

BOROUGH OF MIDLAND PARK

FOR OFFICE USE:

Dated Filed: \_\_\_\_\_ Completeness Review Date: \_\_\_\_\_
Notified Incomplete: \_\_\_\_\_ Deemed Complete: \_\_\_\_\_
Jurisdiction: Planning Board \_\_\_\_\_ Board of Adjustment \_\_\_\_\_

APPLICATION FOR DEVELOPMENT

SECTION I TYPE OF APPLICATION

Preliminary Site Plan \_\_\_\_\_ Appeal from Administrative Determination \_\_\_\_\_
Final Site Plan \_\_\_\_\_ Interpretation of Map or Ordinance \_\_\_\_\_
Preliminary Major Subdivision X Bulk Variance \_\_\_\_\_
Final Major Subdivision \_\_\_\_\_ Use Variance \_\_\_\_\_
Amendment to Site Plan Approval \_\_\_\_\_ Conditional Use Approval \_\_\_\_\_
Waiver \_\_\_\_\_ Exception \_\_\_\_\_

SECTION II APPLICANT INFORMATION

see Addendum A to comply with N.J.S.A. 40:55D-48.1

NAME OF APPLICANT Joseph P. Mulligan, Jr.
ADDRESS 142 Irving Street, Midland Park, NJ 07432
PHONE # 551-247-1641 EMAIL 911medicjoe@gmail.com

NAME OF OWNER Same as Applicant
ADDRESS \_\_\_\_\_
IF OWNER IS A CORPORATION:
PRESIDENT \_\_\_\_\_ SECRETARY \_\_\_\_\_

(UNLESS OTHERWISE NOTED, ALL CORRESPONDENCE WILL BE ADDRESSED TO APPLICANT)

INTEREST OF APPLICANT IN PROPERTY (IF NOT OWNER) Owner

AUTHORIZED REPRESENTATIVE OF APPLICANT
NAME See Attorney For Applicant
ADDRESS \_\_\_\_\_
PHONE NO. \_\_\_\_\_ EMAIL \_\_\_\_\_

ATTORNEY FOR APPLICANT
NAME Eric David Becker, Esq. - Law Office of Eric David Becker, LLC
ADDRESS 253 Madison Avenue, Wyckoff, NJ 07481
PHONE NO. 201-560-0822 EMAIL dbecker@dauidbecker.esq.com

ENGINEER FOR APPLICANT
NAME N/A
ADDRESS \_\_\_\_\_
PHONE NO. \_\_\_\_\_ EMAIL \_\_\_\_\_

ARCHITECT FOR APPLICANT
NAME Michael A. Bet
ADDRESS 85 Franklin Turnpike, Waldwick, NJ 07463
PHONE NO. 201-857-2659 EMAIL mbet@michaelabetarch.com

SECTION III PROPERTY INFORMATION

ADDRESS 142 Irving Street, Midland Park, NJ 07432  
BLOCK 25 LOT 11.02 ZONE DISTRICT R-1

SIZE OF PROPERTY  
SQ. FT. 12,690<sup>SF</sup> WIDTH 90 Ft. DEPTH 141 Ft.

EXISTING CONDITIONS  
USE OF PROPERTY Residential

BUILDINGS  
SQ. FT.: TOTAL: 1,428 SF BY FLOOR: 1. 714 SF 2. 714 SF 3. N/A

SETBACKS: FRONT: 26' 10" (Irving St.) REAR 80'  
                  SIDE 1 20' 10 1/2" (Orchard St.) SIDE 2 principal structure (dwelling) = 35'  
HEIGHT: # of Feet \_\_\_\_\_ # of Stories \_\_\_\_\_ accessory structure (barn/shed) 7

PROPOSED CONDITIONS  
USE OF PROPERTY Remaining Residential, proposing a single 26' 1 1/2" story addition to the rear of the existing dwelling and a newly constructed detached garage. (see attached addendum)  
NEW BUILDING ADDITION TO EXISTING  
SQ. FT.: TOTAL \_\_\_\_\_ BY FLOOR: 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
SETBACKS: FRONT: \_\_\_\_\_ REAR: \_\_\_\_\_  
                  SIDE 1 \_\_\_\_\_ SIDE 2 \_\_\_\_\_  
HEIGHT: # of Feet \_\_\_\_\_ # of Stories \_\_\_\_\_

