

BOROUGH OF MIDLAND PARK - ZONING BOARD OF ADJUSTMENT MINUTES

August 11, 2010

PLEASE TAKE NOTE:

ON WEDNESDAY, AUGUST 11, 2010, 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.

FORMAL MEETING

READING OF THE OPEN PUBLIC MEETINGS ACT

PLEDGE OF ALLEGIANCE

ROLL CALL:

Ms. Linda Herlihy	present	Mr. Glen Biswurm	present
Mr. Douglas Feick	present	Mr. John Meeks	present
Mr. Richard Kroitsch	absent	Mr. Richard Formicola, Alt. #1	present
Mr. Peter Braunius	present	Mr. Matthew O Toole, Alt. #2	present
Mr. David Zuidema	present		

D. Doyle, Esq., Zoning Board Attorney, and R. Wostbrock, Board Engineer were also present on behalf of the Board.

Ms. Herlihy left the meeting at 9:55 PM (counter 2:10)
Minutes of the 6/16 and 7/14, 2010 meetings were approved.

PUBLIC HEARINGS:

VERIZON / T-MOBILE- Block 6 Lot 1 & 17.01 (17.02)- 80 Godwin Ave- carried to September 8, 2010 meeting; no further notice required.

GALLO, NICHOLAS & DAYNA- Block 25.02 Lot 5- 28 Aqueduct Ave- Atty. John Carbone represented applicants; application for bulk variances for construction of a front porch and one story side addition. Notices are in order. Richard Burns, Profession Engineer and Planner, sworn in; accepted as expert. Exhibit A-1, plot plan dated 4/9/10, 1 page, A-2, aerial photo, 1 page, A-3, photo board with 5 photos of neighboring homes, A-4 photo board with 5 photos of homes on same side of street and A-5, photo board with 5 photos of applicant s home. Mr. Burns described neighborhood; single family homes with no uniform architectural style. Applicant s home is set back 13.5' and is a one and a half story building with a detached 2-car garage. Propose to add a front porch, a one story addition on the south side and a second level above existing home. The average set back on same side of street, within 200 feet, is 17.1'. Front yard encroachment variance is for the front porch; one story addition would require a variance for coverage where 40% is permitted, existing is 45.33 %, and 54.2% is proposed. Mr. Burns believes the positives of improvements to the building outweigh any negative impacts. Board questioned if there was any consideration given to reducing some of the existing impervious coverage. Board and R. Wostbrock questioned impervious coverage vs. improved coverage; Mr. Burns advised that he added all improved coverage to calculation. R. Wostbrock believes the seepage pits are not large enough and may need to be increased and questioned if other drains will be provided; applicant would agree to have water diverted to stay on their property or flow to street without flowing to the neighbor s property. Board questioned the positive criteria. Board questioned if any consideration was given to maintaining the front yard set back by redesigning the porch or if consideration was given to removing some of the existing flagstone or patio s.

Board questioned if the driveway can be reduced to reduce coverage. Meeting opened to the public, with no comments, meeting closed to the public. Tarryn Kamrowski, Licensed Architect, sworn in; accepted as expert. Exhibit A-6, architectural plans, labeled ex-1, ex-2, p-1 & p-2, 4 pages dated January 2010. Ms. Kamrowski described existing home and proposed changes. Entry stairs off porch have been oriented to the side because of front yard set back; porch is covered for safety and protection. Existing first floor is 936 sf with addition adding 524 sf. The only encroachment is for the front porch; existing is an open concrete stoop approx 3' 6". Proposed porch is 4' deep and full length of front. Board questioned if consideration was given to moving the front door to the new part of building which is set back. Board questioned the front yard set backs of neighboring properties. Meeting opened to the public, with no comments, meeting closed to the public. Nicholas Gallo, sworn in, has owned this home for four years, wishes to remain in Midland Park, has a child and needs to increase the home to meet their needs. Board questioned if he would consider eliminating some of the coverage to reduce the coverage variance; home already is over allowed coverage and they are requesting more. Mr. Gallo advised that he has hunting dogs that tear up his lawn which is the reason he has installed patio. Some part of the driveway may be eliminated; will not be significant. Meeting opened to the public, with no comments, meeting closed to the public. Atty. Carbone summarized. Atty. Doyle reviewed criteria for granting variances; front yard set back where 25' is required, 13.5' exists and 9.5' is proposed requesting a variance for 15.5' or an additional 4' variance, and impervious coverage where 40% is permitted, 45.33% exists and 52.99% is proposed requesting a variance of 12.99%. R. Wostbrock reviewed ordinance 34-4.5, front yard. Mr. Feick made a motion to approve variances on the condition that berms are installed where required to prevent runoff to neighbors property, seconded by Mr. Biswurm; Ms. Herlihy, Mr. Feick, Mr. Zuidema, and Mr. Formicola voted no, Mr. Braunius, Mr. Biswurm, and Mr. Meeks voted yes; motion denied.

