

# WELLS, JAWORSKI & LIEBMAN, LLP

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*Please Reply to  
Paramus, New Jersey Office*

*1986-2020  
Celebrating 34 Years of Service!*

August 5, 2020

*Via Hand Delivery*  
Zoning Board of Adjustment  
Midland Park Borough Hall  
280 Godwin Avenue  
Midland Park, New Jersey 07432

**Re: Applicant: Rudolf Oosting**  
**Application: Interpretation of Zoning Ordinance**

Dear Chairperson Biswurm and Board Members:

Please be advised that our office represents Mr. Oosting in connection with the above referenced application. First and foremost we hope all of the Board members and their professionals/staff, as well as their families, are safe and healthy. At this time our client is requesting that the Board provide an Interpretation of the Midland Park Zoning Ordinances (the "Ordinances") as it relates to the size of a garage that is permissible in a residential district. Below is our position based on a strict reading of the Ordinances and the manner that they were modified over the years.

§34-4.3 states that one (1) garage is required for each dwelling in a residential district. A garage for "not more than three (3) vehicles may be erected on a single lot" (emphasis added). The ordinance very clearly states, in broad terms, that the garage can store no more than three (3) vehicles.

The definition of "private garage" makes it clear that the term "vehicle" is not synonymous with "passenger vehicle". The Borough defines a "private garage" as "a detached accessory building or portion of the principal building used for the *storage of a passenger vehicle or vehicle or commercial vehicle* having no more than two (2) axles and owned or used by the occupant of the principal building." (emphasis added) It states right in the definition that there vehicles other than passenger vehicles are permitted to be garaged. Furthermore, when the Ordinances sought to distinguish passenger vehicles they specifically did so. Another example of the Borough differentiating these terms can be found in the definition of "commercial vehicle" where it excludes "passenger-motor-vehicle type(s)" from the definition.

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As you continue to read §34-4.3 it states that a property owner can have two (2) commercial vehicles on their property, as long as *at least one* is parked in the garage (emphasis added). We cannot stress enough that the Ordinances do not prohibit a property owner from storing the second commercial vehicle in the garage as well. As you continue reading the Ordinances, §34-13.5 states that in all districts “noncommercial trailers, mobile homes, boats, campers, aircraft and similar portable or wheel-based objects must be completely garaged” with the exception of one “such vehicle”. Based on this language, the Ordinances allow for a scenario where a property owner could store the following combinations in his/her garage; 1) two (2) commercial vehicles/one (1) noncommercial trailer; 2) one (1) commercial vehicle/one (1) noncommercial trailer/one (1)boat; or 3) one (1)noncommercial trailer/one (1) boat/one (1) aircraft.

Based on the above referenced language, it is clear that the Ordinances are not referring to only passenger vehicles when it states that a garage cannot house more than three (3) vehicles. It is referring to any passenger vehicle, commercial vehicle or vehicle pursuant to §34-13.5 permitted to be stored on a residentially zoned property. In fact, it says it right in the definition of “private garage”.

Customarily, the parking of “vehicles” is not the only activity conducted in a private garage. Garages are commonly used for other reasons including, but not limited to, the storage of household items, storage of tools and can serve as a property owner’s workshop. §34-4.3 of the Ordinances also allows an unlimited amount of auxiliary commercial vehicles to be garaged on a property.

Based on the various activities customarily found in a private garage, it is common practice for ordinances to limit the size of garages/accessory structures in which all of these activities can be performed. The Ordinances do just that at §34-13.1(a).<sup>1</sup> Accessory buildings or structures detached from the principal dwelling in residential districts are limited to 16 feet in height, *coverage of 30% of the yard it is located in*, 5 foot property line setback and 10 foot setback from the principal dwelling. (emphasis added)

Interestingly, the 30% coverage limitation was not originally a condition in the Ordinances. In the 1978 Ordinances the Borough sought to limit the size of accessory buildings by requiring it to meet certain setback requirements. (See Exhibit A) In 2002 the Borough adopted revised Ordinances which added the 30% maximum coverage requirement. (See Exhibit B)

This demonstrates a clear intent on the manner in which the Borough sought to limit the size of garages/accessory buildings. For the Midland Park Building Department to unilaterally determine that its policy is to limit the size of garages to 864 sf is not supported anywhere in the Ordinances. In fact, it is contrary to the permitted dimensional criteria set forth in §34-13.1(a).

We also believe it is important to point out that we found at least one case in which a building permit was issued for a garage exceeding 864 square feet without requiring variance approval under the current Ordinances. In 2014 a building permit was issued for 15 Butternut Avenue (the “Butternut Permit”). Included in the Butternut Permit, was the construction of a 30’ x 50’ garage (See Exhibit C). We submitted an OPRA request for any Zoning Board of Adjustment and/or Planning Board resolutions related to the construction proposed in the Butternut Permit. The Borough’s records do not show that the construction covered under the Butternut Permit required any type of Board review and/or variance approval. (See Exhibit D) Therefore, it would appear that as of 2014 if a proposed garage adhered to the sections of the Ordinances stated above, in particular §34-13.1(a), it was permitted as of right.

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<sup>1</sup> It is important to note that the definition of a garage refers to a detached garage as an “accessory building”.  
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We have reviewed the Ordinances as it relates to the Butternut Permit. Specifically, §34-4.3 and §34-13.1(a). Both sections indicate that they were adopted as part of Ordinance #13-02, which was adopted on August 22, 2002. (See Exhibit D) These two sections have no other notations indicating that they were amended after the Butternut Permit was issued in 2014. Therefore, if the Borough Code permitted the aforementioned garage in 2014, and there has been no change to the Borough Code concerning garages or the permitted size of accessory buildings/structures, the same standard must be applied to any garages proposed under the current Ordinances.

In conclusion, it is our clients position that a proposed garage is permitted as of right if it complies with the usage requirements at §34-4.3 and §34-13.5, as well as the dimensional requirements at §34-13.1(a).

We respectfully request that a hearing be scheduled for this interpretation to be heard at the next available meeting. Thank you.

Very truly yours,

*Andrew S. Kohut*

Andrew S. Kohut

ASK/me

cc: Rudolf Oosting  
Brigette Bogart  
James E. Jaworski, Esq.

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**ZONING**

**Chapter 118**

**From the**

**CODE**

**of the**

**Borough of**

**MIDLAND PARK**

**GENERAL CODE PUBLISHERS CORP.**  
Spencerport, New York 14559

**§ 118-24. Performance standards and permits.**

The performance standards and procedures for obtaining permits as set forth in §§ 118-20 and 118-21 shall be complied with.

