

**BOROUGH OF MIDLAND PARK – PLANNING BOARD MINUTES**

**OCTOBER 16, 2023**

PLEASE TAKE NOTE:

ON MONDAY, OCTOBER 16, 2023, 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.

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**SUNSHINE LAW STATEMENT:** This meeting is being held in accordance with the Sunshine Law, notice having been published according to law with a copy on file in the Borough Clerk’s Office and a copy posted on the bulletin board in the Municipal Building.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

Attendance by Board Professionals: D. Siss, Attorney; E. Boe, Engineer

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**ZONING CERTIFICATES:**

**Contour Landscaping – 300 Greenwood Avenue – BL 53 LT 4.01** – Jason Andrychewicz, owner; parking trucks and trailer for landscaping company at the site. Small office inside to be used as well. Motion to approve the zoning certificate made by Mr. Wostbrock. Seconded by Ms. Pantale; all voted in favor.

**StashhhLoot LLC – 189 Greenwood Avenue – BL 35 LT 1** – No appearance by applicant; Board Secretary will attempt to reschedule for the next month’s meeting.

**Current TCO – CLC Landscape Design – 41 Birch Street – BL 26.01 LT 31.02** – TCO expires next month and applicant will need to request an extension; Board Secretary to reach out and remind them.

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**PUBLIC HEARINGS:**

**Bino Realty LLC dba Peter’s Fish Market – 190 Godwin Avenue – BL 17 LT 10** – Atty Whitaker on behalf of the applicant; notices are in order. Applicant operates a retail and wholesale fish market. There was another tenant sharing the building who has since vacated so applicant is proposing to expand their use, not expanding building in any way. The parking configuration will be modified and the retail area will be expanded/moved, the ADA compliant entrance is proposed to be moved to the rear of the building. Applicant proposes 38 parking spaces where 31 is required. The dumpster area to the rear of the site is being expanded and the existing shed which would have required a variance is being removed. All other modifications will be to the interior of the building, SF of the building will remain the same. Applicant used the most stringent parking requirement for the retail/office use rather than the warehouse use. The addition of a generator is shown on the plans in case of a power outage, it will only be exercised between 1 and 2 PM on Wednesday afternoons and all specs will be provided to the Building Department. The dumpster area in the rear is to be expanded as shown on the plans, and the shed is being removed.

**Robert Weissman, Engineer** – accepted as expert and sworn in. Mr. Weissman reviewed the existing conditions and the proposed modifications; front entrance to be relocated to the south end of the building, handicap parking space to be relocated to the rear, generator to be added along with a concrete ramp to the loading area, the dumpster area to be expanded by 70 SF to allow for an additional dumpster in the enclosure, shed to be removed, and parking will be 38 spaces where 31 are required. A knox box will be added and floor plans will be provided to the Building Department. This is a variance free application, applicant is requesting design waivers as there is no change to the footprint of the building or parking lot. Mr. Weissman reviewed design waivers requested. Bollards are being added to the front of the building for

safety. **Exhibit A1** – photo of existing front door. Existing front door will be duplicated to the South and landscaping will be supplemented in the front when the door is shifted. Board questioned whether signage will be added to direct customers to the handicap parking in the back; building mounted, compliant sign to be added. Board questioned the pallet storage area; if there is any screening, if it was on the previously approved site plan, whether it is outdoor storage or not. Per Mr. Weissman and Mr. Whitaker, the area has some landscaping but it can be supplemented, the area may not have been on the previous site plan, but it is considered a refuse area since the pallets are stored there to be picked up by an outside company and disposed of similar to refuse.

**Steven Sclafani**, owner – sworn in. Mr. Sclafani reviewed the pallet storage/removal procedure. Confirmed the size of the actual dumpster in the expanded area will remain the same, the expansion will be about 7' x 10' with a stockade fence and screening, and the second dumpster area in the southeast corner will remain. Currently the southern dumpster area is storing equipment but once it is moved the applicant could use that area for pallet storage instead. Mr. Boe confirmed with the applicant that the size would still work for them, and applicant confirms they will make this change, which will create 2 additional parking spaces. Board questioned the expanded dumpster area further, dumpster holding product waste will remain the same, it will be expanded to accommodate the cardboard recycling dumpster. Product waste is picked up every day. Applicant also confirms they have all the required approvals and inspections from the Health Department and FDA. The proposed plans show a 5' gate on a 10' enclosure, gate is to be made wider. Mr. Boe questioned how the loading and unloading process works; Mr. Sclafani reviewed the current procedure and described how it will change with these modifications; new configuration will create a natural flow of product, everything will now come right into the building now. Mr. Weissman confirmed that all parking lot measurements and striping are conforming. Board questioned the cleaning of the dumpster area. Mr. Sclafani advised the dumpster area is sanitized every day, sometimes more than once with disinfectant and bleach. The addition of the cardboard dumpster will not effect their ability to clean.

