

**BOROUGH OF MIDLAND PARK – PLANNING BOARD MINUTES**

**MARCH 20, 2023**

PLEASE TAKE NOTE:

ON MONDAY, MARCH 20, 2023, THE PLANNING BOARD OF THE BOROUGH OF MIDLAND PARK HELD A REGULARLY SCHEDULED MEETING IN THE MIDLAND PARK COUNCIL CHAMBERS, 280 GODWIN AVE., MIDLAND PARK, NJ. THE FORMAL MEETING BEGAN AT 7:30 P.M.

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SUNSHINE LAW STATEMENT: This meeting is being held in accordance with the Sunshine Law, notice having been published according to law with a copy on file in the Borough Clerk’s Office and a copy posted on the bulletin board in the Municipal Building.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Kent Rigg	present	Ms. Stephanie Pantale	present
Councilman Ken Kruis	present	Mr. Robert Mulder	present
Mayor Harry Shortway, Jr.	present	Alt. #1 Ms. Isabel Duffy	present
Mr. Michael Rau	excused	Alt. #2 Mr. Bruce Goldsmith	present
Mr. David Wostbrock	present		

Attendance by Board Professionals: D. Siss, Attorney; E. Boe, Engineer

Minutes of the 12/19/22 and 1/23/23 meetings – approved.

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**ZONING CERTIFICATES:**

**Kathy Santo Dog Training – 18-24 Central Avenue – BL 46 LT 4** – Kathy Santo, owner – zoning certificate application proposes a continuation of the previous occupancy with the addition of boarding, Ms. Santo currently has a facility in Waldwick which will be used for boarding training “students”. Mr. Rigg stated that the training is a continuation of the previous permitted use, but the boarding aspect is a concern since it may not be permitted in the zone. Per Atty. Siss, the jurisdiction may not be with the Planning Board as kennels are defined in the zoning ordinance and not a permitted use in this zone, to which the applicant disagreed describing the business as a service establishment and citing 34-7.1a6. Since kennels are specifically mentioned elsewhere in the ordinance it would not be appropriate for this Board to vote on this application, applicant would have to go to the Board of Adjustment for a use variance and/or interpretation. Mr. Rigg advised that the Planning Board could vote on the application if it were amended to only include training. No vote/action taken.

**Juliet & Friends – 11 Paterson Avenue – BL 19 LT 3.01** – Mr. Wostbrock recused. Ju Juliet Zhang, owner – auction house, will be photographing items on consignment for online auctions, there will not be a lot of foot traffic. Ms. Zhang may do live, in-person auctions in the future but would host them elsewhere. Motion to approve the Zoning Certificate made by Ms. Pantale, seconded by Mr. Mulder; all voted in favor.

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**PUBLIC HEARINGS:**

**Jacobsen Real Estate LLC – 41 Birch Street – BL 26.01 LT 31.02 – Completeness Review Hearing** – Atty. David Becker on behalf of the applicant – reviewed the background of the property and the encroachment on the neighboring property; the applicant tried to buy the portion in question, but it did not work. Applicant still needs an extension of the TCO for CLC Landscaping that is coming due in April. Atty. Becker is aware the plans need to be revised to reflect the removal of structures on the encroachment, there is no change in use as it was landscaping for decades and is looking for guidance prior to revising the plans for re-submission. Mr. Boe reviewed possible waiver items from his completeness review letter, including: lighting (#15), exterior elevations of structures (#17), utilities (#18), topography and elevations (#24) and stormwater management (#25) unless there turns out to be issues with flood hazard/FEMA/elevations/etc. per Mr. Boe, traffic signage/safety (#28), and driveway/parking (#33). Mr. Rigg and Atty. Becker discussed the issue of the commercial operation being conducted on the adjacent residential property; which may effect which Board has jurisdiction. Mr. Wostbrock questioned the tents on the property.

**Bob Weissman, Engineer – sworn in.** Per Mr. Weissman, there is concrete under the tent, not proposing to change the surfaces at all, there is concrete under the tent at the existing location and where they propose to move it. Atty. Becker and the Board discussed the number of accessory structures and their position within the setbacks; proposes to come back with a revised plan, address the issue of the adjacent lot and determine what Board to apply to. The Board has no issue with the waivers discussed with the exception of the dimensions of accessory structures (#17). Application would be subject to any and all other approvals necessary, including DEP (riparian, flood hazard, wetlands, etc.). Motion to carry the application to the April 17, 2023, meeting without further notice made by Mr. Wostbrock, seconded by Ms. Pantale; all voted in favor.

**Ridgewood Water – 32 Birch Street – BL 32 LT 4 – Preliminary/Final Site Plan Review – Wortendyke PFAS Treatment Facility** - Applicant requested to carry to April 17, 2023, meeting. Motion to carry made by Mr. Wostbrock. Seconded by Ms. Pantale; all voted in favor.

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**RESOLUTIONS:**

**2023 Board Attorney Contracts & Resolutions – Approved**

**2023 Board Engineer –** Motion to appoint Erik E. Boe, PE as board engineer for the remainder of 2023 made by Mr. Wostbrock, seconded by Ms. Pantale; all voted in favor.

Motion to approve payment to LAN Associates through the March 20, 2023, meeting made by Mr. Wostbrock, seconded by Councilman Kruis; all voted in favor.

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Meeting adjourned – 8:07 PM  
Jessica Harmon