

BOROUGH OF MIDLAND PARK - ZONING BOARD OF ADJUSTMENT MINUTES
November 11, 2009

PLEASE TAKE NOTE:

ON WEDNESDAY, NOVEMBER 11, 2009, 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
Ms. Douglas Feick	present	Mr. John Meeks	present
Mr. Richard Kroitsch	absent	Mr. Richard Formicola, Alt. #1	present
Mr. Peter Braunius	absent	Mr. Matthew O=Toole, Alt. #2	present
Mr. David Zuidema	absent		

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

Minutes of the October 14, 2009 meeting were approved.

PUBLIC HEARINGS:

T-MOBILE/OMNIPOINT - Block 5 Lot 1 - 44 Godwin Ave- Motion by Mr. Feick to carry application to January 13, 2010, no further notice required, seconded by Mr. Biswurm; all voted in favor.

PATTERSON, TIA- Block 25.10 Lot 48.01- 43 Oak Hill Rd- Notices are in order. Tia Patterson, homeowner, sworn in. Ms. Paterson proposes to extend the dining room by a one story addition to the side of the home and create an entrance foyer addition to the front of the home. New front entrance will have stairs oriented to the front of the house and the bottom of the stairs the set back will be 24.18' from the front property line. The house was purchased with 46.1% improved coverage existing and where 40% is permitted. The reconfiguration of the front entry will reduce the amount of concrete and will result in an overall improved coverage of 46% or a reduction of 42 sf. Board questioned if any other areas of coverage could be reduced. Board noted that it is only the steps that encroach however the width of the portico is 10 feet. R. Wostbrock noted that the application states that the coverage is increasing; Ms. Patterson advised that they went back and re-calculated coverage. Exhibit A-1, architectural plans dated 6/17/09, 3 sheets, A-2, application, and A-3, 8 2 X 11 sheet with coverage dimensions. R. Wostbrock discussed coverage changes that result in reduction of coverage. Board discussed possibility of decreasing the size of the landing or steps by approx. 9 7/8 inches in order to eliminate variance. R. Wostbrock discussed the proposed reduction of 42 sf; where 46.1% coverage was pre-existing and 46% is proposed. Bill Hardy, contractor, 55 Oak Hill Rd, sworn in, commented that the previous owners had even more coverage on the property; Ms. Patterson has eliminated a lot of concrete and installed landscaping, he believes the variance will have minimal impact. Mr. Hardy noted that the front door, although it swings to the inside, will have a screen door that will swing out; it would be better to have the dimensions proposed so that there would be enough room for the backward motion.

R. Wostbrock advised that could be considered however there would be enough room for a side motion. Meeting opened to the public, with no comments, meeting closed to the public. Atty. Doyle suggested that two separate motions be done for the variances. Motion to approve front yard set back where 24.18' is proposed where 25' is required and a variance for .82' is required, by Mr. Biswurm, seconded by Mr. Formicola; Mr. Feick, Mr. Biswurm, Mr. Formicola and Mr. O=Toole voted yes and Ms. Herlihy and Mr. Meeks voted no; motion approved. Motion to approve a pre-existing improved coverage where 46.1% was pre-existing and 46% is proposed, where 40% is permitted, and a reduction of .1% improved coverage or 42 sf is proposed, by Mr. Biswurm, seconded by Mr. O=Toole; all voted in favor.

KREIS, NANCY- Block 55 Lot 7.02- 700 Godwin Ave- Notices are in order. Nancy Kreis, owner of the Stress Reduction Center, sworn in. Ms. Kreis occupies 1100 sf of office space at 700 Godwin Ave- has been at this location for ten years. Ms. Kreis applied for a zoning certificate and was denied by the Zoning Officer. Ms. Kreis provides services both in the office and off-site for stress reduction; both group and individual sessions; bio feedback, counseling, and massage are provided. There are 48 parking spaces on site; she cannot recall a time when a client could not get a parking space. Her observation of the parking lot is that the lot has never been full; at least 8-10 spaces are not used. Building is fully occupied and has been over the course of her tenancy. Atty Doyle reviewed conditional use requirements. Board must determine the category of this use. Mr. Kreis is a psychiatric nurse providing counseling and other services related to stress reduction; does not prescribe medication. There are 3 offices within the 1100 sf; each space would hold a maximum of two people, a therapist and a client; visits are scheduled. No licensed physician is on site and they do not operate under a doctors license. Board discussed definition of medical or dental clinics. B-2 zone permits professional office. Two other therapists/nurses work on the premises. Meeting open to the public, with no comments, meeting closed to the public. Motion to interpret the proposed use as a professional office, which is permitted in the zone, and does not require a conditional use or use variance, by Mr. Formicola, seconded by Mr. Biswurm; all voted in favor.

RESOLUTIONS:

PATERSON, TIA- Block 25.10 Lot 48.01- 43 Oak Hill Rd- Resolution was reviewed by the Board and approved with changes.

COMMUNICATIONS:

T-MOBILE/OMNIPPOINT - Block 11 Lot 5 - 133 Glen Ave- Motion by Mr. Feick to approve signing of contract for acoustics expert, Matthew Murello of Lewis S. Goodfriend & Assoc., seconded by Mr. Biswurm; all voted in favor.

MARKNEV ASSOC. LLC- Block 33 Lot 1- 95 Greenwood Ave- Ms. Herlihy questioned status of site re: LAN memo dated 9/17/09. Awaiting submission of amended site plan application. Board to follow up in February.

Adjourned at 8:45 PM
Janet Giardino
Board Secretary