**ARTICLE XI****General Regulations****§ 118-25. Accessory buildings.**

No accessory building or structure may be built on any lot on which there is no principal building or structure. Unless otherwise regulated in this chapter, accessory buildings shall meet the following conditions:

**A. Accessory buildings in residential and B-2 Business Districts.**

- (1) Accessory buildings shall not exceed sixteen (16) feet in height.
- (2) Accessory buildings shall meet the front yard setback of the principal building.
- (3) Accessory buildings on corner lots shall meet the setback requirement from the side street for principal buildings.
- (4) Accessory buildings erected in a side yard shall meet the side yard requirement of the principal building.
- (5) Accessory buildings erected in the rear yard shall be at least four (4) feet from a side or rear property line.
- (6) Accessory buildings shall be at least ten (10) feet from a principal building and at least six (6) feet from another accessory building.
- (7) Runs, coops, pens or other enclosures or areas used for the keeping of dogs and other pets or animals shall be located in the side or rear yard only and shall be at least five (5) feet from a property line.

B. Accessory buildings in all other districts. For the purposes of this chapter, accessory buildings in all other districts shall meet the requirements for principal buildings. No such accessory building shall be located closer to another building than the height of the shorter building.

**§ 118-26. Construction permits and building plans.**

A. No building or structure or part thereof shall be erected, constructed, reconstructed, structurally altered or moved until a construction permit has been procured from the Construction Official.

B. No construction permit shall be issued for the erection, construction, reconstruction, structural alteration or moving of any building or structure or part thereof, unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this chapter.

**§ 118-27. Certificates of occupancy.**

A. No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used, in whole or in part, for any purpose whatsoever until a certificate of occupancy shall have been issued by the Construction Official stating that the premises or building complies with all the provisions of this chapter.

B. No change or extension of use and no alteration of use shall be made in a nonconforming use of premises without a certificate of occupancy having first been issued by the Construction Official indicating that such change, extension or alteration is in conformity with the provisions of this chapter.

C. A certificate of occupancy shall be applied for prior to occupancy of a new building or premises or an existing building or premises other than a residence.





**BOROUGH OF MIDLAND PARK  
ORDINANCE NO. 13-02**

**“AN ORDINANCE TO COMPREHENSIVELY REVISE THE ZONING REGULATIONS SET FORTH IN CHAPTER 118 OF THE CODE OF THE BOROUGH OF MIDLAND PARK”**

**WHEREAS**, the Planning Board of the Borough of Midland Park has conducted an examination of the Master Plan of the Borough of Midland Park as required by the Municipal Land Use Law; and

**WHEREAS**, the Planning Board has adopted a new Master Plan; and

**WHEREAS**, the Mayor and Council of the Borough of Midland Park have reviewed the zoning regulations of the Borough of Midland Park with an eye towards conforming said regulations to the Land Use Element of the Master Plan as required by the Municipal Land Use Law; and

**WHEREAS**, the Mayor and Council of the Borough of Midland Park desire to make amendments to the zoning regulations of the Borough of Midland Park so as to comply with the Land Use Element of the Master Plan and to make other changes deemed necessary and appropriate by the Mayor and Council; and

**WHEREAS**, the Mayor and Council of the Borough of Midland Park find that the changes set forth herein are in conformity with the Land Use Element of the Master Plan as required by the Municipal Land Use Law.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Midland Park as follows:

1. The attached ordinance is hereby adopted as the Zoning Ordinance of the Borough of Midland Park.
2. All ordinances inconsistent herewith are hereby repealed but only to the extent of such inconsistency. In addition, Chapter 118 of the Borough Code, be and is hereby repealed in its entirety.
3. This ordinance shall take effect upon final passage and publication according to law.

*Adeline M. Hanna*  
Adeline M. Hanna, Borough Clerk

*Ester Vierhellig*  
Ester Vierhellig, Mayor

Introduced: July 25, 2002

Final Adoption: August 22, 2002

Member	Motion	Second	Aye	No	Abstain	Absent
Braunius	✓		✓			
Holst		✓	✓			
Keeley			✓			
O'Hagan			✓			
Pruikmsma			✓			
Sullivan			✓			

- G. All Buffer zone and landscaping requirements as provided in Article 15 herein, and in the Site Plan Review Ordinance shall be complied with.
- H. Signs and signage requirements as provided in Article 17 herein, and in the Site Plan Review Ordinance shall be complied with.
- I. Establishments serving food or drink for consumption on the premises but outside an enclosed building are permitted according to outdoor dining ordinance. Outside service counters are prohibited; provided, however, nothing contained in this subsection shall be deemed to prevent or limit the sale of food or refreshments or refreshment stands at authorized fairs, carnivals, public events and the like.

**12.4 Dry Cleaning and Laundry Establishments.**

Dry cleaning and laundry establishments shall be governed by the following regulations:

- A. Outlets and pick-up for laundries, cleaning and dry cleaning establishments and self service automatic laundry and dry cleaning establishments shall be prohibited from storing strong flammable solvents, except for the incidental removal of spots, and as provided in the latest edition of the New Jersey Fire Prevention Code as modified and adopted by the borough.
- B. Self service automatic laundry and dry cleaning establishments shall not be permitted to contain more than 20 machines for washing, cleaning and drying. This shall not apply to a room or rooms containing laundry machines in a residential structure used for the convenience of the occupants, whether or not coin operated.

**12.5 Medical and Dental Clinics, Physical Fitness and Physical Therapy Facilities**  
Medical and dental clinics, physical fitness and physical therapy establishments shall be required to comply with the parking requirements as set forth in the Parking Requirement Schedule.

**12.6 Outside Storage in the B-2, I-1 and I-2 Zones**  
Outdoor storage shall satisfy the requirements set forth in Section 13.3.

**ARTICLE 13**

**REGULATIONS GOVERNING CERTAIN USES IN ALL ZONES**

**13.1 Accessory Buildings and Structures**

Accessory buildings and structures shall be governed by the following regulations.

- A. Accessory buildings and structures in all residential zoning districts which are not attached to a principal building or structure may be erected in any side yard or rear yard provided that:
  1. No such accessory building or structure shall exceed 16 feet in height.
  2. No such accessory building or structure shall be closer to any lot line than 5 feet.
  3. The aggregate of all such accessory buildings and structures shall not occupy more than 30 percent of the area of the side or rear yard in which

- said accessory building or structure is located.
4. No accessory building or structure shall be located closer to the street right-of-way line than the required front yard setback of the principal building. In no event, within the front yard, shall any accessory building or structure, which is not ornamental in nature, be located between the principal building and the street right-of-way.
  5. No portion of an accessory building or structure shall be used for living quarters, temporary or permanent.
  6. No accessory building or structure shall be located closer than ten (10) feet to the principal dwelling.

