

BOROUGH OF MIDLAND PARK - ZONING BOARD OF ADJUSTMENT MINUTES

September 1, 2010

PLEASE TAKE NOTE:

ON WEDNESDAY, SEPTEMBER 1, 2010, THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MIDLAND PARK HELD A **SPECIAL MEETING** IN THE MIDLAND PARK COUNCIL CHAMBERS, 280 GODWIN AVE., MIDLAND PARK, NJ. THE FORMAL MEETING BEGAN AT 8:00 P.M.

FORMAL MEETING

READING OF THE OPEN PUBLIC MEETINGS ACT

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

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

PUBLIC HEARINGS:

T-MOBILE - Block 11 Lot 5- 133 Glen Ave- Application continued from August 11, 2010 meeting. Mr. Kroitsch and Ms. Herlihy have read the transcript or listened to the recordings of the August 11, 2010 meeting, have so certified, and are therefore eligible to vote. Special meeting for this application only. Atty. Ferraro representing applicant, continued from August 11, 2010 meeting. Atty. Doyle reviewed proposed project variances per exhibit A-27. Tim Kronk, Licensed Professional Planner, accepted as expert, sworn in. Mr. Kronk reviewed application, variances and waivers. Atty. Ferraro requested that the application be amended to include the pre-existing non-conforming conditions and the addition of a variance for an accessory structure in the front yard. Exhibits A-29, photo board w/ 2 photos taken on 9/8/08, A-30, aerial photograph dated 4/24/03, A-31, photo board w/ 2 photos taken 9/8/08, A-32, photo board w/ 2 photos taken 9/8/08, A-33, photo board w/ 2 photos taken 9/8/08, and A-34, photo board w/ 2 photos taken on 7/7/2010. Location of tree on site plan that is marked to be removed will no longer be removed. Meeting opened to the public. Pat Van der Veen, Donna Savulich, 155 Chamberlain, Rich Chimento, 149 Chamberlain, Robert Van Gorp, Henry Van der Veen, and Noreen Desbiens, 141 Glen Ave. questioned Mr. Kronk = s testimony. Meeting closed to the public. Steve Lydon, Licensed Professional Planner, for the Board, sworn in. Meeting opened to the public. Pat Van der Veen, Robert Van Gorp, 120 Glen Ave., Rich Chimento, 149 Chamberlain(sworn in), Henry Van der Veen, 154 Glen, Donna Savulich (sworn in), 155 Chamberlain Pl., Ms. Adamtz (sworn in), 139 Chamberlain, and Noreen Desbiens (sworn in), 141 Glen, commented on application. Meeting closed to the public. Board took five minute break. Atty. Doyle reviewed variance criteria and standards. Preliminary and final site plan approval. Variances are: use variance to install a wireless telecommunications antennae and equipment; D-6 height variance for antennae, sound wall where 9' is proposed and 5' is permitted and a 4' variance is requested, variance for area where 11,100 sf exists and 12,500 sf is required, variance for property width where 75' exists and 100' is required, variance for buffer for residential abutting non-residential; must re-affirm non-conforming, existing conditions. Preliminary and final site plan approval re: Exhibit A-27 with drawings to be revised to note no removal of tree and height of municipal antennas. Expansion of pre-existing non-conforming

use.

Conditions of approval: tree to remain on property, any trees damaged during construction will be replaced, nine antennas will be painted to match water tank, board = s sound expert will

ensure sound compliance upon completion of project; submission of a developer = s agreement.

Variance for equipment in the front yard is a c variance. Motion by Mr. Biswurm to grant use variance, D-6 variance, bulk variances, variance for equipment in the front yard, waivers from site plan requirements and preliminary and final site plan with the conditions that 1) plans will be amended to reflect that the tree indicated to be removed will remain, 2) applicant shall replace any and all trees that are damaged as a result of installation of equipment shed, 3) color of

antennas shall be painted to match tower, 4) the board = s sound expert shall be retained upon conclusion of installation to confirm the property and equipment meets the state = s standards

for sound at the applicant = s cost and expense, in the event that it does not meet the sound requirements the applicant shall undertake any and all efforts to comply including the installation of a fourth wall and if a variance is required, they shall return to the board for that variance, 5) applicant shall enter into a developers agreement encompassing all conditions including a

maintenance guaranty for any foliage, and 6) type of sound barrier will be what the board = s acoustics expert recommended, plan shall be amended to reflect that cabinets are 6' high and not 8' as noted on the plan, per exhibit A-34 applicant to extend berm to the end of the fence, subject to site conditions and approval by board engineer and landlord approval. Maintenance agreement to be for a period of two years, seconded by Mr. Kroitsch; all voted in favor. (Copy of transcript attached.)

Adjourned at 10:25

Janet Giardino
Board Secretary