

**TOWNSHIP OF WEST MILFORD
ZONING BOARD OF ADJUSTMENT**

MINUTES

FEBRUARY 22, 2005

The meeting opened at 7:35 p.m. with the reading of the legal notice.

ROLL CALL

Present: Thomas Bigger, Robert Brady, Anthony DeSenzo, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Ed Spirko, Thomas Lemanowicz (*late*), and Ada Erik; Linda Lutz, Principal Planner, Stephen Glatt, Board Attorney; Richard McFadden, Township Engineer.

Absent: None

The Chairman gave an overview and advised of the following requests for carries:

RONALD & PATRICIA SHERRY	COMPLETE	09-20-04
Bulk Variance #0430-0686	DEADLINE	04-18-05
Block 4301; Lot 38		
31 Forest Lake Drive; LR Zone		

A letter was received from Mr. Sherry's attorney, Adolph J. Galluccio, Esq., requesting a carry. The Board Attorney advised he had spoken to Mr. Galluccio and applicant would be retaining an engineer.

Mr. Sherry was present and requested a carry to the March 22, 2005 meeting and granted the Board a 60-day extension.

MOTION was made by Thomas Bigger to carry the Sherry application to the March 22, 2005 meeting, seconded by Anthony DeSenzo, with all in favor.

SHILOH BIBLE CAMP, INC.	COMPLETE	10-01-04
Use Variance #0440-0663	DEADLINE	02-28-05
Preliminary & Final Site Plan #0420-0180AB		
Bulk Variance #0430-0664		
Block 6002; Lot 47		
753 Burnt Meadow Road; R-4 Zone		

A letter was received from Jeffer, Hopkins and Vogel, attorneys for the above application. The attorney for Shiloh Bible Camp, Inc., was not yet present to request the carry. John Frank of Shiloh Bible Camp, Inc., appeared and requested a carry in order to address planning and engineering items and attend a meeting with the Township Planner. The Board Attorney advised that David Becker, Esq., had contacted him to request a carry and also sent a letter.

MOTION was made by Arthur McQuaid to carry the application of Shiloh Bible Camp, Inc., to the March 22, 2005 meeting and a 60-day extension was granted, seconded by Anthony DeSenzo, with all in favor.

OMNIPOINT COMMUNICATIONS, INC.	COMPLETE	01-24-05
WATER TREATMENT PLANT	DEADLINE	05-24-05
Use Variance #0440-0681		

Preliminary & Final Site Plan
Wireless Telecommunications #0420-0186AB
Block 14102; Lot 1
Center Island, Route 23; R-4 Zone

The Board Attorney advised Gregory Czura, Esq., sent a letter requesting the Omnipoint application be carried to the March 22, 2005 meeting with no further notice. The request was due to issues raised by the Highlands Act that needed to be verified. Some Board members were upset that Mr. Czura was not present to request the carry.

MOTION was made by Anthony DeSenzo to carry the application to the March 22, 2005 meeting, seconded by Thomas Bigger.

On roll call vote: Yes Thomas Bigger, Anthony DeSenzo, Daniel Jurkovic and Ed Spirko
No Joseph Giannini, Arthur McQuaid and Robert Brady

The Omnipoint Communications, Inc., by vote, was carried to the March 22, 2005 meeting with no further notice necessary.

MEMORIALIZATIONS

HIGH CREST LAKE LODGE, INC.
Resolution 2-2005
Use Variance #0140-0490
Preliminary & Final Site Plan #0120-0096AB
Block 13002; Lot 9
High Crest Drive/Hearthstone Drive; R-2 Zone

GRANTED: Reaffirmation of the determination of the use variance.

MOTION was made by Thomas Bigger to memorialize the action, seconded by Joseph Giannini.

On roll call vote: Yes Thomas Bigger, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid and Robert Brady
No None

NEW HEAVEN MISSION, INC.
Resolution 6-2005
Use Variance #0340-0624
Block 12001; Lot 20
Corner of Macopin & Weaver Rd.; NC Zone

GRANTED: Use Variance per New Jersey Municipal Land Use Law C:40-55D-70d(1) to use the property for a church

MOTION was made by Thomas Bigger to memorialize the action with the correction of the resolution number, seconded by Anthony DeSenzo.

On roll call vote: Yes Thomas Bigger, Anthony DeSenzo, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Ed Spirko and Robert Brady
No None

WEST MILFORD AUTO RECYCLERS, INC.
Resolution 7-2005
Appeal/Interpretation #0570-0695
Block 12501; Lots 18 & 19
Weaver Road; R-3 Zone

DECIDED: Appeal and Interpretation pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70 a and b having to do with the requirements of a fence around a junkyard.

MOTION was made by Thomas Bigger to memorialize the action, seconded by Anthony DeSenzo.

The meeting was opened to the public at which time no one wished to speak.

MOTION was made by Thomas Bigger to close the public portion, seconded by Anthony DeSenzo.

Mr. Barbarula summarized by stating applicants had taken the Board's comments and reduced the original request of 18% lot coverage to 14%. The home has an existing one-car garage and they are seeking an additional garage to accommodate the wheelchair access and direct parking by the parents into the premises. No neighbors were present to object.

Board members gave their comments and felt the addition would not be a detriment to the neighborhood.

