

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF MIDLAND PARK**

RE: Eastern Christian School Association
25 Baldin Drive
Block 25, Lot 12
R-1 Zone District

RESOLUTION

WHEREAS, Eastern Christian School Association (the “Applicant”) has filed an Application with the Midland Park Zoning Board of Adjustment (the “Board”) seeking amended site plan approval and variance approval from the provisions of the Zoning Ordinance Sections 34-4.5(g)(3), accessory structures with a footprint in excess of 840 square feet, 34-13.1(a)(1), height of accessory structure, and 34-13.1(a)(5), use of accessory structure for purpose other than storage, so as to allow for the construction of classroom trailers at the existing private school located at 25 Baldin Drive, Midland Park, New Jersey (the “Property”); and

WHEREAS, a Public Hearing was held by the Board on August 10, 2022; and

WHEREAS, the Applicant’s Notice of Public Hearing has been served on all required parties and published in accordance with the requirements of the Municipal Land Use Law; and

WHEREAS, the Board has considered the Application and supporting documents submitted by the Applicant as they relate to the applicable provisions of the Midland Park Zoning Ordinance; and

WHEREAS, the Board has considered the following testimony presented at the Public Hearing:

Testimony

1. The Applicant was represented by attorney Eric David Becker, Esq. who provided the initial background information for the Application. Mr. Becker advised that the Applicant was proposing two (2) classroom trailers, one located off the east rear wall of the building, to go in the approximate location of the former county trailer, and a second classroom trailer to be located off the southern side of the existing building, directly adjacent to Westview Terrace.

2. At the beginning of the hearing, Mr. Becker advised the Board that the plan prepared by Lapatka Associates, Inc. had been amended to reduce the size of the trailer directly adjacent to Westview Terrace to a size of 45 feet by 13.7 feet. Therefore, the trailer adjacent to Westview Terrace would now be proposed to be a 1-classroom trailer while the trailer proposed to the east and rear of the building would continue to be a 2-classroom trailer at a size of 66 feet by 27.3 feet. The amended plan was marked into evidence as Exhibit “A-2.” The original plan prepared by Lapatka Associates, Inc., dated June 6, 2002, was marked as Exhibit “A-1.”

3. Mr. Becker stated that the Applicant was seeking variances from parking requirements, maximum area of accessory structure, height of accessory structure, use of accessory structure for purpose other than storage, and accessory structure located in a front yard.

4. The Board next heard testimony from Dr. Ruth Kuder. Dr. Kuder testified that she was a teacher and principal at the school and is now the head of the school. She stated that the subject property is only one (1) of three (3) campuses. She stated that the population of the school would not increase but that the trailers were needed to reduce the number of students in each class.

5. She stated that the school now has 340 students, and it is anticipated that 340 students will enroll for September classes. Therefore, there would be no increase in the number of students at the school.

6. The Board next heard testimony from Sandra Bottge, the principal of the school at Baldin Drive. She stated that the school is made up of pre-k through third grade and currently has 340 students. With the addition of the classroom trailers, they are hoping to reduce the maximum size of classes from 25 students to a maximum of 20 students. The plan is to move special classes such as art, library, and music to the trailers.

7. Ms. Bottge testified that 38 employees are on campus at one time and that the proposed 67 spaces are more than sufficient.

8. For special events such as back to school night, the parking lot is open to the parents, and teachers and overflow parking find places to park on local streets. Therefore, it was noted that there are parking issues several times a year for special events. However, the day to day parking for the school as it currently functions is more than sufficient.

9. Ms. Bottge testified that the pre-k and kindergarteners enter the site via Westview Terrace for drop-off and pick-up. Drop-offs for first, second, and third graders enter the site by way of Baldin Drive. There is a 30 minute drop-off window that alleviates any congestion. A chain blocks off the use of the Westview Terrace entrance during the day once drop-offs and/or pick-ups are over. The Applicant is not before the Board for approval of the site plan or vehicular circulation of the site. The Application only seeks a site plan amendment to allow the classroom trailers. Therefore, the Board did not consider the existing improvements and/or circulation on the site.