**B.** In all non-residential zoning districts, accessory buildings and structures which are not attached to a principal building or structure may be erected in any side yard or rear yard provided that:

1. No such accessory building or structure shall be located closer than 15 feet to any lot line. This shall not apply to retaining walls and fences, provided these do not exceed six feet in height.
2. The aggregate of all such accessory buildings or structures shall not occupy more than 25 percent of the side yard or rear yard in which said accessory building or structure is located.
3. No accessory building or structure shall be located closer to the street right-of-way line than the required front yard setback of the principal building. In no event, within the front yard, shall any accessory building or structure, except of an ornamental nature, be located between the principal building and the street right-of-way.
4. No portion of an accessory building or structure shall be used for living quarters, temporary or permanent.
5. No accessory building or structure shall be located closer than twelve (12) feet to a principal building or structure.
6. Except as otherwise specifically provided, accessory buildings and structures which are attached to the principal building and are within a non-residential zoning district shall comply in all respects with the requirements of this ordinance governing the principal building.

### 13.2 Fences

**A.** Fences in all residential zoning districts shall be governed by the following regulations:

1. Fences within a radius of 25 feet from the corner of an intersection of any intersection of any two or more roadways shall not exceed two and one-half feet in height above the curb level.
2. Except on corner lots, fences between the front property line and the rear building line shall not exceed four feet in height above ground level.
3. Fences from the rear building line to the rear property line and along the rear property line shall not exceed five feet in height above ground level.
4. Fences on corner lots shall not exceed four (4) feet in height and not impair



DEC 21 2012

BUILDING DEPT

Block 27, 01 LOT 11, 04 QUALIFICATION CODE ADDRESS (SITE) 15 BUTTERNUT AVE PERMIT NO. 2013 004

# CONSTRUCTION PERMIT APPLICATION



Applicant Completes: Sections I, II, III (optional), IV, VI, and VII

1. Proposed Work Site at: 15 BUTTERNUT AVE

2. Name of Owner in Fee: BRIAN CARLOS  
Tel: (Tel) 207-93811 e-mail BRIC2112@VAHOO.COM

3. Ownership in Fee: Public  
Address 15 BUTTERNUT AVE MILWAUKEE, WI 53212

4. Principal Contractor: PIONEER ROOFING (888) 448-2509  
Address 716 S. ROUTE 183 e-mail SCHUYLIKIA PA 17972

5. Architect or Engineer: USTERKORN  
Address 121 GARDNER AVE  
Tel: (Tel) 848-8190 FAX: (Tel) 848-0981

6. Responsible Person in Charge once V as Begun  
Tel: ( ) FAX: ( )

V. FEE SUMMARY (for office use only)

1. Building	\$
2. Electrical	\$
3. Plumbing	\$
4. Fire Protection	\$
5. Elevator Devices	\$
6. Subtotal	\$
7. Less 20% for State Plan Review	\$
8. Subtotal	\$
9. State Permit Surcharge Fee	\$
10. Subtotal	\$
11. Cert. of Occupancy	\$
12. Other	\$
13. TOTAL	\$ 592.

Update Update Update

VI. BUILDING/SITE CHARACTERISTICS

1. Number of Stories: 1.9  
2. Height of Structure: 14.9  
3. Area - Largest Floor: 1500 sq. ft.  
4. New Building Area: 1500 sq. ft.  
5. Volume of New Structure: 18750 cu. ft.  
6. Max. Live Load: 18750  
7. Max. Occupancy Load: 18750  
8. If Industrialized Building: State Approved HUD  
9. Total Land Area Disturbed: 2400 sq. ft.  
10. Flood Hazard Zone: NO  
11. Base Flood Elevation: 110.0 ft.  
12. Wetlands: yes / no

III. PLAN REVIEW (optional)

DO YOU WANT:  
 1. Partial Releases  
 2. Prototype Processing

DOES OR WILL YOUR BUILDING CONTAIN ANY OF THE FOLLOWING?  
 1. Elevators/Escalators/Lifts/  
 2. Dumbwaiters/Moving Walks  
 3. Cross-Connections/Backflow Preventers  
 4. Hazards Uses/Pieces of Assembly  
 5. High Pressure Boilers  
 6. Pressure Vessels  
 7. Sprinklers/Standpipes  
 8. Smoke Control Systems in Open Wells  
 9. Fire Alarm  
 10. Underground Storage Tanks  
 11. Swimming Pools, Spas and Hot Tubs  
 12. LP Gas Tanks

IIA. PROPOSED WORK  
 Minor Work  
 Repair  
 Asbestos Abat. - Subch. 8  
 New Building  
 Alteration  
 Renovation  
 Addition  
 Demolition  
 Reconstruction

IIb. SUBCODES  
 Building  
 Electrical  
 Plumbing  
 Fire Protection  
 Elevator

III. SUBCODES (Check all that apply)  
 Est. Cost: 28,000  
 Plans Rec'd by: 11/15/13  
 Date: 11/15/13  
 Rejection Date: MB  
 Approval Date: MB  
 Re-viewer: MB  
 Resubmission Dates: MB  
 Approval: MB  
 Re-viewer: MB  
 Annual Permit:   
 Radon Remediation:   
 Lead Hazard Abatement:   
 Demolition:   
 Reconstruction:   
 Alteration:   
 Renovation:   
 Addition:   
 Demolition:

IV. DESCRIPTION OF BUILDING USE  
 A. RESIDENTIAL (primary use)  
 1. State Specific Use:  
 2. Use Group, Proposed:  
 3. Change in Use Group, Indicate Present:  
 4. No. of dwelling units: Total Units Income-residential  
 B. NON-RESIDENTIAL (primary use)  
 1. State Specific Use:  
 2. Use Group, Proposed:  
 3. Change in Use Group, Indicate Present:  
 C. MIXED USE - List secondary use(s):  
 D. Construct. Classification: Present Proposed

IIII. PLAN REVIEW (optional)  
 DO YOU WANT:  
 1. Partial Releases  
 2. Prototype Processing

DOES OR WILL YOUR BUILDING CONTAIN ANY OF THE FOLLOWING?  
 1. Elevators/Escalators/Lifts/  
 2. Dumbwaiters/Moving Walks  
 3. Cross-Connections/Backflow Preventers  
 4. Hazards Uses/Pieces of Assembly  
 5. High Pressure Boilers  
 6. Pressure Vessels  
 7. Sprinklers/Standpipes  
 8. Smoke Control Systems in Open Wells  
 9. Fire Alarm  
 10. Underground Storage Tanks  
 11. Swimming Pools, Spas and Hot Tubs  
 12. LP Gas Tanks

# PERMIT REQUEST FORM

Date Received: 9429  
 Control Number: 9429

*[Office use Only] [Please Print]*  
 Enter all pertinent information. Be specific and descriptive. Do not omit important entries, such as telephone numbers, Fed ID numbers etc.

