

BOROUGH OF MIDLAND PARK – PLANNING BOARD MINUTES

APRIL 10, 2023

PLEASE TAKE NOTE:

ON MONDAY, APRIL 10, 2023, THE PLANNING BOARD OF THE BOROUGH OF MIDLAND PARK HELD A SPECIAL MEETING IN THE MIDLAND PARK COUNCIL CHAMBERS, 280 GODWIN AVE., MIDLAND PARK, NJ. THE FORMAL MEETING BEGAN AT 7:30 P.M.

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	present	Alt. #2 Mr. Bruce Goldsmith	present
Mr. David Wostbrock	excused		
	present		

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

PUBLIC HEARINGS:

90 Midland Avenue – BL 45 LT 9.01 – Redevelopment Area Preliminary Investigation – David Novak of Burgis Associates, Borough Planner – sworn in. This is a non-condemnation study meaning that the Borough would not be able to acquire the property through eminent domain. 90 Midland Avenue is approximately 1.3 acres in the westerly portion of the Borough between Midland Avenue and Godwin Avenue to the south and bordered with Wyckoff to the north and is in an R-2 zone. Mr. Novak reviewed the history and process of designating a property a redevelopment area; which is the process to rebuild or restore an area in a measurable state of decline, disrepair, or abandonment; and is governed by the Local Redevelopment and Housing Law (LRHL). The purpose of tonight’s hearing is to review the Area in Need Study and make a recommendation to the Governing Body as to whether the property meets the criteria or not. For the study, Mr. Novak reviewed the existing land use, ownership, property tax records, development history of the surrounding properties, relationship of the property to the Master Plan and the Zoning Ordinance; then outlined its compliance with the criteria necessary to designate it an area in need of redevelopment. Mr. Novak found the site meets 3 of the criteria: A, D, and H.

Criterion A deals with the “generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics...”. Criterion D is “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design...or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”. Mr. Novak reviewed the historical and existing use of the site, which is currently a pre-existing non-conforming use. Since the facility on the property was constructed, it has become substandard, and the existing conditions and lack of amenities were reviewed for the interior and exterior of the building and the layout of the property. The totality of these items, in Mr. Novak’s opinion, meet the intent of the criteria A & D, and this is also reflected in the property’s tax assessment. Mr. Novak believe this site also meets criterion H for smart growth. The designation of this site will allow for the preparation of a redevelopment plan, which will make decisions at the site predictable, fair, and cost effective; and there will be public notice and hearing requirements allowing the public to be involved in the process. In conclusion, the Area in Need of Redevelopment Study recommends this site as an area in need of redevelopment.

Mr. Rigg asked what the plan is if the Board were to make this recommendation, is the plan for the Borough to own it, and what is the advantage of doing this over the usual process - it would remain under private ownership, but the Borough would have the opportunity to draft the redevelopment plan for the site, it is not known what the plan would entail at this point. The redevelopment process does not constitute spot zoning and there is a heightened burden of proof to apply for a D1 use variance; the advantage of this process is the drafting of a redevelopment plan. Mr. Boe questioned how much involvement the property owner

typically has in the process – typically they are involved in the preparation of a redevelopment plan. Mr. Rigg asked about the DEP’s identification of contaminants onsite and the potential cleanup if this site were changed from commercial to residential – the DEP is essentially ready to close out the remediation, since it is already residentially zoned, they may be required to meet the residential standards of remediation already. Mr. Boe advised the property is in the flood zone as well.

Meeting was opened to the public.

Atty. Bruce Rosenberg of Winne Banta, on behalf of the Zuidema family who is the current property owner. Thanked the Board for their consideration and advised that they want to move forward as the designated redeveloper. Atty. Rosenberg explained that one of the reasons for seeking this designation is related to DEP regulations specifically governing dry access, to help allow development of this site for a residential purpose. There are upcoming stormwater management regulations that may impact the residential development of the site. Mr. Boe elaborated on dry access and the DEP regulations for the benefit of the Board. The Board further discussed the issue of the flood zone that the property is in. Atty. Rosenberg added that it is their understanding that the area in need designation would provide more flexibility with the DEP regulations regarding this aspect, and that they are concerned that if they don’t get this designation and the new regulations go into effect, that the property may not be able to be developed for residential purpose. Mayor Shortway questioned the noticing requirements for this process, which Mr. Novak explained. Ms. Pantale asked what the next steps are after this hearing – the purpose of this hearing is for the Board to recommend to the Mayor & Council that they either do or don’t agree that the site meets the criteria to be designated as an area in need of redevelopment. If yes, the Mayor & Council would officially designate the site an area in need, and then authorize the Planning Board to prepare a redevelopment plan for the site – but the first step is for the Board to determine if they agree or disagree that this is an area in need. Atty. Siss reiterated to the Board that the only thing the Board is considering right now is if the site meets one of the criteria needed to be designated as an area in need of redevelopment.

Mr. Rigg expressed concern about some of the criteria and the possibility of setting a precedence for going outside the normal land use process – must look at whether the issues with the property in their totality are so substantive that a public effort is needed to effectuate redevelopment of the site; in terms of setting a precedence, every application or study stands on its own. The Board, Mr. Novak, and Atty. Rosenberg discussed the Boards concerns and further questions with the redevelopment process. Mr. Mulder thinks that Board would want something more appropriate for an R-2 zone than what is there now and thinks this is an opportunity to change something that needs to be changed.

Motion made to recommend to the Mayor & Council that this meets the criteria to be designated as an area in need of redevelopment made by Mr. Mulder, seconded by Mr. Mulder; all voted in favor.

Meeting adjourned – 8:10 PM
Jessica Harmon