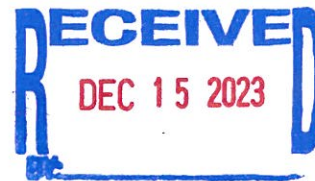


BOROUGH OF MIDLAND PARK



FOR OFFICE USE:

Dated Filed: _____ Completeness Review Date: _____

Notified Incomplete: _____ Deemed Complete: _____

Jurisdiction: Planning Board _____ Board of Adjustment X

APPLICATION FOR DEVELOPMENT

SECTION I TYPE OF APPLICATION

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

SECTION II APPLICANT INFORMATION

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

NAME OF APPLICANT James DeLucia
ADDRESS c/o see attorney information below
PHONE # _____ EMAIL _____

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) _____

AUTHORIZED REPRESENTATIVE OF APPLICANT
NAME _____
ADDRESS _____
PHONE NO. _____ EMAIL _____

ATTORNEY FOR APPLICANT
NAME Andrew S. Kohut, Esq., Wells, Jaworski & Liebman, LP
ADDRESS 12 Route 17 North, P.O. Box 1827, Paramus, NJ 07653-1827
PHONE NO. 201-490-6408 EMAIL akohut@wellsllaw.com

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

ARCHITECT FOR APPLICANT
NAME N/A
ADDRESS _____
PHONE NO. _____ EMAIL _____

SECTION III PROPERTY INFORMATION

330-336 Prospect Avenue

ADDRESS

BLOCK 10.27 LOT 1 ZONE DISTRICT R-1

SIZE OF PROPERTY

SQ. FT. 18,784.8 ft WIDTH 126.33 ft DEPTH varies

EXISTING CONDITIONS

USE OF PROPERTY See Exhibit A.

BUILDINGS
SQ. FT.: TOTAL: ± 4,777 SF BY FLOOR: 1. ±1,487 SF 2. ± 2,468 SF 3. ± 822 SF

SETBACKS: FRONT: 20.9 ft REAR: ± 43 ft
SIDE 1: 17.2 ft SIDE 2: 14.2 ft

HEIGHT: # of Feet ±26 ft # of Stories 2

PROPOSED CONDITIONS

USE OF PROPERTY See Exhibit A.

NEW BUILDING N/A ADDITION TO EXISTING N/A
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 Exhibit A.
- 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: Prospect Street
- F. DO PREMISES REQUIRE EXTENSION OF MUNICIPAL FACILITIES? No
IF YES, DESCRIBE _____
- G. HAS THEIR BEEN A PREVIOUS APPLICATION INVOLVING THIS PROPERTY? Yes
IFYES, SET FORTH DATE, DESCRIPTION AND RESOLUTION See enclosed Resolution as Exhibit B
- 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:

<u>SECTION</u>	<u>DESCRIPTION</u>
34-4.1(a)	Two-family where single-family is permitted. See Exhibit A for further explanation.
_____	_____
_____	_____
_____	_____
_____	_____

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>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(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>
_____	_____
_____	_____
_____	_____
_____	_____

SECTION VI PLANS / DRAWINGS/REPORTS

LIST ALL PLANS SUBMITTED WITH THIS APPLICATION

TITLE	PREPARED BY	DATE
Survey	Weissman Engineering Co., PC	May 19, 2022
First Floor Plan and Second Floor Plan	Applicant	November 7, 2023
Basement Floor Plan	Applicant	November 16, 2023

LIST ALL REPORTS SUBMITTED WITH THIS APPLICATION

TITLE	PREPARED BY	DATE
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Applicant

DATE: 12/13/23

[Handwritten signature]

SWORN AND SUBSCRIBE ON THIS 13 DAY OF December, 2023

[Handwritten signature]
NOTARY Andrew S. Robert, Esq.
Atty at L of NJ

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

STATE OF NEW JERSEY)
COUNTY OF BERGEN)

owner same as applicant

_____ 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

BOROUGH OF MIDLAND PARK

DISCLOSURE STATEMENT- APPENDIX A

N/A

NAME OF APPLICANT: _____

APPLICANT IS A CORPORATION PARTNERSHIP LIMITED LIABILITY COMPANY

PURSUANT TO N.J.S.A. 40:55D-48.1, THE NAMES AND ADDRESSES OF ALL PERSONS OWNING 10% OF THE STOCK IN A CORPORATE APPLICANT, PARTNERSHIP APPLICANT, OR LIMITED LIABILITY COMPANY APPLICANT MUST BE DISCLOSED. LIST NAMES, ADDRESSES AND INTEREST HERE.

NAME: _____ INTEREST % _____
ADDRESS: _____
CITY: _____ STATE: _____

NAME: _____ INTEREST % _____
ADDRESS: _____
CITY: _____ STATE: _____

NAME: _____ INTEREST % _____
ADDRESS: _____
CITY: _____ STATE: _____

NAME: _____ INTEREST % _____
ADDRESS: _____
CITY: _____ STATE: _____

PURSUANT TO N.J.S.A. 40:55D-48.2, IN THE EVENT THAT ANY OF THE ABOVE IS/ARE A CORPORATION, PARTNERSHIP OF LIMITED LIABILITY COMPANY, THE NAMES AND ADDRESSES OF PERSONS OWNING MORE THAN 10% OF THAT ENTITY MUST BE LISTED BELOW.

NAME: _____ INTEREST % _____
ADDRESS: _____
CITY: _____ STATE: _____

NAME: _____ INTEREST % _____
ADDRESS: _____
CITY: _____ STATE: _____

NAME: _____ INTEREST % _____
ADDRESS: _____
CITY: _____ STATE: _____

NAME: _____ INTEREST % _____
ADDRESS: _____
CITY: _____ STATE: _____

EXHIBIT A

The Applicant is the owner of 330-336 Prospect Street. Historically, the property has been used as a single-family dwelling with a home occupation (doctor's office). As indicated by the address, the dwelling and the home occupation office have separate addresses. Additionally, they each have separate utilities (water, sewer and electric). The configuration of the building also lends itself to the existing structure being used as two separate "units". The configuration includes, but is not limited to, the interior layout as well as the separate entrances to each portion of the building.

The Applicant's proposal is to use the existing structure as a single-family dwelling used for generational housing purposes (a.k.a. a mother-daughter). As shown on the plans, the Applicant is proposing to have one portion of the house occupied by the Applicant with the other portion of the building occupied by his mother. No addition to the structure is proposed. Only interior modifications. In order to provide his mother independence, the Applicant is proposing to keep the separate entrances as they exist and proposes a kitchen in both the Applicant and his mother's portion of the dwelling.

It is important to stress that the Applicant is not proposing and is not seeking a use variance for a typical two-family dwelling. The Applicant is proposing generational housing for his mother. However, due to the separate entrances and the two kitchens, Mr. Berninger has determined that the proposal constitutes a two-family dwelling. With that said, the Applicant is seeking whatever relief the Board determines is necessary to use the property as generational housing. The Applicant is not seeking to use the property as a two-family dwelling. The Applicant will agree to a deed notice being recorded against the property putting any potential purchaser of the property on notice of the parameters of the approval.

It is important to note that generational housing has universally been found to further the purposes of the zoning and the Municipal Land Use Law. With an aging demographic in New Jersey, implementing appropriate housing for those with certain needs while being able to have some semblance of independence has been an important goal throughout the state. The Applicant will provide expert planning testimony justifying the relief requested by this application.

EXHIBIT B

BOROUGH OF MIDLAND PARK
ZONING BOARD OF ADJUSTMENT

BERGEN COUNTY NEW JERSEY

April 3, 1985

BOROUGH OF MIDLAND PARK
ZONING BOARD DECISIONS

TAKE NOTICE that the Zoning Board of Adjustment of the Borough of Midland Park, at its regular meeting held on April 3, 1985, made the following resolutions on the cases noted:

Appeal of ROBERT PIRRONE for a use variance to permit two family use of property on Block 20J Lot 11, 18 Pierce Avenue - DENIED.

Appeal of LUCILLE JOYNER for a use variance to permit two family use of property on Block 10AA Lots 1 & 3A, 330/336 Prospect Street - DENIED. ✓

A copy of said resolutions and documents referred to therein are on file at the office of the Zoning Board secretary in the Borough Hall.

~~XXXXXXXXXX~~
SECRETARY

TEL. 446-0833
AREA CODE 201
ZIP 07432

BOROUGH OF MIDLAND PARK
ZONING BOARD OF ADJUSTMENT
BERGEN COUNTY NEW JERSEY

April 4, 1985

Ridgewood News
30 Oak Street
Ridgewood, N.J. 07451

Attention: Barbara Williams
Legal Classified

Dear Ms. Williams:

Please publish the attached resolutions in the next issue of the
Ridgewood News.

Thank you.

Very truly yours,


Joan Lederer
Zoning Board Secretary

Attach.

RESOLUTION
ZONING BOARD OF ADJUSTMENT
BOROUGH OF MIDLAND PARK

RE: Lucille Joyner
330-336 Prospect Street

WHEREAS, Lucille Joyner, hereinafter identified as "applicant", is the owner of property located at 330-336 Prospect Street and identified as Lots 1 and 3A in Block 10AA on the Tax Map of the Borough of Midland Park; and

WHEREAS, the applicant has applied to the Zoning Board of Adjustment of the Borough of Midland Park for a variance to permit use of the property as a two family dwelling, pursuant to N.J.S. 40:55D-70 (d); and

WHEREAS, a public hearing was held on March 6, 1985 at which the applicant appeared, represented by Geoffrey C. Rosamond, Esq., and at which Sandra Buckalew, a licensed real estate broker, testified on behalf of the applicant, and at which David Heerema, Construction Code Official of the Borough of Midland Park, testified at the request of the Board, and at which William McNamara and Anne Hale testified in opposition to the applicant; and

WHEREAS, the Board heard and considered the testimony

presented under oath and the arguments of the applicant and counsel;

NOW THEREFORE, BE IT RESOLVED that the Board makes the following findings of fact and conclusions:

1. Proper notice of the public hearing was given as required by law and proof thereof was filed with the Board.

2. The property consists of a two-story dwelling with an attached one-story addition which was used previously as a physician's office. The property is located in the R-1 Zone.

3. The property was originally used as a single family residence with an attached office which was used by a medical doctor who resided in the single family dwelling. This use was, and is, a permitted use in the R-1 Zone. When the resident medical doctor died, his widow requested a variance, which was granted in 1977, to permit her to rent the office to another physician who would not reside in the attached single family dwelling. The variance approval contained a provision that the proposed use would be permitted only so long as the deceased doctor's widow resided in the dwelling.

4. The present applicant purchased the property in 1979 and the property has since been used exclusively as a single family dwelling.

5. There is an architectural separation between the portion of the building used as a single family dwelling and the portion used as an attached physician's office. This architectural division is not a sufficient special reason to warrant conversion of the property from a permitted use as a single family dwelling with an attached office to an unpermitted use as a two family dwelling.

6. Despite the testimony of applicant's real estate expert, the Board is not convinced that it is impossible to use the property as a single family dwelling or as a single family dwelling with an attached office, both of which are permitted uses.

7. The applicant's stated desire to lease a portion of the property to occupants who meet her criteria of a "family" rather than "boarders" is not a sufficient special reason to warrant a grant of the requested relief.

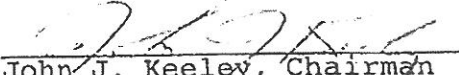
8. The applicant has not demonstrated any persuasive special reasons justifying approval of the variance.

9. There are no two family dwellings within the neighborhood surrounding applicant's property. The institution of a two family use in this area would substantially impair the intent and purpose of the zone plan and zoning ordinance and would be a substantial detriment to the public good.

BE IT FURTHER RESOLVED, that the requested variance be
DENIED.

ZONING BOARD OF ADJUSTMENT
BOROUGH OF MIDLAND PARK


Joan Lederer, Secretary


John J. Keeley, Chairman

Adopted: April 3, 1985

MIDLAND PARK NJ
Borough Hall
280 Godwin Avenue
Midland Park, New Jersey 07432
201-445-5720

September 26, 2023

Mr. Andrew Kohut, Esq.
Wells, Jaworski & Liebman, LLP
12 Route 17 North
Paramus, NJ 07653

**Re: 200 Foot Search – Midland Park
Block 10.27 Lot 1 – 330 Prospect Ave.**

Dear Mr. Kohut:

Per your request, please find the attached list of property owners within 200 feet of the property referenced above. In addition to these property owners, you must notify the following entities:

PSE&G
Manager–Corporate Properties
80 Park Plaza T6B
Newark, NJ 07102

Cablevision
c/o Corporate Secretary
40 Potash Road
Oakland, NJ 07436

Bergen County Planning Board
One Bergen County Plaza
Hackensack, NJ 07601

Village of Ridgewood
Water Department – Director
131 N Maple Avenue
Ridgewood, NJ 07450

Verizon
Engineering Manager, Frank Scuzo
114 Paterson Street
Paterson, NJ 07501

If I may be of further assistance in this matter, please do not hesitate to contact me.

Sincerely,



Neil Rubenstein, CTA
Tax Assessor

Encl.

OWNER & ADDRESS REPORT

MIDLAND PARK

200' LIST BLK 10.27 LOT 1

09/26/23 Page 1 of 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
10.27	1		2	DELUCIA, JAMES 330 PROSPECT ST MIDLAND PARK, NJ 07432	330 PROSPECT ST	
10.27	2		2	RUSSELL, VINCENT E. & BARBARA A 340 PROSPECT ST MIDLAND PARK, NJ 07432	340 PROSPECT ST	
10.27	3		2	STONEHOUSE, RONALD E & MARILYN J 14 HEIGHTS RD MIDLAND PARK, NJ 07432	14 HEIGHTS RD	
10.27	4		2	TANIS, EDWARD & CLARA F 20 HEIGHTS RD MIDLAND PARK NJ 07432	20 HEIGHTS RD	
10.27	5		2	VAN DYKE, JUDITH E. 30 HEIGHTS RD MIDLAND PARK NJ 07432	30 HEIGHTS RD	
10.27	5.01		2	RUPP, STEPHEN D & KIMBERLY 25 CREST DR MIDLAND PARK, NJ 07432	25 CREST DR	
10.27	6		2	TANZOLA, JOSEPH J. & ELLEN C. 40 HEIGHTS RD MIDLAND PARK NJ 07432	40 HEIGHTS RD	
10.28	1		2	AGRESTA, RONALD N. & BETTY ANN 300 PROSPECT ST. MIDLAND PARK, NJ 07432	300 PROSPECT ST	
10.28	3		2	KUENZLER, DAVID & ELIZABETH ANN 4 CREST DR MIDLAND PARK NJ 07432	4 CREST DR	
10.28	4		2	MULLADY, BRIAN X & FRANCESCA B 12 CREST DR MIDLAND PARK, NJ 07432	12 CREST DR	
10.28	5		2	MCNAMARA, WILLIAM & MARY 20 CREST DR MIDLAND PARK NJ 07432	20 CREST DR	
10.28	6		2	VAN CLEVE, WENDY 320 PROSPECT ST MIDLAND PARK, NJ 07432	320 PROSPECT ST	
10.30	1		2	COOK, DOLORES 350 PROSPECT ST MIDLAND PARK NJ 07432	350 PROSPECT ST	
10.30	5		2	BORST, DJANE 19 HEIGHTS RD MIDLAND PARK, NJ 07432	19 HEIGHTS RD	
25.10	4.01		15D	NATIVITY - CATH ARCHDIOCESE NEWARK 315 PROSPECT ST MIDLAND PARK, NJ 07432	311 PROSPECT ST	
25.11	1		2	KELLY, MICHAEL & CAROLINE 355 PROSPECT ST MIDLAND PARK, NJ 07432	355 PROSPECT ST	