

**BOROUGH OF PARK RIDGE
PLANNING BOARD
NOVEMBER 28, 2018
REGULAR MEETING MINUTES**

The Public Meeting of the Planning Board of the Borough of Park Ridge was held at Borough Hall on the above date.

Vice Chairman Von Bradsky stated that the meeting was being held in accordance with the Open Public Meetings Act. He then asked everyone to stand and recite the Pledge of Allegiance.

Roll Call Board:

Chairman Donald Schwamb	Absent
Mayor Keith Misciagna	Present
Councilman Robert Metzdorf	Present
Mr. Don Browne	Present
Mr. Kieran Lynch	Absent
Ms. Jessica Mazzarella	Present
Vice Chairman Peter Von Bradsky	Present
Mr. Mark Bisanzo	Absent
Mr. Raymond Mital	Absent

Also Present:

Mr. William Rupp	Board Attorney
Ms. Tonya Tardibuono	Board Secretary

Open to the public for non-agenda items

No members of the public wishing to speak.

RESOLUTION #18-02

JG Food Market, LLC t/a B & M Market
192 Kinderkamack Road
Block 1405 / Lot 4
Amendment to site plan

Attorney Philip Neuer of Neuer Law sent in a letter to the board asking that we respectfully remove the words "earlier than 10:00 a.m. on any day nor". After a brief board discussion it was determined that all members didn't have an issue with the phrase being removed.

A motion was made by Councilman Metzdorf to approve the resolution with the deletion of the phrase "earlier than 10:00 a.m. on any day nor". The motion was seconded by Mr. Browne, and carried by a roll call vote as follows:

Mayor Misciagna	Yes
Councilman Metzdorf	Yes
Ms. Mazzarella	Yes
Mr. Browne	Yes

Approval of Minutes

The minutes of October 10, 2018 were approved on a motion from Mr. Metzdorf, seconded by Ms. Mazzarella, and carried by all members eligible to vote.

Board Discussion

Mr. Rupp had a discussion with the board about the Park Ridge Zoning Board of Adjustment and their December agenda. On the agenda is an application for Hornrock Properties. He spoke about the application and how the applicant is appearing before both Montvale and Park Ridge in December.

The meeting was adjourned on a motion from Councilman Metzdorf, seconded by Mayor Misciagna, and carried by all.

Respectfully Submitted,



Tonya Tardibuono



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Philip D. Neuer "pdn@neuerlaw.com"

Lisa A. Freed "lfreed@neuerlaw.com"

October 29, 2018

Via Email to Ms. Tardibuono

Planning Board Borough of
Park Ridge, New Jersey
53 Park Avenue
Park Ridge, New Jersey 07656

Re: JG Food Market, LLC d/b/a B&M Market

Dear Mayor Misciagna and Members of the Board,

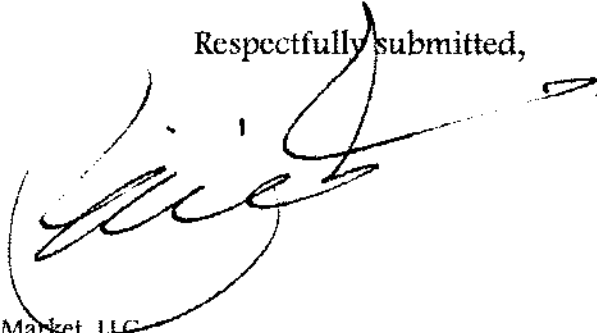
I serve as legal counsel to the applicant as referenced above. I have been provided with a copy of the proposed resolution for adoption by the Board on Wednesday, November 28, 2018. I serve as an adjunct professor at the NYU Graduate School of Real Estate – The Schack Institute. The class which I teach meets on Wednesday evenings. Although I was able to reschedule my class for the hearing in this matter on October 10, 2018, I will be unable to do so for the November 28th Planning Board meeting. Since I am unable to attend your meeting, I write with respect to one small item in the resolution as prepared by counsel to the Board, William F. Rupp, Esq. First and foremost, I express my appreciation to Mr. Rupp and to Ms. Tardibuono for allowing me to review this resolution in advance of the meeting.

I commend your attention to condition paragraph 4 which is concerned with the times for deliveries to the property. Although I have no doubt that Mr. Rupp's notes reflect that a 10 AM time was mentioned, both my client and I recall that the specific condition was to limit deliveries to the normal operating hours as stated in condition paragraph 4. My client recalls that in response to a question from Mayor Misciagna as to deliveries at 3 AM, my client specified that deliveries would be limited to the normal operating hours which he then recited as 9 AM to 7 PM except for the more limited hours on Saturday and Sunday as written by Mr. Rupp.

