

## **BOROUGH OF MIDLAND PARK – ZONING BOARD OF ADJUSTMENT MINUTES**

**August 10, 2022**

PLEASE TAKE NOTE:

ON WEDNESDAY, AUGUST 10, 2022, THE ZONING BOARD OF ADJUSTMENT 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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### FORMAL MEETING

READING OF THE OPEN PUBLIC MEETINGS ACT

PLEDGE OF ALLEGIANCE

ROLL CALL:

Mr. Les Andersen	present	Mr. Nick Papapietro	present
Mr. David Zuidema	present	Mr. Mark Braunius	excused
Mr. John Meeks	present	Mr. Mark Divak	excused
Mr. Richard Formicola	present	Mr. William Placier, Alt #1	present
		Mr. David Barlow, Alt #2	present

Attendance by Board Professionals: R. Landel, Esq., Attorney and R. Wostbrock, Engineer

Minutes of the 7/13/22 meeting - approved

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### PUBLIC HEARINGS:

**Panakos, Chrysoula – 1 Susan Avenue – BL 25.14 LT 1** – Mr. Andersen is on the 200' list, recused himself. Mr. Papapietro is the acting Chairman for this application. Notices are in order.

**Chrysoula Panakos, applicant/owner** – sworn in. Proposing to extend garage by 7' in the front to meet the rest of the house and will extend the walls on the room above the garage. Property is on a corner with two front yards. Per Mr. Wostbrock, when facing the property, the rear yard is on the right side. The plans for the garage extension respect the 25' setback on Susan Avenue. For the rear yard, which is the right/north side, the setback requirement is 25', the existing is 14.62' and they are proposing to expand that forward approximately 7' creating the need for a variance. **Exhibit A1** – Survey, 1 sheet. Modified by Fred Klenk, Architect, 6/13/22. Per Mr. Wostbrock, the second variance needed is for lot coverage. Based on Mr. Klenk's calculations, the property will be 1% over on coverage, approximately 75 SF over the allowable 45%.

The proposed garage addition is 11.4' wide and the existing bonus room above the garage will become usable closet/storage space. **Exhibit A2** – Architectural Plans, 2 pages. Fred Klenk, Architect, last revised 6/13/22. **Exhibit A3** – Blueprints from addition done in 1994, 2 pages. Steven Corso, Architect, dated 9/6/94. The addition in 1994 was to extend 5' of the living room in the front and 5' of the dining room and kitchen in the back, Ms. Panakos has no basement in the home and is looking to add the additional storage space. Ms. Panakos also plans to remove a 13' x 10' area of cracked/broken cement and pavers on the right/rear yard side - removing this portion will bring impervious coverage to within the 45% that is required eliminating the need for a variance. Mr. Wostbrock suggests the Board make providing an as-built a condition of approval to show the property is conforming on coverage. Board discussed application, lot is undersized – it is approximately 7,500 SF where 12,500 SF is required, and narrow. Other houses in the neighborhood have additions on small lots so it would blend in with the neighborhood.

Meeting opened to the public for questions of Ms. Panakos, with none, meeting closed to the public.

Meeting opened to the public for comments, with none, meeting closed to the public.

Atty. Landel summarized the application which has been amended by the applicant; applicant to remove approximately 13' x 10' area of impervious coverage which is depicted on **Exhibit A1** as an area of pavers and will have to show confirmation with as-built plans to the Building Department that she meets the 45%

coverage requirement. Applicant is proposing a 7' x 11.4' addition off the front of the garage that will encroach on the rear yard setback; 14.62' where 25' is required so a variance for 10.48' is needed.

Motion to approve the amended application with the condition that the 13' x 10' concrete area be removed and an as-built be provided made by Mr. Formicola, seconded by Mr. Meeks; all voted in favor except for Mr. Andersen who recused.

**Eastern Christian School Association – 25 Baldin Drive – BL 25 LT 12** – Atty. David Becker on behalf of applicant. Notices are in order. Applicant proposed to put two classroom trailers on the campus for special subjects to reduce class size. Plans have been modified from what was originally submitted; the trailer on the Westview Terrace side has been made smaller and will be a one-classroom trailer to ensure there is no restriction to the flow of traffic. The school is a conditional use in the R1 zone, the applicant needs a D3 variance, but they are an existing use. Schools are considered inherently beneficial, so they meet the special needs, and they are not substantially detrimental to the community. Nothing is changing about the size/type of school/facility. There are five non-conformities that will be addressed: Parking, exceeding the maximum area proposed for accessory structures, accessory structure height, accessory structure limited to storage, and accessory structure in the front yard

**Dr. Ruth Kuder, Head of School** – sworn in. Eastern Christian Elementary School is one of the three campuses that the Eastern Christian Education Association owns, and hosts Pre-K through 3<sup>rd</sup> grades. This campus previously had a trailer owned by Bergen County Special Services, so they are familiar with using them. ECEA will be signing a two-year lease with the trailer company. These trailers are not intended to accommodate increased enrollment, but to reduce class sizes at this campus. The current 3<sup>rd</sup> grade has 50 students in two sections of 25 students each, this coming year they are reducing class sizes to 16-17 students in three sections. Current total enrollment at the school is 340 students and that is what is anticipated for next year as well.

**Sandra Bottge, Elementary School Principal** – sworn in. The ECEA wants to reduce class sizes to no more than 20 students, so they need more classroom space. They would move special subjects (art, library, music, STEAM) into the trailers. There are 49 staff/faculty on the campus and the average number of employees there daily is 38 due to part-time and shared positions. The proposed 67 parking spaces is sufficient for this staff. The gym/multi-purpose room is used for chapel once a week, with about 20 parents attending on average. For Back to School Night, the staff park behind the building to allow the whole lot to be available for parents and guests; additionally, they may park in the adjoining Orchard Street parking lot and/or Baldin Drive. The numbers of staff are not expected to increase due to the reduction of the class sizes because of the nature of the part-time and shared positions. Parent/Teacher conferences have been done virtually due to COVID, and that is planned to continue. Security is tight; all exterior doors are locked all the time, as will the doors to the trailers and teachers have ID badges and two-way radios. There are 32 security cameras inside and outside of the building and sufficient lighting on campus.

The traffic flow is as follows: Pre-school and kindergarten families take Aqueduct, to Westview, go behind the building and drop off there, exiting out onto Orchard. 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> grade families take Baldin, drop off in front of the school and exit onto Baldin. This arrangement came up during COVID because traffic on Baldin/Godwin became an issue. There is one school bus expected this year. Board questioned the choice to locate a trailer on the Westview side of the building versus placing both behind the school; per Atty. Becker, the slope makes it cost prohibitive. Board clarified traffic flow; the cars going behind the school travel between the trailer and the school building, all children go directly into the school building and are escorted to the trailers by their teachers.

Meeting opened to the public for questions of Dr. Kuder, with none, meeting closed to the public.  
Meeting opened to the public for questions of Ms. Bottge, with none, meeting closed to the public.

**Andrew Missey, Engineer** – sworn in, accepted as expert. **Exhibit A1** – Site Plan for Temporary Classroom Additions, 2 sheets. Andrew Missey, Engineer; dated 6/6/22. **Exhibit A2** – Temporary Classroom Location Adjustments, 1 sheet. Andrew Missey, Engineer; dated 8/10/22. Mr. Missey reviewed the existing conditions – the property is a 7.45-acre lot with an elementary school on it, property is over 325,000 SF, with

a 600' depth and a 500' width. Parking is all on the Baldin Drive side. The school building is 31,400 SF, the pre-existing trailer and the garage now occupy the middle 1/3 of the property and the back side of the property is playgrounds, fields, and woods on a hillside to the rear. Two modular classroom buildings are proposed, holding a total of 3 classrooms. The larger of the two modular buildings to be placed to the rear will be 23' from the back of the gym. Dimensions will be 27'4" x 66', for a total of 1,803 SF. It has two classrooms, bathrooms which will be self-contained units with no water or sewer connection from the main building, and electric will be overhead from the main building. On the right side of school, as you face the front, is now a smaller modular building, 13'8" x 45' or 615 SF to not interfere with the traffic circulation. This unit will conflict with 4 parking spaces, but the smaller size recaptures 2 spaces from the original submission.

There are 5 non-conformities that result from this application. The maximum area of proposed accessory structures, which will be 2,418 SF where 840 SF is permitted by the code. There is sufficient screening, and the trailers are well outside the 25' setback requirement so the variance is justified, especially considering the purpose. The height of the trailers will be 14', where 12' is permitted. The trailers will not exceed the height of the principal school building and they are far enough away from the adjacent residential neighbors that there should be no negative visual impact. 72 parking spaces are required and 67 are proposed. With an expectation of 38 teachers/staff at a time, this is sufficient to meet the needs of the school. The use of the trailers is for school purposes. The R1 restrictions for accessory structures are written to discourage business uses and habitable spaces but these are part of the education program, a carryover of what's going on in the principal building. The Westview Terrace trailer is between the street and the building so it's the front yard, but it meets the setback. Board discussed the original site plan and addition done in the 1980's, seeks to clarify that the existing conditions have been previously approved. Discussion continues regarding traffic flow; Board approval would be limited to trailers only and would not approve anything related to traffic patterns. **Exhibit B1-B5** – Department comments. Construction Official comments regarding whether the Westview Terrace trailer would interfere with the circulation pattern established during COVID is what led to them proposing the smaller trailer.

Board discussed the width of the ramp and the stairs related to the width of the aisle between the rear trailer and the school building; per Mr. Missey, the trailer will be set back 23' from the gym wall and the width of the stairs and ramp is 5'. This makes the aisle between the school and the trailer 18'. Discussion continues regarding standard fire lane width, accommodating the grade change in the rear location relative to the length of the ramp, etc.

**Douglas Drew Wilson, representative from the trailer company Willscot** – sworn in. Mr. Wilson describes options for handling the ramp in relation to the grade. The actual width of the prefabricated ramp is 5'2". Board further discussed the need for a minimum of 18' between the school wall and any stairs/ramp on the face of the rear trailer. Mr. Wilson reviewed the format of the ramp/stairs on the Westview Terrace trailer. Per Mr. Wostbrock, there is a requirement of 10' between structures so the ramp/stairs would need to be outside the 10' or be located on the street side of that trailer. Mr. Wostbrock also suggested putting both units in the back. Per Atty. Becker, that is not an option for the applicant. Mr. Wilson described the way the trailers are anchored. Discussion continues regarding the possible encroachment of the ramps into the space between the trailer and the gym wall. Regarding the Westview Terrace trailer, Mr. Missey testified that if the stairs and ramp are located on the street side of the trailer, it would still be outside the setback requirements and the traffic flow and parking aisle should not be affected.

Meeting opened to the public for questions of Mr. Missey. Mr. Phil Fracassini, 36 Westview Terrace – sworn in. Mr. Fracassini has lived in his home for twenty-five years and wants to ask that the trailer on the Westview Terrace side be moved to the back. Mr. Fracassini feels the trailer will be an eyesore and expressed other concerns. Atty. Becker proposes to add further screening along the shared property line, up to 15 green giant arborvitaes. Mr. Fracassini is agreeable but would prefer no trailer on that side. Meeting closed to the public.

Mr. Papapietro voiced concerns with the location of the trailers, having both trailers in the rear would alleviate many issues, or the applicant may consider reducing to only one trailer in the rear that could be slightly larger to accommodate their needs. Mr. Placier and Mr. Andersen agree. Board feels there are

concerns regarding the Westview Terrace trailer due to the traffic circulation and the impact to the residents in the neighborhood.

Meeting was recessed at 10:05 PM per Atty. Becker's request; returned at 10:09 PM.

Due to the nature of school starting, the applicant is amending the application to eliminate the Westview Terrace trailer. This removes some of the variances, including the accessory structure in the front yard and the parking variance. Board agrees that the variances are not so substantial that they no longer make the site suitable for its conditional use as a school.

Meeting is opened to the public for comments, with none, meeting is closed to the public.

Variances needed are reviewed: maximum square footage of accessory buildings, maximum height of accessory buildings – 17' proposed where 12' is permitted, and accessory structure limited to storage. Conditions discussed include: approval of the amended site plan is for this trailer only, not approving any other aspect of the site plan; not approving the traffic circulation, the applicant has represented that the trailer is not going to impact the traffic circulation; the stairs and ramp will come no further off the trailer than 5'2"; the trailer will be at least 23' from the gym wall.

Motion to approve the amended application with the conditions discussed made by Mr. Papapietro, seconded by Mr. Formicola; all voted in favor.

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## **RESOLUTIONS**

Mulligan Jr., Joseph P. – 142 Irving St – BL 25 LT 11.02 – A correction was made by Atty. Becker. Motion to approve the amended resolution made by Mr. Meeks, seconded by Mr. Barlow; all eligible members voted in favor.

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## **COMMUNICATIONS**

Report of Granted Variances for 2020 & 2021 – no comments.

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Meeting Adjourned – 10:21 PM  
Jessica Harmon