**COMPLETE ALL APPLICABLE INFORMATION WHEN CHANGING CONTRACTORS, NOTIFY THIS OFFICE.**

Block: 027.01 Lot: 11.04 Agent: \_\_\_\_\_  
 Work Site Location: 15 BUISSENT AVE Address: 15 BUISSENT AVE  
 Owner In Fee: BRAD CAIRNS Telephone: 201-207-9381 Fax: \_\_\_\_\_  
 Address: 15 BUISSENT AVE License No: \_\_\_\_\_ Fed Id Number: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Is this a rental property?  Yes  No Number of Tenants: \_\_\_\_\_

## BUILDING SECTION

Description Of Work: 30x50 TSUOLD NEW DETACT GARAGE - STUACE

New Building  Sign \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Contractor PIONEER ROEBURN Office Use Only \_\_\_\_\_  
 Addition  Pool \_\_\_\_\_  
 Alteration  Asbestos Abatement Subchapter 8 \_\_\_\_\_  
 Roofing  Lead hazard Abatement N.J.A.C 5:17 \_\_\_\_\_  
 Siding  Demolition \_\_\_\_\_  
 Fence  Other \_\_\_\_\_  
 Ht \_\_\_\_\_ (Exceeds 6')

Address: 711 S COURT 183  
 Phone: 888-448-2515  
 Lic. No. 13VH00707400 Fed. Emp. No. 2329445877  
 Est Cost Of Bldg. Work:  
 1. New Bldg. \$ 28,000 3. Demolition \$ \_\_\_\_\_  
 2. Alteration \$ \_\_\_\_\_ 4. Total (1+2+3) \$ \_\_\_\_\_

I certify that I am the (agent of) owner of record and am authorized to make this application.  
 \_\_\_\_\_  
 Applicant's Signature/Contractor's Seal and Signature

Plan Review Date Initial 11/13 MB  
 No Plans Req'd  
 All  
 Footing  
 Foundation  
 Frame  
 Other  
 Joint Plan review Required:  
 Elec  Plumb  Fire  
 Cubic Ft: \_\_\_\_\_  
 Square Ft: \_\_\_\_\_  
 % Land Distributed \_\_\_\_\_

## PLUMBING SECTION

Description Of Work: \_\_\_\_\_

No. Fixture/Equipmt	No. Fixture/Equipmt	Contractor
Water Closet	Gas Piping	_____
Urinal/Bidet	Steam Boiler	_____
Bath Tub	Hot water Boiler	_____
Lavatory	Sewer Pump	_____
Shower	Interceptor/Separator	_____
Floor Drain	Back flow Preventor	_____
Sink	Greasetrap	_____
Dishwasher	Sewer Connection	_____
Drinking Fountain	Water Service Connection	_____
Washing Machine	Stacks	_____
Hose Bibb	Other	_____
Water Heater	Other	_____
Fuel Oil Piping	Other	_____

Estimated Cost of Plumbing Work: \$ \_\_\_\_\_

Applicant's Signature/Contractor's Seal and Signature \_\_\_\_\_  
 I certify that I am the (agent of) owner of record and am authorized to make this application.  \_\_\_\_\_  
 Date: \_\_\_\_\_ Approved By: \_\_\_\_\_

Office Use Only  
 Joint Plan Review Required:  No Plans Required  
 Building  Electric  Plumbing Plans Approved  
 Fire  Elevator

**FIRE PROTECTION SECTION**

Description Of Work:

Storage Tanks :

Type:  Flamm. Liquid  Comb Liquid  
 LPG  LNG

Alarm Systems  110v Interconnected  System

Alarm Devices (i.e. smoke, heat, pulls, waterflow)

Supervisory Devices (i.e. tampers, low/high air)

Signalling Devices (i.e. horn, strobes, bells)

Other Devices \_\_\_\_\_

Suppressoin Systems  Fire Pump  GPM Type

Dry Pipe/Alarm Valves

Pre-action Valves

Sprinkler Heads (Dry and Wet)

Estimated Cost Of Fire Protection Work : \$ \_\_\_\_\_

\_\_\_\_\_ Standpipes

Pre-engineered Systems

\_\_\_\_\_ Wet Chemical

\_\_\_\_\_ Dry Chemical

\_\_\_\_\_ CO2 Suppression

\_\_\_\_\_ Foam Suppression

\_\_\_\_\_ Halon Suppression

\_\_\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_ Kitchen Hood Exh Sys

\_\_\_\_\_ Smoke Control System

\_\_\_\_\_ Gas  or Oil  Fired

Appl.

Contractor \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Lic. No. \_\_\_\_\_

Fed. Emp. No. \_\_\_\_\_

I certify that I am the (agent of) owner of record and am authorized to make this application.

X \_\_\_\_\_ Applicant's Signature/Contractor's Seal and Signature

Office Use Only  No Plans Required

Joint Plan Review Required:  Fire Plans Approved

Building  Plumbing Date: \_\_\_\_\_

Electric  Fire Approved By: \_\_\_\_\_

**ELECTRICAL SECTION**

Description Of Work:

