

**BOROUGH OF MIDLAND PARK
COUNTY OF BERGEN
PLANNING BOARD**

**RESOLUTION GRANTING SITE PLAN WAIVER FOR
PREMISES KNOWN AS BLOCK 27, LOT 5, KNOWN AS
36 FANER RD., 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 Mature Environments Inc. DBA Mill Gardens at Midland Park for a waiver from the site plan application review process for the premises known as Block 27, Lot 5, 36 Faner Rd., on the current tax assessment map of the Borough of Midland Park, and

WHEREAS, the applicant proposes to install an emergency generator on the property;

WHEREAS, the applicant has submitted the following which were introduced as exhibits:

A-1 Application for Development.

A-2 Drawing entitled "Generator Location Plan-Mill Gardens" prepared by Alexander J. Lapatka dated October 16, 2019.

A-3 Drawing entitled "Generator Pad Location Detail-Mill Gardens" prepared by Alexander J. Lapatka dated October 16, 2019.

A-4 Sheet entitled "Decibel Levels"

A-5 Sheet entitled "Typical Decibel Levels of Common Sounds".

A-6 Generac specifications consisting of 8 pages; and

WHEREAS, the application provided testimony as follows:

Michael Ver Hage testified that he is the owner of Benson Ver Hage Electric, which is the installation contractor for the generator. He testified that the tank for the fuel for the generator is custom made, pressure tested, double walled and EPA certified. He introduced Exhibits A-4 and A-5 and testified as the expected sound levels of the generator. He acknowledged that he was not an expert in sound engineering and was simply reciting the information on the documents. There is a noise dampening enclosure for the equipment. The unit is approximately eleven 11 feet high so a fence around the unit would not be feasible to reduce the sound. The Board Engineer advised the Board that sound levels at the common property line are regulated by the State of New Jersey and the applicant would be required to comply. The manufacturer recommends running the generator once a

week for testing for about 15 minutes. The unit can be programmed to run the test at any time.

Nick Drivanos testified that he is the Director at the Mill Gardens location. An emergency generator is required by the State for the facility. The location for the generator was chosen as the location furthest away from adjoining houses. In response to a question by a Board member, the ramp near the unit is not necessary and can be removed leaving more room for landscaping to help reduce the noise level. He would be willing to schedule the test time as directed by the Board.

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, the Planning Board has reviewed the Plans and the testimony by the applicant at the meeting of the Planning Board on February 24, 2020 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 emergency generator is required by the State of New Jersey for this facility.
2. The noise level at the property line is regulated by the State and the applicant is required to comply to avoid the imposition of daily fines.

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 install eight (8) foot high arborvitae, tightly spaced around the generator. The applicant shall provide a planting plan to the Planning Board engineer for review and approval.
3. Upon the installation of the generator, the applicant shall retain a professional acceptable to the Planning Board engineer to perform sound level tests to determine if the sound level at the property line meets State standards. The Planning Board

engineer shall be provided with notice of the time of testing so he may be present.

4. The weekly test shall be performed only during weekdays, during normal business hours. The applicant shall adjust the time as may be required by the Zoning Officer.
5. 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.

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.

Approved:

Planning Board of the Borough of Midland Park

JANET GIARDINO, *Secretary*

DAVID WOSTBROCK, *Chairman*