

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

**February 8, 2023**

PLEASE TAKE NOTE:

ON WEDNESDAY, FEBRUARY 8, 2023, THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MIDLAND PARK HELD A REGULAR 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. Mark Divak	present
Mr. David Zuidema	present	Mr. William Placier	excused
Mr. Richard Formicola	present	Mr. David Barlow	present
Mr. Nick Papapietro	present	Mr. Joseph Eliya, Alt #1	present
		Mr. James Capalbo, Alt #2	present

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

Minutes of the 10/24/22, 11/9/22, and 11/30/22 meetings - approved

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### **PUBLIC HEARINGS**

**Termini, Kelly & Gaetano – 54 Cedar Street – BL 10.13 LT 2** – Notices are in order. **Eric Kiellar, architect** – accepted as expert and sworn in. **Kelly & Gaetano Termini**, property owners, also sworn in.

Applicants have lived on Cedar Street for 12 years and would like to put a front porch on their home. All other homes on their street have a portico or front porch and their house stands out. The front yard is used more than the patio in the back, the Termini's would like an area to watch their children that also provides a better aesthetic. There is no overhang to protect from any inclement weather, no garage or basement, and no overhang at the rear entrance to the home. Per Mr. Kiellar, the applicant is aware they are able to put a 5' x 5' pad with a roof but it would not be enough usable space. **Exhibit A1** – Architectural drawings Z1 & Z2, dated 11/14/22, 2 sheets. This application is to construct a 100 SF front porch. The variances sought are for proposed front yard setback of 19.6' where 25' is required and proposed improved lot coverage in the front yard of 42.67% where 30% is required. 39.33% coverage is existing in the front yard, this application would only be a 50 SF coverage increase. Mr. Kiellar feels that if the lot were conforming, the applicant would not need a variance. The proposed patio surface will be 20'11" x 5'6" with 1' out for the columns with one step up. The existing walkway slopes toward the house and that slope will be removed. The existing location of the house on the undersized lot is forcing the need for the variance.

Mr. Andersen has concerns because the 5' x 5' pad that is allowed by the ordinance is designed to provide what they want. Mr. Kiellar and Atty. Landel discuss justification as a C2 variance for aesthetic improvement and neighborhood beautification due to how much this home stands out from the rest of the block, with the benefits outweighing the detriments. Mr. Wostbrock suggests the applicant consider a false roof at the first floor level which would not need a variance. Mr. Barlow agrees that this falls under C2 justification and it will improve the neighborhood and be consistent with the other homes. Mr. Papapietro suggested a portico; per Mr. Termini, it would be too small to accommodate their family. Mr. Divak and Mr. Zuidema agree the proposed porch would make the neighborhood appeal nicer.

Meeting opened to the public for questions of Mr. Kiellar, Mr., or Mrs. Termini; with none, meeting closed to the public.

Per Mr. Kiellar, the improvements to the façade by the proposed porch will be an enhancement to the value of the neighborhood and will be a benefit rather than a detriment. The increase in front yard coverage is de minimis, it will be consistent with the neighborhood, and the lot is significantly deficient in required area.

Motion to approve the variances for front yard setback and coverage for the aesthetic improvement and consistency with the neighborhood, as well as no negative impact made by Mr. Formicola. Seconded by Mr. Barlow. All voted in favor except for Mr. Andersen who voted no.

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## **COMMUNICATIONS**

**Return of Unused Escrow** – Motion to recommend the release of the following unused escrow to Borough Council made by Mr. Zuidema. Seconded by Mr. Divak; all voted in favor

Mulligan, Jr., Joseph P. – 142 Irving Street – BL 25 LT 11.06 - \$36.85

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## **CLOSED SESSION**

**Discussion of pending litigation** – Nouvelle LLC v Midland Park Board of Adjustment pursuant to NJSA 10:4-12(7)

Motion to go into closed session made by Mr. Papapietro. Seconded by Mr. Divak; all voted in favor.

There being no further business to discuss, the Board adjourned the closed session at 8:51 PM and resumed the regular meeting.

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Meeting Adjourned – 8:52 PM  
Jessica Harmon