**QTY. SIZE ITEMS**

\_\_\_\_\_ Lighting Fixtures

\_\_\_\_\_ Receptacles

\_\_\_\_\_ Switches

\_\_\_\_\_ Detectors

\_\_\_\_\_ Light Poles

\_\_\_\_\_ Motors-Fract.HP

\_\_\_\_\_ Emergency & Exit Lights

\_\_\_\_\_ Communication Points

\_\_\_\_\_ Alarm Devices F.A.C Panel

\_\_\_\_\_ Other \_\_\_\_\_

**TOTAL NUMBERS**

\_\_\_\_\_ Pool Permit/w Uw Lights

\_\_\_\_\_ Storable Pool/Spa/Hot Tub

\_\_\_\_\_ KW Elec. Range /Receptacle

\_\_\_\_\_ KW Oven/Surface Unit

**QTY. SIZE ITEMS**

\_\_\_\_\_ KW Elec. Water Heater

\_\_\_\_\_ KW Dryer/Receptacle

\_\_\_\_\_ KW Dishwasher

\_\_\_\_\_ HP Garbage Disposal

\_\_\_\_\_ KW Central A/c Unit

\_\_\_\_\_ HP/KW Space Htr/Air Handler

\_\_\_\_\_ KW Base Board Heat

\_\_\_\_\_ HP Motors 1/4 HP

\_\_\_\_\_ KW Transformer/Generator

\_\_\_\_\_ AMP Service

\_\_\_\_\_ AMP SubPanels

\_\_\_\_\_ AMP Motor Control Center

\_\_\_\_\_ KW Elec Sign/Outline Light Unit

\_\_\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_ Other \_\_\_\_\_

Contractor \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Lic. No. \_\_\_\_\_

Fed. Emp. No. \_\_\_\_\_

I certify that I am the (agent of) owner of record and am authorized to make this application.

X \_\_\_\_\_ Applicant's Signature/Contractor's Seal and Signature

Licensed Elec Contractor  Exempt Applicant

Office Use Only  No Plans Required

Joint Plan Review Required:  Electric Plans

Approved Approved

Building  Electric

Fire  Plumbing

Date: \_\_\_\_\_ Approved By: \_\_\_\_\_

Estimated Cost Of Electric Work : \$ \_\_\_\_\_

DATE: 12/17/12  
 SHEET 1 OF 1  
 JOB NO. Z-6868  
**CHARLES L. STERNBERG, P.E., L.S., J.P.**  
 121 COCKSCOTT ROAD  
 BRIDGEWATER, NJ 07005  
 DISTRICT ENGINEER ASSOCIATES  
 15 BUTTERNUT AVENUE  
 TAX MAP BLOCK 27.01 - LOT 11.04  
 BOROUGH OF MIDLAND PARK  
 BERGEN COUNTY, NEW JERSEY  
**PROPOSED PLOT PLAN AT**

GENERAL NOTES:  
 1. THE INTENTION OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS, CONDITIONS AND SPECIFICATIONS TO BE PROVIDED AFTER NEW GARAGE IS COMPLETED.  
 2. THE CONSTRUCTION OF A NEW GARAGE SHALL BE IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES, REGULATIONS AND CODES OF THE BOROUGH OF MIDLAND PARK AND THE STATE OF NEW JERSEY.  
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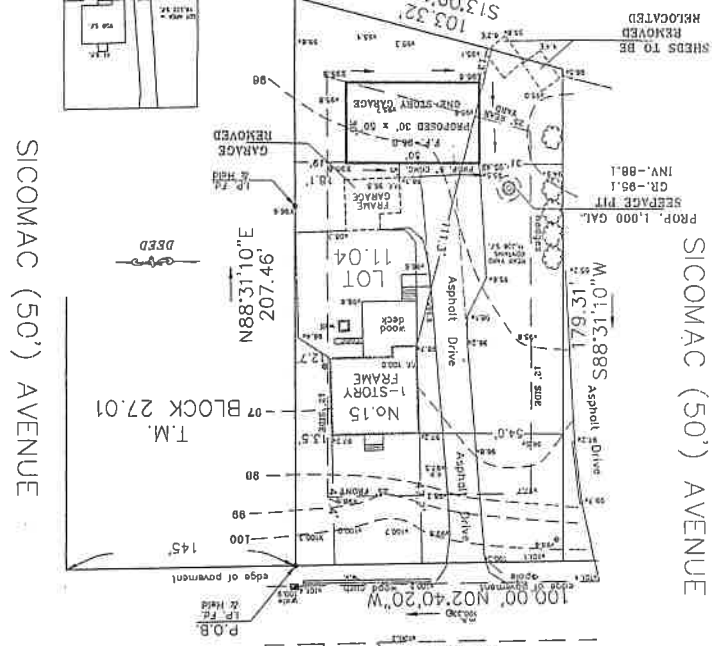
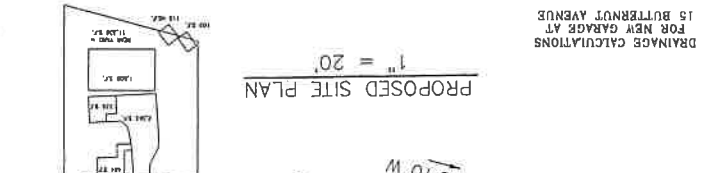
REAR YARD CALCULATION:  
 REAR YARD CONTAINS 11,235 S.F.  
 DIST. REAR YARD COVERAGE =  $(6441215) / 11,235 = 60X$   
 PROP. REAR YARD COVERAGE =  $(1500+210) / 11,235 = 10.1X$   
 \* DENOTES VARIANCE REQUIRED FOR EXISTING CONDITIONS

ITEM	REQUIREMENT	PROVIDED	REMARKS
1	FRONT YARD HEIGHT (FEET) (MAX.)	20	
2	FRONT YARD HEIGHT (FEET) (MIN.)	10	
3	FRONT YARD DEPTH (FEET)	25	
4	FRONT YARD WIDTH (FEET)	25	
5	FRONT YARD AREA (SQUARE FEET)	625	
6	FRONT YARD COVERAGE (%)	5.5	
7	FRONT YARD COVERAGE (%) (MIN.)	5	
8	FRONT YARD COVERAGE (%) (MAX.)	10	
9	FRONT YARD COVERAGE (%) (AVG.)	7.5	
10	FRONT YARD COVERAGE (%) (RANGE)	5 - 10	
11	FRONT YARD COVERAGE (%) (TYPICAL)	7.5	
12	FRONT YARD COVERAGE (%) (REMARKS)		
13	FRONT YARD COVERAGE (%) (NOTES)		
14	FRONT YARD COVERAGE (%) (DETAILS)		
15	FRONT YARD COVERAGE (%) (SPECIFICATIONS)		

LEGEND:  
 287 9V Civil Soil Division  
 288 9V Prop. Soil Division  
 289 9V Prop. Contour  
 290 9V Civil Lighting  
 291 9V Direction of Flow

