

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

RE: Adoption of Annual Report

RESOLUTION

WHEREAS, pursuant to N.J.S.A. 40:55D-70.1, the Zoning Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by Resolution a report on any findings the Board makes with regard to Zoning Ordinance provisions which were the subject of variance requests and provide any recommendations for Zoning Ordinance amendments and/or revisions to the governing body and Planning Board; and

WHEREAS, an annual report of the applications heard by the Midland Park Zoning Board of Adjustment for the year 2022 is attached hereto and incorporated herein; and

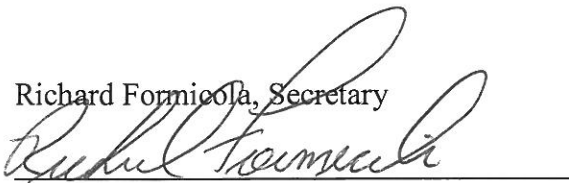
WHEREAS, after reviewing the applications heard in 2022 as well as the findings and decisions made with respect thereto, the Board finds that no requests for amendments and/or revisions to the Zoning Ordinance are necessary at this time.

NOW, THEREFORE, BE IT RESOLVED, by the Midland Park Zoning Board of Adjustment that the Board approves as accurate the annual report for 2022 attached hereto and incorporated herein, and the Board makes no recommendations for Zoning Ordinance amendments and/or revisions at this time.

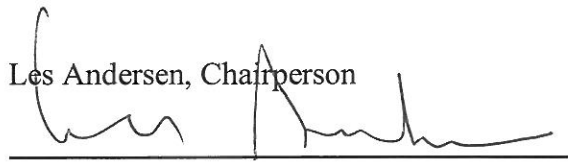
BE IT FURTHER RESOLVED that the Chairperson and Secretary of the Board are hereby authorized to affix their signatures to this Resolution confirming the findings set forth above.

Approved: September 13, 2023

Richard Formicola, Secretary



Les Andersen, Chairperson



Midland Park Zoning Board of Adjustment
ANNUAL REPORT
(Pursuant to N.J.S.A. 40:55D-70.1)
Action Taken by the Board – January 2022 through December 2022

	Applicant Name & Property Information	Application/Description	Variations Granted	Hearing Dates	Action of the Board	Date of Adoption of Resolution	Conditions
1	Parkwood Deli LLC 342 Erie Avenue (Block 8 Lot 1) Zone R-1	Application for site plan approval, use, and parking variances for an outdoor cooler box.	<ul style="list-style-type: none"> • Parking – a pre-existing non-confirming condition exists <ul style="list-style-type: none"> ○ Required: 26 spaces under updated requirements; 38 required under prior ordinance ○ Existing: 12 spaces ○ Proposed: 10 spaces • Fence Height <ul style="list-style-type: none"> ○ Required: 4' ○ Proposed: 6' • Location of Cooler Box <ul style="list-style-type: none"> ○ 3' off the eastern rear property line and fence, 5' off the existing air conditioning unit, and 8' from the existing building • D2 Use Variance – expansion of a pre-existing non-confirming use 	2/9/22	2/9/22	3/9/22	<p>Subject to all standard conditions, including:</p> <ul style="list-style-type: none"> • Cooler box is to be moved 3' off the eastern rear property line and fence, 5' off the existing air conditioning unit, and 8' from the existing building • Cooler box will be no more than 8' x 14' and 8'6" tall • No tables and chairs permitted inside the building • Cooler box to be painted white to match existing fence • Employees to continue to park off-site as they currently do
2	Kakolewski, Michael & Darlene 43 Colonial Road (Block 25.10 Lot 34.03) Zone R-1	Application for variance for improved lot coverage to construct an in-ground pool.	<ul style="list-style-type: none"> • Improved Lot Coverage <ul style="list-style-type: none"> ○ Required: 45% ○ Existing: 49.7% ○ Proposed: 51.2% 	3/9/22	3/9/22	4/13/22	<p>Subject to all standard conditions, including:</p> <ul style="list-style-type: none"> • Pool fence must meet all applicable codes and regulations and shall be inspected and approved by the Borough's Code Official • Prior to the commencement of construction, a plan for drainage improvements must be reviewed and approved by the Board Engineer • Prior to construction, the applicant must provide the Borough with a plot plan to be reviewed and approved by the Board Engineer
3	Alnajjar, Mohammad 126 Highland Avenue (Block 16 Lot 4.04) Zone R-1	Application for a use variance to partially finish an existing attic for laundry and storage purposes within a pre-existing non-confirming two-family home.	<ul style="list-style-type: none"> • D2 Use Variance – expansion of a pre-existing non-confirming use 	5/11/22	5/11/22	6/8/22	<p>Subject to all standard conditions, including:</p> <ul style="list-style-type: none"> • The variance and approval is only for the 6' x 3'6" area depicted on Exhibit A-1, for the proposed area to locate the washing machine and dryer • Other than the 6' x 3'6" area to locate the washer and dryer, no area of the attic will be finished with sheetrock or other materials used to finish a habitable space. The remainder of the attic with the exception of the small washer and dryer area shall remain unfinished.