Meeting opened to the public for questions and comments.

**James Bardman** – sworn in. Procedural questions, questioned the use of refrigerated trucks powered by diesel generators in the back parking lot for several weeks at the holidays, and odor abatement which he feels is marginally effective, suggests the applicant do something about any rinsate in/on the pavement that may be causing odor to be worse. Per Mr. Sclafani, he anticipates that the ability to expand the cooler and freezer space should mean that he will not be bringing in the trailer, and the expanded dumpster space will not hold any product waste so it is not expected to exacerbate the odor in any way. **Gary Bardzell** – sworn in. Agreed with Mr. Bardman's comments about the trailers and the odor; applicant confirmed there will be no trailers anymore. Also questions if larger dumpster will effect frequency of refuse pick-up; per applicant it will not, Waste Management comes every day except Sundays and certain holidays and that will not change. **Mark Infante** – questioned a comment in Mr. Berninger's memo regarding the applicant storing refuse in a refrigerated area of the building. Per Mr. Whitaker, the applicant is not doing that, and it is not required on the basis of their previous Zoning Board of Adjustment approval. Mr. Infante commented that his tenants constantly complain about the odor, and questions some of the conditions of the previous resolution. Per Mr. Siss, all previous conditions remain.

Meeting closed to the public.

Board discussed possible alternate locations for the dumpsters. Per Mr. Whitaker, dumpster area is approved and code compliant and the applicant has testified that they will make a better effort to deal with the odor issue, and the issue is beyond the Planning Boards purview for the amended site plan approval they are seeking.

Motion to approve the application made by Mr. Wostbrock. Conditions agreed to were reviewed: generator to be tested only on Wednesdays between 1 and 2 PM, generator specs to be provided to the Building Department to confirm it meets state decibel requirements, shed to be removed, Knox box to be installed, floor plans to be provided to the Building Department, signage to be installed directing people to handicap parking at the rear entrance, signage to meet all requirements of the zoning ordinance, pallets placed in the dumpster area and current area marked pallet storage will be deleted, 2 parking spaces to be added by

deleting the pallet storage area, no storage of product overnight in trailers parked on the property, all conditions of the previous resolution remain in effect, and dumpster area gate to be adjusted to 10'. Applicant also agrees to working with the engineer to add additional landscaping along the property line adjacent to the dumpster area.

Motion seconded by Mr. Mulder; all voted in favor. Board has no objection to the applicant taking out Building permits as soon as possible, at his own risk.

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**NEW BUSINESS:**

90 Midland Ave – Redevelopment Project Subcommittee - The Mayor & Council have asked for two Planning Board members to join the 90 Midland Avenue Redevelopment Subcommittee. Ms. Pantale and Mr. Mulder volunteered with no objection.

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**COMMUNICATIONS:**

Zoning Board of Adjustment – Resolution and Report of Granted Variances for 2022

ABDD V. LLC (Dunkin') – 195 Godwin Avenue – BL 20.10 LT 5.01 – As-Built Survey Review dated 9/23/23 – informational; no action taken.

1 Godwin Ave., LLC (Sola Salon) – 1 Godwin Avenue – BL 3 LT 24.01 – As-Built Plan Review dated 9/18/23 – informational; no action taken.

Letter to the Bergen County Historical Advisory Board from the Planning Board re: 60 Lake Avenue – Copy of letter from Atty Siss on behalf of the Planning Board – informational; no action taken.

Ohana Dental LLC – 30 Prospect Street – BL 13 LT 1 – Resolution Compliance Review dated 9/15/23 and Bergen County Planning Letter dated 10/5/23 – informational; no action taken.

Mr. Mulder suggested that the Planning Board also become a Historical Committee as well.  
Commissioners, not committee?  
Atty Siss to look into it.

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Meeting adjourned – 8:46 PM  
Jessica Harmon