

BOROUGH OF MIDLAND PARK - ZONING BOARD OF ADJUSTMENT MINUTES

November 11, 2020

PLEASE TAKE NOTE:

ON WEDNESDAY, NOVEMBER 11, 2020, THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MIDLAND PARK HELD A REGULARLY SCHEDULED MEETING THROUGH TELE-CONFERENCE VIA GO-TO-MEETING. THE MEETING BEGAN AT 7:30 P.M.

FORMAL MEETING

READING OF THE OPEN PUBLIC MEETINGS ACT

PLEDGE OF ALLEGIANCE

ROLL CALL:

Mr. Glen Biswurm-Chairperson	present	Mr. Nick Papapietro- Vice Chair	present
Mr. David Zuidema	present	Mr. Harry Parker- Secretary	present
Mr. John Meeks	present	Mr. Mark Braunius	present
Mr. Richard Formicola	absent	Les Andersen, Alt #1	present
		Mr. Mark Divak, Alt #2	present

R. Landel, Esq., board attorney, was present on behalf of the board.

Minutes of October 14, 2020 meeting were approved.

PUBLIC HEARINGS:

ACME Markets, Inc.- 136 Lake Ave- BL 3 LT 4.02- Mr. Zuidema recused himself due to a conflict. Atty. Nicholas Talvacchia represented applicant; proposal for year-round outdoor display where 434 sf of display is requested for a 49,000 sf store. The applicant will conform to Fire Prevention memo requirements; sprinklers and ADA compliance. The display is a common feature for their stores, will be in very defined areas, and is not visible from the right of way. Atty. Landel advised that notices are in order. Sam Renauro, professional engineer and planner, sworn in and accepted as expert. Exhibit A-1, 2 page plan rev date 10/26/20 (error on square footage of display area; should read 434 sf). Mr. Renauro reviewed plan and C-2 variance criteria; display adds seasonal vibrancy to store and visual interest, applicant agrees to add sprinklers and there are no safety concerns. Maryann Holton, ACME store director, sworn in; testified that there will be no sales transactions outside the store, it is for display only and they have had no history of problems with their outdoor displays. Atty. Landel commented on the following items: 4 ft. minimum walkway, square footage of display area to be corrected to read 434 sf, and the red highlighted area proposed for display. The board questioned the cart storage area highlighted in blue, the need for the carts to be monitored to keep areas clear, and the walking space behind the displays. The applicant agreed to eliminate the cart storage in the blue highlighted area under the canopy (115 sf) and to add the required fire sprinklers. Applicant agreed to comply with all conditions of the Fire Prevention memo, will comply with egress and ADA requirements and required clearances. Applicant believes year-round display improves the shopping environment; they are proposing less display area than they currently use. The board discussed fire codes that prevent displays from being located up against the window area. Meeting opened to the public, with no comments, meeting closed to the public. Motion by Mr. Braunius to permit 434 sf of year-round outdoor display within the existing under canopy area, on the conditions that the under canopy cart parking area of 115 sf is eliminated, that they comply with all applicable codes including those referenced in the Fire Prevention memo dated 11/3/2020, and that the existing approved site plan remains unchanged; seconded by Mr. Papapietro; all voted in favor.

COMMUNICATIONS:

McDonald - 185 Vreeland Ave- BL LT- board approved return of unused escrow

2021- Schedule of meetings- board approved

Iozzia, Frank- 245 & 251 Godwin Ave- BL 20.09 LT(s) 7.02 & 5- motion approved to retain a traffic expert for the review of a proposed multi-unit housing development project.

Meeting adjourned- 8:19 pm

Janet Giardino - Board Secretary