	Applicant Name & Property Information	Application/Description	Variances Granted	Hearing Dates	Action of the Board	Date of Adoption of Resolution	Conditions
4	Mulligan Jr., Joseph P. 142 Irving Street (Block 25 Lot 11.02) Zone R-1	Application for variances to construct a detached garage.	<ul style="list-style-type: none"> • Accessory Structure in the Front Yard • Maximum Footprint of Accessory Buildings • Front Yard Setback <ul style="list-style-type: none"> ○ Required: 30' ○ Proposed: 10'10.5" 	7/13/22	7/13/22	8/10/22	<p>Subject to all standard conditions, including:</p> <ul style="list-style-type: none"> • Pursuant to the applicant's amended application, the proposed garage shall be moved 5' to the east and away from Orchard Street so that the front yard setback for the proposed garage from Orchard Street is 10'10.5" • The existing small shed which is directly adjacent to Orchard Street shall be removed • The approval and construction of the garage is conditioned upon the Borough Engineer's review and approval with regard to the excess improved lot coverage
5	Panakos, Chrysoula 1 Susan Avenue Block 25.14 Lot 1) Zone R-1	Application for variance to construct a garage addition which will maintain the pre-existing non-conforming rear yard setback.	<ul style="list-style-type: none"> • Rear Yard Setback (for the 7' addition) <ul style="list-style-type: none"> ○ Required: 25' ○ Proposed: 14.62' 	8/10/22	8/10/22	9/14/22	<p>Subject to all standard conditions, including:</p> <ul style="list-style-type: none"> • The applicant shall remove existing impervious area from the site so that the improved lot coverage does not exceed the 45% maximum. An as-built plan will be provided to the Building Department of Midland Park to prove and ensure that the applicant meets the Ordinance's improved lot coverage requirements
6	Eastern Christian School Association 25 Baldin Drive (Block 25 Lot 12) Zone R-1	Application for amended site plan approval and variances to put a classroom trailer on site.	<ul style="list-style-type: none"> • Accessory Structures with a Footprint in Excess of 840 SF <ul style="list-style-type: none"> ○ Proposed: 1,803 SF • Height of Accessory Structure <ul style="list-style-type: none"> ○ Required: 12' ○ Proposed: 14' • Use of Accessory Structure For a Purpose Other Than Storage 	8/10/22	8/10/22	9/14/22	<p>Subject to all standard conditions, including:</p> <ul style="list-style-type: none"> • 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 • 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 existing vehicular circulation pattern on the site • The proposed 2-classroom trailer must be located no less than 23' from the existing exterior wall of the existing school building as depicted on the amended plan marked into evidence as Exhibit A2. The stairs and ramp to the trailer may not extend more than 5'2" off the trailer. The details of the stairs and ramp shall be added to the site plan and submitted to the building department and Board Engineer for review and approval

	Applicant Name & Property Information	Application/Description	Variations Granted	Hearing Dates	Action of the Board	Date of Adoption of Resolution	Conditions
7	Jay Samolowicz LLC dba NJ Swingsets 59 Greenwood Avenue, Unit 9 Block 33 Lot 7.01 Zone I-2	Application for use variance to permit weekend birthday parties in the existing swing set showroom.	<ul style="list-style-type: none"> • D1 Use Variance – use not permitted in the zone 	10/12/22	10/12/22	11/9/22	Subject to all standard conditions, including: <ul style="list-style-type: none"> • The site shall be used as a children’s party and celebration venue on weekends (Saturdays and Sundays) only • There shall be no sales of playgrounds and/or products performed on the weekend when parties are taking place • There shall be no more than 4 parties and/or events per day on such weekends • There shall be no food or drink to be supplied by the applicant in connection with the parties and/or events • The applicant must comply with all applicable federal, state, and municipal rules, regulations, laws, and codes • If applicable and required, the party/event area shall be inspected by the appropriate licensed individual • The applicant shall comply with all applicable ADA regulations with regard to parking, playground equipment, and restrooms • Music shall not be heard from outside the building • 20 parking spaces shall be allocated for the proposed use. On the weekends, employees and staff for the party venue shall park across the street at the overflow parking on 80 Greenwood Avenue. There shall be no drop offs of children, and all children attending the venue must be escorted by an adult into the interior of the party venue • There shall be no more than 24 children at any one party and/or event
8	612 Godwin Avenue LLC 612 Godwin Avenue (Block 42 Lot 8.01) Zone B-1	Application for parking variance to allow for a medical office in the existing building where there is an existing law firm.	<ul style="list-style-type: none"> • Parking <ul style="list-style-type: none"> ○ Required: 45 spaces (for both uses) ○ Existing: 25 spaces ○ Proposed: 25 spaces (for both uses) 	11/9/22	11/9/22	12/14/22	Subject to all standard conditions, including: <ul style="list-style-type: none"> • The variance relief granted shall apply only to the applicant’s existing law practice and the proposed medical practice of Dr. Konigsberg. Any new law practice or new medical practice shall require a new application to and approval from the Board of Adjustment • The applicant’s existing law practice shall be limited to 6 employees plus the applicant for a total of 7 individuals associated with the firm at one time • Dr. Konigsberg’s medical practice shall be limited to no more than 4 employees plus Dr. Konigsberg for a total of no more than 5 individuals working for the medical practice on site at any given time