MOTION was made by Arthur McQuaid to approve the variance based on Mr. Ochab's testimony regarding the need to accommodate the elderly and to have one building as opposed to several buildings. There is no additional property to purchase and no neighbors were present to object. It will not be a detriment to the neighbors and it is important to take care of our families. Since the area has sewer and city water, the pollution of groundwater is not a concern. The Township is now affected by the Highlands Act. Thomas Bigger added to the motion that upon the addition being finished, the storage shed will be removed as per prior agreement, seconded by Anthony DeSenzo. Mr. DeSenzo was convinced by Mr. Ochab's overall analysis of the neighborhood in terms of what is existing and how the improvement and addition would not visually impact the neighbor on lot 16. Efforts had been made to reduce the size of the addition and the lot coverage. The garage proposed needs to remain as shown in order to allow sufficient ingress/egress to the rear for disabled access using a ramp. The existing shed will be removed and no neighbors were objecting. The design of the addition will be aesthetically pleasing to the neighborhood. He agreed with the need for storage for the parents' items and felt the negative and positive criteria were presented and did not see any negative detriment to the neighborhood.

On roll call vote: Yes Thomas Bigger, Anthony DeSenzo, Joseph Giannini,
Daniel Jurkovic, Arthur McQuaid, Ed Spirko and
Robert Brady
No None

The Board recessed and upon reconvening, all Board members were present.

The Chairman advised the Board would not reach all the applications and called the following:

VINCENT LANZA	COMPLETE	01-28-05
<i>De Minimis Exception</i>	DEADLINE	05-28-05
Bulk Variance #0430-0673		
Block 2708; Lots 1,5 & 6		
27 Flanders Road; LR Zone		

Mr. Lanza was not present. The Board carried the application to the March 22, 2005 meeting with no further notice necessary.

ROBERT MAZZOCCHI	COMPLETE	01-14-05
<i>De Minimis Exception</i>	DEADLINE	05-14-05
Bulk Variance #0430-0689		
Block 504; Lot 1		
Clubhouse Trail; LR Zone		

Mr. Mazzocchi was present and granted the Board a 30-day extension. The Board carried the application to the March 22, 2005 meeting with no further notice necessary.

GREGORY THOMASES
Bulk Variance #0430-0666
Block 4101; Lot 6
166 Long Pond Road; LR Zone

COMPLETE 01-06-05
DEADLINE 06-05-05

Henry Larner, Esq., was present on behalf of Gregory Thomases and agreed to carry the application to the March 22, 2005 meeting with no further notice necessary.

The following application was called:

MIKE DONADIO
Bulk Variance #0430-0688
Block 9901; Lot 38
33 Wooley Road; R-4 Zone

COMPLETE 12-01-04
DEADLINE 03-31-05

Applicant, Mike Donadio, of 33 Wooley Road, was sworn.

Douglas McKittrick, Licensed Engineer, of 2024 Macopin Road, West Milford, was accepted as an expert in Engineering and Planning.

Mr. Donadio testified he originally purchased his two-acre lot eight years ago and has since purchased an additional one and one-quarter acre from his neighbor, Bob Kohle. He plans to first finish his existing home that is 600-700 square feet. He would like to build a 20 x 20 shed to store his tools while building a new 1,600 square foot ranch home on the property. The existing home would eventually become a workshop. He is also proposing to build a garage (22 feet by 24 feet) to help block his view of the neighboring cell tower. A pole barn in the rear of the property is also proposed. He discussed each item in the Township Engineer's memo of February 16, 2005.

The Township Engineer stated it may be a hardship to move the wall back to the right-of-way line but he would have to look at it again in the field and would like to see proper drainage.

Mr. McKittrick agreed to meet at the site to discuss the best plan regarding the wall, leach field and drainage. He discussed the variances applicant is seeking, one being the principal structure behind the accessory structure. The location of the existing home built in the 1930s forces a new home to be built behind it. He advised of the some surrounding uses in the neighborhood. Applicant would like to build the new home up on the hill to get it away from the road noise on Wooley Road and the motorcycle bar located next door. The location of the pole barn would allow for a corral for animals he may have in the future. The proposed detached garage for the dwelling, an accessory structure, has a 50-foot rear yard setback requirement and they are proposing a 30-foot setback to help block out the cell tower from the property. He felt all of the engineering issues could be addressed.

The new shed should be added to the Zoning Analysis.

The Chairman advised the following application would need to be carried because of time constraints.

JOHN PANARIELLO
Use Variance #0440-0694
Block 11103; Lot 5.02
602 Snake Den Road; R-4 Zone

COMPLETE 12-27-04
DEADLINE 04-26-05

Linda M. Herlihy, Esq., applicant's attorney, was present and advised applicant's Planner, Ken Ochab, has a conflict for March 22, 2005 that may be resolved. She agreed to carry the application to the March 22, 2005 meeting with no further notice necessary.

MOTION was made by Joseph Giannini to carry the application for John Panariello to the March 22, 2005 meeting, seconded by Ed Spirko, with all in favor.

The Board returned to the application of MIKE DONADIO.

Board members were confused by Mr. Donadio's testimony and he agreed to carry the application in order to provide a timeline for his project schedule. Mr. McKittrick agreed to revise the plans to show the construction sequence and timeline. Wording will be added to the plan regarding the disposition of the 20-foot x 20-foot shed. He will review with applicant the location of the other garage and the pole barn and the exact dimensions of the garden shed will be provided. The septic and site plan will show on the cover sheet of the plans as requested.

The application will be carried to the March 22, 2005 meeting with no further notice necessary and applicant granted the Board a 30-day extension.

MINUTES

MOTION was made by Thomas Bigger to approve the Minutes of the December 16, 2004 and January 25, 2005 Reorganization meetings, seconded by Joseph Giannini, with all in favor.

ADJOURNMENT

The meeting was adjourned by unanimous vote at 11:07 p.m.

Respectfully submitted,

Carol DenHeyer
Secretary