Accordingly, we respectfully request that the words "earlier than 10:00 a.m. on any day nor..." be removed.

Thank you for your kind consideration.

Respectfully submitted,



PDN:lmn

CC: JG Food Market, LLC
William F. Rupp, Esq. (via email, wrupp@chasanlaw.com)
Ms. Tonya Tardibuono (via email, tardibuono@parkridgeboro.com)

B&MPlanBoardPR 102918 LMN

PLANNING BOARD
BOROUGH OF PARK RIDGE

* * * * *

WHEREAS, JG FOOD MARKET LLC t/b/a B & M MARKET,
(hereinafter referred to as "Applicant"), being a tenant of a portion of the premises known as 192 Kinderkamack Road in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 4 in Block 1405 as shown on the Tax Assessment Map for the Borough of Park Ridge, has applied to the PLANNING BOARD of the BOROUGH OF PARK RIDGE (hereinafter the "BOARD"), seeking approval of an amendment to a site plan so as to permit the installation of an outdoor walk-in freezer and an outdoor walk-in refrigerator; and

WHEREAS, the subject parcel is located in the Neighborhood Business Zoning District (NB) as defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, a hearing on Applicant's application for approval of an amendment to the site plan to permit the installation of an outdoor walk-in freezer and an outdoor walk-in refrigerator was held on October 10, 2018 before the PARK RIDGE PLANNING BOARD upon due notice and publication as required by law; and

WHEREAS, various documents were marked into evidence as more particularly set forth an Exhibit A, annexed hereto and made part hereof; and

WHEREAS, the BOARD has carefully considered the revised application and all testimony and evidence presented to the BOARD by the Applicant, including Jonathan Goldstein, the owner of the Applicant, Charles Heydt, a professional planner (who substituted for Peter G. Steck, the author of the Applicant's planning report and John Sarkisian, a representative from Coldstat Refrigeration, the supplier of the refrigeration and freezer units; the Board's Planner and Engineer; and Vladislav Gorlov, a resident at 126 Hawthorne Avenue, appearing in connection with the application;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact and conclusions of law:

1. Applicant is a tenant of a portion of premises known as 192 Kinderkamack Road in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 4 in Block 1405 as shown on the Tax Assessment Map for the Borough of Park Ridge. The owner of said premises, Barbara Green Estate Management LLC, has consented to the within application by the Applicant.

2. The site is located in the NB Neighborhood Business Zoning District. It is currently developed with an L-Shaped one story building containing approximately 12,700 square feet upon an L-shaped lot containing approximately 34,746 square feet (10,000 sf required). The lot has a width of 83 feet (50 feet required), lot frontage of 83 feet, and a lot depth of 274 feet. The building has a front yard setback of 16.6 feet (10 feet required), a side yard setback of 12.0 feet on the north and 11.1 feet to the south (for

lots under 50,000 square feet, no side yard setback is required) and a rear yard setback of 23.8 feet (no rear yard setback is required). The existing building coverage is 36.6% (maximum of 40% permitted). The existing floor area ratio is 36.6% (maximum of 60% permitted). The existing impervious surface coverage is greater than 75% (maximum of 75% permitted) and is a pre-existing non-conformity.

3. The premises are currently occupied by four tenants: a tent rental company (Rent-a-Tent), a marble fabricating business, a tile company and the Applicant, a retail butcher and market (B & M Market). B & M Market is located in the front part of the building along Kinderkamack Road and occupies approximately 1,470 square feet of the premises. Within the NB Neighborhood Business Zoning District retail sales are permitted.

4. Applicant seeks site plan approval to approve the installation of an outdoor walk-in freezer and an outdoor walk-in refrigerator. The Applicant has heretofore installed such equipment without first obtaining an approval therefor. The existing outdoor refrigerator is located 8" from the north side of the building approximately 47 feet west of the front of the building (as per the sketch provided). The existing outdoor freezer is currently located 8" from the north side of the building approximately 95 feet from the front of the building (as per the sketch provided). The Applicant now seeks to replace the existing outdoor walk-in freezer unit with a new outdoor walk-in freezer unit and to relocate same approximately 5 feet west of the existing outdoor refrigerator (approximately 65 feet west of the front of the building). Two outdoor garbage

containers (commonly referred to as "dumpsters") (each measuring 4' x 6.5') are presently located to the west of the existing outdoor walk-in freezer and are proposed to be relocated just west of the new location of the new outdoor walk-in freezer.

