

BOROUGH OF MIDLAND PARK – ZONING BOARD OF ADJUSTMENT MINUTES

February 9, 2022

PLEASE TAKE NOTE:

ON WEDNESDAY, FEBRUARY 9, 2022, THE ZONING BOARD OF ADJUSTMENT 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

FORMAL MEETING

READING OF THE OPEN PUBLIC MEETINGS ACT

PLEDGE OF ALLEGIANCE

ROLL CALL:

Mr. Les Andersen	present	Mr. Nick Papapietro	present
Mr. David Zuidema	present	Mr. Mark Braunius	present
Mr. John Meeks	excused	Mr. Mark Divak	present
Mr. Richard Formicola	present	Mr. William Placier, Alt #1	present
		Mr. David Barlow, Alt #2	present

Attendance by Board Professionals: D. Siss, Esq., acting Attorney and R. Wostbrock, Engineer.

Mr. Divak, Mr. Placier and Mr. Barlow sworn in.

Minutes of the 1/12/22 meeting - approved

PUBLIC HEARINGS:

Parkview Deli LLC – 342 Erie Ave – BL 8 LT 1 – Atty. David Rutherford present on behalf of the applicant, notices are in order. Applicant is seeking site plan approval with use and parking variances for an outdoor cooler box which is an expansion of a non-conforming use and creates a loss of two parking spaces. A temporary cooler box in place for the last eighteen months with no problems.

Robert Weissman, Professional Engineer with Weissman Engineering, accepted as expert and sworn in. Mr. Weissman reviewed the site plan submitted with application. Parkwood Deli is a 2,000 SF deli. The property is deficient in parking because of the irregular size and shape of the lot; 10 spaces are proposed where 12 exist. The proposed cooler box measures 8' x 14' and is 8'6" in height. Mr. Weissman addressed the issues raised regarding the 2018 site plan approval. The Planning Board resolution called for curb stops and a 5' fence around the dumpster and instead 4' bollards and a 4' fence were installed. A gate to the dumpster via the parking area was required but no gate was installed, and the opening is on Erie Avenue. Mr. Wostbrock finds the substitution of bollards acceptable and has no exception to the 4' fence on the raised curb around the dumpster as screening is achieved.

The Fire Prevention Official recommends bollards around the cooler box which can be done, and the Construction Official recommends they place the cooler box as close as they can to the building and add screening. The applicant needs 5' of access on the south side of the cooler to get the doors open. The loss of two parking spaces has not been an issue over the last 18 months while the temporary box was there.

Roger Schnorrbusch, owner of Parkwood Deli, sworn in. Discusses access for deliveries, the closest they could get between the A/C unit and the cooler box is 4-5'. Board would like cooler placed 5' from the A/C unit and 3' from the fence, applicant to remove the bollards in front of the fence and place them on the west side of the cooler. Screening of the cooler box was discussed, Mr. Schnorrbusch feels that the front of the property is well maintained and is concerned screening would look bad. Board suggests painting it white. Tables and chairs inside the deli have been eliminated, they no longer offer dine-in service and applicant agrees that the property will not be used as a dine-in location in future.

The two parking spaces that would be lost are tandem spaces that are undesirable, and Mr. Schnorrbusch says there has never been employee parking on the property since he has owned it, employees park elsewhere. Per Atty. Rutherford, the fact that the two parking spaces are not desirable, the lack of employee

parking on site, and the nature of the business as take-out/delivery only all show there is no substantial detriment.

Mr. Wostbrock advises that shifting the cooler would require variances for an accessory structure but does have the benefit of removing the cooler box from parking space #4. Per the Board, painting the cooler box white as screening is acceptable, and per Mr. Wostbrock, the 4' fence on the 1' curb is acceptable. Applicant added an additional 18" all around the top of the dumpster fence so now it is approximately 5.5'. Mr. Wostbrock and the Board discuss granting a 6' fence height variance for this with no additional fence height actually needed. Mr. Wostbrock has concerns about the access to the dumpster being in the street, Board feels the dumpster area looks clean and the terraced effect is a positive, opts to leave it alone.

Meeting opened to the public for questions or comments, with none, meeting closed to the public.

Atty Siss summarizes changes: size of the box has been reduced, box will be moved 3' off the fence which is a variance, it will be moved 5' off the existing A/C unit and 8' off the building which is also a variance, bollards will be installed on the vehicle side, the unit will be painted white, the tables and chairs removed with no tables and chairs in the future, dumpster gate and access accepted as it is, variance for 6' fence height to cover for the existing height, employee parking to remain off-site.

Motion by Mr. Braunius to approve the application with the variances and conditions listed, seconded by Mr. Formicola; all voted in favor.

ECAL Martial Arts LLC – 289 Godwin Ave – BL 21 LT 13 – Atty. James Delia of Wells, Jaworski & Leibman, LLP present on behalf of the applicant, notices are in order. Applicant is seeking a parking variance for his Martial Arts School. 8 parking spaces are required where 4 exist. Applicant proposes to use part of the first floor of the building as the school, and the back part is to be an unrelated law office.

Arnold Lau, owner of ECAL Martial Arts LLC, sworn in. Has been running a martial art studio since 1996, current studio is in a basement location in Ridgewood that he would like to move from. Studio is open Monday – Friday 4 PM – 8 PM and Saturday 9:00 AM – 1:30 PM. There are four classes each day and each class has ten students with one instructor and one assistant. There is a ten-minute break between classes. Approximately 20% of parents stay to watch the class. Mr. Lau would instruct employees to use public street parking or the Borough lot. Board would like to know if Mr. Lau could increase to fifteen minutes between classes – yes. The back entrance would be used rather than the one on Godwin Avenue, Board would require a stipulation that there be no drop-off at all on Godwin Avenue and the front door be made for egress only.

The Board is concerned with the dangerous location of the queue to pick-up and drop-off students especially at the Godwin/Post corner. Other business use the parking on Post Street and a queue of up to 20 cars could cause congestions and other concerns. Mr. Lau points out that a number of the students are siblings, each student is not necessarily coming in a separate car. Continued discussion with the Board regarding safety and traffic associated with pick-up/drop off times at that location.

Atty Delia feels the Board needs more information and Mr. Wostbrock requests a visual of their plan for queuing, etc. Motion by Mr. Braunius to carry application to March 9, 2022, meeting with no new notice required, seconded by Mr. Zuidema; all voted in favor.

RESOLUTIONS:

2022 Contracts & Resolutions for Board Attorney and Engineer - Mr. Braunius made a motion to approve, seconded by Mr. Formicola; all voted in favor.

OLD BUSINESS:

72 Lake Avenue LLC – 72 Lake Ave. – BL 3 LT 2 – Bergen County Planning Letter – informational only.

Meeting Adjourned – 8:50 PM
Jessica Harmon