APPLICANT AND OWNER:  
 GRAY AND SISKI CARPENS  
 19 BUTTERNUT AVENUE  
 MIDLAND PARK, NEW JERSEY 07432

1" = 40'  
 AREA MAP

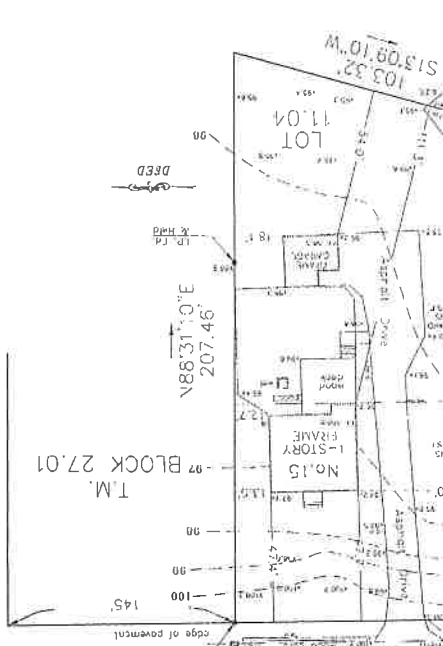


100.00' N02.40' W  
 BUTTERNUT (50') AVENUE

100.00' N02.40' W  
 BUTTERNUT (50') AVENUE

PROPOSED GARAGE:  
 SQUARE AREA = 1,500 S.F.  
 0 = 0.80 x 3.2 x (1.50/1.50) = 0.80 S.F.  
 0 = 0.80 x 3.2 x (0.50/1.50) = 0.80 S.F.  
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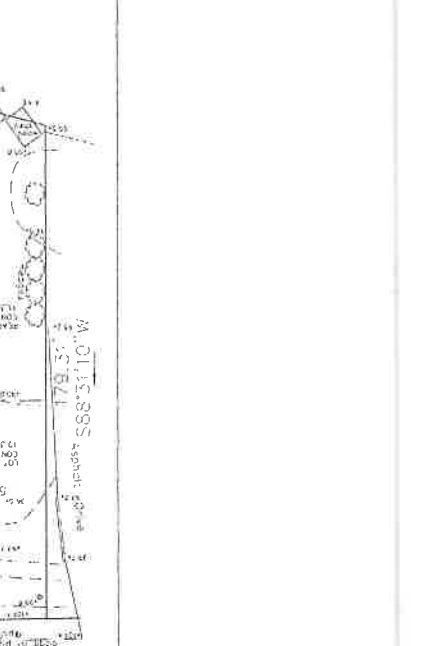
EXISTING CONDITIONS PLAN  
 1" = 20'



100.00' N02.40' W  
 BUTTERNUT (50') AVENUE



BRAINAGE CALCULATIONS  
 15 BUTTERNUT AVENUE



100.00' N02.40' W  
 BUTTERNUT (50') AVENUE



ALL RIGHTS RESERVED BY PIONEER POLE BUILDINGS, INC. NOT TO BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION.

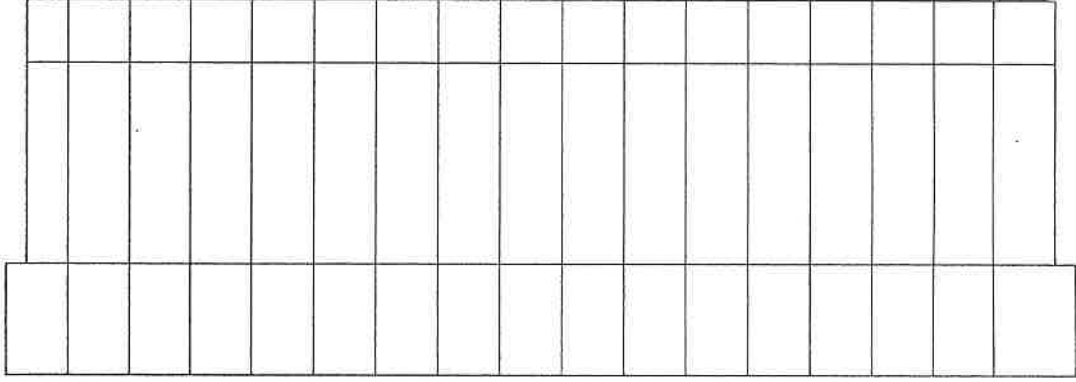
**PPB, Inc.**  
Pioneer Pole Buildings, Inc.  
716 South Rt. 183  
Schuylkill Haven, PA 17972  
1-888-448-2505 Toll Free

JOB SITE ADDRESS:  
SAME

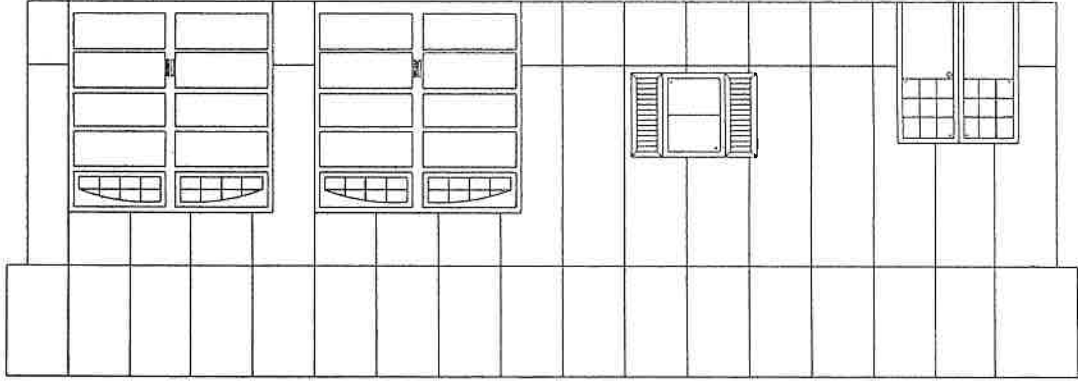
CUSTOMER ADDRESS:  
BRIAN CAIRNS  
15 BUTTERNUT AVE  
MIDLAND PARK, NJ 07432  
201-444-8501

DATE: 11-29-12  
SHEETS: 1  
ELEVATIONS: 30x50x12'6"  
BUILDING SIZE: 30x50x12'6"  
DRAWN BY: Job Number: CAIRNS-1  
CHECKED BY: HERN LOCK

