	NB Productions, LLC	100	250	0.40
Unit 5	Warehouse	Storage / Warehouse	Bevcon Group, Inc.	19,049	Employee	1.00
Onic 5	vvarenouse	Office Space	Bevcon Group, Inc.	621	250	2.48
Unit 6	Warehouse	Joerns, LLC	Joerns, LLC	3,370	Employee	3.00
		Joerns, LLC	Joerns, LLC	1,405	250	5.62
Unit 7	Warehouse	Joerns, LLC	Joerns, LLC	3,230	Employee	3.00
	varchouse	Joerns, LLC	Joerns, LLC	120	250	0.48
Unit 8	Warehouse	Storage	RJM Maintenance	3,428	Employee	1.00
		Contraction of the second	A CARLEY TO STREET			The second second second
Unit 9	Warehouse	Storage	NJ Swingsets	5,355	Employee	2.00
Unit 5	vvarenouse	Office Space	NJ Swingsets	685	250	2.74
Unit 10	Warehouse	Storage	Game Seven	6,292	Employee	4.00
Unit 11	10/	Storage	NJ Swingsets	659	Employee	1.00
Unit 11	Warehouse					0.00
NET	Building Area			62,271		
				Net 59 Greenwood R	equired Parking Spaces	a na an
	ommon area	Parking Ratio Varies	Mixed Use	2,146	1,079	
Gross	s Building Area			64,417		



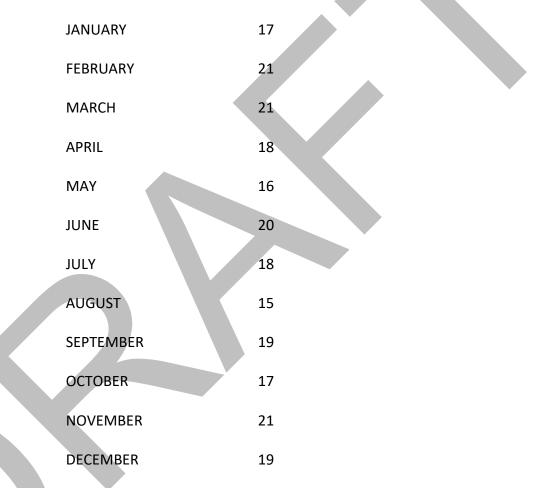




BOROUGH OF MIDLAND PARK

PLANNING BOARD

NOTICE OF REGULARLY SCHEDULED MEETINGS FOR **2022** OF THE PLANNING BOARD OF THE BOROUGH OF MIDLAND PARK, HELD ON THE THIRD MONDAY OF EACH MONTH UNLESS OTHERWISE INDICATED, IN THE COUNCIL CHAMBERS, MUNICIPAL BUILDING, 280 GODWIN AVENUE, MIDLAND PARK, NJ. THE MEETING WILL BEGIN AT 7:30 P.M.



MEETING AGENDAS AND ASSOCIATED MATERIALS WILL BE PLACED ON THE BOROUGH WEBSITE (HTTP://WWW.MIDLANDPARKNJ.ORG) FOR PUBLIC INSPECTION. IF ELECTRONIC ACCESS IS NOT AVAILABLE, MEMBERS OF THE PUBLIC MAY CONTACT THE BOARD SECRETARY AT 201-445-5720 EXT. 8284 OR EMAIL (JHARMON@MIDLANDPARKNJ.ORG) TO ARRANGE FOR OTHER WAYS TO REVIEW MEETING MATERIALS. THE ZONING AND PLANNING BOARD OFFICE IS AVAILABLE FROM 8:30AM – 12:30PM MONDAY - FRIDAY.

Copy: Borough Clerk/Admin. Borough Website Bulletin Board Ridgewood News The Record