SECTION IV GENERAL

- A. EXPLAIN IN DETAIL THE EXACT NATURE OF THE APPLICATION AND THE CHANGES TO BE MADE TO THE PROPERTY (ATTACH ADDITIONAL PAGES IF NECESSARY).  
See attached addendum
- B. DOES THE APPLICANT OR OWNER OWN ANY CONTINGENT PROPERTY? No.  
IF YES: ADDRESS \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
DESCRIBE USE: \_\_\_\_\_
- C. ARE THERE ANY EXISTING COVENANTS, DEED RESTRICTIONS, EASEMENTS, OR EXCEPTIONS THAT ARE IN EFFECT?  
DESCRIBE: No.  
IF YES, PROVIDE A COPY OF EACH \_\_\_\_\_
- D. IS PROPERTY LOCATED IN FLOOD HAZZARD OR FLOOD PLAIN? No.
- E. DO PREMISES FRONT ON APPROVED STREET? Yes. NAME: Irving + Orchard Streets,
- F. DO PREMISES REQUIRE EXTENSION OF MUNICIPAL FACILITIES? No.  
IF YES, DESCRIBE \_\_\_\_\_
- G. HAS THEIR BEEN A PREVIOUS APPLICATION INVOLVING THIS PROPERTY? No.  
IF YES, SET FORTH DATE, DESCRIPTION AND RESOLUTION \_\_\_\_\_
- H. ARE ANY OFF-TRACT IMPROVEMENTS REQUIRED OR PROPOSED? No.
- I. ARE ANY LOW-INCOME HOUSING UNITS PROPOSED? YES X NO
- J. IS A DEVELOPMENT FEE REQUIRED? YES X NO

**SECTION V VARIANCES, WAIVERS OR EXCEPTIONS**

A. ARE ANY VARIANCES REQUESTED AS PART OF THIS APPLICATION? Yes,  
 IF YES, LIST SECTION NO. OF ZONING ORDINANCE AND DESCRIPTION: (see attached addendum)

| <u>SECTION</u> | <u>DESCRIPTION</u> |
|----------------|--------------------|
|                |                    |
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USE ADDITIONAL SHEETS IF NECESSARY

B. ARE THERE ANY WAIVERS FROM THE SUBMISSION REQUIREMENTS REQUESTED? No,  
 IF YES, LIST SECTION NO. OF ORDINANCE AND DESCRIPTION:

| <u>SECTION</u> | <u>DESCRIPTION</u> |
|----------------|--------------------|
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(THE PLANNING BOARD MUST APPROVE SUCH WAIVERS AS A CONDITION TO THE APPLICATION BEING DEEMED COMPLETE)

C. ARE THERE ANY EXCEPTIONS FROM THE DESIGN STANDARDS REQUESTED? No,  
 IF YES, LIST SECTION AND DESCRIPTION:

| <u>SECTION</u> | <u>DESCRIPTION</u> |
|----------------|--------------------|
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**SECTION VI PLANS / DRAWINGS/REPORTS**

LIST ALL PLANS SUBMITTED WITH THIS APPLICATION

| TITLE   | PREPARED BY                     | DATE      |
|---|---------------------------------|-----------|
| Zoning Submission for new garage at 142 Irving Street (Block 25, Lot 11, 02) - (Architectural Plans) (4 sheets) | Michael A. Bet, Architect, P.C. | 4/25/2022 |
|   |                                 |           |
|   |                                 |           |
|   |                                 |           |

LIST ALL REPORTS SUBMITTED WITH THIS APPLICATION

| TITLE  | PREPARED BY                      | DATE      |
|--|----------------------------------|-----------|
| Zoning Denial - Office of the Zoning Enforcement Officer of Midland Park | Mark Berninger - Zoning Official | 5/23/2022 |
|  |                                  |           |
|  |                                  |           |
|  |                                  |           |

## ADDENDUM

The owner/applicant, Joseph P. Mulligan, Jr., is proposing a small one (1) story addition to the rear of his existing home and a newly constructed detached garage. This property is located in the R-1 Residential Zone, and its current and proposed use is residential, thus permitted.