5. The dimensions of the existing outdoor walk-in refrigerator (which is to remain) are 8.71' deep by 13.54' wide by 8' high (plus 20" for the compressor), containing 118 sf. The dimensions of the new outdoor walk-in freezer are 8.6' deep by 13.9' wide by 8' high (plus 20" for the compressor), containing 120sf. Both units will be set back approximately 15' from the northerly property line and 8" from the northerly side of the building.

6. The existing and proposed locations of refrigeration unit, freezer unit and dumpsters are all located upon existing pavement which is not delineated nor used for parking. There is a common paved driveway to the north of the building which services both the subject property and the premises to the north. Three angled parking spaces (striped 9' by 15.5') are delineated along this driveway adjacent to the portion of the building occupied by B & M Market to the east of the existing outdoor walk-in refrigeration unit. Four parking spaces (2 striped at 9' x 19' and 2 striped at 9' x 20') are delineated in the front of the building (portions of two of which are located within the public R.O.W. of Kinderkamack Road). All of these seven parking spaces are reserved for use by B & M Market. (In addition, the Applicant testified that there is room for 4 additional unstriped parking spaces along the north side of the building which is used for employee parking. Since such parking spaces are not delineated or marked, the

Board shall not take such additional parking spaces into account.) Parking areas to serve the other three tenants of the building are located on the south side of the building.

7. Within the NB Zoning District, one parking space is required for each 300 square feet of floor area (Section 1010-54.24). "Floor area (net)" is defined as "The total of all floor areas of a building, excluding stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. The net floor area should be utilized for the purposes of imposing parking regulations, provided that no more than 10% of the gross floor area may be reduced for these common area calculations."

"Building" is defined as "A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy by persons, animals or property, and having a roof."

Based on the foregoing, the Board finds that the outdoor walk-in freezer and refrigerator are not included within the parking requirement calculations and that B & M Market, consisting of 1,470 square feet, requires 5 parking spaces. Section 101-58.24 further provides that "Front and side yard parking shall be prohibited" and that "All parking spaces shall be nine feet by 18 feet in dimension." The Board finds that the seven delineated parking spaces are non-conforming pre-existing parking spaces.

8. Walk-in outdoor refrigeration units and freezer units are not specifically delineated as permissible accessory uses within the NB Zoning District (see section 101-58-16). Similarly, exterior HVAC units and garbage containers are also not specifically delineated as permissible accessory uses but are typically and ordinarily considered incidental and accessory equipment to permitted principal uses. The Board finds that the outdoor walk-in refrigeration and freezer units, as well as the dumpsters, are incidental and accessory equipment to a permitted retail use and thus are permissible accessory uses or structures. They do not add to impervious surface coverage as they are located upon existing impervious paved surfaces. To the extent that such units are considered to add to building coverage, their additional combined square footage would add 238 sf to the existing building coverage of 12,700 sf resulting in a building coverage of 37.3%, which is still below the maximum of 40% permitted.

9. "Floor area ratio" is defined as "the gross floor area of all principal buildings or structures on a lot divided by the total lot area. The gross floor area of all principal buildings or structures excludes any floor area where the finished floor level is greater than three feet below the average grade measured six feet from the structure and any floor area associated with a detached garage." "Gross floor area" is defined as "the sum of the gross horizontal areas of the several floors of a building measured from the exterior walls of the building, but not including interior parking lots." "Building, principal" is defined as "A structure in which is conducted the principal use of the site on which it is situated." "Structure" is defined as "A combination of materials to form a

construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land." Thus, the refrigeration and freezer units will add an additional 238 sf to the gross floor area resulting in a floor area ratio of 37.3%, well below the maximum of 60% permitted.

10. The Board finds that the following variance is required:

Variance	Required	Provided
§101-21	accessory structures shall be minimally 15' from the principal building	8"

11. The Board finds that the location of the proposed refrigeration and freezer units is accessible through a side entrance to the premises and will not impede existing parking for the premises nor interfere with the existing shared driveway to the north. Testimony was offered that the height and location of the refrigeration and freezer units will not interfere with fire protection or access to the roof of the premises. The Board expressed concern that the area in which the refrigeration and freezer units are to be placed is dark. In response the Applicant proposed to install dusk to dawn lighting fixtures, the locations, wattage and design to be submitted to the Board's Engineer for approval as to conformity with the Borough of Park Ridge's Land Use Regulations. The Board further inquired as to screening of the refrigeration unit from view from Kinderkamack Road. By reason of the location of the side access door to the premises and the existing angled parking spaces, the Board finds that screening by a fence or trellis will either interfere with access to the units from the side access door or interfere

with the existing parking spaces. The Board also inquired as to the condition of the striping of the existing seven parking spaces. The Applicant offered to re-stripe such parking spaces.