OMNIPOINT / T-MOBILE - Block 11 Lot 5 - 133 Glen Ave- continued from 6/9/10 meeting. Atty. Ferraro advised that the equipment cabinets have been relocated to the front of property thereby eliminating the rear yard variance. Bryan Reiser, previously sworn; prepared revised site plan. Exhibit A-27, revised site plan, rev. 10 dated 7/30/10, 7 sheets, cv 1 thru sp-5 & sb-1. Equipment originally proposed in the southeast corner of property behind the water tank, now proposed to locate towards the northeast side of the property approx. 14.8' from property line; elimination of rear yard variance. Side yard set back required is 12' and distance to the barrier wall is 12'; no variance required. Propose three cabinets. Cable, telephone and electric service will be underground. Sound barrier proposed is 8' high; requires variance. Municipal whip antennas re: SP-2 are remaining as is. T-Mobile antennas, nine panel antennas mounted to the existing railing, will be 84' 4", existing water tank height is 86.5', noted as height variance, maximum height permitted in zone is 35'; D-6 variance for nine antennas. Sound barrier would require a 2' variance. R. Wostbrock questioned a variance required for equipment located in the front yard; minimum front yard set back is 25' and equipment is located beyond the 25' set back; questioned the interpretation of front yard. Board questioned landscaping re: SP-2. R. Wostbrock questioned the definition of water tank; structure; under ordinance criteria re: 34-20.6a & b. 6' height is permitted for fence. Atty. Ferraro & Atty. Doyle discussed ordinance #34-26.a3; Atty. Ferraro's position is that 34-20.6b does not apply; water tank is considered a structure not a tower. Existing municipal antenna height is 94' 7"; no changes are proposed. Accessory structures re: 34-13.1, discussion of applicability. 34-13.1a4 clarifies front yard for accessory building or structure; discussion of applicability or variance requirement.

Equipment location was chosen so that it does not conflict with existing underground facilities of Ridgewood Water. Exhibit A-28, Sound Level Assessment for T-Mobile dated July, 2009 rev. to July 2010 prepared by Mr. Reiser. Matthew Murello, Acoustical Engineer, Licensed Professional Engineer, sworn in; accepted as expert. Mr. Murello was retained by the Board. Exhibit B-1, Mr. Murello letter dated 8/11/10. Accoustic testimony and discussion. Board took two minute break @ 9:55 pm (counter # 2:10). Chairwoman Herlihy left the meeting. Mr. Feick was acting chairperson for remainder of meeting. Meeting opened to the public. Pat Van de Veen & Henry Van de Veen, 154 Glen Ave, Robert Van Gulp, 120 Glen Ave, and Marion Plumley, 121 Glen Ave, questioned witness. Motion by Mr. Formicola to carry application to a special meeting on September 1, 2010 at 8:00 pm, no further notice required, seconded by Mr. Zuidema; all voted in favor. Atty. Ferraro agreed to extension of time. Ms. Herlihy read transcripts and or listened to recordings of prior meetings of 5/12/2010 and 6/9/10 and has so certified. (Copy of transcript attached)_

RESOLUTIONS:

MIDLAND PARK AMBULANCE CORPS, INC.- Block 20.05 Lot 1.01- 42 Pierce Ave- Motion by Mr. Formicola to approve resolution, seconded by Mr. O Toole; all voted to approve except Mr. Zuidema and Mr. Biswurm abstained.

Meeting Adjourned at 10:38 PM

Janet Giardino, Board Secretary