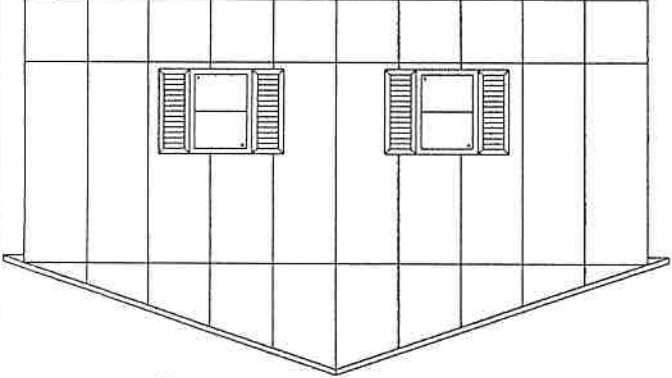
EAVE #1



EAVE #2



GABLE #1 & #2



MIDLAND PARK CONSTRUCTION DEPT.  
These plans are approved subject to field  
inspections and requirements of the  
N.J. State Uniform Construction Code.  
PRE-  
ELECTRIC-  
PLUMBING-  
BUILDING-  
INSTRUCTION OFF. *1/23/13*

CONTRACT # PQS-41381-004

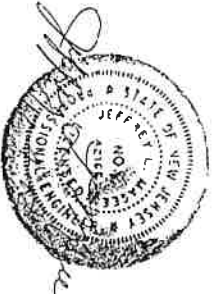
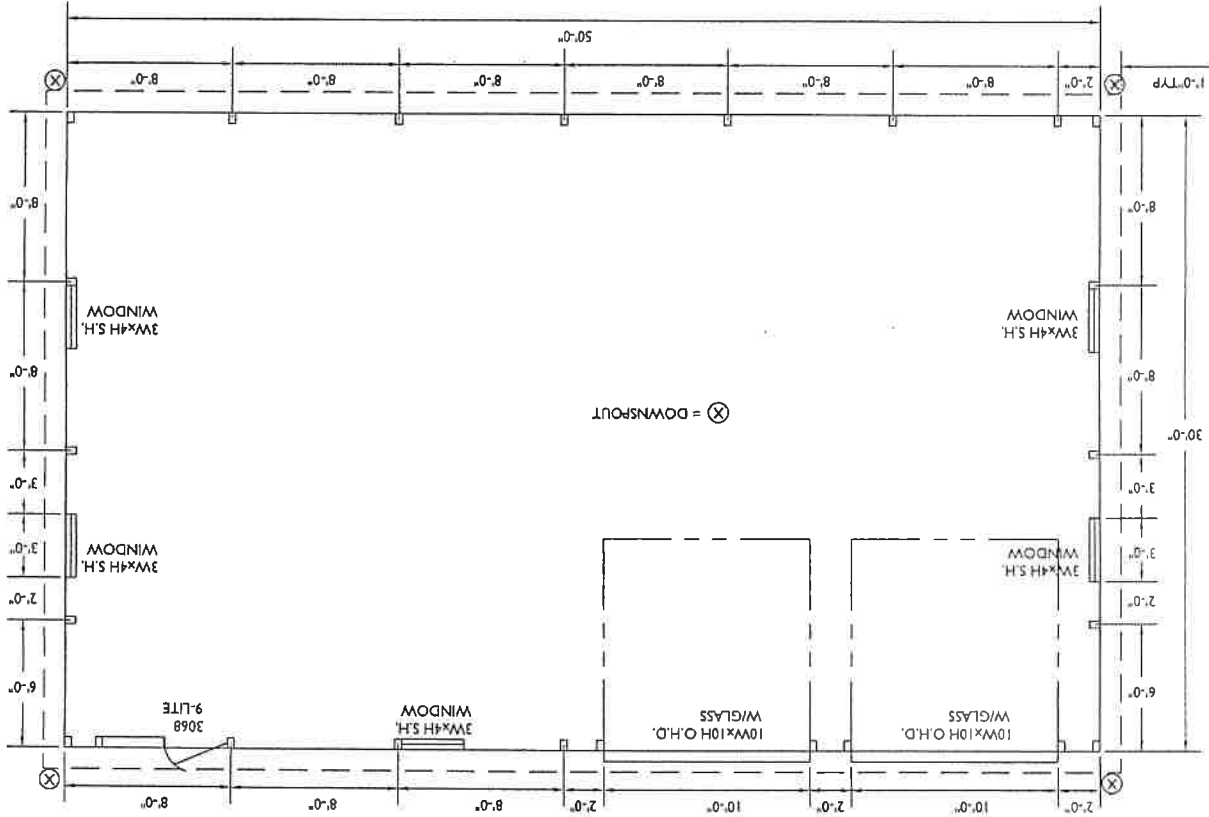
ALL RIGHTS RESERVED BY PIONEER POLE BUILDINGS, INC. NOT TO BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION.

Pioneer Pole Buildings, Inc.  
716 South Rt. 183  
Schuylkill Haven, PA 17972  
1-888-448-2505 Toll Free

JOB SITE ADDRESS:  
SAME

CUSTOMER ADDRESS:  
BRIAN CAIRNS  
15 BUTTERNUT AVE  
MIDLAND PARK, NJ 07432  
201-444-8501

DATE: 11-29-12  
JOB NO: POLE PLAN  
SHEET: 30x50x12'-6"  
DRAWN BY: HEDD KLOCK  
CHECKED BY: CAIRNS-1



HOUSE

BOROUGH OF MIDLAND PARK  
280 GODWIN AVE.  
MIDLAND PARK, NJ 07432  
201-4455424

# CERTIFICATE IDENTIFICATION

Date Issued: 05/13/2014  
Control #: 9429  
Permit #: 20130042

Block: 27.01 Lot: 11.04 Qual: \_\_\_\_\_

Work Site Location: 15 BUTTERNUT AVE

MIDLAND PARK

Owner in Fee: CAIRNS, OLGA M., ROBERT & BRIAN

Address: 15 BUTTERNUT AVE

MIDLAND PARK NJ 07432

Telephone: \_\_\_\_\_

Agent/Contractor: Homeowner

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Lic. No./ Bids. Reg. No.: \_\_\_\_\_

Social Security No.: \_\_\_\_\_

Home Warranty No: \_\_\_\_\_

Type of Warranty Plan: [ ] State [ ] Private

Use Group: R-5

Maximum Live Load: \_\_\_\_\_

Construction Classification: \_\_\_\_\_

Maximum Occupancy Load: \_\_\_\_\_

Certificate Exp Date: \_\_\_\_\_

Description of Work/Use: Detached Garage - 30 x 50

Update Desc. of Wk/Use: \_\_\_\_\_

Demolition - Detached garage Add: A/C to new detached garage

[ X ] CERTIFICATE OF OCCUPANCY

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

[ ] CERTIFICATE OF APPROVAL

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

[ ] TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE

If this is a temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than \_\_\_\_\_ or will be subject to fine or order to vacate:

