

**BOROUGH OF MIDLAND PARK
PLANNING BOARD**

**RESOLUTION GRANTING SITE PLAN WAIVER FOR
PREMISES KNOWN AS BLOCK 25.10, LOT 21.02, KNOWN AS
28 IRVING STREET, BOROUGH OF MIDLAND PARK
COUNTY OF BERGEN, STATE OF NEW JERSEY**

WHEREAS, an application has been submitted to the Borough of Midland Park Planning Board by Elzahra Education Foundation, Inc. for a waiver from the site plan application review process for the premises known as Block 25.10, Lot 21.02, 218 Irving Street, on the current tax assessment map of the Borough of Midland Park, and

WHEREAS, the applicant proposes to raise the height of the second floor on part of the building on the property;

WHEREAS, the applicant has submitted the following drawings/plans:

1. Drawing entitled “218 Irving Street, Midland Park, New Jersey” prepared by RAB Architects, consisting of six pages, dated January 24, 2022 (“Plans”).

WHEREAS, pursuant to the provisions of Ordinance # 07-07 (the “Ordinance”), the Planning Board may waive the procedural requirements for site plan review as set forth in Article XXXII of the Ordinances of the Borough of Midland Park if the proposed construction or alterations or change of use does not affect existing traffic circulation, drainage, relationship of buildings to each other or to the parking area, landscaping, buffering, lighting, parking requirements, and other considerations of site plan review or if any such changes are deemed to be de minimus, and there is an accurate, approved site plan or existing conditions plan on file; and

WHEREAS, LAN Associates, the engineer for the Board, has submitted a report dated March 14, 2022; and

WHEREAS, the Planning Board has reviewed the Plans and the testimony by the applicant at the meeting of the Planning Board on March 21, 2022, in which due notice to the public was given by the applicant, with reference to the objectives set forth in the Ordinance; and

WHEREAS, the Planning Board makes the following findings of fact/conclusions of law:

1. The Applicant proposes to increase the height of the part of the building located at the rear of the Property. The area in question currently consists of two floors. The second floor is currently used for storage and the location of HVAC equipment. The current height of the second floor is too low to allow for other uses. The height in that area only will be increased and the second floor will be used for offices and classrooms.
2. The footprint of the structure will not be altered and the proposed height of the alterations will not exceed the maximum height permitted by Ordinance.

3. The HVAC equipment will remain inside of the building in this area.
4. As the number of parking spaces required by the Zoning Ordinance is based on the number of seats in the Sanctuary, the increase in the usable area for offices does not result in an increase in the number of parking spaces required. The applicant testified that the area would not be used in conjunction with the services in the sanctuary. This is an important consideration as if this area was used as “spillover” for the services in the Sanctuary a site plan waiver could not be granted.
5. There are no variances required in connection with the proposed improvements. There are no site alterations proposed.

The Planning Board has considered the request by the applicant for a waiver from the site plan review requirements for the improvements set forth above and has determined that such improvements fall within the intent of the Ordinance such that such waiver can be granted.

NOW THEREFORE, BE IT RESOLVED, that the proposal by the applicant as set forth above is not subject the site plan approval procedure set forth in the Ordinance and a waiver is hereby granted subject to the following conditions:

1. The uses and improvements of the premises are limited to those set forth above and as shown on the plans.
2. The applicant shall obtain and comply with any federal, state, county, and borough government rules, ordinances, or regulations with regard to the granting of the applications hereto, including the payment of all fees and escrows, established by the borough for the review of the subject application.
3. The area on the second floor will not be used in conjunction with the services in the Sanctuary as “spillover” where attendees can view or listen to the service in the Sanctuary.
4. The HVAC equipment will be located inside of the building.

BE IT FURTHER RESOLVED that the Chairman and the Secretary of the Board are hereby authorized to affix their signatures to this resolution granting a waiver from the site plan approval requirements.

Planning Board of the Borough of Midland Park

JESSICA HARMON, *Secretary*

KENT RIGG, *Chairman*

Date: