

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

**July 14, 2021**

PLEASE TAKE NOTE:

ON WEDNESDAY, JULY 14, 2021, 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-Chairperson	present	Mr. Nick Papapietro- Vice Chair	present
Mr. David Zuidema	present	Mr. Glen Biswurm	excused
Mr. John Meeks - Secretary	present	Mr. Mark Braunius	present
Mr. Richard Formicola	present	Mr. Mark Divak, Alt #1	present
		Mr. William Placier, Alt #2	present

R. Landel, Esq., Board attorney, and R. Wostbrock, Board engineer, were present on behalf of the Board.

Minutes of the 6/9/21 meeting - approved

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### **PUBLIC HEARINGS:**

**ABDD V. LLC – 195 Godwin Ave – BL 20.10 LT 5.01** – Atty Craig Feldman present on behalf of the applicant. Atty Landel and Mr. Andersen explained the current issue with this application since the zoning ordinance changes were adopted. A conditional use variance is no longer required which means the Board of Adjustment does not have jurisdiction. Atty Feldman requests to have the application carried to next month so he has time to research, consents to the extension of time. Motion by Mr. Braunius to carry to August 11, 2021 meeting with no further notice required, seconded by Mr. Meeks; all voted in favor.

**Kietur, Tom & Kristen – 57 Demund Lane – BL 25 LT 50** – Notices are in order. Mr. and Mrs. Kietur are sworn in, Mr. Kietur upgraded their RV from 31 ft. to 38 ft. not realizing the zoning ordinance permits up to 32 ft. and is seeking a conditional use variance for the extra 6 ft. to park their oversized RV on their property. Atty Landel explained that the Board needs to hear from the applicants why their property justifies oversized parking. **Exhibit A1-A3** – 3 pages of pictures submitted with application. Mr. Kietur described that they have a deep. Long driveway and Mrs. Kietur added that the hardship is financial. Board discussed with applicants what constitutes a hardship, and whether one exists. Mrs. Kietur added that the RV requires maintenance that they cannot do if it is stored and that they use it a lot so storing it is inconvenient; their lot is large enough. Meeting opened to the public. Linda Wolfson - 22 Demund Ln – sworn in; read a prepared statement - lives next door and kitchen window looks out directly to the RV which is only a few ft. smaller than a city bus and it is not fitting for a residential neighborhood, there is concern about the impact on real estate value and the safety of an oversized RV driving down their lane. The height of the vehicle is also an issue. Bill Wolfson – 22 Demund Ln – sworn in; concerned about additional congestion in the front of the applicant's property because the driveway and proposed RV space are currently used to store work vehicles and trailers. Joe Bonassi – 65 Demund Ln – sworn in; oversized RV is not a bother, the need to move the RV onto the property to maintain it is understandable. Meeting closed to the public. Board questions where the RV is parked now, on a residential property in Franklin Lakes but it is only a temporary situation. Motion by Mr. Papapietro to deny application, seconded by Mr. Braunius; all voted in favor of denial except Mr. Zuidema and Mr. Formicola who voted against denial.

**Mature Environments, Inc dba Mill Gardens – 36 Faner Rd – BL 27 LT 5** – Notices are in order. Atty Peter Jeffer present on behalf of the applicant. **Exhibit A1** – Site Plan dated 4/26/21 by Lapatka Associates, Sheets 1-4. **Exhibit A2** – Proposed Shed Plans, 3 pages. Atty Jeffer states that in the past the Board approved a use variance to construct this garden, this application is not to increase the use of the area but to

make improvements for residents, they are seeking variances for 6 ft. fence height where 5 ft. is permitted and for improved coverage of 60.7% where 40% is permitted. Dan LaMothe, Engineer for Lapatka Associates, sworn in and accepted as expert; reviewed site plan showing areas that are in disrepair or underutilized, applicant would like to improve the quality of the resident's experience and ability to meet with family, precipitated by the pandemic. **Exhibit A3** – Colorized Rendering of Site Plan Sheet 2 – “Site Plan Detail”. Mr. LaMothe reviewed changes: widening of walking path, replacing macadam with concrete, adding benches. Proposed 3 ft. tall landscape lights to be added on a timer turning off at 9 PM; no light spillage, no up lights into trees, all lights pointing down or sideways. **Exhibit A4** – Gazebo Exhibit. Two gazebos proposed, 16 ft. gazebo for resident use in the proposed new patio area and a 10 ft. gazebo for staff use. The existing 7 x 7 ft. shed will be replaced with a 12 x 16 ft. shed which is used for grounds maintenance equipment. Applicant is proposing to expand the dumpster area an additional 10 x 16 ft. and replace the chain link fence around the dumpster with 6 ft. high board on board fencing. Board questioned the frequency of pick-ups, there will be no increased frequency of pick-ups. The existing macadam fire lane will be removed and replaced with reinforced turf for improved appearance and per the Fire Prevention memo will be expanded to a 20 ft. width. Board members questioned proposed fire lane product, Mr. Wostbrock confirmed it is an appropriate product if it is installed properly and used infrequently. Mr. LaMothe reviewed proposed memorial garden landscaping and buffering, outdoor patio, raised garden area. There is a slight impervious coverage increase from 59.7% to 60.7% which is what they are seeking a variance for. The increase is supported using gravel strips around perimeters of shed and gazebos and patio for stormwater runoff, no negative impact to neighbors for drainage because of improved landscaping. Mr. Wostbrock confirms he takes no issue with drainage if they execute according to their plan and notes the trees being added along the property line near the generator for additional buffering. There is an existing 6 ft. fence around the dumpster area, the fence height variance the applicant is seeking is to expand the 6 ft. fence around the proposed extended dumpster area. Richard Clancy, CFO of Mill Gardens, sworn in; recycling and garbage are each picked up once a week. Dumpster pick-ups are discussed, either increasing frequency of the trucks or increasing the capacity of the dumpsters. Atty Landel asks for confirmation that dumpster pick ups will occur no earlier than what is permitted by the ordinance, Mr. Clancy confirms he will make sure the contractor complies. Nicholas Laganella, son of the owner of Mill Gardens, familiar with operation, sworn in; currently there is a container in the cul-de-sac that is used when someone moves out or passes. If they add an additional dumpster enclosed in the expanded area in question, it is screened, and the driveway is freed up. The container would have separate, special pick-ups, usually every couple of weeks. Atty Jeffer confirms no tree removal is proposed. Meeting opened to the public for questions or comments, with none, meeting closed to the public. Motion to approve application as submitted by Mr. Braunius. Board discussed fire lane issue, amended to expand fire lane to a 20 ft.-16 ft. taper. Motion to approve application as amended by Mr. Braunius, seconded by Mr. Divak; all voted in favor.

## **RESOLUTIONS:**

**Lubbe, Gerard – 49 Colonial Rd – BL 25.10 LT 34.05** – Motion by Mr. Braunius to approve the resolution, seconded by Mr. Formicola; all voted in favor.

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Meeting Adjourned – 9:00 PM  
Jessica Harmon