The proposed addition to the existing dwelling will be 194 square feet, conforming in all manners as to height and setbacks, and will not result in the overall combined lot coverage exceeding that which is permitted by code. The proposed detached garage will be 720 square feet (24 feet x 30 feet); and as an accessory building/structure it will be conforming as to height, rear yard setback, side yard setback, and front yard setback along Irving Street.

The proposed detached garage will result in two (2) nonconformities in which variance relief is requested:

- 1) The detached garage will be located in the second front yard along Orchard Street, and as an accessory structure it is not permitted in a front yard per section 34-13.1 of the Borough Zoning Code.
- 2) The proposed garage will be 5 feet 10 ½ inches from the property line along Orchard Street, where 25 feet is required for a front yard setback in the R-1 Zone per section 34-4.5.b of the Borough Zoning Code.

Variance relief is appropriate and warranted in accordance with NJSA 40:55D-70.c.(1) ("hardship variance") since the subject property is a corner lot with two (2) front yards, which is considered a hardship.

Variance relief is also appropriate in accordance with NJSA 40:55D-70.c.(2) ("flexible variance") as the purposes of good zoning will be advanced for the following reasons:

- 1) An existing nonconformity will be eliminated since presently there is no garage on the subject property, and at least one enclosed garage is required per section 34-4.3.a. of the Borough Zoning Code.
- 2) An existing shed (accessory structure) which is currently located in the front yard along Orchard Street and nonconforming as to front yard setback, will be removed as part of this application and to make room for the proposed detached garage.
- 3) The proposed location for the garage enables the Applicant/Owner to allow an existing barn, which has some historical value and is in excellent condition, to remain on the subject property. If the garage is to be located in a conforming location, it would require the removal of this barn.

More importantly the benefits of allowing this garage at this location certainly outweigh any possible detriments.

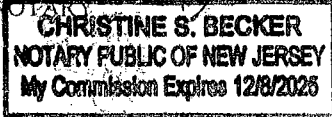
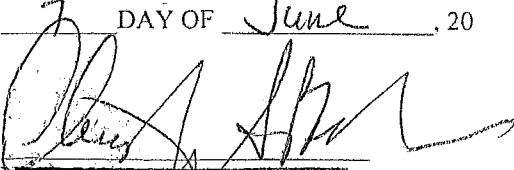
I HEREBY DEPOSE AND SAY THAT ALL THE FOREGOING STATEMENTS AND INFORMATION CONTAINED IN ANY PAPERS SUBMITTED HERewith ARE TRUE AND CORRECT.

Applicant's Attorney

DATE: 6/7/2022

Eric David Becker

SWORN AND SUBSCRIBE ON THIS  
DAY OF June, 20



**Eric David Becker**  
**Attorney at Law**  
**State of New Jersey**

AFFIDAVIT OF OWNERSHIP  
(TO BE COMPLETED IF APPLICANT IS NOT OWNER)

STATE OF NEW JERSEY )  
  )  
COUNTY OF BERGEN    )

\_\_\_\_\_ of full age, having been sworn according to law on \_\_\_\_\_  
deposes and says that \_\_\_\_\_ resides at \_\_\_\_\_  
in the City of \_\_\_\_\_, in the County of \_\_\_\_\_ and the State of \_\_\_\_\_,  
that is the owner-in-fee of all that certain lot, piece or parcel of land situated, lying and being in  
the Borough of Midland Park aforesaid, and known and designated as Number \_\_\_\_\_ and Street \_\_\_\_\_  
\_\_\_\_\_ hereby authorizes \_\_\_\_\_ to make the within application in  
\_\_\_\_\_ behalf, and that the statements contained herein are true and correct.

\_\_\_\_\_  
OWNER'S SIGNATURE

Dated: \_\_\_\_\_

SWORN & SUBSCRIBE ON THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 20 .

\_\_\_\_\_  
NOTARY