

BOROUGH OF MIDLAND PARK – ZONING BOARD OF ADJUSTMENT MINUTES

December 14, 2022

PLEASE TAKE NOTE:

ON WEDNESDAY, DECEMBER 14, 2022, THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MIDLAND PARK HELD A REGULAR 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	present	Mr. Mark Divak	present
Mr. Richard Formicola	present	Mr. William Placier, Alt #1	present
		Mr. David Barlow, Alt #2	present

Attendance by Board Professionals: R. Landel, Esq., Attorney, R. Wostbrock, Engineer

PUBLIC HEARINGS:

Loracelli LLC – 289 Godwin Avenue – BL 21 LT 13 –Atty. Michael Scully on behalf of the applicant. This application is for use and parking variances for a proposed beauty salon. Mr. Placier recused.

Laura Ann Petrucelli, proposed tenant – sworn in. Mrs. Petrucelli has been a hairstylist for 43 years and has been running a salon in Ridgewood, her lease is expiring, and she would like to move to Midland Park. She is the only hairstylist but hopes to have an assistant. Loracelli is run by appointment only. Mrs. Petrucelli is proposing 3 cutting chairs to serve up to 2 clients at a time. There is no cash register station, no walk-ins, and clients are generally not waiting. The ordinance requires 9 parking spaces, per Mrs. Petrucelli she has never needed 9 parking spaces, and she expects a maximum of only 3 people in her salon at any one time, or 4 if she gets an assistant. Mrs. Petrucelli does not anticipate parking to be a problem for her clients.

Mr. Formicola clarified that there will be 2 people in the salon working, the applicant and an assistant. Mr. Papapietro questioned walk-ins; any walk-ins would be scheduled for an appointment. Mr. Braunius confirmed the size of the area for this use; it is approximately 550 SF. **Exhibit A1** – sketch of existing and proposed salon space, dated 11/14/22. Mr. Andersen questioned the service stations; Mrs. Petrucelli explained the different areas and the flow of the salon. Atty. Landel attempted to clarify the maximum number of customers that would be there at a time. Mr. Wostbrock feels that the 3 chairs are what is considered for parking and the other areas are ancillary. Mr. Wostbrock and Mr. Andersen asked about the need for 3 chairs for the applicant and an assistant; Mrs. Petrucelli hopes to grow the business. The Board discussed employee parking, street parking, and availability of the municipal lot. Mr. Papapietro asked if the applicant would agree to a limit on the number of employees working at a time; a maximum of 3 employees would be sufficient. Mr. Meeks questioned business hours; salon is closed Sunday and Monday, all other days from 10AM to 5 or 6PM with Thursday being a late night.

Meeting opened to the public for questions of Mrs. Petrucelli; with none, meeting closed to the public.

Gina Campanella, building owner – sworn in. Ms. Campanella has owned the building for a year, occupies the rear of the first floor for her law practice which does contracts and real estate. Ms. Campanella usually works from home and is only in the office to meet clients, which is infrequent; the peak number of visitors to her office is no more than 3 at a time, including herself. Per Ms. Campanella, parking is almost always available on Post Street or in the municipal lot.

Mr. Papapietro confirmed that Ms. Campanella has no other employees besides herself. Mr. Landel reminded the Board that the question is if this use is particularly suited for this location, and the Board determined that any use would need a parking variance.

Meeting opened to the public for questions of Ms. Campanella; with none, meeting closed to the public.

Atty. Landel reminded Board members to let the applicant know if they need testimony from a planner with regard to the use variance. Mr. Andersen stated that he would not be able to vote to approve without testimony as to the positive and negative criteria. Mr. Papapietro and Mr. Formicola feel that the application is well suited to the location. Mr. Andersen reiterated that in his opinion, there is nothing on the record to support a vote to approve the use variance; those arguments could be made, but they have not been provided. Mr. Braunius feels that with the stipulation of a maximum of 2 stylists at a time, it fits the building.

Meeting opened to the public for comments on this application.

Carol Maas – 78 Highview Terrace, Hawthorne – Sworn in; is a client of Mrs. Petrucelli, thinks she will be an advantage to the neighborhood. **William Placier – 26 Parker Place** – Sworn in; clarified the parking limit on Post Street, expressed concern about the safety at that corner. **Frank Petrucelli – 112 Post Avenue, Hawthorne** – Sworn in; his mother will make this new location successful, asks the Board to vote to approve. **Arturo Petrucelli, Jr. – 112 Post Avenue, Hawthorne** – Sworn in; this variance is not going to solve the parking problem that exists, will add value to the community, and asks the Board to approve.

Meeting closed to the public.

Atty. Landel reviewed the variances; suggests voting on the use and parking variances separately since the parking variance only needs a simple majority. Again, asked Board members if they need to hear testimony from a planner for the use variance, they can give the applicant the opportunity to come back. Mr. Braunius asked the applicant if they would like to postpone the vote to bring in a planner; Mrs. Petrucelli declined. Atty. Scully feels this application will add value to the community and that it does not require the expertise of a land use planner. Atty. Landel again reminded the Board and the applicant that they need to prove the proposed use is particularly well-suited for this location. Mr. Papapietro feels that, with the testimony heard, this is well-suited for this use and this particular property.

Motion to approve the use variance made by Mr. Papapietro. Mr. Meeks stated that he would feel more comfortable with testimony from a planner about the positive and negative criteria. Atty. Landel advised the applicant that they now have 2 Board members that need to hear from a planner regarding the use variance; 5 of 7 affirmative votes are needed to approve it.

Applicant requested a recess at 9:16 PM. Meeting resumed at 9:23 PM. Atty. Scully advised that he offered his client the opportunity to consult with a planner, but she declined.

Motion to approve the use variance made by Mr. Papapietro; seconded by Mr. Braunius. Mr. Formicola, Mr. Papapietro, Mr. Braunius, and Mr. Divak all voted yes; Mr. Zuidema, Mr. Meeks, and Mr. Andersen all voted no. Application denied for not getting 5/7 affirmative votes.

RESOLUTIONS:

612 Godwin LLC – 612 Godwin Avenue – BL 42 LT 8.01 – Motion to approve the resolution made by Mr. Papapietro. Seconded by Mr. Meeks; all eligible members voted in favor.

COMMUNICATIONS:

Return of Unused Escrow – Motion to recommend the release of the following unused escrow to Borough Council made by Mr. Papapietro. Seconded by Mr. Divak; all voted in favor.

Kapur, Sunita – 60 Rea Avenue – BL 5 LT 7 - \$36.75
Wensing, Bernard – 57 W. Summit Avenue – BL 25 LT 16.02 - \$275.00
Klein, Eric – 76 Highland Avenue – BL 14 LT 5 - \$25.00
Ten Eyck, Paul – 145 Greenwood Avenue – BL 35 LT 6 - \$50.00
PJ Sullivan Construction – 192 Greenwood Avenue – BL 39 LT 2 - \$338.52
Jordan, Richard – 9 W. Summit Avenue – BL 35.01 LT 35.01 - \$303.48
Marino, Kenneth – 15 Franklin Avenue – BL 4 LT 18.01 - \$40.90
Bommer, Stephen – 180 Chamberlain Place – BL 11 LT 8.08 - \$31.84

Meeting Adjourned – 9:27 PM
Jessica Harmon