[ ] CERTIFICATE OF COMPLIANCE

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until \_\_\_\_\_

[ ] CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

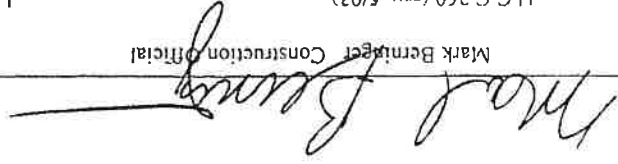
[ ] Partial or limited time period (\_\_\_\_\_ years); see file

[ ] Total removal of lead-based paint hazards in scope of work

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

[ ] CERTIFICATE OF CLEARANCE-LEAD ABATEMENT 5:17

Mark Berninger Construction Official



U.C.C 260 (rev. 5/03)

1 - APPLICANT 2 - OFFICE 3 - TAX ASSESSOR

Collected by: JB

Paid [ X ] Check No.: 391

Fees: \$60.00



**Kohut, Andrew**

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**From:** Janet Giardino <JGiardino@midlandparknj.org>  
**Sent:** Tuesday, July 21, 2020 12:39 PM  
**To:** Kohut, Andrew  
**Cc:** Wendy Martin  
**Subject:** Midland Park - opra request no. 163 - 15 Butternut Ave

In response to your OPRA request received on 7/10/2020 RE:  
15 Butternut Ave- Block 27.01 Lot 11.04

A search of the Planning Board and Zoning Board of Adjustment files found no records for the above address/block & lot.

This completes your opra request.

Janet Giardino  
Board Secretary- 201 445 5424



**BOROUGH OF MIDLAND PARK**  
**OPEN PUBLIC RECORDS ACT REQUEST FORM**  
 280 Godwin Avenue  
 Office Number 201-445-5720 & Fax Number 201-652-6348  
 wmartin@midlandparknj.org  
 Wendy Martin



**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

**Requestor Information -- Please Print**

First Name Andrew MI S Last Name Kohut, Esq.  
 E-mail Address akohut@wellslaw.com  
 Mailing Address 12 Route 17 North, P.O. Box 1827  
 City Paramus State NJ Zip 07653-1827  
 Telephone 201-587-0888 FAX 201-587-8845  
 Preferred Delivery: Pick Up  US Mail  On-Site Inspect  Fax  E-mail   
 If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE** / **HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.  
 Signature [Signature] Date 7/6/2020

**Payment Information**

Maximum Authorization Cost \$ \_\_\_\_\_  
 Select Payment Method  
 Cash  Check  Money Order   
 Fees: Letter size pages - \$0.05 per page  
 Legal size pages - \$0.07 per page  
 Other materials (CD, DVD, etc) – actual cost of material  
 Delivery: Delivery / postage fees additional depending upon delivery type.  
 Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

All Zoning Board of Adjustment and/or Planning Board Resolutions for 15 Butternut Avenue, Block 27.01, Lot 11.04.

AGENCY USE ONLY

AGENCY USE ONLY

AGENCY USE ONLY

<p>Est. Document Cost _____</p> <p>Est. Delivery Cost _____</p> <p>Est. Extras Cost _____</p> <p>Total Est. Cost _____</p> <p>Deposit Amount _____</p> <p>Estimated Balance _____</p> <p>Deposit Date _____</p>	<p>Disposition Notes</p> <p>Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.</p> <p>In Progress _____ Open _____</p> <p>Denied _____ Closed _____</p> <p>Filled _____ Closed _____</p> <p>Partial _____ Closed _____</p>	<p>Tracking Information</p> <p>Tracking # _____</p> <p>Rec'd Date _____</p> <p>Ready Date _____</p> <p>Total Pages _____</p> <p>Records Provided _____</p> <p>Total _____</p> <p>Deposit _____</p> <p>Balance Due _____</p> <p>Balance Paid _____</p> <p>Custodian Signature _____</p> <p>Date _____</p>
<p>Final Cost</p>		

**DEPOSITS**

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

**YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):**

(To be completed by the Custodian of Records -- check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. **Response is due to requestor as soon as possible, but no later than seven business days.**)

- N.J.S.A. 47:1A-1.1**
- Inter-agency or intra-agency advisory, consultative or deliberative material
- Legislative records
- Law enforcement records:
- Medical examiner photos
  - Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
  - Victims' records
- Trade secrets and proprietary commercial or financial information
- Any record within the attorney-client privilege
- Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- Information which, if disclosed, would give an advantage to competitors or bidders
- Information generated by or on behalf of public employers or public employees in connection with:
- Any sexual harassment complaint filed with a public employer
  - Any grievance filed by or against an employee
  - Collective negotiations documents and statements of strategy or negotiating information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- Information that is to be kept confidential pursuant to court order
- Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- Social security numbers
- Credit card numbers
- Unlisted telephone numbers
- Drivers' license numbers
- Certain records of higher education institutions:
- Research records
  - Questions or scores for exam for employment or academics
  - Charitable contribution information
  - Rare book collections gifted for limited access
  - Admission applications
  - Student records, grievances or disciplinary proceedings revealing a students' identification
- Biotechnology trade secrets N.J.S.A. 47:1A-1.2
- Convicts requesting their victims' records N.J.S.A. 47:1A-2.2

- Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) N.J.S.A. 47:1A-3.a.
- Public defender records N.J.S.A. 47:1A-5.k.
- Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- Personnel and pension records (however, the following information must be disclosed:
  - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
  - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
  - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

"a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

**Executive Order No. 21 (McGreevey 2002)**

Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.

Records exempted from disclosure by State agencies' proposed rules.

**Executive Order No. 26 (McGreevey 2002)**

Certain records maintained by the Office of the Governor

Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing

Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments

Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation

Information in a personal income or other tax return

Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed

Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing

Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

**Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a.**

(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

**REQUEST FOR RECORDS UNDER THE COMMON LAW**

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer



authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

**Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.**

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the **Name of Agency**, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the **Name of Agency**.
5. **You may be charged a 50% or other deposit when a request for copies exceeds \$25.** The **Name of Agency** custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100% of estimated fees.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, **and** who is seeking government records containing personal information pertaining to the person's victim or the victim's family. This includes anonymous requests for said information.
7. By law, the **Name of Agency** must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If the **Name of Agency** is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.
11. If your request for access to a government record has been denied or unfiled within the seven (7) business days required by law, you have a right to challenge the decision by the **Name of Agency** to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at [grc@dca.state.nj.us](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc). The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.