10. The Board next heard testimony from the Applicant's engineer, Andrew H. Missey, P.E. Mr. Missey described the original site plan, dated June 6, 2022 and marked as Exhibit "A-1." The site is comprised of 7.45 acres.

11. Mr. Missey testified that an amended site plan, dated August 10, 2022, was prepared by his offices and was marked as Exhibit "A-2." The amended site plan reduced the size of the trailer closest to Westview Terrace so that it is now a 1-classroom trailer rather than a 2-classroom trailer.

12. He testified that the trailer proposed adjacent to the rear of the building would be 23 feet to the wall of the existing building which is the same distance from the prior Bergen County Services trailer which existed on the property.

13. Mr. Missey testified that each trailer would have its own water and bathroom.

14. He stated that the size of the trailer closest to Westview Terrace was reduced so that the site's existing vehicular circulation patterns would not have to change. He testified that as a result of the trailer closest to Westview Terrace, 4 parking spaces would be eliminated and, therefore, 67 spaces would be provided where currently 71 spaces exist.

15. Mr. Missey testified that the two (2) trailers would have a combined square footage of approximately 2,418 square feet and exceed the 840 square feet allowed by the Ordinance. Although, he commented that there would be no negative impact since the entire site is 7½ acres.

16. Mr. Missey further testified that a height variance would be required since additional height is necessary for the classrooms. 14 feet in height is proposed where the ordinance provides for a 12-foot maximum. Mr. Missey testified that the proposed trailers were far enough from residents that the same should not cause a negative impact.

17. Mr. Missey testified that a parking variance was required as a result of the elimination of spaces, but he opined that 67 spaces would be more than sufficient for the current use. Moreover, Mr. Missey testified that because the Westview Terrace trailer is proposed in the front yard of the property, a variance would be required to allow an accessory structure in the front yard.

18. Mr. Missey testified that no water and sewer had to be extended to the trailers since the systems are self-contained within the trailers. Electrical service would be extended from the existing service.

19. The Board heard testimony from the trailer contractor, Douglas Wilson. Mr. Wilson testified that the rear yard trailer would be 23 feet to the rear wall of the building. However, the stairs and ramp would extend an additional 5 feet 2 inches off the trailer. Therefore, the stairs and ramp would be no less than 17 feet 10 inches to the building.

20. The Applicant stated that it would accept a condition that the trailer would be no less than 23 feet to the rear wall and the stairs and ramp would be no less than 5 feet 2 inches off the trailer.

Public

21. The Board heard comments from Philip Fracassini of 36 Westview Terrace. Mr. Fracassini testified that he was concerned about the visual impact of the trailer to his house and the other residents on Westview Terrace.

Board Comments

22. Vice Chairperson Papapietro commented that he would like to see both trailers placed to the rear of the building further removed from the residents and where more space existed for the project. Board Member Placier commented that he had a problem with the proposed 1-classroom trailer at the end of Westview Terrace. Chairman Andersen commented that it was his opinion that both trailers should be located to the eastern rear of the building.

23. After conferring with his client, attorney Becker stated the Applicant would like to formally amend the Application to remove the proposed 1-classroom trailer directly adjacent to Westview Terrace. By amending the Application to remove the trailer adjacent to Westview Terrace, the Applicant also eliminated the necessity for a variance for the number of parking spaces since no parking spaces would be eliminated as a result of the Application. In addition, there would no longer be a necessity for a variance for accessory structure in a front yard since the only proposed classroom trailer remaining would be located in the rear yard of the property.

24. Therefore, with the amended Application, after eliminating the 1-classroom trailer adjacent to Westview Terrace, the Applicant requires variances for maximum square footage of accessory structures, height of accessory structure, and accessory structure utilized for a purpose other than storage.

