

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

RESOLUTION

WHEREAS, an application has been submitted to the Borough of Midland Park Planning Board by **Mature Environments Inc. d/b/a Mill Gardens at Midland Park** for a waiver from the site plan application review process for the premises known as 36 Faner Rd., Block 27, Lot 5, on the current tax assessment map of the Borough of Midland Park, and

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, at the hearing the applicant has submitted the following which were marked as Exhibits:

- A-1 Plan prepared by Lapatka Associates, Inc. entitled "Site Plan."
- A-2 Plan prepared by Lapatka Associates, Inc. entitled "Landscape Plan."
- A-3 Plan prepared by Lapatka Associates, Inc. entitled "Plant List/Details."
- A-4 Letter from LAN Associates dated April 6, 2021.
- A-5 Plan prepared by Lapatka Associates, Inc. entitled "Site Plan." (Colored rendering)
- A-6 Two pages specification sheet for light fixtures.

WHEREAS, the applicant introduced testimony from Nicholas Drivanos, the executive director of the applicant and Scott Koenig of Lapatka Associates who was accepted by the board as an expert in landscape architect. The witnesses described the proposed improvements to the property which included the widening and modification of pathways, the installation of two gazebos, the addition of garden areas, the expansion of the dumpster area, site lighting along the walkways and the installation of a new shed replacing an existing shed; and

WHEREAS, the Planning Board has reviewed the exhibits and considered the testimony by the applicant at the meeting of the Planning Board on April 19, 2021 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 property is located in the R-1 Zone which only permits one family residential uses. The current use of the property by the applicant is not a permitted use and the applicant previously received use variance approval from the Midland Park Board of Adjustment.
2. The proposed improvements result in a net increase of lot coverage of 1,150 square feet. This will have an effect on drainage on the property. The applicant has not proposed additional drainage facilities to handle the increase.
3. The applicant proposes to construct two gazebo structures, a shed and a significant expansion of the dumpster area.
4. The proposed improvements effect the drainage, include new lighting, expansion of a dumpster area and new structures. These are properly considerations of site plan review per the site plan ordinance. The scope of the proposed improvements is significant enough that the site plan waiver standards are not applicable and the application must be made as an amended site plan with the required notice.
5. There is a legal question as to whether the proposed improvements constitute an expansion of a non-permitted use and jurisdiction would be properly before the Board of Adjustment. The Board makes no finding as to this issue at this time.

WHEREAS, 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 do not fall within the intent of the Ordinance and as such the waiver cannot be granted.

NOW THEREFORE, BE IT RESOLVED, that the proposal by the applicant as set forth above affects drainage, lighting, the relationship of new buildings and other expansion and the provisions of the Site Plan Waiver Ordinance are not met and the application for a waiver is hereby **DENIED**.

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*