

BOROUGH OF MIDLAND PARK - PLANNING BOARD MINUTES
SEPTEMBER 20, 2010

PLEASE TAKE NOTE:

ON MONDAY , SEPTEMBER 20, 2010, THE PLANNING BOARD OF THE BOROUGH OF MIDLAND PARK HELD A REGULARLY SCHEDULED MEETING IN THE COUNCIL CHAMBERS, MUNICIPAL BUILDING, 280 GODWIN AVENUE, MIDLAND PARK, NJ. THE WORKSHOP BEGAN AT 7:30 PM AND THE FORMAL MEETING BEGAN AT 8:00 P.M.

WORKSHOP:

MARKET BASKET- Block 34 Lot 4.03- 178 aka 185 Bank St- Jack Dawson of Construction Unlimited and Doug Blauvelt of Market Basket discussed proposal to add a second floor to building to create storage area. Board commented on reducing some of the gravel area to reduce variance conditions. Site Plan application will be required.

FORMAL MEETING

READING OF THE OPEN PUBLIC MEETINGS ACT

PLEDGE OF ALLEGIANCE

ROLL CALL:

Mr. Kent Rigg, Chairman	present	Ms. Michelle Dugan	absent
Councilwoman Nancy Peet	present	Ms. Stephanie Pantale	present
Mayor Joseph Monahan	present	Alt. #1 Jeffrey Bulick	absent
Mr. Michael Rau	present	Alt. #2 (vacant)	-----
Mr. David Wostbrock	present		

Richard Wostbrock of LAN Associates, Board Engineer and Darryl Siss, Board Attorney, were present on behalf of the Board.

Minutes of 8/16/10 meeting were approved.

ZONING CERTIFICATES:

Midland Thai Kitchen- Block 40 Lot 1.02- 15 Central Ave- Atty. Peter Jeffer representing the landlord. Application is for a Thai take out restaurant with no waitress/waiter service and four tables with four chairs each allowed for customer use. Ms. Sutthawong, restaurant owner. Board questioned the copy of survey dated 8/6/1984; rear lot is

paved that has one way access from Pete = s Corner and can be accessed through NJ

Transit property as there is no barrier. In response to the Board = s question; the applicant advised that they will have take out delivery. Motion by Mayor Monahan to approve certificate, with the condition that prior restrictions remain, that the survey dated 8/6/1984 be accepted in lieu of an approved site plan for the purposes of zoning certificate approval, as long as the uses remain consistent, seconded by Mr. Wostbrock; all voted in favor.

PUBLIC HEARINGS:

TENASTIC INC.- Block 32 Lot 5.01- 85 Witte Dr- Atty. Andrew Kohut representing

Tenastic Inc. Propose to place emergency generator on site. Location of generator has been changed from the front yard to the side. Notices are in order but original notice states that generator is located in the front yard; board discussed whether notice is sufficient. Board determined that applicant should re-notice for new location of generator. Darren Lilley, owner of building, discussed reasons for relocation. Board questioned if there is enough space between the emergency exit door and generator for fire code. Board requested that the Board Engineer confirm that the site plan matches the existing conditions and that the applicant provide an accurate depiction of the generator on site. Applicant to re-notice for October 18, 2010 meeting.

COMMUNICATIONS:

BOROUGH ORDINANCE REVIEW- for street re-naming- no comments by the Board.

PUBLIC HEARINGS (Continued):

CROSS AVE LLC- 49 Cross Ave- Block 20.07 Lot 11.03- Continued from July 19, 2010 meeting. Mayor Monahan and Ms. Peet recused themselves from this application due to conflict; four board members remain. Atty. Les Andersen representing applicant, reviewed new drawings, Exhibit A-8, site plan, sheet 1 of 4, rev. 9/2/10, A-9, landscaping plan, sheet 2 of 4, rev. 9/2/10, A-10, soil erosion, rev. 9/2/10. Major change resulting from changed plan; training use of garage has been eliminated and storage is proposed for the garage. Architectural plans are not changing; only the proposed use is changing. Charles Osterkorn, Licensed Architect, previously qualified and sworn. Part of record: LAN Assoc. letter dated 9/20/10. Mr. Osterkorn described changes to plan; elimination of training on second floor of garage; elimination of parking requirements. Parking now required; 10 including handicapped space. Propose two spaces along side (noted as handicapped spots in error), and eight spaces in rear with handicapped space being space #10. Increased buffer off rear and meet parking requirements. Coverage notes should be corrected to read impervious coverage as 46.0% and improved coverage 57.7%; a variance is required. Landscaping plan revised to show arborvitae spaced at 5' along the entire side line from existing garage to rear, along the rear and along Mr. Lauuwe = s property. There is an agreement to take the hemlock = s down and replace with arborvitae and remove an existing old wire fence. Handicapped access will be provided with a ramp located at the front of the property about twenty feet off the front and access will be via the front of the building. Item #4 of LAN Assoc. 9/20 letter; spaces 1 & 2 can be relocated to the rear adjacent to spaces #7 & 6 and the average buffer would be reduced to 24.7' which still meets the buffer requirement. Minimum buffer is 31.5' and would be reduced by 9' if parking was moved to rear resulting in 22.5' minimum buffer; 10% would 23.3'; a variance would be required. However, a variance would be eliminated for the two parking spaces on the side which have no buffer and no side yard; relocation would also eliminate the variance and design waiver in that area. Board discussed handicapped access route; R. Wostbrock believes a sidewalk may have to be added to comply with handicapped access; he would be in favor of a design waiver over a variance for a 4' sidewalk, 22' aisle width and 6' buffer. The improved coverage will also decrease. Board questioned a/c unit placed for the garage; will be eliminated as there will be no need for it. Board questioned if parking spaces are required for the garage/storage space; discussion of ordinance and interpretation. Bernie Holst, previously sworn, described areas allotted

for storage and confirmed that there will only be a sanitary line but it will not be hooked up. Architectural plans show a bathroom but they will be corrected to remove. Board questioned reasons for outside stairs and type; existing stairs will be replaced like for like. Board questioned justification for variance for height increase of garage and the type of variance. Meeting not opened to the public as there were no members of the public present. Atty. Andersen summarized; variances for lot width, side yard and accessory building side yard are all pre-existing.

Site is changing from a non-conforming use to a conforming use, impact of increased height of garage is mitigated by 1) height already exceeds the ordinance and 2) garage will be lower than the immediately adjacent building, set back further from the front property line and further forward than the rear line so that the garage is obscured by the adjacent garage. Variance for improved and impervious coverage are justified by the fact that they are required due to the size of the lot and the required parking and access. Variances for the buffers for side and rear yard and parking are a result of providing acceptable aisle widths and required parking. Property is being brought into conformance and the existence of an adjacent larger garage mitigates any detriments to the zone plan. Atty. Siss advised that there are four eligible members. Changes made to submitted plans are: relocation of spaces 1 & 2 to the rear behind spaces 6 & 7, existing garage use has been changed from training to storage, air conditioning condensers to garage will be removed, new outside stairs to garage will be same as existing, and bathroom in garage will be eliminated. Motion by Ms. Pantale to approve application with the condition that the revised plans reflect all the changes and be submitted prior to resolution approval, that the garage building is used for storage only, and to provide drainage calculations, seconded by Mr. Rau; all voted to approve.

Meeting was adjourned at 9:35
Respectfully Submitted,
Janet Giardino