Comments and Findings of the Board

25. The Board finds that the Applicant has met its burden of proof pursuant to N.J.S.A. 40:55D-70(c)(2) since the purposes of the Municipal Land Use Act would be advanced by a deviation from the Zoning Ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment. Specifically, the proposed 2-classroom trailer that would be approximately 1,803 square feet would have no significant negative impact on the site or neighborhood especially considering the subject site is 7½ acres, and the proposed trailer would constitute a minimal addition to the site when viewing the size of the site and the size of the existing school building.

26. The proposed height of the classroom trailer is significantly less than the existing building and would have no significant negative impact upon the surrounding neighborhood.

27. The proposed classroom trailer is far removed from the residential neighbors. The fact that the accessory structure will be used as a classroom and is located approximately 23 feet from the existing school and classrooms allows the Board to conclude that the use of the trailer as a classroom is consistent with the site and would have no significant negative impact upon the surrounding neighborhood.

28. The Board took notice of the elimination of the variances as a result of the removal of the Westview Terrace classroom trailer and finds that no significant negative impact would result to the neighborhood.

29. The Board finds that the purposes of the Municipal Land Use Act, specifically N.J.S.A. 40:55D-2(a) is promoted by providing for the educational needs of the community, and

thereby promoting the public health, safety, morals, and general welfare of the community. Moreover, the Board finds that N.J.S.A. 40:55D-2(g) is advanced since the Application provides for sufficient space and proper location for the necessary proposed use.

30. The Board finds that the granting of the variances would be consistent with the purposes of the Municipal Land Use Act and that the benefits of any deviation from the Zoning Ordinance would substantially outweigh any detriments. The Board finds that Application for variances can be granted without substantial detriment to the neighboring properties, the public good, or without substantially impairing the Zoning Plan or the Zoning Ordinance of the Borough of Midland Park for reasons stated above.

31. The Board specifically finds that it is approving the application for amended site plan for construction and location of the proposed classroom trailer only, and the Board makes no findings and grants no approval with respect to the existing site plan improvements including the existing vehicular circulation. The amended site plan approval is for the proposed 2-classroom trailer only, which the Applicant represented would be replacing the former County trailer that was located in approximately the same area of the property.

NOW, THEREFORE, BE IT RESOLVED, by the Midland Park Zoning Board of Adjustment that, based upon the above findings of fact and conclusions of law, the Application of Eastern Christian School Association, as amended, for variances as described herein is hereby GRANTED and that the action taken by the Board of Adjustment on August 10, 2022 be and is hereby memorialized subject to the following conditions:

1. The Applicant is required to obtain a building permit and post all necessary fees and costs with the Borough prior to any construction.
2. All construction shall be completed in accordance with the plans and drawings marked into evidence, along with the testimony of the Applicant and its experts, and in accordance with all applicable, state, county, and municipal codes, ordinances, rules, regulations, and in accordance with the instructions of the construction code of the Borough.
3. The variance relief granted by this Resolution applies only to such variance requests as depicted in the Resolution.
4. The classroom trailer originally proposed to be placed directly adjacent to Westview Terrace off the southern side of the existing building is removed and eliminated from the Application.
5. Amended site plan is only granted for the installation and location of the 2-classroom trailer off the rear of the building. No site plan approval is granted or provided with respect to any existing improvements on the site or the existing vehicular circulation pattern on the site.
6. The proposed 2-classroom trailer must be located no less than 23 feet from the existing exterior wall of the existing school building as depicted on the amended

plan marked into evidence as Exhibit "A-2." The stairs and ramp to the trailer may not extend more than 5 feet 2 inches off the trailer.

BE IT FURTHER RESOLVED that the Chairperson and Secretary of the Board are hereby authorized to affix their signatures to this Resolution confirming approval of the Application.

Approved: September 14, 2022

Mark Braunius, Secretary

Les Andersen, Chairperson

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