12. A neighbor to the west of the premises, across the adjoining railroad tracks to the rear of the subject lot, was concerned about noise from the units and delivery vehicles. The Applicant testified that the existing units generated between 68 and 70 decibels per each unit. The Applicant added that with a sound blanket installed on the units, each unit will generate 50 decibels, the same noise level as generated by a residential exterior central air conditioning unit. The Applicant further testified that delivery vehicles would access the refrigeration and freezer units via the shared driveway on the north. The driveway does not provide access around the rear of the building. Moreover, the Applicant stated that deliveries would not be made before 10:00 a.m. on any day nor would they be made outside of regular operating hours between the hours of 9:00 a.m. to 7:00 p.m. Mondays through Fridays; 9:00 a.m. to 6:00 p.m. on Saturdays; and 11:00 a.m. to 3:00 p.m. on Sundays. The Board further notes that according to the plans the units will be located at least 185 feet from the rear of the premises.

13. The Board finds and concludes that the Applicant has presented sufficient proofs to demonstrate that by reason of the location of the building on the property and the shared access driveway, the strict application of the zoning ordinance as to the minimum 15' setback of an accessory structure from the principal building would result

in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant.

14. The Board further finds that the applicant has also presented sufficient proofs to demonstrate that the variance requested can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. Specifically, the outside location of the refrigeration and freezer units will not increase impervious surface coverage, does not exceed the building coverage or floor area ratio requirements, does not interfere with the existing parking spaces, does not interfere with the existing shared access driveway, does not interfere with fire protection and does not, subject to the conditions hereinafter set forth, create excessive noise.

15. The Board further finds that with the addition of lighting and the re-striping of the existing parking spaces, the amendment to the site plan to add the outside walk-in refrigeration and freezer units in the locations specified will be consistent with the design site requirements within the NB Neighborhood Business District and the Design Standards for Site Plan Review contained in Chapter 87 of the Code of the Borough of Park Ridge.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to N.J.S.A. 40:55d-70(c) that the BOARD hereby grants a variance from the minimum setback requirements for accessory structures from principal buildings and approves the amendment to the Applicant's site plan to add outside walk-in refrigeration and freezer units, as shown on the plans and as set forth in this resolution, subject to the following conditions:

1. Applicant shall install dusk to dawn lighting in the vicinity of the outside refrigeration and freezer units; the locations, wattage and design to be submitted to the Board's Engineer for approval as to conformity with the Borough of Park Ridge's Land Use Regulations.
2. The applicant shall re-stripe the seven existing parking spaces.
3. The Applicant shall install sound blankets on the outside refrigeration and freezer units so as to reduce the noise level to 50 decibels per unit.
4. Deliveries shall not be made ~~earlier than 10:00 a.m. on any day~~ ^{SA} outside of the following normal operating hours: the hours of 9:00 a.m. to 7:00 p.m. Mondays through Fridays; 9:00 a.m. to 6:00 p.m. on Saturdays; and 11:00 a.m. to 3:00 p.m. on Sundays.
5. The Applicant shall be required to pay all professional fees, escrows and bonds in a timely manner.

EXHIBIT LIST
BOROUGH OF PARK RIDGE PLANNING BOARD

APPLICANT: PB 18-02
ADDRESS: 192 Kinderkamack Road
BLOCK: 1405 LOT: 4
ZONE: NB

EXHIBIT:	ITEM NO.	DATE :
Application	1	6/27/18
Owners Certification	2	6/27/18
Owners Affidavit-Corporate	3	6/27/18
Boundary Survey (4/27/17)	4	6/27/18
Proposed Plan	5	6/27/18
Review from Peter G. Steck (8/5/18)	6	8/21/18
Letter from Landlord (7/18/18)	7	8/21/18
Review from Maser (8/30/18)	8	8/30/18
Review from Burgis	9	10/3/18
Review from Peter G. Steck	10	10/5/18
Proof of Publication	11	10/3/18
Proof of Notice-Certification of Service	12	10/3/18
200 Foot List	13	10/3/18

6. Applicant shall complete all installations in accordance with the
aforementioned development application proceedings as well as in compliance
with all other applicable Borough Ordinances.

Introduced by: Arnold C. Brown
Don Payne
Seconded by: ~~Arnold C. Brown~~
Robert Metzdorf

Ayes: 4

Nays: 0

Abstentions: 1

Dated: 11-28-18

Approved: Keith Misciagna
Keith Misciagna